

COMMONWEALTH OF PENNSYLVANIA

Jacqueline T. Madison : State Civil Service Commission
 :
 v. :
 :
 Allegheny County Department of :
 Human Services : Appeal No. 29815

Jacqueline T. Madison
Pro Se

Jacob S. Lifson
Attorney for Appointing Authority

ADJUDICATION

This is an appeal by Jacqueline T. Madison challenging her removal from regular County Caseworker 2 (Local Government) employment with Allegheny County Department of Human Services. A hearing was held February 22, 2018, at the Western Regional Office of the Civil Service Commission in Pittsburgh, Pennsylvania before Commissioner Odelfa Smith Preston.¹

The Commissioners have reviewed the Notes of Testimony and exhibits introduced at the hearing, as well as the Brief submitted by the appointing authority.² The issue before the Commission is whether the appointing authority had just cause to remove appellant based upon unsatisfactory job performance.

¹ Odelfa Smith Preston's service as a Commissioner ended March 21, 2019, before this adjudication was issued.

² Appellant did not submit a Brief.

FINDINGS OF FACT

1. By letter dated December 4, 2017, appellant was removed from her position as County Caseworker 2 (Local Government), regular status, effective December 4, 2017. The appointing authority attached an addendum outlining the reasons for her removal. Specifically:

On September 26, 2017, you received a Corrective Action Plan (CAP) to assist you in completing required casework tasks and bring your caseload into compliance. You are out of compliance with your CAP despite some tasks being completed for you by other caseworkers. Several of your tasks had to be reassigned to other caseworkers to ensure families were receiving appropriate services.

Your primary responsibility is to keep the children on your caseload safe. Forty-nine (49) percent of your child contacts are overdue. That means children on your caseload have not been seen within the required thirty (30) day time frame and you are not ensuring their safety. In addition, seventeen (17) out of nineteen (19) family plans are overdue. That means families have not been given the steps necessary to address the issues that prompted CYF involvement.

Despite being asked, you do not submit task lists and when you do they do not conform to the agreed to format or are they understandable. Despite

being asked, you have not provided a list of completed tasks to help your supervisor track your progress.

To help you improve your job performance, the CYF training department has been providing you with intensive training. The training department advised they have exhausted all avenues of support and would no longer provide training services to you. It has been reported that you are consistently unprepared for sessions with the trainers and have not been completing assignments as requested. If the work is not completed, the learning cannot be built upon.

In light of the above, your employment. . .is terminated effective immediately.

Comm. Ex. A.

2. The appeal was properly raised before this Commission and was heard under Section 951(a) of the Civil Service Act, as amended.
3. In May 2016, appellant began employment as a County Caseworker 2 with the appointing authority. Casework Supervisor Autumn Smith became appellant's direct supervisor. N.T. p. 17.

4. Appellant's job duties included investigating allegations of child abuse or neglect, working with Smith to determine if a family required child welfare intervention, completing home visits at least every thirty days, and completing court work. N.T. pp. 17-28.

5. In May or June 2016, appointing authority employee and Peer Coach Specialist Tara Thomas, was assigned to teach appellant how to facilitate a record review, prepare families for conferences, place collateral phone calls, invite team members to conferences, and facilitate conferences. N.T. pp. 230-232.

6. Initially, appellant and Thomas met often. However, as of August or September 2016, meetings between appellant and Thomas became sporadic and there was a long period of time when they did not meet at all.³ N.T. p. 233.

7. On December 22, 2016, appellant was issued a Corrective Action Plan (hereinafter "CAP"). The CAP directed appellant, in part, to complete thirty-day home visits and enter family plans into the

³ Thomas explained that she does not initiate the meetings; the employee must reach out to her to schedule meetings. N.T. pp. 233-234.

computer system. The CAP provided deadlines by which appellant was to complete each task. N.T. pp. 22-23; AA Ex. 1.

8. On January 31, 2017, appellant was issued an oral reprimand for neglect of her job responsibilities and duties. Appellant had not fulfilled the terms of her December 22, 2016, CAP in part because she had not completed family plans. N.T. pp. 25-26; AA Ex. 2.⁴
9. The appointing authority contracts with the University of Pittsburgh's Casework Training Department to train County Caseworkers, including appellant. N.T. p. 211.
10. In February 2017, appellant began working with University of Pittsburgh Trainer Adela Dixon. Dixon and appellant met one-to-one for training about time management and organizational skills. N.T. pp. 61-63.

⁴ The Commission notes that the addendum to appellant's removal letter indicates the date of the Oral Reprimand was January 20, 2017. Comm. Ex. A; AA Ex. 2. The discrepancy between appellant's removal letter addendum and the testimony does not affect the outcome of this adjudication.

11. On February 17, 2017, appellant was issued a second CAP. The CAP directed appellant, in part, to complete thirty-day home visits and enter family plans into the computer system. The CAP provided deadlines by which appellant was to complete each task. N.T. pp. 27-29; AA Ex. 3.
12. On March 27, 2017, appellant was issued a written reprimand for neglect of her job responsibilities and duties. Appellant had not fulfilled the terms of her February 17, 2017 CAP in part because she had not completed family plans. N.T. p. 30; AA Ex. 4.
13. In April 2017, Smith requested University of Pittsburgh Trainer Trisha Underwood assist appellant with completing work related tasks. N.T. pp. 71-72.
14. On or about April 4, 2017, University of Pittsburgh Child Welfare Training Specialist Melissa Gombkoto was asked to assist appellant with organizational skills including setting priorities and making to-do lists in an effort to get appellant's work into compliance. N.T. pp. 162-163, 171.

15. Gombkoto first met with appellant on April 4, 2017. At the conclusion of the meeting, Gombkoto gave appellant a homework assignment to create a task list and prioritize her work. When they next met, appellant had not completed the task list. N.T. p. 164.
16. After other meetings, Gombkoto would ask appellant to work on specific work items. However, when they would meet again, appellant would not have made any progress on the assignment. N.T. p. 165.
17. Appellant appeared to understand the training sessions with Gombkoto. However, at future training sessions, appellant would need to revisit the same topic. N.T. pp. 165-166.
18. In April or May 2017, Smith was directed to issue a CAP to help all Caseworkers who were below an 80% compliance rate, which included appellant. N.T. pp. 31-33.
19. On May 12, 2017, appellant was issued an Open Case List which also served as a third CAP. The CAP directed appellant, in part, to complete thirty-day home visits and enter family plans into the

computer system. The CAP provided deadlines by which appellant was to complete each task. N.T. p. 34; AA Ex. 5.

20. Smith monitored appellant's progress under the May 12, 2017 CAP. As of May 24, 2017, appellant was not reaching the 80% compliance rate goal from the third CAP. N.T. p. 34.
21. On May 24, 2017, Smith created a plan to ensure appellant was completing a reasonable amount of casework tasks each day. The plan included appellant checking in with Smith every morning, providing Smith with a task list of work to complete that day, informing Smith at the end of each day if the task list was complete, and explaining any barriers preventing the task list's completion. N.T. pp. 37-38; AA Ex. 6.
22. On June 1, 2017, appellant was issued a fourth CAP designed to improve appellant's organization and accountability. The CAP reiterated the May 24, 2017 plan. Specifically, checking in with Smith every morning, providing Smith with a task list of work to complete that day, informing Smith at the

end of each day if the task list was complete, and explaining any barriers preventing the task list's completion. N.T. p. 36; AA Ex. 6.

23. In June 2017, University of Pittsburgh Training Specialist Gombkoto assisted appellant with writing a Petition for Dependency by providing an outline of tasks that needed to be completed. Gombkoto requested appellant complete the tasks by the next meeting. At their next meeting, appellant had not completed any additional work on Petition for Dependency. Gombkoto sat with appellant while she completed the Petition for Dependency and told appellant to submit it for review. When Gombkoto and appellant met the following Monday, she learned appellant did not submit the document they had completed together. N.T. pp. 166-167.
24. In June 2017, Peer Coach Specialist Thomas was reassigned to work with appellant on proper documentation. During their meetings, Thomas provided appellant with instructions and appellant appeared to absorb the information. However, at their next meeting, appellant seemed not able to recollect any of the directions. N.T. pp. 39, 235-237.

25. On June 23, 2017, appellant was issued a one-day suspension. Appellant had not fulfilled the terms of her June 1, 2017 CAP in part because she had not completed thirty-day home visits and not provided Casework Supervisor Smith with task lists. N.T. p. 37; AA Ex. 7.
26. On September 18, 2017, appellant was issued a five-day suspension. Appellant had not fulfilled the terms of her May 12, 2017 CAP in part because she had not provided Smith with task lists, completed thirty-day home visits, or completed family plans. N.T. p. 42; AA Ex. 9.
27. On September 22, 2017, University of Pittsburgh Child Welfare Training Supervisor Corrie Harold sent Smith an email requesting the University of Pittsburgh trainers be relieved of their training duties as they related to appellant. Harold noted the Trainers were spending a profound amount of time working with appellant and all avenues of remedial support were exhausted. N.T. pp. 207, 216-217.

28. On September 26, 2017, and amended September 29, 2017, appellant was issued a fifth CAP. The CAP directed appellant, in part, to complete thirty-day home visits and complete family plans. N.T. pp. 46-47; AA Ex. 10.
29. Appellant was scheduled to attend voluntary training on November 17, 2017. On November 16, 2017, Smith emailed appellant telling appellant not to attend the training because she was behind in completing the work listed in the most recent CAP. N.T. pp. 57, 93-94.
30. Although Smith told appellant not to attend a training scheduled for November 17, 2017, appellant attended a different training session, pertaining to child welfare, that was scheduled over two days: on November 16 and 17, 2017. N.T. pp. 327, 330.
31. As of December 4, 2017, appellant had many home visits that were past the thirty-day compliance and many overdue family plans. Comm. Ex. A; N.T. pp. 48-49, 105-106; Ap. Ex. 11.

DISCUSSION

Appellant was employed as a County Caseworker 2 (Local Government). The issue before the Commission is whether the appointing authority had just cause to remove appellant from her County Caseworker 2 (Local Government) position based upon not conducting thirty-day home visits, not completing family plans, not submitting task lists, and not improving her job performance after the provision of intensive training.

The appointing authority bears the burden of proving just cause for removal of a regular status employee and must prove the substance of the charges underlying the removal. *Long v. Commonwealth of Pennsylvania Liquor Control Board*, 112 Pa. Commw. 572, 535 A.2d 1233 (Pa. Commw. 1988). Factors supporting the just cause removal of a civil service employee must be related to the employee's job performance and touch in some logical manner upon the employee's competency and ability to perform her job duties. *Woods v. State Civil Service Commission*, 590 Pa. Commw. 337, 912 A.2d 803 (2006).

The appointing authority presented the testimony of Casework Supervisor Autumn Smith, University of Pittsburgh Child Welfare Training Specialist Melissa Gombkoto, University of Pittsburgh Child Welfare Training Supervisor Corrie Harold, Peer Coach Specialist for the appointing authority Tara Thomas, and Deputy County Manager Stephen Pilarski.⁵

⁵ Pilarski explained the appointing authority's progressive discipline policy: either he or County Manager Mr. McKain (McKain's first name is not in the record) will review a county's request to remove an employee and reach a determination as to whether the termination request should be granted or denied. N.T. pp. 271-272, 274; AA Ex. 12. In this instance, he reviewed the county's request and determined the appointing authority articulated a sufficient reason for appellant's removal based upon her overall inability to adequately perform her job duties. N.T. p. 273. Appellant does not present any argument related to procedural impropriety or improper application of the progressive discipline policy.

Casework Supervisor Smith became appellant's direct supervisor in May 2016, when appellant began her employment as a County Caseworker 2. N.T. p. 17. Smith testified about the issuance of each Corrective Action Plan (hereinafter "CAP") and prior related disciplinary action for failing to reach the goals of each CAP, including not conducting thirty-day home visits, not completing family plans, not submitting task lists, and not improving her job performance after the provision of intensive training. (*See Findings of Fact 7, 8, 11, 12, 18-22, 25-26, 28*).

Smith explained the impact of failing to conduct thirty-day home visits or enter family plans into the system. Specifically, Smith explained when families are not interviewed or visited, there is no certainty the children are safe. N.T. p. 24. In addition, the family may not be aware of issues they need to address in order to be relieved of the appointing authority's intervention. N.T. p. 24. Further, Smith explained if something happens to the child or family, the only information available to the appointing authority is what was documented by the Caseworker. N.T. pp. 24-25.

Gombkoto is a University of Pittsburgh Child Welfare Training Specialist; the appointing authority contracts with the University of Pittsburgh for training services. N.T. p. 211. Gombkoto testified about her training sessions with appellant. On April 4, 2017, Gombkoto began providing appellant with training sessions. N.T. p. 162. At the end of their first meeting, Gombkoto issued appellant homework to put together task lists to prioritize the work that needed to be done. N.T. p. 164. Appellant had not completed the assignment when they next met. N.T. p. 164. At other training sessions, Gombkoto would ask appellant to work on various tasks in preparation for their next meeting; however, at their next meeting, appellant

would not have made any progress on the task. N.T. p. 165. During their training sessions, appellant would appear to understand their discussions, but at a subsequent meeting, Gombkoto had to revisit the same topic. N.T. pp. 165-166.⁶

As another example, Gombkoto testified Casework Supervisor Smith asked her to assist appellant with a Petition for Dependency. In June 2017, Gombkoto received information about the Petition for Dependency and saw the notes Smith had already provided to appellant. N.T. p. 166. Gombkoto sent appellant an email outlining what had to be done to finish the Petition for Dependency and told appellant to bring the information to their next meeting. N.T. pp. 166-167. At their next meeting, appellant had not completed any work on the Petition for Dependency. N.T. p. 167. Instead, Gombkoto sat with appellant while appellant typed the Petition for Dependency. N.T. p. 167. Gombkoto asked appellant to submit the Petition for Dependency to Casework Supervisor Smith for review. N.T. p. 167. The following Monday, Gombkoto learned the Petition for Dependency appellant submitted for Smith's review was not the one they had worked on together. N.T. p. 167.

Child Welfare Training Specialist Gombkoto summarized her experience by explaining that during the time frame of April through September 2017, appellant and Gombkoto met at least four times. As of September, Gombkoto did not see improvement in appellant's work performance or in the amount of completed work. N.T. pp. 168-170. When she asked appellant to provide her with lists of completed tasks, she never received any. N.T. p. 169.

⁶ Gombkoto did not provide the dates of these training sessions.

Thomas is a Peer Coach Specialist with the appointing authority, and she explained she was assigned to help appellant improve appellant's job performance. Initially, in May or June 2016, Thomas was assigned to help appellant learn to facilitate a record review, prepare families for conferences, do collateral phone calls, invite team members to conferences, and facilitate conferences. N.T. pp. 230-232. Subsequently, in June 2017, she was requested to again assist appellant with proper documentation. N.T. p. 235. During their 2017 training sessions, appellant asked questions and seemed to understand the information Thomas provided. N.T. pp. 234-237. However, at their next meeting, appellant did not recall the information. N.T. p. 237. Thomas testified she reached a point when the training she was providing to appellant did not work, and she was merely getting appellant's documents into compliance rather than training appellant. N.T. p. 237.

University of Pittsburgh Child Welfare Training Supervisor Harold testified about her interaction with Casework Supervisor Smith. Harold testified three Trainers from the University of Pittsburgh had been available to assist appellant: Gombkoto, Underwood, and Dixon. N.T. p. 205. On September 22, 2017, Harold emailed Smith requesting the University of Pittsburgh Trainers no longer work with appellant because of the extensive amount of time they were spending with her and explaining all remedial support measures had been exhausted. N.T. pp. 207, 216-217.

In response, appellant offered testimony to explain why she was not completing tasks in a timely manner. Appellant testified after serving her internship, she was immediately placed into a Caseworker 2 position and never given the opportunity to serve as a Caseworker 1. N.T. pp. 320-321. Further, according to appellant, in April 2017 her job description changed, and she became responsible

for both: intake duties and family service duties. N.T. p. 285. According to appellant, in September 2017, she requested help, but was denied assistance. N.T. p. 318. She then requested a new supervisor, but her request was denied. N.T. pp. 318-319.

As an additional explanation for her job performance, appellant explained that at times Casework Supervisor Smith created hinderances to her ability to complete tasks. For example, there were several times Smith would tell her not to perform certain job duties and complete other job duties instead. N.T. p. 298. According to appellant, Smith also created a “barrier” to completing work by removing her from cases, reassigning her to other cases, and cancelling meetings. N.T. pp. 300-301. Appellant asserts Smith assigned her additional work even after being told she was out of compliance for prior work tasks. N.T. pp. 286, 320.

As further explanation for her job performance, appellant testified she was supposed to meet with Casework Supervisor Smith once a week, but they only met approximately every two weeks and Smith “cherry picked” what they would discuss. N.T. p. 336. Appellant testified that on November 20, 2017, she received an email from Smith telling her to reschedule team meetings and prioritize closing cases. N.T. p. 298; Ap. Ex 1.

Appellant also testified that when Smith returned work to her, she would need an explanation. N.T. p. 306. According to appellant, sometimes Smith would not return documents until the deadline had already passed; and, as a result, appellant would have to complete all of the work, including a new safety visit and risk assessment, a second time; the older documents would remain unapproved

because new ones had yet to be completed. N.T. pp. 307, 335. Thus, appellant testified, additional work would be added to her existing workload because Smith did not approve appellant's initial work product. N.T. p. 344.

Appellant provided an example of when she asserts Smith allegedly hindered her work progress on a specific family plan. She explained she and Peer Coach Specialist Thomas strategized for two months to determine the information the family plan should include. N.T. p. 317. Appellant testified Smith had requested she include information that was not originally discussed with the family. N.T. p. 316. However, Thomas had already taught appellant any information not discussed with a family could not be included in a family plan. N.T. p. 316. Thus, appellant and Thomas had to strategize for two months to determine how to include specific information in the family plan. N.T. p. 317.⁷

Appellant also contends computer issues hindered her work performance. Specifically, although she had one of her family plans approved as of December 4, 2017, she had to wait for a software specialist to help her with the computer system. N.T. p. 302; Ap. Ex. 1. Appellant explained she does not have access to the system and if the software specialist is not available, she is not able to proceed further on the case. N.T. p. 302.

⁷ In response, Smith and Thomas testified they met to discuss the existing family plan and that it could not be approved because significant information was missing. N.T. pp. 347, 366-367. Smith testified she created an agenda for a new family plan conference and provided it to both appellant and Thomas. N.T. pp. 347-348. Thomas explained the family plan was several months out of compliance and she wanted to make sure the plan contained information that was available on the original due date, not after. N.T. pp. 366-367.

Appellant offered her own explanation for her removal. Specifically, appellant believes she was terminated for attending mandatory training sessions about child welfare on November 16 and 17, 2017. N.T. pp. 327, 330. Appellant clarified that Casework Supervisor Smith told her not to attend a training session scheduled for November 17, 2017, but that pertained to different material and is not the two-day course appellant attended. N.T. p. 330. According to appellant, Smith learned about the November 16 and 17, 2017 training sessions about child welfare and did not approve of appellant's decision to attend. N.T. pp. 239-240. Appellant testified she learned Smith did not want her to attend the training after the sessions were over. N.T. p. 331. According to appellant, as of November 17, 2017, there was no plan in place to remove her from employment and she was becoming proficient with her casework. N.T. p. 319.

We are not persuaded by appellant's assertion there were continual barriers to her success including her career progression, Casework Supervisor Smith's review of her work, and computer issues. Indeed, the record substantiates she was provided with a Peer Coach Specialist and multiple University of Pittsburgh Trainers who dedicated ample time to assist her with completing family plans and documentation. She was issued multiple CAPs in an effort to bring her work to a satisfactory performance level. Additionally, we are not persuaded by appellant's argument she was fired as a result of attending training sessions on November 16 and 17, 2017.

Upon review of the record, the Commission finds the appointing authority has presented sufficient evidence to support the charges that appellant did not conduct thirty-day home visits, complete family plans, submit task lists, or improve her job performance after the provision of intensive training. Casework

Supervisor Smith provided credible⁸ testimony explaining the impact of the failure to perform home visits within thirty days, complete family plans, and comply with her directive to submit task lists. Child Welfare Training Specialist Gombkoto and Peer Coach Specialist Thomas presented credible testimony about their multiple meetings and training sessions with appellant, as well as appellant's failure to implement her instructions. Gombkoto credibly testified appellant did not submit task report as requested or follow instructions issued during training. In addition, Child Welfare Training Supervisor Harold credibly testified all remedial training support efforts were exhausted. Thus, the appointing authority presented ample evidence of its training efforts to improve appellant's job performance to a satisfactory level and properly complete the tasks assigned. Appellant's continued failure to conduct thirty-day home visits, complete family plans, submit task lists, or improve her job performance after intensive training clearly relates negatively upon her competence and ability to perform her job duties as a County Caseworker 2 (Local Government). *Id.* Accordingly, we enter the following:

⁸ The Commission has the inherent power to determine the credibility of witnesses and the value of their testimony. *McAndrew v. State Civil Service Commission (Department of Community and Economic Development)*, 736 A.2d 26 (Pa. Commw. 1999).

CONCLUSION OF LAW

The appointing authority has presented evidence establishing just cause for removal under Section 807 of the Civil Service Act, as amended.

ORDER

AND NOW, the State Civil Service Commission, by agreement of two of its members, dismisses the appeal of Jacqueline T. Madison challenging her removal from regular County Caseworker 2 (Local Government) employment with the Allegheny County Department of Human Services and sustains the action of the Allegheny County Department of Human Services in the removal of Jacqueline T. Madison from regular County Caseworker 2 (Local Government) employment, effective December 4, 2017.

State Civil Service Commission

Teresa Osborne
Chairman

Gregory M. Lane
Commissioner

Mailed: