

COMMONWEALTH OF PENNSYLVANIA

Chaunta M. Royster : State Civil Service Commission
 :
 v. :
 :
 Delaware County :
 Children and Youth Services : Appeal No. 31157

Chaunta M. Royster Ali M. Alkhatib
Pro Se Attorney for Appointing Authority

ADJUDICATION

This is an appeal by Chaunta M. Royster challenging her removal from probationary County Caseworker 2 (Local Government) employment with Delaware County Children and Youth Services (hereinafter, “appointing authority”). A hearing was held on December 5, 2023, via video, before Chairwoman Maria P. Donatucci.

The Commissioners have reviewed the Notes of Testimony, the exhibits introduced at the hearing, and the closing statements of the parties. The issue before the Commission is whether the appointing authority’s removal of appellant was based upon any discriminatory factor.

FINDINGS OF FACT

1. On June 29, 2023 the appointing authority hand delivered a letter to appellant stating, “[r]egretfully, this letter serves to inform you that the County has decided to terminate your employment at Children and Youth Services.” Comm. Ex. A N.T. pp. 47, 163-166;; Ap. Ex. 4.
2. The appeal was properly raised before the Commission and was heard under Section 3003(7)(ii) of Act 71 of 2018.
3. Before working at the appointing authority, appellant was employed as a social worker in Philadelphia County and had thirteen years of experience in ongoing services. N.T. pp 19, 126-127.
4. On May 30, 2023, Appellant began working as a County Caseworker 2 in the appointing authority’s Intake Department. Comm. Ex. A; N.T. pp. 18, 47, 72-73, 158-159, 163-166; Ap. Ex. 4.
5. The appointing authority’s Intake Department handles almost every child abuse investigation that occurs in Delaware County. N.T. p. 158.

6. The Intake Department only keeps cases for thirty to sixty days at which time the cases are either closed or transferred to another department. N.T. p. 72.
7. Appellant was employed in the appointing authority's Intake Department for approximately thirty days until her removal on June 29, 2023. Comm. Ex. A; N.T. pp. 18, 47, 72-73, 158-159, 163-166; Ap. Ex. 4.
8. Appellant's position was county wide and covered both the appointing authority's Upper Darby office and Eddystone office. N.T. pp. 72-73, 158-159.
9. Appellant's job responsibilities included investigating reports of child abuse, ensuring the safety of children, and being on-call to handle Child Protective Services (hereinafter, "CPS") case referrals, to include, referrals through ChildLine. N.T. pp. 20-21, 71-73, 159-160.
10. Appellant is a devout Muslim. N.T. pp. 19-20.
11. Upon commencement of employment at the appointing authority, appellant asked Intake Supervisor Sara Lincoln, appellant's direct

supervisor, about a space where she could pray five times per day. N.T. pp. 19-20, 71-72, 143-144, 166-167.

12. Lincoln presented Intake Department Administrator David Scotti with appellant's prayer room request. N.T. pp. 143-144, 166-167.
13. Scotti told Lincoln appellant could use one of the family rooms or visiting rooms located at either the Upper Darby office or Eddystone office to pray. N.T. pp. 143-144, 166-167.
14. Lincoln relayed the information she received from Scotti about use of the family rooms or visiting rooms for prayer to appellant. N.T. pp. 143-144.
15. On June 21, 2023 at approximately 1:00 p.m., appellant was assigned her first CPS referral. N.T. pp. 20-21, 25, 73-74.
16. The referral was a ChildLine referral and involved a fourteen month old child. N.T. pp. 20-21, 25, 73-74, 196-197.

17. Upon receipt of the CPS referral, appellant gathered information from her coworkers about the case and then proceeded to the child's home. N.T pp. 21-22.
18. Appellant also was contacted by Lincoln who provided appellant information regarding the case and points to touch on with the child's parents. N.T. pp. 21-22, 73-74; Ap. Ex. 1.
19. Appellant arrived at the child's home at approximately 3:00 p.m. to assess the child and family. N.T. p. 22.
20. During her assessment, the appellant observed bruises on the child, believed the child was not safe, and believed the child needed to be removed from the home. N.T. pp. 23-24.
21. Appellant left the child's home at approximately 6:00 p.m. N.T. p. 22.
22. After conducting her assessment, appellant had an eight-to-ten-minute phone conversation with Lincoln to discuss her assessment and the recommended course of action regarding the child. N.T. pp. 23-24, 76-80.

23. Appellant emailed Lincoln one photograph of the child's face with no bruising. N.T. pp. 76-77, 110-112.
24. As a result of appellant's conversation with Lincoln, Lincoln told appellant to complete a contact note and safety assessment, and indicate "no safety threats" on the safety assessment. N.T. pp. 24, 76-78; AA Ex. 1.
25. After completing her contact note, the following text message exchange took place between appellant and Lincoln:
- **Appellant:** Just so we are on the same page the SA for . . . (my new cases) SA is all no's right???. N.T. pp.
 - **Lincoln:** Yes no safety threats
 - **Lincoln:** We will go over it tomtroe [sic] morning on teams too I'll call you at 830
 - **Appellant:** Kool. Ok. We'll talk then. Have a good night
- N.T. pp. 24-25, 78-80; AA Ex. 1; Ap. Ex. 1.
26. Appellant completed the safety assessment and indicated no threats despite appellant knowing this was wrong. N.T. pp. 24-25, 61-64; AA Ex. 1.

27. On the morning of June 22, 2023, Lincoln met with Scotti to discuss appellant's CPS case because the information contained in the ChildLine referral did not mesh with the information appellant communicated to Lincoln. N.T. pp. 192-193, 247-249.
28. Following the meeting, "it was determined that another caseworker with more experience [should] go out with [appellant] to help reassess the situation." N.T. pp. 82-83, 194-195.
29. Following Lincoln's meeting with Scotti, Lincoln had appellant return to the child's home with another more experienced caseworker to "assess the situation from a more experienced worker's point of view." N.T. pp. 82-83, 193, 247-249.
30. Lincoln also sent the more experienced caseworker¹ because she wanted the child's parents drug tested, and appellant had not yet received drug testing training. N.T. pp. 33, 82-83, 192-193, 247-249.

¹ No testimony or evidence was presented as to the identity of this more experienced employee.

31. Appellant and the more experienced caseworker proceeded to the child's home and upon arrival appellant observed new bruises on the child. N.T. pp. 33-34.
32. Appellant transported the child to Dupont Hospital. N.T. pp. 33-34.
33. Following the June 22, 2023 reassessment, Lincoln spoke with the more experienced caseworker. N.T. pp. 81-82, 84-86.
34. Based on her conversation with the more experienced caseworker, Lincoln wrote up a new safety assessment indicating there were safety threats to the child and the child was not safe. N.T. pp. 81-82; AA Ex. 2.
35. Lincoln also completed a safety plan. N.T. pp. 84-86; Ap. Ex. 2.
36. "[A] safety plan is like a court order document" that is completed:

If [the appointing authority] feels [a] child's unsafe before we remove them from [the] home and put them in foster care, we attempt to put a safety plan in place with family members or friends

of the family. So the safety plan is just pretty much saying that there is a responsible person or responsible persons to supervise the child with the parents. And the parents are agreeing to it, and the caregivers are agreeing to it, and the caregivers are ensuring that the parents won't have any unsupervised contact, and they're meeting the child's basic needs.

N.T. pp. 84-85, 223-224; Ap. Ex. 2.

37. Lincoln's safety plan placed the child with caregivers to ensure they would take care of the basic needs of the child, and further ensure the child had no unsupervised contact with the child's parents. N.T. pp. 84-86; Ap. Ex. 2.
38. On June 26, 2023 at approximately 3:30 p.m., a phone conversation took place between appellant, Lincoln, and Scotti during which appellant expressed concerns she had about the handling of the June 21 to June 22 CPS case. N.T. pp. 44-46, 185-186.
39. On June 29, 2023, appellant arrived at work where Scotti and Lincoln were waiting for appellant in appellant's office. Comm. Ex. A; N.T. pp. 47, 165-166; Ap. Ex. 4.

40. When appellant entered her office, she was on the phone with a union representative. N.T. pp. 47, 167-168.
41. Scotti informed appellant due to her probationary status she was not allowed to have the union present during their meeting. N.T. pp. 167-168.
42. Scotti hand delivered to appellant her termination letter and appellant “was informed she was being terminated from her position, and that effective immediately, she should hand in all of her county property and leave the county office.” Comm. Ex. A; N.T. pp. 47, 165-166; Ap. Ex. 4.
43. Appellant was removed due to her handling of the CPS case and work time accountability issues. N.T. pp. 91-92, 162-166, 204.

DISCUSSION

In the present appeal, appellant is challenging her removal from probationary County Caseworker 2(Local Government) employment, with Delaware County Children and Youth Services (hereinafter, “appointing authority”). Comm. Ex. A. Appellant alleges traditional forms of discrimination based on retaliation, religion, and union affiliation.

In an appeal alleging discrimination, appellant bears the burden of establishing that the personnel action was due to discrimination. *Henderson v. Office of the Budget*, 126 Pa. Commw. 607, 560 A.2d 859 (1989) *petition for allowance of appeal denied*, 524 Pa. 633, 574 A.2d 73 (1990). Section 2704 of Act 71 of 2018 (hereinafter “Act 71”) provides:

An officer or employee of the Commonwealth may not discriminate against an individual in recruitment, examination, appointment, training, promotion, retention or any other personnel action with respect to the classified service because of race, gender, religion, disability or political, partisan or labor union affiliation or other non-merit factors.

71 Pa.C.S. § 2704. Under Section 3003(7)(ii) of Act 71, the Commission has authority to convene hearings when an individual aggrieved by an alleged violation of Section 2704 files a timely appeal. 71 Pa.C.S. § 3003(7)(ii).

The provisions of Section 2704 are substantially the same as the provisions in Section 905.1 of Act 286 (71 P.S. § 741.905a), and both sections of the respective acts use virtually the same language.² In applying this language, the courts have held these provisions address both “traditional” and “procedural” discrimination. *Pronko v. Department of Revenue*, 114 Pa. Commw. 428, 439, 539 A.2d 456, 462 (Pa. Commw. Ct. 1988). “Traditional discrimination” encompasses

² Section 905.1 provides:

905.1 Prohibition of Discrimination—No officer or employe[e] of the Commonwealth shall discriminate against any person in recruitment, examination, appointment, training, promotion, retention or any other personnel action with respect to the classified service because of political or religious opinions or affiliations because of labor union affiliations or because of race, national origin or other non-merit factors.

71 P.S. § 741.905a.

claims of discrimination based on race, sex, national origin, retaliation, or other non-merit factors. *See Price v. Luzerne/Wyoming Counties Area Agency on Aging*, 672 A.2d 409, 411 n. 4 (Pa. Commw. 1996); *State Correctional Institution at Albion v. Bechtold*, 670 A.2d 224 (Pa. Commw. Ct. 1996); *Pronko v. Department of Revenue*, 114 Pa. Commw. 428, 539 A.2d 462 (1988).

In claims of traditional discrimination, the appellant must prove a *prima facie* case of discrimination by producing sufficient evidence which, if believed and otherwise unexplained, indicates it is more likely than not discrimination has occurred. *Henderson v. Office of the Budget*, 126 Pa. Commw. 607, 560 A.2d 859 (1989); *Department of Health v. Nwogwugwu*, 141 Pa. Commw. 33, 594 A.2d 847 (1991). Once a *prima facie* case of discrimination has been established, the burden shifts to the appointing authority to present a legitimate, non-discriminatory explanation for the employment action. Appellant always retains the ultimate burden of persuasion and must demonstrate the proffered merit reason is merely a pretext for discrimination. *Henderson* at 126 Pa. Commw. 607, 560 A.2d 859.0

In support of her appeal, appellant testified on her own behalf. The appointing authority presented the testimony of Intake Supervisor Sara Lincoln³ and Intake Department Administrator David Scotti.⁴

³ Lincoln has been employed in her current position for over one year. N.T. p. 70. Prior to her Intake Supervisor employment, Lincoln worked as a County Caseworker 2 starting in 2020. N.T. p. 70. Lincoln was appellant's supervisor. N.T. pp. 71-72.

⁴ Scotti's Civil Service Classification is Social Work Manager 2. N.T. p. 157. Scotti has held his current position with the appointing authority since May 28, 2023. N.T. p. 157.

We will begin with appellant's assertion she was removed due to retaliation. The Commission utilizes the same legal standard used to evaluate a *prima facie* case of retaliation before the Pennsylvania Human Relations Commission (hereinafter "PHRC"). To prevail before the PHRC, a complainant must show: 1) he was engaged in a protected activity; 2) the employer was aware of the protected activity; 3) subsequent to participation in the protected activity, he was subjected to an adverse employment action; and 4) there is a causal connection between his participation in the protected activity and the adverse employment action. *Circle Bolt & Nut Company, Inc. v. Pennsylvania Human Relations Commission*, 954 A.2d 1265, 1268-1269 (Pa. Commw. 2008), (citing *Robert Wholey Company, Inc. v. Pennsylvania Human Relations Commission*, 146 Pa. Commw. 702, 606 A.2d 982, 983 (1992)).

Appellant asserts she was retaliated against for disclosing information as to how she believed the appointing authority mishandled a Child Protective Services (hereinafter, "CPS") case to which she was assigned. N.T. pp. 47-48. Specifically, appellant testified to the following:

From my research and my knowledge, it seems as though once I told people of precedence about what was happening with this [CPS] case and how the ball was dropped, this is the reason that they let me go. Because when they didn't want to listen, I went up the chain and talked to people, even HR, to inform them about what was going on.

N.T. pp. 47-48. With this allegation in mind, we will now summarize the testimony and evidence appellant presented in support of her retaliation claim.

One of appellant's job duties, as a County Caseworker 2 was to be on-call to handle CPS ChildLine referrals. N.T. pp. 20-21, 71-73, 159-160. On June 21, 2023 at approximately 1:00 p.m., appellant was assigned her first ChildLine CPS referral. N.T. pp. 20-21, 25, 73-74. The referral involved a fourteen-month-old child. N.T. pp. 20-21, 25, 73-74, 196-197. Appellant gathered information about the case from her co-workers. N.T. pp. 20-21. Appellant testified she received no information or direction from Lincoln until she had already arrived at the child's home. N.T. pp. 21-22. Appellant testified the information she did receive from Lincoln was the same information appellant had previously gathered from her coworkers. N.T. pp. 21-22.

Upon arrival at the child's home, appellant conducted a safety assessment of the child. N.T. pp. 22-24. Appellant testified during her assessment she observed bruising to the child, believed the child was not safe, and the child needed to be removed from the home. N.T. pp. 23-24. After appellant completed her assessment she called Lincoln to discuss what she observed. N.T. pp. 23-24, 76-80. Appellant testified she told Lincoln everything she observed and she believed the child was not safe and needed to be removed from the home. N.T. pp. 23-24. Additionally, appellant testified she emailed Lincoln pictures depicting the bruising to the child. N.T. p. 24. Lincoln told appellant not to worry about it, to go home, and to complete a safety assessment stating there were no safety threats to the child. N.T. pp. 24, 76-78; AA Ex. 1. Later that same night, appellant confirmed this was Lincoln's recommendation through a text exchange. *See* Finding of Fact 24; N.T. pp. 24-25, 78-80; AA Ex. 1; Ap. Ex. 1. Appellant testified she completed the safety assessment and indicated no safety threats despite appellant knowing this was

wrong. N.T. pp. 24-25, 61-64; AA Ex. 1. Appellant explained she indicated no threats because “I didn’t want to, like overstep [Lincoln] and put yes anyway, because then that would have been an issue with us.” N.T. p. 64.

On June 22, 2023, appellant returned to the child’s home with another caseworker. N.T. pp. 32-33, 82-83, 192-193, 247-249. The other caseworker administered a drug test on the child’s parents, and appellant took the child to a doctor. N.T. pp. 33-34. Appellant testified she observed new bruises on the child. N.T. p. 33. Appellant photographed the new bruises. N.T. p. 33. Appellant spoke with Lincoln about what she observed and told Lincoln she was transporting the child to Dupont Hospital. N.T. pp. 33-34. Appellant testified Lincoln arrived at Dupont Hospital with a completed safety assessment indicating there were safety threats to the child and the child was not safe. N.T. pp. 37-38, 81-82; AA Ex. 2. Appellant further testified Lincoln also arrived with a completed safety plan⁵ already signed by the child’s parents. N.T. pp. 37-28, 84-86; Ap. Ex. 2. The safety plan placed the child with caregivers to ensure they would take care of the basic needs of the child, and further ensure the child had no unsupervised contact with the child’s parents. N.T. pp. 37-28, 84-86; Ap. Ex. 2.

On June 26, 2023, appellant was signing into work and testified “I noticed the lady in front of me, her name was Ms. Pierre.” N.T. p. 40. Appellant explained she had a conversation with Ms. Pierre, and “[w]e get into detail about everything that’s going on.” N.T. p. 40. On the same day at approximately

⁵ See Finding of Fact 36.

3:30 p.m., appellant had a phone call with Lincoln and Scotti where appellant expressed concerns about the handling of the CPS case and a lack of supervision. N.T. pp. 45-46. Appellant testified Scotti stated to her during this conversation “if you don’t like how we’re doing it, find another job.”⁶ N.T. p. 46.

The appointing authority presented the following testimony regarding appellant’s retaliation claim. Lincoln testified on June 21, 2023 she was in a meeting when appellant was assigned the CPS case. N.T. p. 74. After the meeting, Lincoln spoke with appellant briefly and provided appellant some points to touch on with the child’s parents. N.T. p. 74.

After appellant finished her risk assessment of the child, Lincoln spoke with appellant for approximately ten minutes. N.T. pp. 23-24, 76-80. Appellant told Lincoln the mom was a little iffy, but the dad seemed appropriate, and appellant sent her one picture of the child’s face with no bruising. N.T. pp. 76-77, 110-112, 136-137. Lincoln testified, based upon the information she received from appellant she recommended appellant indicate no safety threats on the safety assessment. N.T. pp. 76-77, 110-112.

On June 22, 2023, a meeting took place between Lincoln and Scotti regarding the appellant’s safety assessment of the CPS case. N.T. pp. 193-198. Scotti testified the information in the ChildLine referral was very concerning and did not mesh with the information communicated by appellant to Lincoln. N.T.

⁶ Scotti testified neither he nor Lincoln told appellant to “find another job” during the June 26, 2023 meeting. N.T. pp. 161-162.

pp. 82-83, 194-195. Scotti testified because of his meeting with Lincoln it was decided to have the parent's drug tested, and "it was determined that another caseworker with more experience go out with [appellant] to help reassess the situation." N.T. pp. 82-83, 194-195. Following the reassessment, Lincoln spoke to the more experienced caseworker and decided to complete a new safety assessment and a separate safety plan. N.T. pp. 82; AA Ex. 2; Ap. Ex. 3.

Both Lincoln and Scotti testified as to why appellant was removed from her County Caseworker 2 position. The ultimate decision to remove appellant was made by the appointing authority's Personnel Department based on information Scotti communicated to Children and Youth Services Director Vanessa Pierre regarding appellant's job performance. N.T. pp. 162-166, 204. Scotti testified he communicated to Director Pierre appellant's handling of the CPS case failed to ensure the safety of the child, appellant had issues with work time accountability, and appellant had behavioral issues in the office. N.T. pp. 162-166, 204. Lincoln testified in addition to appellant's handling of the CPS case, appellant was often not at her desk and Lincoln would have to text or message her repeatedly. N.T. pp. 91-92.

Having reviewed the testimony and evidence regarding appellant's retaliation claim, we find appellant has failed to present sufficient evidence to establish a *prima facie* case of retaliation. Appellant's retaliation claims rests on two pieces of testimony. First, is appellant's testimony where she reported how the ball was dropped with the CPS case to HR and her chain of command. Second, is her testimony about having a conversation with a coworker named Ms. Pierre concerning everything that was happening. Appellant failed to identify who she spoke to in HR or who she spoke to in her chain of command. Appellant failed to

identify what Ms. Pierre's position or role was at the appointing authority.⁷ Appellant failed to detail what specific information she disclosed to these individuals. Most importantly, appellant failed to identify if any of the people she spoke to took part in the decision to remove appellant. Absent this information, we cannot find solely on appellant's general claims that the appointing authority was aware appellant had raised complaints about the handling of the CPS case, nor can we find the appointing authority removed appellant in retaliation for making these complaints. Appellant has not presented sufficient testimony or evidence she engaged in any protected activity, of which the appointing authority was aware nor has she shown any casual connection between any protected activity and her removal. Thus, appellant has not established a *prima facie* case of discrimination based upon retaliation.

We now turn to appellant's religious discrimination claim. Appellant testified she is a devout Muslim and asked Lincoln if she could have access to a prayer room to pray. N.T. p. 19. Appellant asserts nothing was done about this request. N.T. pp 19-20. Conversely, Lincoln and Scotti testified appellant was told she could use one of the family rooms or visiting rooms located in either the Upper Darby office or Eddystone office to pray. N.T. pp. 19-20, 71-72, 143-144, 166-167. We find Lincoln and Scotti's testimony regarding appellant's prayer room request

⁷ The Commission notes appellant's removal letter was signed by Children and Youth Services Director Vanessa Pierre. While the Commission could assume this is the same Ms. Pierre appellant referred to in her testimony we cannot base a finding of fact on a mere assumption. The burden of proof was on the appellant to establish this fact and appellant failed to do so. Moreover, even if appellant had established Ms. Pierre's role, we would still find appellant failed to establish a *prima facie* case of retaliation. As we previously noted, appellant also failed to detail what information she communicated to Ms. Pierre. Again, without the specific information appellant communicated we cannot reach a determination if there was a causal connection between her disclosures and the appointing authority's decision to remove appellant.

to be credible.⁸ Both Lincoln and Scotti's testimony regarding the prayer room accommodation request was consistent. Scotti testified appellant's request was not unusual and the use of the family/visiting rooms was a common solution to accommodate similar prayer requests. N.T. pp. 166-167. Further, appellant presented no evidence that the appointing authority's decision to remove appellant from her County Caseworker 2 position was due to her prayer room accommodation request. Accordingly, we find appellant failed to establish a *prima facie* case of religious discrimination.

Finally, we will address appellant's discrimination claim based on union affiliation. Appellant testified on June 29, 2023, the day she was removed, she was on the phone with a union representative. N.T. pp. 47. Scotti informed appellant that due to her probationary status she could not consult with the union. N.T. pp. 167-168. The only other testimony appellant offered regarding union affiliation was a meeting she set up between herself, Lincoln, and Scotti to discuss supervisory concerns. N.T. pp. 39-40. Scotti was unable to attend this meeting, and appellant testified Lincoln hung up the computer during the meeting. N.T. pp. 39-40. Appellant alleges the union was involved with this meeting but did not explain how the union was involved. N.T. pp. 39-40. Appellant also did not provide testimony as to what was discussed during this meeting or how this meeting was related to her removal. Like her religious discrimination claim, appellant has again failed to present factual evidence to tie these events to her removal. Significantly, at the time Scotti told appellant she could not consult with the union the day she was

⁸ It is within the purview of the Commission to determine the credibility of the witnesses. *State Correctional Institution at Graterford, Department of Corrections v. Jordan*, 505 A.2d 339, 341 (Pa. Commw. Ct. 1986).

removed; the appointing authority had already decided to remove appellant. Consequently, appellant's phone consultation with the union on the day of her removal could not have contributed to the appointing authority's already finalized decision to remove appellant. Accordingly, we find appellant failed to establish a *prima facie* case of discrimination based on union affiliation because appellant presented no evidence or testimony tying the consultation with the union to her removal.

After the presentation of appellant's case-in-chief, the appointing authority asked if the Commission wanted to hear oral argument pursuant to 4 Pa. Code § 105.16,⁹ or should they proceed with their case. N.T. p. 66. The Commission instructed the appointing authority to proceed with their case without taking oral argument. The Commission viewed the appointing authority's request as its attempt to make a Motion to Dismiss, upon which the Commission is now ready to rule.

In conclusion, upon review of the record, the Commission finds appellant has failed to present sufficient evidence to establish a *prima facie* case of discrimination based on retaliation, race, or union affiliation, and grant the appointing authority's Motion to Dismiss.¹⁰ Accordingly, we enter the following:

⁹ Section 105.16 states, "If at the conclusion of [appellant's] presentation, the appellant has, in the opinion of the Commission, established a *prima facie* case, the appointing authority shall then be afforded the opportunity to reply to the charges."

¹⁰ Moreover, had the burden of proof shifted, the appointing authority presented legitimate, non-discriminatory rationale for appellant's removal. Scotti credibly testified appellant had work time accountability problems and behavioral issues in the office. Additionally, Lincoln credibly testified appellant was often not at her desk and Lincoln would have to text and message her repeatedly. Finally, both Lincoln and Scotti credibly testified appellant's handling of the CPS case did not ensure the safety of the child. Appellant acknowledged she indicated no threats on a safety assessment despite observing bruises on the child. Appellant admitted she knew this was wrong. N.T. pp. 24-25, 61-64.

CONCLUSION OF LAW

Appellant has not presented evidence establishing discrimination violative of Section 2704 of Act 71 of 2018.

ORDER

AND NOW, the State Civil Service Commission, by agreement of its members, dismisses the appeal of Chaunta M. Royster challenging her removal from probationary County Caseworker 2 (Local Government) employment with Delaware County Children and Youth Service, and sustains the action of Delaware County Children and Youth Service in the removal of Chaunta M. Royster from probationary County Caseworker 2 (Local Government) employment.

State Civil Service Commission

Maria P. Donatucci
Chairwoman

Gregory M. Lane
Commissioner

Pamela M. Iovino
Commissioner

Issued: April 18, 2024