

COMMONWEALTH OF PENNSYLVANIA

Susan M. Ankney : State Civil Service Commission  
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 v. :  
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 Ebensburg Center, :  
 Department of Human Services : Appeal No. 31469

Susan M. Ankney : Amy Carnicella  
*Pro Se* : Attorney for Appointing Authority

ADJUDICATION

This is an appeal by Susan M. Ankney challenging her suspension (pending investigation) and subsequent removal from regular Residential Services Aide employment with Ebensburg Center, Department of Human Services. A hearing was held on July 9, 2025, via video, before Commissioner Gregory M. Lane.

The Commissioners have reviewed the Notes of Testimony and exhibits introduced at the hearing, and the Briefs submitted by appellant and the appointing authority. The issue before the Commission is whether the appointing authority has established just cause to remove appellant from her position.<sup>1</sup>

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<sup>1</sup> When an appointing authority suspends an employee pending investigation and subsequently removes the employee, the period of suspension will be deemed part of the removal action. *Woods v. State Civil Service Commission (New Castle Youth Development Center, Department of Public Welfare)*, 865 A.2d 272, 274 n. 3 (Pa. Commw. Ct. 2004); 4 Pa. Code § 101.21(b)(2). Appellant was suspended pending investigation, effective October 10, 2024. Appellant remained on suspension until her removal by letter dated January 15, 2025. We consider appellant’s removal, effective as of the date of suspension, to be the sole personnel action to be reviewed through this appeal.

FINDINGS OF FACT

1. By letter dated October 10, 2024, appellant was suspended pending investigation of allegations that she violated Individual Abuse – Regulation (as defined per department policy 7178); Insubordination (as defined per Department Policy 7174); and Failure to Follow General Instructions or Procedures (as defined per Department Policy 7174). AA Ex. 2.<sup>2</sup>
  
2. Appellant’s suspension pending investigation was effective October 10, 2024. AA Ex. 2.
  
3. By letter dated January 15, 2025, appellant was removed from her position as a Residential Services Aide, regular status, with Ebensburg Center, Department of Human Services (hereinafter “appointing authority”), effective January 16, 2025. Comm. Ex. C

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<sup>2</sup> The Commission notes Commission Exhibit A contains the original notice of suspension pending investigation sent to appellant on October 10, 2024. Comm. Ex. A. However, this version contains an error concerning the effective date of suspension, erroneously listing the effective date as June 10, 2024. Appointing Authority Exhibit 2 is the corrected version of the suspension pending investigation notice, with the correct effective date of October 10, 2024. N.T. p. 238; AA Ex. 2. As such, the Commission will refer exclusively to Appointing Authority Exhibit 2 concerning the suspension pending investigation notice letter.

4. In its January 15, 2025, letter the appointing authority charged appellant with violating:

- 1) Individual Abuse – Regulation (as defined per department policy 7178) – specifically, you are in violation of a regulation or procedure that could result in an individual not receiving proper care, or being denied certain rights, as provided for under Title 55 PA Code, Chapter 5100, Section 5100.54, that lead [sic] or could reasonable [sic] be expected to lead to physical pain, harm, injury, emotional/mental distress, or humiliation.
- 2) Insubordination (as defined per department policy 7174) – specifically, on October 2, 2024, you were given a direct order by Unit Manager Steve Sutton ordering you to sign off acknowledging that you have read and will implement the plans for individuals and/or training rosters related to providing direct care to individuals residing at the Ebensburg Center. You have refused to sign the appropriate documentation.
- 3) Failure to Follow General Instructions or Procedures (as defined per department policy 7174) – specifically, you have not signed off acknowledging that you have read and will implement the plans for individuals and/or training rosters related to providing direct

care to individuals residing at the Ebensburg Center. You have refused to sign the appropriate documentation, or you have signed and written your disagreement on the official records.

Comm. Ex. C.

5. Concerning “Individual Abuse,” Department Policy 7178 provides,

An act by an employee toward or with individuals that does not have as its legitimate goal the healthful, proper, and humane care and treatment of the individual shall be deemed abusive.

Any act or omission that reasonably may cause or causes physical or emotional harm or injury to an individual, that deprives an individual of his/her rights, as defined by the Department’s rules and regulations shall be deemed abusive.

Non-action that results in emotional/physical injury is viewed in the same manner as that caused by improper or excessive action.

AA Ex. 16.

6. Title 55 PA Code, Chapter 5100, Section 5100.54, *Manual of Rights for Individuals in Treatment*, provides,
  - 1) Every individual shall have the right to communicate.
  - 2) Every individual shall have the right to religious freedom.
  - 3) Every individual shall have the right to handle his/her own affairs.
  - 4) Every individual shall have the right to a humane physical and psychological environment.
  - 5) Every individual shall have the right to treatment.
  - 6) Every individual shall only receive approved treatment procedures in accordance with Department regulations.
  - 7) Every individual shall have the right to lodge grievances and appeals.

AA Ex. 16.

7. Department policy 7174 outlines the elements of substantiation required for “Insubordination” as,  
Employee was given a direct and legitimate order by an appropriate supervisor, and:

1) Employee refused to obey, but did not become argumentative or compound the offense in any other manner. Consequences of employee's failure to obey were not substantive.

OR

2) Employee refused the order and became argumentative and/or abusive; the consequences of the employee's failure to act were substantial and employee was aware, or employee's refusal was willful.

AA Ex. 15 (emphasis in original).

8. Department policy 7174 outlines the elements of substantiation required for "Failure to Follow General Instructions or Procedures" as,

Employee was aware of, or could reasonably have been expected to have been aware of, the general instruction(s) or procedure(s) in question.

Employee failed to properly comply with or follow the general instruction or procedure (either by act or omission).

AA Ex. 15.

9. The appeal was properly raised before this Commission and was heard under Section 3003(7)(i) of Act 71 of 2018.<sup>3</sup> Comm. Ex. E.
10. Appellant worked for the appointing authority as a Residential Services Aide (hereinafter “RSA”) in the Keystone House, a residential building which houses individuals with developmental disabilities, aged sixty to seventy years old. N.T. pp. 43-47.
11. She worked as an RSA for the appointing authority from July 3, 2023, until her suspension and subsequent removal. N.T. p. 254.
12. Appellant worked the overnight shift from 11:00 p.m. until 7:30 a.m. N.T. p. 44; AA Ex. 5.
13. As an RSA, appellant was responsible for providing the required support and services for the individuals living at Ebensburg Center. N.T. p. 48; AA Ex. 5.

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<sup>3</sup> Appellant’s request for a hearing on the suspension pending investigation and subsequent removal under Section 3003(7)(ii) of Act 71 of 2018 was denied due to an insufficient allegation of discrimination.

14. Appellant's duties included delivering treatment and services in the areas of self-care and health maintenance, as well as tending to residents with an individual support plan (hereinafter "ISP") as needed. N.T. P. 48; AA Ex. 5.
15. ISPs are implemented for RSAs to help residents achieve greater independence and to support them in any capacity, to include assistance during medical appointments. N.T. p. 49.
16. Appellant was trained in her job description and duties, to include the implementation of residents' ISPs, before appellant went to work on the floor as an RSA. N.T. p. 129; AA Ex. 5.
17. After training, RSAs are required to sign off on Annual Consent for Essential Support (hereinafter "ACES") forms for each resident who requires support for a medical procedure, thereby acknowledging they have read and understood the ISPs. N.T. pp. 51-52, 59.
18. The family and/or guardian of a resident must approve the physical support contained within an individual's ISP, to include any physical support used during a medical examination. N.T. p. 67.

19. An RSA must acknowledge the ISPs identified in the ACES forms to remain hands-on with the residents and perform their job duties. N.T. p. 132.
20. In August 2024, appellant approached Tammy Pounds, an RSA and night shift supervisor, with questions concerning the ISPs. N.T. p. 72.
21. Pounds emailed Stephen Sutton, the Services Unit Manager, to inform him of appellant's questions. N.T. p. 72.
22. On or around August 11, 2024, appellant approached Sutton at a family picnic event for the appointing authority. She informed Sutton she disagreed with the methods outlined in the ACES packet. N.T. pp. 173-174.
23. Sutton informed appellant she was required to sign the ACES documents because they outlined what may occur with residents in each situation during a resident's care. N.T. p. 174.

24. On August 15, 2024, appellant signed the ACES forms for eleven individuals,<sup>4</sup> and wrote the word “disagree” next to her name. N.T. pp. 60, 375; AA Ex. 17.
25. For those eleven individuals, the support actions required under the ISPs included action numbers one through six, as well as action number eleven. AA Ex. 17.
26. Support action number five included providing support to residents for gynecologic examinations, consultations, procedures and treatments. N.T. pp. 53-54; AA Ex. 13.
27. The recommended care for support action number five includes: physical support or assistance to remain still on the examination table; explaining the upcoming procedure in a calm, reassuring voice; assisting the resident in getting dressed and undressed; and offering reassurance, such as a hand to hold. N.T. pp. 54-55; AA Ex. 13.

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<sup>4</sup> The names of the individuals requiring the ISPs have been redacted for confidentiality purposes.

28. Around August 22 or 24, 2024, Christie Wanchisn, Residential Services Supervisor, emailed Pounds and John Bush, an RSA and night shift supervisor, to inform them that appellant had written “disagree” on the ACES forms. N.T. pp. 80-83, 138.
29. Bush and Pounds explained to appellant the difference between a support and a physical restraint, emphasizing appellant would not be required to physically restrain the residents. Appellant continued to state she would not perform a restraint. N.T. pp. 138-141.
30. Bush and Pounds relayed appellant’s position to Sutton. N.T. p. 139.
31. On or around October 2, 2024, appellant met with Sutton and Gail Rodriguez, former Employee Relations Coordinator. N.T. p. 189-191.
32. During the meeting, Rodriguez informed appellant the ACES forms needed to be signed for appellant to work with the residents. When asked if she would sign the forms, appellant stated she did not want to sign them. N.T. pp. 190-191.

33. Sutton gave appellant a direct order to sign off on the ACES forms. N.T. p. 191.
34. Appellant repeated her refusal to sign off on the ACES forms. N.T. p. 191.
35. Rodriguez notified appellant she could be facing a pre-disciplinary conference and possible discipline for her refusal to sign the forms. N.T. p. 244.

### DISCUSSION

By letter dated January 15, 2025, the appointing authority removed appellant from her position as a Residential Services Aide (hereinafter “RSA”). Comm. Ex. C. Appellant challenged this action under Section 3003(7)(i) of Act 71 of 2018 (hereinafter “the Act”<sup>5</sup>).<sup>6</sup> 71 Pa.C.S.A. § 3003(7)(i). Thus, the sole issue before the Commission is whether the appointing authority has established just cause for the removal.

In an appeal challenging the removal of a regular status employee, the appointing authority bears the burden of proving just cause for the removal 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

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<sup>5</sup> Act of June 28, 2018, P.L. 460, No. 71, § 1.

<sup>6</sup> Appellant’s request for a hearing on her removal under Section 3003(7)(ii) of Act 71 of 2018 was denied due to an insufficient allegation of discrimination.

(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 his job duties. *Woods v. State Civil Service Commission*, 590 Pa. Commw. 337, 912 A.2d 803 (2006).

In support of its charge, the appointing authority presented the testimony of RSA Tammy Pounds,<sup>7</sup> RSA John Bush,<sup>8</sup> Services Unit Manager Stephen Sutton,<sup>9</sup> former Employee Relations Coordinator Gail Rodriguez,<sup>10</sup> Facility Director Nicole Ferreebee Phillips,<sup>11</sup> and Field Human Resource Officer 3 Walter Winkler.<sup>12</sup> Appellant testified on her own behalf.

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<sup>7</sup> Pounds works for the appointing authority as a Residential Services Aide, night supervisor. N.T. p. 40. She has worked as a supervisor for fourteen years, and with the appointing authority for twenty-four years. N.T. p. 41. In that capacity, Pounds supervises employees working in the Keystone House during the 11:00 p.m. to 7:30 a.m. shift. N.T. p. 43.

<sup>8</sup> Bush works for the appointing authority as a Residential Services Aide, night supervisor. N.T. p. 122. He has worked as a supervisor for almost three years, and with the appointing authority for seventeen and a half years. N.T. p. 123.

<sup>9</sup> Sutton works for the appointing authority as a Services Unit Manager, or RSUM. N.T. p. 166. He has worked in that position since October 2023. *Id.* In that capacity, Sutton worked the first shift in the Keystone House. N.T. p. 169.

<sup>10</sup> Rodriguez previously worked for the appointing authority as an Employee Relations Coordinator. N.T. pp. 225. She worked in that position from April 2018 through April 2025. N.T. p. 227. In that capacity, Rodriguez prepared pre-disciplinary conferences, made recommendations for discipline, and handled Union grievances. N.T. pp. 227-228. She currently works as a Human Resource Analyst 3, or Human Resource Director, at Hollidaysburg Veterans Home. N.T. pp. 224-226.

<sup>11</sup> Ferreebee-Phillips works for the appointing authority as a Facility Director. N.T. p. 297. She has held that position for eleven years. N.T. p. 298. In that capacity, Ferreebee-Phillips reviews administrative disciplinary charges. N.T. p. 302.

<sup>12</sup> Winkler works for the appointing authority as a Field Human Resource Officer 3, or Human Resource Director. N.T. p. 337. He has worked for the Commonwealth for two and a half years. N.T. p. 338.

Appellant worked for the appointing authority as an RSA in the Keystone House. The residents of Keystone House are individuals with developmental disabilities, aged sixty to seventy years old. As an RSA, appellant was responsible for providing care to residents within Keystone House, to include tending to residents' individual support plans (hereinafter "ISP"). The implementation of ISPs allows residents to achieve a greater level of independence, and may include, for example, an RSA providing support to a resident during a medical examination. *See Findings of Fact Nos. 10-15.* This level of support could include explaining the medical procedure to the resident, assisting a resident in dressing and undressing, and offering reassurance by holding a resident's hand. *See Findings of Fact No. 27.* The physical supports detailed in a resident's ISP are approved by the resident's guardians, and they do not include any use of physical restraints during medical procedures. N.T. pp. 66-67.

Appellant was trained in her job description and duties prior to beginning work as an RSA. *See Findings of Fact No. 16.* This included the implementation of ISPs. *Id.* All RSAs are required to sign off on Annual Consent for Essential Support (hereinafter "ACES") forms for patients requiring ISPs. *See Findings of Fact No. 17.* The forms serve as professional acknowledgment that an RSA has been trained on the ISPs for the individuals on their caseload. N.T. p. 312. An RSA is not permitted to work with a resident without signing off on the ACES forms. N.T. p. 313; *See also Findings of Fact No. 19.*

In August 2024, appellant approached supervisory personnel with questions regarding a resident's ISP. *See Findings of Fact Nos. 20-22.* When speaking with Services Unit Manager Stephen Sutton, appellant expressed concern over a resident's ISP for a gynecological examination. N.T. p. 174. Appellant felt

some of the methods used could prove traumatic to an individual. *Id.* Sutton explained appellant's signature on the ACES forms did not show whether she agreed with the information, and instead showed appellant understood the methods to be used as part of the resident's ISP. N.T. p. 176. He further emphasized appellant would be required to sign the ACES forms because it outlined how to deal with certain situations in a resident's care. *See Findings of Fact No. 23.*

On August 15, 2024, appellant signed the ACES forms for eleven individuals and wrote "disagree" next to her name. *See Findings of Fact No. 24.* RSA John Bush, appellant's night supervisor, explained appellant's written disagreement with her signatures meant appellant did not show she read and understood what was required for a resident's physical support, and appellant could therefore not perform her job duties of providing hands-on care to residents. N.T. pp. 132-133. Bush and Pounds explained to appellant she would not be required to use physical restraints, and instead, appellant would only provide physical support. N.T. p. 139. They further explained a physical support during gynecological examinations would involve holding a patient's leg for support, for example, not holding a patient's leg down so they are unable to move. *Id.* Nonetheless, appellant asserted she would not sign the forms because she could not perform restraints. N.T. p. 141.

On or around October 2, 2024, appellant met with Sutton and former Employee Relations Coordinator Gail Rodriguez. *See Findings of Fact No. 31.* Sutton and Rodriguez reiterated appellant's signature on the ACES forms showed appellant was trained on the ISP specifically for an individual, and her signature did

not constitute whether she agreed or disagreed with what the team had developed for the individual. N.T. p. 231. Sutton gave appellant a direct order to sign off on the ACES forms without the word “disagree” next to her name, and appellant refused to sign them. *See* Findings of Fact Nos. 32-33.

Having carefully reviewed the evidence, we find the appointing authority has established the charges against appellant and established just cause for her removal. In support of our conclusion, we find credible<sup>13</sup> the testimony provided by the appointing authority’s witnesses.

Appellant does not dispute she wrote “disagree” on the ACES forms on August 15, 2024. Instead, she explained she wrote “disagree” because she believed she would have to restrain and cause harm to females during gynecological examinations. This is without merit for several reasons. First, appellant’s refusal to sign the ACES forms involved a failure to acknowledge ISPs for eleven individuals. While those ISPs did include support action number five, support for gynecological examinations, they also included six other action numbers. *See* Findings of Fact Nos. 25-26. Second, appointing authority witnesses testified RSAs are trained that, except for extraordinary circumstances, physical restraints are not used. N.T. pp. 67, 93-94, 134, 154, 309. As seen in support action five, physical support includes methods such as gently holding hands and reassuring a patient. *See* Finding of Fact No. 27. RSAs are trained in the difference between a restraint and a hold during onboarding. N.T. pp. 209-210. If a resident became unruly, or there was some other physical problem during an examination, RSAs were trained to halt the procedure and come up with a different solution, including rescheduling the examination. N.T.

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<sup>13</sup> 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).

pp. 55-56. Third, both Pounds and Sutton emphasized it was highly unlikely appellant would be required to take a patient for a gynecological examination, since she worked the night shift. N.T. pp. 136, 404-405. Even in that unlikely event, appellant would not be required to use forceable restraints. *Id.*

Finally, appointing authority employees explained to appellant on several occasions her signature would serve as an acknowledgment she was trained on an ISP, not that she agreed with how the support should be implemented. N.T. pp. 176, 231. Nonetheless, appellant argued she did not have training on the use of physical support versus restraints. This, too, is without merit. Appointing authority witnesses, including appellant's night manager, the unit manager, and the facility director, all testified appellant was trained on her job description and duties before she went on the floor as an RSA. N.T. pp. 53, 60, 71, 129, 146, 209-210, 306-307, 311, 317. The job description included use of physical support to implement a resident's ISP. *See Findings of Fact No. 14.*

While appellant attempts to argue the merits of signing the ACES forms, she does not dispute the fact she refused a direct order from Sutton to sign the forms in October 2024. Her signature was required for appellant to perform her job duties as an RSA. Per Department Policy 7178, Individual Abuse includes an omission or inaction by an individual which could result in emotional or physical injury. *See Findings of Fact No. 5.*

Former Employee Relations Coordinator Gail Rodriguez explained appellant's inaction was a violation of procedure regarding individual care and rights according to Department Policy 7178, as well as section 5100.54 of Title 55. N.T. p. 273; *See also* Findings of Fact No. 6. Appellant's failure to sign the forms would lead to her inability to interact with residents, to include being unable to properly support an individual during a medical exam, which could result in an individual not receiving proper care. N.T. p. 276. Furthermore, the appointing authority established the second and third charge of Insubordination and Failure to Follow General Instructions or Procedures by proving appellant received multiple instructions to sign the ACES forms, to include a direct order from Sutton, but refused to do so. N.T. p. 245. In fact, when asked if she were permitted to say no to a direct order from a supervisor, appellant replied, "Am I able to refuse? Yes. I'm able to do whatever. Yeah." N.T. p. 419. It is clear appellant understood she received a direct order to sign the ACES forms to care for residents. Her willful refusal to obey that direct order constituted a violation of Department Policy 7174. *See* Findings of Fact Nos. 7-8.

Based on the above, we find the appointing authority had just cause to remove appellant. Appellant's refusal to obey Sutton's direct order to sign the ACES forms undoubtedly affected her ability to perform her job duties where her refusal to acknowledge the required ISPs rendered her unable to perform hands-on work with residents. *Woods*. We find the appointing authority presented credible evidence establishing appellant's refusal to sign the ACES forms violated Department Policies 7174 and 7178. Accordingly, we enter the following:

CONCLUSION OF LAW

The appointing authority has presented evidence sufficient to establish just cause for removal under Section 2607 of Act 71 of 2018.

ORDER

AND NOW, the State Civil Service Commission, by agreement of its members, dismisses the appeal of Susan M. Ankney challenging her removal from regular Residential Services Aide employment with Ebensburg Center, Department of Human Services, and sustains the action of Ebensburg Center, Department of Human Services in the removal of Susan M. Ankney from regular Residential Services Aide employment, effective October 10, 2024.

State Civil Service Commission

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Maria P. Donatucci  
Chairwoman

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Gregory M. Lane  
Commissioner

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Pamela M. Iovino  
Commissioner

Issued: December 23, 2025