

COMMONWEALTH OF PENNSYLVANIA

Earl Smithson, Jr.	:	State Civil Service Commission
	:	
v.	:	
	:	
Allegheny County Department of Human Services	:	Appeal No. 31562
Kayla Drum, Esquire Attorney for Appellant		Biannely Wilk, Esquire Attorney for Appointing Authority

ADJUDICATION

This is an appeal by Earl Smithson, Jr. challenging his removal from regular Human Resource Analyst 2 (Local Government) employment with the Allegheny County Department of Human Services. A hearing was held on August 7, 2025, via video, before Commissioner Gregory M. Lane.

The Commissioners have reviewed the Notes of Testimony and exhibits introduced at the hearing. The issue before the Commission is whether the appointing authority established just cause for appellant's removal.

FINDINGS OF FACT

1. On February 11, 2025, appellant received notice of his removal from regular Human Resource Analyst 2 (Local Government) employment. Comm Ex D; N.T. pp. 98-99, 101-102; Ap. Exs. 3, 4.

2. The February 11, 2025, removal notice provided the following in support of the disciplinary action:

Incident 1: Failure of the Performance Improvement Plan (PIP)

A. It has been determined that you violated the following provisions of the Allegheny County Employee Handbook:

a. **Poor Work Performance:** You have not met the essential functions of your position and lack the necessary knowledge, skills, or abilities to fulfill these responsibilities independently. Despite the implementation of the Performance Improvement Plan (PIP), there has been no meaningful progress or improvement in your work product, which continues to fall below minimum standards.

b. Neglect of Job Responsibilities and Duties: Your insufficient understanding of employee relations have resulted in the neglect of your core job responsibilities and duties, further contributing to your inability to meet the expectations of your role.

Incident 2: December 4, 2024, meeting you attended with your supervisor and the HR Consultant

A. Unprofessional Behavior

It is substantiated that you acted inappropriately during the December 4th meeting outlined in your Loudermill Notice for the following reasons:

a. Reports of the Incident: Your supervisor and the HR Consultant who attended the meeting independently confirmed that you were directed you to stop talking over others, to which you responded “no” and continued speaking. While you deny that this occurred, the consistent accounts of the two individuals, who have no prior history of similar behavioral concerns, lend significant credibility to their reports.

b. Previous Coaching for Similar Behavior: It is noted that you have been previously coached regarding similar disruptive behavior in the workplace. This pattern of conduct demonstrates a continued disregard for agency expectations, undermines workplace harmony, and disrupts the productivity of meetings.

c. Denial of Responsibility: While you claim the other individual involved also raised their voice, this does not excuse your conduct or justify your refusal to follow your supervisor's directive. Even if others acted unprofessionally, your responsibility is to maintain composure and comply with direct instructions from your supervisor.

d. Impact of Behavior: Your actions disrupted the meeting, hindered productive discussion, and created an unprofessional environment. Such behavior erodes workplace respect and collaboration, which are essential to fulfilling the agency's mission.

Incident 3: Sending confidential County information to personal email addresses

We understand that you have expressed concerns about not having access to an agency-issued phone. However, upon review, this reasoning does not excuse the severity of your actions for the following reasons:

a. Professional Standards and Responsibilities:

Given your role and responsibilities, you are expected to have a thorough understanding of the rules and laws governing the handling of confidential information, particularly as a government human resources employee. Transmitting such

information to a personal email address demonstrates a serious lapse in judgment and failure to uphold these professional obligations.

b. Agency Confidentiality and Security Risks:

Transmitting sensitive case files to your personal email address creates a significant security risk for the agency, potentially exposing confidential information to unauthorized access and violating applicable laws and regulations.

Ap. Exs. 3, 4.

3. The appeal was properly raised before this Commission and was heard under Section 3003(7)(i).¹ Comm. Ex. C.
4. Appellant was employed as a Human Resource Analyst 2. Comm. Ex. D; N.T. p. 29.
5. Appellant's responsibilities included investigating internal discrimination complaints. N.T. p. 119.

¹ The request for a hearing under Section 3003(7)(ii) was denied. Comm. Ex. C.

6. In January 2024, the appointing authority's Bureau of Human Resources contracted CPS HR Consulting to establish new operating procedures for employee relations team utilization. N.T. p. 27.
7. CPS HR Consulting's Employee Relations Consultant Amy Hagan created new procedures, templates, and documents, and conducted training sessions. N.T. pp. 27, 31.
8. Appellant attended Hagan's training sessions. N.T. p. 28.
9. From January 2024 to May 2024, Human Resource Manager Keesha Sheffey supervised appellant until she left the appointing authority. N.T. pp. 29-30, 120.
10. After Sheffey's departure, Assistant Director Rebecca Reynolds directly supervised appellant and oversaw his work until Human Resource Manager Anthony Capozzi was promoted in mid-July 2024. N.T. pp. 31-33, 108-109, 119-120.

11. Reynolds directly observed and reviewed appellant's performance issues, difficulty with new procedures, omission of items, document errors, and attendance problems. N.T. pp. 31-33.
12. Reynolds provided appellant feedback and corrective action in response to his poor work performance. N.T. p. 33.
13. On May 23, 2024, appellant received a written reprimand for failing to acknowledge a harassment complaint promptly and failing to adhere to directives from his supervisor. N.T. pp. 38-39, 126; AA Ex. 1.
14. On June 27, 2024, Reynolds issued appellant a Performance Improvement Plan (hereinafter "PIP"). Comm. Ex. D; N.T. pp. 39-40, 124-125; AA Ex. 2.
15. Appellant's PIP included areas of improvement, expectations for how appellant can improve, and deadlines for appellant to complete these improvements. N.T. pp. 40-41; AA Ex. 2.

16. Appellant's PIP had the following areas of improvement: job knowledge, productivity, problem-solving/decision making, dependability, communication/interpersonal skills, technology, and absences. N.T. pp. 41, 44, 60-61, 64, 65-67, 71-74, 131, 231-232; AA Exs. 2, 6, 7, 8.
17. Appellant's PIP listed expectations: to complete a gap analysis, to develop a training plan, to produce mostly error free and comprehensive written documents, to complete all tasks and responsibilities in a timely manner, to limit last minute unexplained absences to no more than five and tardies to no more than three during the PIP period, and to demonstrate proficiency in using Microsoft products. N.T. p. 43; AA Ex. 2.
18. Appellant's PIP provided appellant ninety days to meet the expectations and areas of improvement goals. N.T. p. 43; AA Ex. 2.
19. On July 12, 2024, Reynolds issued appellant a written reprimand during his PIP for 1) missing meetings with Hagan on June 10, 2024 and June 12,

2024, and 2) being away from his workstation for an extended period of time, where appellant was outside of the building. N.T. pp. 45-46, 51-52, 142-143; AA Ex. 3.

20. On August 8, 2024, Capozzi issued appellant an oral reprimand based upon appellant's unplanned absences on July 12, 17, 25, 26, 31 and August 2, 2024. N.T. pp. 59, 122, 125, 142-143; AA Ex. 4.
21. On August 9, 2024, appellant's PIP was extended for an additional thirty days. N.T. pp. 44, 60-61; AA Ex. 5.
22. On September 12, 2024, appellant and Capozzi met to conduct the thirty-day PIP Check-In meeting, where they discussed appellant's work performance, progress, and continued difficulty with meeting all areas of improvement. N.T. pp. 62-64, 131, 133, 231-232; AA Ex. 6.
23. On October 11, 2024, appellant and Capozzi met to conduct the sixty-day PIP Check-In meeting, where they discussed appellant's continued difficulty in

improving areas in job knowledge, productivity, communication, dependability, and technology. N.T. pp. 65-66, 131, 134, 137, 180, 231-232; AA Ex. 7.

24. On November 22, 2024, appellant received his ninety-day PIP Check-In meeting notes. N.T. p. 71; AA Ex. 8.
25. On December 2, 2024, appellant and Capozzi met to discuss the conclusion of appellant's PIP. Comm. Ex. D; N.T. pp. 71-72, 73, 131, 231-232; AA Ex. 8.
26. Appellant met the expectations and improvement goals in dependability, communication, and absences. N.T. p. 72; AA Ex. 8.
27. Appellant failed to meet the expectations and improvement goals in job knowledge, productivity, problem solving, and technology. N.T. pp. 72-74; AA Ex. 8.
28. On December 2, 2024, Reynolds issued appellant's Loudermill Hearing notice scheduling his Loudermill Hearing for December 3, 2024. N.T. pp. 74-75; AA Ex. 9.

29. On December 3, 2024, appellant participated in his Loudermill Hearing to address appellant's failure of his PIP. N.T p. 76.
30. On December 4, 2024, appellant met with Hagan and Capozzi through Microsoft Teams to discuss appellant's ongoing cases. N.T. p. 76-77.
31. During the December 4, 2024, meeting, appellant yelled and refused to stop talking over Hagan. N.T. pp. 165-166, 169-170, 186.
32. On December 4, 2024, Reynolds and Director of Administration Lauren Ganoë placed appellant on paid administrative leave for being the subject of an investigation. Comm. Ex. D; N.T. pp. 83-84, 174; AA Ex. 11.
33. After placing appellant on paid administrative leave, Reynolds walked with appellant back to his office to collect his county issued devices and badge. N.T pp. 85, 174-175.
34. Before leaving, appellant informed Reynolds he had a meeting the following day and had difficulty accessing his meeting invitation through Microsoft Outlook. N.T. p. 86.

35. Reynolds allowed appellant to leave and gained access to appellant's Outlook Account to reschedule the meeting and address appellant's ongoing cases. N.T. pp. 86-87.
36. Reynolds discovered appellant copied his personal email on emails for the meeting. N.T. p. 88.
37. Reynolds investigated and discovered appellant sent emails to his personal Gmail account. N.T. pp. 90-91.
38. Appellant never received permission to send himself case file materials to his personal Gmail account. N.T. pp. 88-89.
39. The appointing authority does not have a work from home policy that applied to appellant. N.T. p. 89.
40. Appellant had twenty-four instances where he sent sensitive, confidential case file materials to his personal Gmail account. N.T. pp. 96-97, 243-244, 245, 246-247; AA Ex. 13.

41. On December 10, 2024, Reynolds received a report from Capozzi describing appellant's behavior during the December 4, 2024 meeting. N.T. pp. 80-81; AA Ex. 10.
42. On December 11, 2024, appellant received a second Loudermill Hearing notice scheduling the Loudermill Hearing for December 12, 2024. N.T. pp. 91-92; AA Ex. 12.
43. On December 12, 2024, appellant participated in his Loudermill Hearing to address his behavior during the December 4, 2024 meeting, and the instances of sharing case file material to his personal Gmail account. Comm. Ex. D; N.T. pp. 91-92; AA Ex. 12.

DISCUSSION

The issue in the present appeal is whether the appointing authority established just cause for appellant's removal from regular Human Resource Analyst 2 (Local Government) employment. Specifically, the appointing authority charged appellant with failing his Performance Improvement Plan (hereinafter "PIP"), behaving unprofessionally during a meeting on December 4, 2024, and sending confidential County information to his personal email address. Comm Exs. A, D.

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 (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 case-in-chief, the appointing authority presented the testimony of Assistant Director of Human Capital and Human Resource Operations Rebecca Reynolds.² In response, appellant testified on his own behalf.

Appellant was employed as a Human Resource Analyst 2. N.T. p. 29. Appellant began his employment for the appointing authority as a Human Resource Analyst 2 on August 25, 2003. N.T. p. 117. Appellant's job duties included investigating internal complaints of discrimination, harassment, retaliation, and performance management. N.T. p. 119. During his employment in 2024, appellant's direct supervisor was Human Resource Manager Keesha Sheffey until she left the appointing authority in May 2024. N.T. pp. 29-30, 120. After Sheffey left, Assistant Director Reynolds directly oversaw appellant's work performance from May 2024 until Human Resource Manager Anthony Capozzi began supervising appellant in mid-July 2024. N.T. pp. 31-33, 108-109, 119-120.

² Reynolds is employed by appointing authority as an Assistant Director of Human Capital and Human Resource Operations. N.T. p. 24. Reynold's position is a non-civil service position. N.T. p. 24. Reynolds is responsible for strategic oversight for the Bureau of Human Resources and the Bureau of Talent Acquisition, overseeing payroll, and supervising fifteen subordinates. N.T. p. 26.

Assistant Director Reynolds recalled the Bureau of Human Resources changed its practices. In January 2024, it contracted with a national public-sector human resources consulting firm, CPS HR Consulting, to bring in an employee relations subject matter expert to help establish standard operating procedures for employee relations team utilization. N.T. p. 27. CPS HR Consulting's Employee Relations Consultant was Amy Hagan, who created procedures, templates, and training for the team. N.T. p. 27.

Hagan began consulting with the team in January 2024 and began conducting training sessions in early Spring 2024. Hagan's training entailed an initial two-hour training that included standard documents outlining the standard operating procedures, template documents, and checklists. After conducting the initial training, Hagan provided daily coaching and support for the team to reinforce training. N.T. p. 31. Hagan's training applied to appellant. N.T. p. 28.

Appellant's Performance Improvement Plan

Despite receiving the new training, Reynolds observed appellant having performance issues, confusion with procedures, omission of fundamental items, and attendance issues. N.T. pp. 31-32. Reynolds documented appellant's performance issues as they occurred. She would utilize the "track changes" function to add comments and extensive corrections for appellant to rewrite his work quickly. N.T. p. 33. Reynolds would use emails, conversations, and corrective actions to address appellant's performance. N.T. p. 33.

An example of a corrective action would be appellant's May 23, 2024 written reprimand. N.T. pp. 35, 122, 126; AA Ex. 1. Appellant received the written reprimand because he failed to acknowledge a harassment complaint promptly and failed to adhere to directives from his supervisor. N.T. pp. 38-39; AA Ex. 1. Consequently, appellant's conduct constituted insubordination, poor work performance, failing to carry out the instructions of a supervisor, neglecting job responsibilities, and violations of the appointing authority's policy.³ N.T. p. 38; AA Ex. 1. Appellant did not dispute his May 23, 2024 written reprimand. N.T. p. 126.

Based on appellant's work performance errors, Reynolds met with appellant and issued his PIP on June 27, 2024. N.T. pp. 39-40, 124-125; AA Ex. 2. The PIP's purpose was to clearly outline areas where appellant was not meeting expectations and where he needed to improve. The PIP included areas of improvement, expectations for how appellant can proceed to remedy his deficiencies, and deadlines to achieve them. N.T. pp. 40-41; AA Ex. 2.

The PIP contained the following areas for appellant's improvement: job knowledge, productivity, problem-solving/decision-making, dependability, communication/interpersonal skills, technology, and absences. For job knowledge, appellant struggled demonstrating the ability to independently execute the position's responsibilities. N.T. p. 41; AA Ex. 2. For productivity, appellant consistently fell short of the job performance standards, where his documents did not include basic elements and required extensive revisions, despite receiving training and support. N.T. p. 41; AA Ex. 2. For problem-solving and decision-making, appellant

³ Reynolds recalled there was a meeting with appellant to discuss the May 23, 2024, reprimand on June 5, 2024. N.T. p. 38. Appellant received the opportunity to review and decide whether he wished to sign the reprimand. However, appellant refused to sign it and Reynolds noted appellant's decision on June 7, 2024. N.T. p. 39; AA Ex. 1.

consistently failed to demonstrate the ability to solve problems and act proactively on cases. N.T. pp. 41-42; AA Ex. 2. For dependability, appellant could not be relied upon to fulfill his responsibilities and repeatedly relied upon others to complete or correct his work. N.T. p. 42; AA Ex. 2. For communication and interpersonal skills, appellant continually faced challenges in communicating and understanding processes and procedures, causing confusion for employees and managers. N.T. p. 42; AA Ex. 2. For technology, appellant struggled with technology and programs, such as Microsoft SharePoint. N.T. p. 42; AA Ex. 2. For absences, appellant showed a pattern of absences before and after payday. N.T. p. 42; AA Ex. 2.

Appellant's PIP set forth expectations to remedy his deficiencies. N.T. p. 43; AA Ex. 2. Appellant's expectations were the following: to complete a gap analysis, to develop a training plan, to produce mostly error free and comprehensive written documents, to complete all tasks and responsibilities in a timely manner, to limit last minute unexplained absences to no more than five and tardies to no more than three during the PIP period, and to demonstrate proficiency in using Microsoft products. N.T. p. 43; AA Ex. 2. Appellant's deadline to accomplish the PIP's tasks and expectations was ninety-days. N.T. p. 43; AA Ex. 2.

During his PIP, appellant received two forms of discipline directly related to his work performance. On July 12, 2024, Reynolds met with appellant to issue a written reprimand. N.T. p. 45; AA Ex. 3. Appellant received this written reprimand because he missed meetings with Employee Relations Consultant Hagan on June 10, 2024, and June 12, 2024, and for being away from his workstation for an extended period of time, where appellant was outside of the building. N.T. pp. 45-46, 51-52; AA Ex. 3. Reynolds and appellant met to discuss the written reprimand, but appellant refused to sign it. N.T. pp. 52-53; AA Ex. 3. On August 8,

2024, appellant received an oral reprimand based upon appellant's unplanned absences. N.T. pp. 59, 122, 125; AA Ex. 4. Despite these disciplines, appellant continued to miss meetings. N.T. p. 52.

On August 9, 2024, the appointing authority extended appellant's PIP for an additional thirty days for him to have an opportunity to meet the PIP's expectations. N.T. pp. 44, 60-61, 125; AA Ex. 5. Based on the extension, appellant's thirty-day, sixty-day, and ninety-day PIP Check-In meetings were rescheduled. On September 12, 2024, appellant and Capozzi met to conduct the thirty-day PIP Check-In meeting to review appellant's work performance and progress. N.T. pp. 62-63, 131, 231-232; AA Ex. 6. Upon review, appellant struggled "mightily" with all identified areas of performance. Appellant was unable to produce performance improvement plan drafts independently. He required step-by-step assistance with work assignments. He could not operate Microsoft SharePoint effectively. He was late to intake meetings. N.T. p. 64. He continued to submit work assignments late. He was not responding to questions or problems proactively. N.T. pp. 63-64.

On October 11, 2024, appellant met with Capozzi and received his sixty-day PIP Check-In meeting. N.T. pp. 65-66, 131, 231-232; AA Ex. 7. Based on his performance during the sixty days, appellant continued to be unable to execute the basic functions of his job independently, incapable of solving problems proactively, failed to operate Microsoft programs, and required basic instructions despite receiving assistance. N.T. pp. 66-67; AA Ex. 7. For productivity, appellant continued to require step-by-step instructions, to submit documents that needed multiple revisions and missed critical elements. N.T. p. 67. Appellant did not address these issues proactively. N.T. p. 67; AA Ex. 7. Appellant's communication

continued to show signs of struggle because he had difficulty in producing reports and presenting facts in a logical manner. N.T. p. 67; AA Ex. 7. For dependability and adaptability, appellant failed to follow proper procedures even after several attempts to guide him. N.T. p. 67; AA Ex. 7. For technology, appellant showed improvement in using Microsoft Teams in hosting meetings but continued to struggle with SharePoint. N.T. p. 68; AA Ex. 7.

On November 22, 2024, appellant received his ninety-day PIP Check-In meeting notes. N.T. p. 71; AA Ex. 8. On December 2, 2024, appellant and Capozzi met to discuss appellant's ninety-day PIP Check-In. N.T. pp. 71-72, 73, 131, 231-232; AA Ex. 8. Appellant's PIP goals on dependability, communication, and absences were considered complete. However, appellant failed to meet his PIP goals on job knowledge, productivity, problem solving, and technology. N.T. p. 72; AA Ex. 8. For job knowledge, appellant failed to execute his job requirements independently. N.T. p. 72; AA Ex. 8. For productivity, appellant failed to follow through regarding immediate steps and documents continued to be submitted with errors. N.T. p. 73; AA Ex. 8. For problem-solving, appellant continued to delay sending notices; appellant's preparation of investigative notices continued to require heavy oversight with critical errors still occurring, and appellant showed a persistent reliance on others. AA Ex. 8. For technology, appellant continued to struggle with the Microsoft SharePoint folder. N.T. p. 74; AA Ex. 8.

After appellant's PIP concluded on December 2, 2024, Reynolds issued appellant's Loudermill Hearing notice scheduling a hearing for December 3, 2024. N.T. p. 74; AA Ex. 9. Reynolds issued appellant's Loudermill Hearing notice because of appellant's failure to meet his PIP goals. N.T. p. 74. The charges against appellant were poor work performance, insubordination, neglect of job

responsibilities and duties, and refusing to accept work assignments or failing to carry out instructions of a supervisor. N.T. pp. 74-75; AA Ex. 9. On December 3, 2024, appellant's Loudermill Hearing occurred. Reynolds, Capozzi, and appellant attended the hearing. N.T. p. 75. Reynolds recalled appellant disputed all the charges levied against him, did not take any accountability for any failures, and did not present any evidence to support his position against the charges. N.T. p. 76.

Appellant asserted during the hearing his progress was not accurately reflected. N.T. pp. 180, 210. Prior to the PIP, appellant argued he was "unplugged" from the Human Resources team under Sheffey's supervision. N.T. p. 140. Specifically, appellant alleged he did not have the opportunity to use any software for over a year under Sheffey. N.T. pp. 134-135. Moreover, appellant asserted his PIP reflected Sheffey's inaccurate observations of his work performance before she left the agency. N.T. p. 208. As a result, appellant contended he needed to relearn the procedures for assigned cases and the newly established processes. N.T. p. 132. Appellant emphasized he worked after hours to review documents and ensure his submissions were formatted correctly. N.T. p. 185.

Appellant argued he did not change his work performance, but his presentation of the material changed. He explained he was not permitted to make an investigation summary or submit recommendations with witness statements and documentation anymore. He recalled how every assignment and case had numerous files where information was uploaded. N.T. pp. 206-207. Appellant characterized the nature of his job as no longer simple. N.T. p. 207.

Appellant further recalled his PIP Check-In meetings. During the thirty-day PIP Check-In meeting, appellant expressed his concerns about meeting the PIP's goals to Capozzi. Appellant admitted he didn't dispute the areas of concern, performance issues, and improvement goals discussed at the meeting. N.T. p. 133; AA Ex. 6. During the sixty-day PIP Check-In meeting, appellant recalled Capozzi and him reviewing his performance in the subject areas and his assigned cases. Appellant also had the opportunity to express any inaccuracies to Capozzi. They discussed areas of improvement and appellant was willing to accept constructive feedback for his identified work performance issues. N.T. p. 134, 137, 180; AA Ex. 7. During the ninety-day PIP Check-In meeting, appellant characterized his work performance as improving and becoming more proficient. N.T. pp. 182-183.

Appellant disputed the PIP's conclusion on the areas he failed to meet. Regarding the PIP's conclusion on job knowledge, appellant asserted he did not know what they were talking about and they did not give specifics when it came to job knowledge. N.T. p. 148. Appellant explained he was not given guidance on how to improve his job knowledge. N.T. p. 149. However, appellant conceded to receiving information on how to improve during his PIP Check-In meetings. N.T. pp. 147-148.

Regarding the PIP's conclusions on productivity and technology, appellant asserted he was still improving. N.T. p. 149. Appellant recalled being told to work faster with downloading and uploading different files and forms into SharePoint. N.T. p. 149. Appellant claimed he did not use Microsoft SharePoint until Capozzi became his direct supervisor. N.T. p. 150. However, appellant acknowledged he received initial training on Microsoft SharePoint from Reynolds

in July 2024. N.T. p. 150, 151-152. When appellant continued to have difficulty with SharePoint, he would ask Capozzi for solutions. N.T. p. 151. Despite receiving continuous assistance, appellant argued his proficiency with SharePoint continued to grow with each assigned case. N.T. p. 155.

Regarding his neglect of job responsibilities and duties, appellant argued all his assignments were completed. Appellant denied ever refusing to complete work or any directive given to him. N.T. pp. 173, 176. Yet, appellant did not dispute the two forms of discipline he received during his PIP. N.T. p. 142-143.

Upon careful review of the record, the Commission finds the appointing authority has presented sufficient evidence to support the charge of appellant failing his PIP. We find Reynolds credible⁴ that appellant continually struggled to meet the PIP's expectations in job knowledge, productivity, problem solving, and technology. Appellant even acknowledged his PIP set forth clear expectations and he was held accountable to these metrics. N.T. pp. 229-230, 231, 233. While we note appellant did meet the PIP's metrics of dependability, communications, and absences, appellant's explanations for his poor job knowledge, productivity, problem solving skills, and technological issues are not convincing. Moreover, appellant conceded his job was no longer simple after the appointing authority instituted new procedures and technology. Appellant also did not dispute he was informed of the areas he needed to improve during the PIP Check-In meetings. Thus, appellant's failure to meet the expectations of his PIP negatively reflect upon his competency and ability to perform his duties. *Long, supra*.

⁴ 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. 1986).

Appellant's December 4, 2024 Meeting

After his first Loudermill Hearing, appellant, Capozzi, and Hagan met to discuss appellant's ongoing cases on December 4, 2024, through Microsoft Teams. N.T. pp. 76-77. Reynolds testified she overheard appellant yelling and slamming items during the meeting. N.T. pp. 78-79, 80. After the meeting's conclusion, Reynolds observed Capozzi appearing upset and he left the office to go outside to take a walk. N.T. p. 80. Based on her observations, Reynolds and Director of Administration Lauren Ganoë placed appellant on paid administrative leave on December 4, 2024 for being the subject of an investigation. N.T. pp. 83-84, 174; AA Ex. 11. Reynolds provided appellant the Notice of Administrative Leave and walked with him to his office for appellant to collect his county issued devices and badge. N.T. pp. 85, 174-175. On December 10, 2024, Reynolds received a report from Capozzi describing appellant's yelling and conduct during their meeting. N.T. pp. 80-81; AA Ex. 10. Reynolds emphasized it is unacceptable and inappropriate for appellant to be yelling and slamming materials during a meeting. N.T. p. 83.

On December 11, 2024, appellant received a second Loudermill Hearing notice scheduled for December 12, 2024. N.T. pp. 91-92; AA Ex. 12. The second notice provided appellant an opportunity to address the charges of insubordination, refusing to accept work assignments or failing to carry out instructions of a supervisor, unprofessional behavior with other employees, and disorderly conduct. N.T. pp. 92-93; AA Ex. 12. During the Loudermill Hearing, appellant denied the charges, denied yelling, and denied slamming things in the office. N.T. p. 96.

In response to the charge of his unprofessional behavior during the December 4, 2024, meeting, appellant admitted to raising his voice and yelling in response to Hagan's raised voice. N.T. pp. 165-166, 169-170. Appellant explained he engaged in an argument with Hagan regarding the alleged conduct and litigation of a pending case. N.T. p. 162. Appellant denied slamming anything in his office during the meeting. N.T. p. 173. Yet, appellant admitted to being insubordinate when he refused to stop talking over Hagan. N.T. p. 186. Appellant expressed his regret for raising his voice during the meeting and acknowledged he is expected to maintain professional behavior while at work. N.T. pp. 196, 233.

Upon review of the record, the Commission finds the appointing authority has presented sufficient evidence to support the charge of appellant's unprofessional behavior during the December 4, 2024 meeting. Reynolds credible description of appellant's yelling along with appellant's collaborating admissions establishes appellant's misconduct. While Hagan may have raised her voice, appellant failed to adhere to his responsibility and standard of behaving professionally as a Human Resource Analyst 2. *Long, supra*.

Appellant's Emails to His Personal Account

As he was collecting his belongings before leaving on Paid Administrative Leave on December 4, 2024, appellant informed Reynolds that he had a meeting the following day and was trying to retrieve his calendar invite to forward it to Reynolds. N.T. p. 86. Reynolds observed appellant struggling to access

the invitation on his Outlook account and let appellant know that she could get the details. N.T. p. 86. Reynolds was granted access to appellant's Outlook account. She requested access to reschedule the meeting appellant had the following day and address his ongoing cases. N.T. p. 87.

While in appellant's Outlook account, Reynolds discovered appellant's forwarded work-related emails, including emails about the meeting, to his personal Gmail account. N.T. p. 88. Consequently, Reynolds decided to investigate further to understand the level of risk and exposure from appellant sending sensitive case materials to his personal Gmail account. Reynolds discovered appellant had sent multiple emails, including ongoing case files, case files he was not assigned, and the employee relations tracker to his personal email account. N.T. pp. 90-91.

Reynolds recalled when she gave appellant a directive regarding case file materials being at home. She instructed appellant there should not be any human resource files or work records at his home location and that any materials should be returned to the office. N.T. pp. 88-89. Notably, the appointing authority does not have a work from home policy that would have applied to appellant in 2024. N.T. p. 89. Reynolds confirmed appellant was not authorized at any time to send case file materials to his personal email address. N.T. p. 90.

On December 12, 2024, appellant participated in his second Loudermill Hearing, where he was provided an opportunity to address the charge of unauthorized release or disclosure of confidential information. N.T. pp. 91-92; AA Ex. 12. Based on the investigation, there were twenty-four recorded instances of

appellant sending confidential information to his personal email. AA Ex. 12. Appellant denied sending sensitive, confidential information to his personal email. N.T. p. 96. After the second Loudermill Hearing, appellant was placed on unpaid administrative leave on December 12, 2024. N.T. pp. 96-97; AA Ex. 13.

In response to the charge of sending confidential County information to his personal email address, appellant admitted to emailing “work emails” to his personal Gmail account. N.T. p. 187. Appellant reasoned he sent “work emails” in order to catch up and learn. He sent templates for different notices in order to understand the new procedure and updates to the documents. N.T. pp. 188-189. Appellant emphasized he was attempting to catch up on the changing information processes, templates, and documents. N.T. p. 193. Yet, appellant admitted to never receiving permission to send case materials and confidential information to his personal email address. N.T. p. 248.

Appellant acknowledged personnel case files and information are confidential and sensitive information. N.T. pp. 243-244. Appellant did not dispute emailing another employee’s PIP to himself on June 10, 2024. N.T. p. 245; AA Ex. 12. Appellant argued he sent himself the employee’s PIP because he wanted to learn the updates and understand the PIP’s process and format. N.T. p. 252. Appellant also admitted to emailing a conversation between himself and management regarding a discipline request against another employee along with the employee’s medical certification on August 16, 2023. N.T. pp. 246-247; AA Ex. 12.

Despite these admissions, appellant claims he never shared any information from work to anyone else throughout his twenty years of employment as a Human Resource Analyst 2. N.T. p. 189. Appellant argued he never attempted

to confirm or verify whether sending information to himself was prohibited. N.T. p. 193. Appellant asserted no one discussed with him sending information to himself was an issue except at the Loudermill Hearing on December 12, 2024. N.T. p. 194.

Upon review of the record, the Commission finds the appointing authority has presented sufficient evidence to support the charge of appellant sending confidential County information to his personal email address. We find Reynolds credible discovery and subsequent investigation of appellant's email history to reflect numerous instances where he sent sensitive, confidential information to himself. Appellant's arguments that he never received permission and he never attempted to verify whether sending case file information was prohibited are considered to be unpersuasive. We find appellant's twenty-four instances of shared confidential information negatively reflect upon his competency and duties to perform his responsibilities as a Human Resource Analyst 2. *Long, supra.*

Summary

The Commission finds the appointing authority established just cause to remove appellant. Specifically, appellant failed to meet the established merits of his PIP, reflecting his poor work performance. Appellant's unprofessional behavior during the December 4, 2024 meeting and sending confidential information to his personal email address not only negatively reflect upon his competency to perform his duties but also support the conclusion of his poor work performance. *Long, supra.* Accordingly, we enter the following:

CONCLUSION OF LAW

The appointing authority has presented evidence establishing just cause for appellant's 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 Earl Smithson, Jr. challenging his removal from regular Human Resource Analyst 2 (Local Government) employment with the Allegheny County Department of Human Services and sustains the action of Allegheny County Department of Human Services in the removal of Earl Smithson, Jr. from regular Human Resource Analyst 2 (Local Government) employment.

State Civil Service Commission

Maria P. Donatucci
Chairwoman

Gregory M. Lane
Commissioner

Pamela M. Iovino
Commissioner

Issued: December 23, 2025