

COMMONWEALTH OF PENNSYLVANIA

Tara L. Novosel : State Civil Service Commission
 :
v. :
 :
Office of Administration, :
Executive Offices : Appeal No. 31579

Tara L. Novosel Jonathan W. Kunkel
Pro Se Attorney for Appointing Authority

ADJUDICATION

This is an appeal by Tara L. Novosel challenging her Level One Alternative Discipline in Lieu of a One-Day Suspension from her Human Resource Analyst 2 regular status position with the Office of Administration, Executive Offices. A hearing was held on July 23, 2025, via video, before Chairwoman Maria P. Donatucci.

The Commissioners have reviewed the Notes of Testimony and the exhibits introduced at the hearing. The issue before the Commission is whether the Office of Administration, Executive Offices had good cause for the Level One Alternative Discipline in Lieu of a One-Day Suspension.

FINDINGS OF FACT

1. By letter dated February 28, 2025, appellant was notified of the Level One Alternative Discipline In Lieu of a One-Day Suspension (hereinafter, “Level One ADLS”) from her Human Resource Analyst 2 (hereinafter, “HR Analyst 2”) regular status position by the Office of Administration, Executive Offices (hereinafter, “appointing authority”).
Comm. Ex. A.

2. The February 28, 2025 letter stated the following:

This is official written notice of Alternative Discipline in Lieu of Suspension (ADLS). This action is a Level One ADLS. While there will be no impact on your pay, seniority, or other benefits, this action is equivalent to a one-day suspension from your position of Human Resource Analyst 2, regular Civil Service status, with the Office of Administration, Bureau of Talent Acquisition, Referral Audit Policy Support Division.

The reasons for this action are:

Failure to Follow Procedures:

- A. Specifically, on January 31, 2025, you approved a hire that would have resulted in an illegal appointment and violated a veteran candidate. This is contrary to the guidance that was provided to you on January 28, 2025.

B. Specifically, on February 3, 2025, you approved a hire without verifying the college name on the transcript. This is contrary to the guidance that was provided to you on January 30, 2025.

Comm. Ex. A.

3. The appeal was properly raised before the Commission and was heard under Section 3003(7)(i) of Act 71 of 2018.¹ Comm. Ex. C.
4. Appellant has been employed with the Commonwealth for twenty-one years and has been employed as an HR Analyst 2 in the appointing authority's Bureau of Talent Acquisition, Referral Audit Policy Support (hereinafter, "RAPS") Division since 2023. N.T. pp. 138-139.
5. The RAPS Division audits potential hires submitted by Commonwealth agencies to ensure all rules and regulations have been followed in the recruitment and hiring process. N.T. pp. 29-32, 121-122.

¹ A hearing under Section 3003(7)(ii) was denied for Insufficient Allegations of Discrimination. Comm. Ex. C.

6. The RAPS Division will approve potential hires as legal appointments if they determine all the rules and regulations were followed during the recruitment and hiring process. N.T. pp. 29-32, 121-122.
7. Appellant's job duties include auditing potential agency hires to ensure the proper application of veterans' preference and verification of potential hires' educational background. N.T. p. 32.
8. Proper application of veterans' preference requires the appointment of veteran candidates over non-veteran candidates. N.T. pp. 37-38; AA Exs. 5, 6, 7.
9. An illegal appointment would occur if an eligible veteran on a hiring list who had preference was bypassed and a non-veteran was appointed to the open position over the veteran. N.T. pp. 37-38; AA Exs. 5, 6, 7.

10. The policies outlining application of veterans' preference include the "RAPS Audit Sections' Desk Manual," the "Merit System Employment Certification Procedures," and the "Merit System Employment Process Guide." N.T. pp. 50-60; AA Exs, 5, 6, 7.
11. The appointing authority provides policies outlining the application of veterans' preference to all employees in the audit section of the RAPS Division. N.T. pp. 50-60; AA Exs, 5, 6, 7.
12. On January 24, 2025, and January 30, 2025, appellant attended staff meetings at which the proper method to verify unofficial college transcripts was discussed. N.T. pp. 65-71; AA Exs. 10, 11.
13. At both staff meetings, appellant was informed school transcripts that do not contain the full school name on the transcript cannot be accepted. N.T. pp. 65-71; AA Exs. 10, 11.

14. Appellant was further informed if a transcript was missing the full school name she was to reach out to the applicant in an attempt to obtain additional documentation to verify the authenticity of the transcript. N.T. pp. 65-71; AA Exs. 10, 11.
15. On June 30, 2024, appellant signed an acknowledgment of receipt of her performance standards for her HR Analyst 2 position. N.T. pp. 70-72; AA Ex. 12.
16. Appellant's performance standards under "Job Knowledge/Skills" stated appellant was to "[d]emonstrate[] knowledge of current office practices, procedures, and policies . . .," "[d]emonstrate[] the ability to perform assigned duties . . .," and [verify] the correctness of information gathered or conveyed before finalizing its transmission with appropriate source or supervisor. . . ." N.T. pp. 71-73; AA Ex. 12.
17. On January 21, 2025, appellant met with her direct supervisor, Human Resource Analyst 3 Jennifer Rydbom, for counseling regarding performance issues. N.T. pp. 32-33; AA Ex. 1.

18. At the conclusion of the January 21, 2025, counseling, a plan was put in place to review appellant's performance in four weeks if needed. N.T. p. 36; AA Ex. 1.
19. Following the January 21, 2025, counseling, Rydbom received information appellant had made an illegal appointment by approving appointment of a non-veteran over a veteran. N.T. pp. 37-38.
20. On January 28, 2025, Rydbom conducted counseling with appellant regarding the illegal appointment. N.T. pp. 38-40; AA Ex. 2.
21. At the January 28, 2025, counseling, Rydbom informed appellant the illegal appointment violated the Merit System Guidelines, and it is likely the selected non-veteran will need to be removed from the position in order for the veteran to be placed. N.T. pp. 39-42; Ex. 2.
22. At the conclusion of the January 28, 2025, counseling meeting, appellant was not disciplined but was told "[a]ny additional errors of this nature will be reviewed and disciplinary action could result." N.T. pp. 39-41; AA Ex. 2.

23. On or about January 30 or 31, 2025, Rydbom discovered appellant had approved another illegal appointment of a non-veteran over a veteran. N.T. pp. 42-44; AA Exs. 3, 4.
24. Upon discovery of the second illegal hire, Rydbom contacted her supervisor Human Resources Analyst 5 Karen McCurdy, labor relations, and the hiring agency to stop further movement on the illegal appointment. N.T. pp. 44-45.
25. Labor relations assigned Human Resource Analyst 3 Jessie Whiteman to work with Rydbom to investigate this second illegal appointment. N.T. pp. 45-46.
26. As part of the investigation, electronic records were obtained from NEOGOV showing appellant approved the second illegal appointment on January 31, 2025. N.T. pp. 46-50; AA; Exs. 4, 5.
27. Pending investigation of the second illegal appointment, Rydbom discovered during an audit that appellant approved a hire without verifying the name of the school on a transcript. N.T. pp. 60-66. 102-104.

28. Rydbom obtained electronic records from NEOGOV showing appellant approved the hire on February 3, 2025. N.T. pp. 60-66; AA Exs. 8, 9.
29. The decision was made to schedule a pre-disciplinary conference (hereinafter, “PDC”) to address both the second illegal appointment and the transcript verification issue. N.T. pp. 102-103.
30. The PDC was scheduled for February 21, 2025.
31. On February 21, 2025, the PDC was attended by appellant, Whiteman, Rydbom, and Skylar Cohick.
32. Cohick took notes during the PDC. N.T. p. 108; AA Ex. 13.
33. At the PDC, appellant admitted to approving the January 31, 2025 illegal appointment and approving a hire without verifying the college name on a transcript. N.T. pp. 105-107; AA Ex. 13.
34. At the PDC, appellant acknowledged these violations were oversights on her part that should have been caught. N.T. pp. 105-107; AA Ex. 13.

35. Following the PDC, Whiteman reviewed the disciplinary guide, consulted with Rydbom, and recommended the Level One ADLS as the appropriate level of discipline. N.T. p. 109.
36. McCurdy consulted with Whiteman regarding the disciplinary recommendation and agreed the Level One ADLS was the appropriate level of discipline. N.T. pp. 122-123.
37. At the July 23, 2025, adjudication hearing on this matter, appellant admitted she approved both the January 31, 2025, illegal hire of a non-veteran over a veteran and a hire without verifying the college name on a transcript. N.T. pp. 150-153, 175.
38. Appellant further acknowledged at the adjudication hearing that her failures to follow hiring procedures were oversights on her part she should have caught. N.T. pp. 150-153, 175.

DISCUSSION

The issue before the Commission is whether there is good cause for the appellant's Level One Alternative Discipline in Lieu of a One-Day Suspension (hereinafter, "Level One ADLS"). Appellant was disciplined for Failure to Follow

Procedures in that on January 31, 2025, she approved a hire that would have resulted in an illegal appointment, and on February 3, 2025, she approved a hire without verifying the college name on the unofficial transcript. *See* Finding of Facts 1, 2; Comm. Ex. A. Appellant's violations were contrary to previously provided guidance communicated to appellant on January 28, 2025, and January 30, 2025. *See* Finding of Facts 1, 2; Comm. Ex. A.

In an appeal challenging the suspension of a regular status employee, the appointing authority bears the burden of establishing good cause for the personnel action. *White v. Commonwealth, Department of Corrections*, 110 Pa. Commw. 496, 532 A.2d 950 (1986); 71 Pa.C.S.A. §§ 2603(c), 3003(7)(i). Good cause must be based upon meritorious criteria and be related to one's competency and ability to execute job duties properly. *White*, 110 Pa. Commw. at 498, 532 A.2d at 951.

The appointing authority presented the testimony of Human Resource Analyst 3 Jennifer Rydbom,² Human Resource Analyst 3 Jessie Whiteman,³ and Human Resource Analyst 5 Karen McCurdy.⁴ Appellant testified on her own behalf. The facts of this case are not in dispute. *See* Finding of Facts 4-37.

² Rydbom has held her current position since May of 2022, and has been employed with the Commonwealth for approximately twenty-six years. N.T. pp. 29. Rydbom is appellant's direct supervisor. N.T. pp. 31-32.

³ Whiteman has been employed as an HR Analyst 3 with the Commonwealth for approximately nine months. N.T. pp. 99-100.

⁴ McCurdy has held her current position since October 2024, and has been employed with the Commonwealth for approximately sixteen years. N.T. p. 115-116.

Having reviewed the undisputed facts, the appointing authority established appellant committed the alleged policy violations. Appellant admitted at both the PDC and the hearing before the Commission she approved the appointment of a non-veteran over a veteran on January 31, 2025, and she approved a hire without verifying the name of the school on an unofficial transcript on February 3, 2025. *See* Finding of Facts 33-34, 36. Both actions were in violation of the appointing authority's policies and procedures shortly after appellant had been provided guidance regarding these issues. *See* Finding of Facts 10-16, 21-22. Specifically, appellant was counseled on January 28, 2025, concerning a prior incident of approving the illegal appointment of a non-veteran over a veteran, and on January 24, 2025, and January 30, 2025, was provided guidance as to the proper verification of unofficial college transcripts. *See* Finding of Facts 12, 19-22. Appellant's violations directly affected her job duties, outlined in her performance standards, to demonstrate knowledge of current office practices and policies, and verifying the correctness of information gathered or conveyed before finalizing its transmission. *See* Finding of Facts 16. Accordingly, the Commission finds appellant committed the policy violations after prior guidance, and those violations directly touched on appellant's competency and ability to perform her job duties as outlined in her performance standards.

We will now turn to whether the appointing authority had good cause to impose the Level One ADLS. McCurdy testified on behalf of the appointing authority as to the level of discipline. McCurdy testified the appellant's violations are basic and routine functions of her job in the RAPS division and directly impacted appellant's ability to meet her performance standards. N.T. pp. 121-126. McCurdy

further testified appellant's illegal appointment of a non-veteran over a veteran on January 31, 2025, occurred only three days after appellant was counseled for the exact same type of violation. N.T. pp. 121-126, 128-130. Finally, McCurdy testified these types of hiring violations are serious due to a veteran candidate being bypassed for hire, and the impact on the non-veteran who was illegally appointed. N.T. pp. 121-126, 128-130. McCurdy opined the illegally appointed non-veteran, "came into the Commonwealth with . . . the thought that they could probably have a career, only it was identified that it was an illegal appointment." N.T. p. 123.

Appellant contends the Level One ADLS was not warranted for two reasons. First, appellant asserted the January 31, 2025, illegal hire was caught before any dire consequences occurred. Specifically, appellant testified, "I admit that it was, I put it through to be hired, but it never reached the point that there was an actual hire that occurred." N.T. p. 151. Second, appellant asserts the level of discipline was unwarranted testifying, ". . . I do not feel . . . even both mistakes, justifies skipping all . . . other forms of discipline and going straight to an ADLS 1." N.T. p. 152.

After review, the Commission finds appellant's testimony regarding the level of discipline unpersuasive. First appellant's assertion her approval of the illegal hire was caught before it resulted in an actual hire misses the mark. The policy violation was appellant's *approval* of the illegal hire. Appellant's conduct is not mitigated by the fact Rydbom stopped the illegal hire before it caused actual harm to the veteran and non-veteran candidates. The potential harm standing alone is what warrants the Level One ADLS. Additionally, appellant's assertion the

appointing authority skipped all other forms of discipline and went straight to the Level One ADLS ignores the reality of her situation. In reality, appellant committed three policy violations in less than a month, and was counseled after the first violation that future violations could result in discipline.⁵ The Commission finds the appointing authority's decision to impose a Level One ADLS was more than justified where, as here, the appointing authority was confronted with an employee who has committed multiple serious violations within a short period of time. The appointing authority's disciplinary decision is further bolstered by the fact appellant continued to commit violations after being counseled.

Based on the foregoing, we find the appointing authority established good cause for the Level One ADLS. Accordingly, we enter the following:

⁵ On January 28, 2025, appellant was counseled by Rydbom for approving an illegal hire of a non-veteran over a veteran for which appellant did not receive discipline. At that time, appellant was warned that any additional errors of this nature could result in discipline. Just three days after receiving this warning, appellant again approved the illegal hire of a non-veteran over a veteran. Then, just another three days after approving the second illegal hire, appellant committed a third policy violation by approving a hire without verifying the name of the school on an unofficial college transcript. *See* Finding of Facts 20-24, 27, 33-34, 37-38.

CONCLUSION OF LAW

The appointing authority has presented evidence sufficient to establish good cause for appellant's Alternative Discipline in Lieu of a One-Day Suspension under Section 2603(c) of Act 71 of 2018.

ORDER

AND NOW, the State Civil Service Commission, by agreement of its members, dismisses the appeal of Tara L. Novosel challenging her Level One Alternative Discipline in Lieu of a One-Day Suspension from regular Human Resource Analyst 2 employment with the Office of Administration, Executive Offices, and sustains the action of the Office of Administration, Executive Offices in issuing the Level One Alternative Discipline in Lieu of a One-Day Suspension.

State Civil Service Commission

Maria P. Donatucci
Chairwoman

Gregory M. Lane
Commissioner

Pamela M. Iovino
Commissioner

Issued: November 20, 2025