COMMONWEALTH OF PENNSYLVANIA

Sascha E. McKay-Landis	:	State Civil Service Commission
	:	
v.	:	
	:	
Office of Administration,	:	
Executive Offices	:	Appeal No. 31716

Andrew D. Glasgow	Bryan Bartosik-Velez
Attorney for Appellant	Attorney for Appointing Authority

ADJUDICATION

This is an appeal by Sascha E. McKay-Landis challenging her removal from regular Field Human Resource Officer 3 employment with the Office of Administration, Executive Offices. A hearing was held on March 26, 2026, via video, before Hearing Officer Bryan R. Lentz.

The Commissioners have reviewed the Notes of Testimony, exhibits introduced at the hearing, and the Briefs of the parties.[1] The issue before the Commission is whether the Office of Administration, Executive Offices had just cause for the removal. The appeal is dismissed for the reasons set forth below.

[1] Appellant's Employee Performance Review (hereinafter, "EPR") from 3/2022 – 3/2023 was identified and admitted by appellant at the hearing as Appellant's Exhibit 25. At the hearing, appellant did not have an actual pre-marked copy of her EPR from 3/2022 to 3/2023. At the conclusion of the hearing, Hearing Officer Lentz instructed appellant to submit a marked copy of her EPR from 3/2022 to 3/2023 at a later date following the hearing. On March 30, 2026, appellant submitted via email a copy of her EPR from 3/2022 to 3/2023, but inadvertently marked it as Appellant's Exhibit 26. This created a discrepancy in the transcript. Appellant's EPR from 3/2022 to 3/2023 is identified as Ap. Ex. 26 in the index to the transcript, but is referred to as Ap. Ex. 25 in the actual testimony portions of the transcript. N.T. pp. 151-152, 334. Accordingly, references to Ap. Ex 25 and Ap. Ex. 26 in the transcript and indexes are referring to appellant's EPR from 3/2022 to 3/2023.

FINDINGS OF FACT

1. By letter dated October 27, 2025, the Office of Administration, Executive Offices (hereinafter, "appointing authority") advised appellant ". . . you are being removed from your Field Human Resource Officer 3 (hereinafter, "FHRO 3") position, regular Civil Service status with the Office of Administration, Department of Corrections, Region 2, Human Resource Office, effective close of business on October 27, 2025. The reasons for your removal are:"

> **Conduct Unbecoming of a Manager:** Specifically, you failed to act professionally in your capacity as the Region 2 Field Human Resource Officer when you engaged and conspired with PSCOA union representatives to compose inappropriate letters on your behalf and in opposition to member(s) of the Management Team at SCI Fayette and then directed those letters be sent to your chain of command.
>
> **Being Less Than Truthful:** Specifically, on September 18, 2025, it was determined that you were untruthful about your knowledge of the letters when questioned by the HR Program Manager, Field Operations

> Division. You also failed to be truthful at the investigatory interview meeting on October 17, 2025, when questioned about the letters.

Comm. Ex. A.

2. The appeal was properly raised before the Commission and was heard under Section 3003(7)(i) of Act 71 of 2018.[2]

3. Appellant was employed as a FHRO 3 from March 7, 2022 to October 27, 2025. N.T. p. 135.

4. Appellant worked for the appointing authority and managed all human resources activities for Region 2, which consists of the State Correctional Institution (hereinafter, "SCI") Fayette and SCI Greene. N.T. pp. 54-55, 244-251; OA Ex. 14.

5. Western Regional Field Operations Manager Joseph Soltis was appellant's direct supervisor and the rater on appellant's Employee Performance Review (hereinafter, "EPR") covering the rating period March 2024 to March 2025. N.T. pp. 41-42, 250-251; Ap. Ex. 3.

[2] 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. Comm. Ex. C.

6. Human Resource Program Manager Christopher Linn was appellant's second level supervisor and reviewer on appellant's EPR covering the rating period from March 2024 to March 2025. N.T. pp. 250-251; Ap. Ex. 3.

7. At the time of appellant's removal, Tina Walker was superintendent at SCI Fayette and Joshua Poska was the Major of the Guard at SCI Fayette. N.T. pp. 273-277.

8. On July 1, 2024, appellant signed her FHRO 3 job description. OA Ex. 14.

9. The FHRO 3 job description outlines appellant's job duties as related to labor relations as:

> Supervises and advises regional Labor Relations Analysts in providing contract interpretation, ensuring that managers and supervisors are knowledgeable and kept aware of current contract and policy interpretations. Ensures that all efforts pertaining to processing, responding to, presenting and tracking of grievances are accomplished in accordance with DOC Policy 4.1.1 and associated management directives. Participates and attends local labor management meetings.

> Works directly with Labor Relations Analysts to ensure that decisions are made in the best interest of the Commonwealth and Department and in accordance with policy and contracts. Provides overall guidance and mentoring to the Analysts in preparing for First and Second Step Grievance presentations, Civil Service appeals, PHRC and/or EEO appeals. Participates in Arbitration hearings by testifying and/or providing guidance and input to OA legal and local management.

N.T. pp. 55-59; OA Ex. 14.

10. Human resources and Department of Corrections (hereinafter, "DOC") management/leadership have an adversarial relationship with the union. N.T. p. 58.

11. The union leadership team advocates and supports the rank and file they represent. N.T. pp. 58-59.

12. The management leadership team advocates for what is in the best interest of the institution and the Commonwealth. N.T. pp. 58-59.

13. The union leadership team consists of the local president and vice president, local officers, business agents, state officers, and legal counsel. N.T. p. 58.

14. The management leadership team consists of the superintendent, two deputy superintendents, two majors of the guard, the employee relations manager, and the FHRO. N.T. pp. 58-59.

15. On June 18, 2025, appellant signed her EPR covering the rating period from March 2024 to March 2025. N.T. pp. 279-281; Ap. Ex. 3.

16. Appellant's overall rating on her March 2024 to March 2025 EPR was "Needs Improvement." N.T. pp. 279-281; Ap. Ex. 3.

17. On her March 2024 to March 2025 EPR, appellant received a rating of "Needs Improvement" for "Communications" with comments stating, "[appellant] must refrain from making negative remarks about facility leadership. . . ." Ap. Ex. 3.

18. On her March 2024 to March 2025 EPR, appellant received a rating of "Needs Improvement" for "Interpersonal Relations/Equal Employment Opportunity" with comments stating, "[r]elationships with the Superintendent and Executive Administration, however, have become strained, affecting work outcomes and staff morale." N.T. pp. 273-281; Ap. Ex. 3.

19. On June 6, 2025, appellant was placed on a Performance Improvement Plan (hereinafter, "PIP"), which identified six areas for appellant to improve. N.T. pp. 286-293; Ap. Ex. 4.

20. The PIP identified appellant was deficient in "Professional Conduct and Relationship with Facility Leadership," and noted "[u]nprofessional conduct and a strained relationship with SCI Fayette's Superintendent and Administrative Team, including past remarks and involvement of HR staff in interpersonal conflicts." N.T. pp. 273-284, 286-293; Ap. Ex. 4.

21. The PIP's performance expectations for appellant stated appellant was to "[r]efrain from negative or disparaging comments about the Superintendent or staff" and appellant was to have zero instances of negative comments during the rating period. Ap. Ex. 4.

22. On or about September 16, 2025, and September 17, 2025, Soltis and Linn each received two identical written statements via email. N.T. pp. 64-72, 120-123; OA Exs. 5, 6.

23. The two written statements were from former Pennsylvania State Corrections Officers Association (hereinafter, "PSCOA") local SCI Fayette union President Lou Dobish and former PSCOA local SCI Fayette union Vice President John Friend. N.T. pp. 64-72, 120-123; OA Exs. 5, 6.

24. The two written statements made disparaging comments towards the SCI Fayette administrative management team, including Major Poska, and praised appellant's job performance as FHRO. N.T. pp. 64-72, 120-123; OA Exs. 5, 6.

25. Linn discussed the two written statements with Soltis and Pennsylvania Department of Corrections Human Resource Director Ty Stanton. N.T. p. 78, 121-122.

26. After his discussions with Soltis and Stanton, Linn decided to contact appellant directly to see if she had any knowledge of the two written statements. N.T. pp. 121-122.

27. On September 18, 2025, Linn asked appellant three times if she had any knowledge of the two written statements, and appellant denied any knowledge of them each time asked. N.T. pp. 122-125, 307-309; OA Ex. 16.

28. During the September 18, 2025 conversation, appellant denied she had any knowledge as to how Dobish and Friend obtained Soltis's and Linn's email addresses. N.T. pp. 122-125, 307-309; OA Ex. 16.

29. Following his conversation with appellant, Linn requested and received authorization to conduct an email capture for appellant's emails to determine if there was any recent email traffic between appellant and either Dobish or Friend. N.T. pp. 125-126.

30. The email capture revealed emails between appellant and both Dobish and Friend on September 10, 2025, and September 15, 2025, containing the following communications:

- On September 10, 2025, appellant sent Dobish and Friend an email stating, ". . . I want to see if you gave anymore thought to writing a statement about what the Major has said to you directly about me. I would truly appreciate it as I'm getting more pushback and

haven't done anything other than my job as you are aware." N.T. pp. 126-139; OA. Ex. 15, p. 5.

- On September 15, 2025, at 12:59 p.m., Dobish responded to appellant's September 10, 2025, email stating, "[c]an you give me a call when you have a minute." N.T. pp. 133-134; OA Ex. 15, p. 4.
- On September 15, 2025, at 2:30 p.m., Dobish sent appellant an email with the subject "Statement" containing no text. N.T. p. 134; OA Ex. 15, pp. 2-3.
- On September 15, 2025, at 2:35 p.m., appellant replied to Dobish's "Statement" email stating, "[t]he only thing I would ask that you add is that you have worked closely with me during the time I have filled in for the Labor Relations Manager and that we have worked well together and that I've been able to provide you anything you have asked for in a timely manner or something to that fact. I need him to see that I am responsive to the needs of the employees. N.T. pp. 134-136; OA Ex. 15, p. 2.
- On September 15, 2025, at 3:02 p.m., appellant emailed to Dobish both Stoltis' and Linn's email addresses and stated, "Thank you and I truly appreciate this. If there is anything I can do for you going forward, don't hesitate to let me know." N.T. pp. 136-138; OA Ex. 15, pp. 1-2.

31. Linn provided appellant's captured emails to Stanton, and asked Stanton to forward them to Human Resource Analyst 5 Robert Shettlewood. N.T. pp.139-140, 175-176.

32. Shettlewood was assigned to investigate the two written statements sent to Soltis and Linn. N.T. pp. 175-176.

33. On October 17, 2025, Shettlewood conducted an in-person investigatory interview with appellant at SCI Smithfield. N.T. pp. 186-187, 310-312.

34. Human Resource Analyst Mandy Schwemm attended the investigatory interview and took notes for Shettlewood. N.T. pp. 178-177, 312-313; OA Ex. 16.

35. At the investigatory interview, Shettlewood questioned appellant about the letters and her conversation with Linn, and appellant provided the following answers:

    - Appellant denied requesting any personal favors from current or prior union representatives. N.T. pp. 196-197; OA Ex. 16, p. 3.

- Appellant acknowledged she knew Dobish and Friend. N.T. p. 198; OA Ex. 16, p. 3.
- Prior to her September 18, 2025, conversation with Linn, appellant stated she was not aware Dobish and Friend had sent Linn and Soltis written statements on her behalf. N.T. pp. 198-199, 203-206; OA Ex. 16, pp. 3-4.
- Appellant denied she asked either Dobish or Friend to write written statements on her behalf. N.T. p. 202; OA Ex. 16, p. 4.
- Appellant denied asking Dobish and Friend to send written statements on her behalf to Soltis and Linn. N.T. pp. 206-207; OA Ex. 16, pp. 4-5.
- Appellant denied having any input regarding the contents of the written statements. N.T. pp. 207-208; OA Ex. 16, p. 5.
- Appellant denied any knowledge as to how Dobish and Friend obtained Soltis' and Linn's email addresses. N.T. pp. 218-219; OA E. 16, p. 6.

36. After eliciting the above outlined answers from appellant, Shettlewood showed appellant copies of the email conversations she had with Dobish and Friend on September 10, 2025, and September 15, 2025. N.T. pp. 208-209.

37. After being confronted with her captured emails, appellant provided the following additional information in response to follow-up questioning by Shettlewood during the investigatory interview:

- Appellant provided a written statement in which she stated she was retracting her initial comment about not knowing about the letters. N.T. pp. 213-214; OA Ex. 16, p. 6, 13.
- Appellant did not remember giving Soltis's and Linn's email addresses to Dobish and Friend, and stated, "if I sent the email, then I did it, but I don't recall doing it." N.T. pp. 222-223; OA Ex. 16, pp. 6-7.
- Appellant acknowledged she did instruct Dobish and Friend to include information in their written statements about how they worked with her. N.T. pp. 219-220; OA Ex. 16, p. 7.

38. Neither prior to nor during the investigatory interview was appellant provided oral or written notice of the charges against her. N.T. pp. 310-318; OA Ex. 16.

39. Neither prior to nor during the investigatory interview was appellant provided an explanation of the appointing authority's evidence. N.T. pp. 310-318; OA Ex. 16.

40. The appointing authority did not conduct a pre-disciplinary conference with appellant prior to her October 27, 2025, removal. N.T. p. 329.

41. Appellant did not receive notice of the charges of "Conduct Unbecoming of a Manager" and "Being Less Than Truthful" until she received the appointing authority's October 27, 2025, removal notice. N.T. pp. 310-318; OA Ex. 16.

DISCUSSION

By letter dated October 27, 2025, the Office of Administration, Executive Offices (hereinafter, "appointing authority") removed appellant from her regular status position as a Field Human Resource Officer 3 (hereinafter "FHRO 3"). Comm. Ex. A. The present appeal challenges the appointing authority's decision to remove appellant from her regular status employment as an FHRO 3. The issue before the Commission is whether the appointing authority established just cause to remove appellant from her position. In an appeal challenging the removal of a regular status employee, the appointing authority has the burden of establishing just cause for the personnel action. *Mihok v. Department of Public Welfare, Woodville State Hospital,* 147 Pa. Commw. 344, 348, 607 A.2d 846, 848 (1992); 71 Pa.C.S.A. §§ 2607, 3003(7)(i). Just cause must be job related and, in some manner, rationally and logically touch upon the employee's competency and ability to perform. *Mihok,* 147 Pa. Commw. at 348, 607 A.2d at 848.

In support of its charges, the appointing authority presented the testimony of Western Regional Field Operations Manager Joseph Soltis[3], Human Resource Program Manager Christopher Linn[4], and Human Resource Analyst 5 Robert Shettlewood[5]. Appellant testified on her own behalf. The evidence presented by the parties has been reviewed by the Commission and the undisputed facts established are summarized below.

On or about September 16, 2025, and September 17, 2025, Soltis and Linn each received two identical written statements via email. N.T. pp. 64-72, 120-123; OA Exs. 5, 6. The two written statements were from former Pennsylvania State Corrections Officers Association (hereinafter, "PSCOA") local SCI Fayette union President Lou Dobish and former PSCOA local SCI Fayette union Vice President John Friend. N.T. pp. 64-72, 120-123; OA Exs. 5, 6. The two written statements contained disparaging comments regarding the SCI Fayette administrative management team, including SCI Fayette Major of the Guard Joshua Poska, and praised appellant's job performance as an FHRO. N.T. pp. 64-72, 120-123; OA Exs. 5, 6.

Linn discussed the two written statements with Soltis and Pennsylvania Department of Corrections Human Resource Director Ty Stanton. N.T. pp. 78, 121-122. After his discussions with Soltis and Stanton, Linn decided to contact appellant

[3] Soltis has held his current position at the appointing authority since 2021, and has been employed by the Commonwealth since 2005. N.T. pp. 39-40. Soltis was appellant's direct supervisor. N.T. pp. 41-42, 250-251.

[4] Linn has held his current position at the appointing authority for approximately eight years, and has been employed with the Commonwealth for approximately twenty-nine years. N.T. pp. 113-114. Linn is Soltis's direct supervisor and was appellant's second level supervisor. N.T. pp. 250-251.

[5] Shettlewood has held his current position at the appointing authority since October 2023, and has been employed with the Commonwealth for approximately fifteen years. N.T. pp. 171-172.

directly to see if she had any knowledge of the two written statements. N.T. pp. 121-122. On September 18, 2025, Linn asked appellant three times if she had any knowledge of the two written statements, and appellant denied any knowledge of the statements each time asked. N.T. pp. 122-125, 307-309; OA Ex. 16. During the September 18, 2025 conversation, appellant also denied she had any knowledge as to how Dobish and Friend obtained Soltis's and Linn's email addresses. N.T. pp. 122-125, 307-309; OA Ex. 16.

Following his conversation with appellant, Linn requested and received authorization to conduct an email capture for appellant's emails to determine if there was any recent email traffic between appellant and either Dobish or Friend. N.T. pp. 125-126. The email capture revealed email conversations between appellant and both Dobish and Friend on September 10, 2025, and September 15, 2025. *See* Finding of Fact 30. On September 10, 2025, appellant sent an email to Dobish and Friend asking if they would write statements about comments Major Poska had made to them about appellant. *See* Finding of Fact 30. On September 15, 2026, appellant exchanged a series of emails with Dobish. *See* Finding of Fact 30. In these series of emails, appellant asked Dobish to add information to his written statement, told Dobish he could send his written statement to Soltis and Linn, and provided Dobish with Soltis's and Linn's email addresses. *See* Finding of Fact 30. In her final email to Dobish, appellant thanked Dobish stating, "If there is anything I can do for you going forward, don't hesitate to let me know." *See* Finding of Fact 30. Linn provided appellant's captured emails to Stanton, and asked the emails to be forwarded to Shettlewood. N.T. pp.139-140, 175-176. Shettlewood had been assigned to investigate the two written statements sent to Soltis and Linn. N.T. pp. 175-176.

On October 17, 2025, Shettlewood conducted an in-person investigatory interview with appellant at SCI Smithfield. N.T. pp. 186-187, 310-312. Human Resource Analyst Mandy Schwemm attended the investigatory interview and took notes. N.T. pp. 178-177, 312-313; OA Ex. 16. At the investigatory interview, Shettlewood questioned appellant about the two written statements and her September 18, 2025, conversation with Linn. During Shettlewood's initial questioning, appellant denied any knowledge of the written statements prior to being told about them during her September 18, 2025, conversation with Linn. *See* Finding of Fact 35. Appellant also denied asking Dobish or Friend to write statements on her behalf, denied asking Dobish and Friend to send written statements to Soltis and Linn, denied knowing how Dobish and Friend obtained Soltis's and Linn's email addresses, and denied providing input as to the contents of the written statements. *See* Finding of Fact 35.

After Shettlewood's initial questioning of appellant, Shettlewood confronted appellant with copies of the captured email conversations she had with Dobish and Friend on September 10, 2025, and September 15, 2025. N.T. pp. 208-209. When confronted with her captured emails and subject to follow-up questioning by Shettlewood, appellant stated she was retracting her initial comments about not knowing about the two written statements and wrote her own written statement to that effect. *See* Finding of Fact 37. Appellant acknowledged she did instruct Dobish and Friend to include information in their written statements about how they worked with her. *See* Finding of Fact 35. Appellant also stated she did not remember giving Soltis's and Linn's email addresses to Dobish and Friend, but stated, "if I sent the email, then I did it, but I don't recall doing it." *See* Finding of Fact 35.

On October 27, 2025, appellant received notice she was being removed from her FHRO 3 regular status position effective October 27, 2025, for "Conduct Unbecoming of a Manager" and "Being Less than Truthful." *See* Finding of Fact 1. The appointing authority did not conduct a pre-disciplinary conference with appellant prior to her October 27, 2025, removal. *See* Finding of Fact 40. Having summarized the uncontested facts, we will now turn to the arguments of the parties.

The appointing authority asserts sufficient evidence was presented to establish just cause for appellant's removal. The appointing authority argues the FHRO 3 position is a senior-level management position, and appellant owed the Commonwealth a common law fiduciary duty of loyalty to act solely for the benefit of the Commonwealth. OA Br. p. 3. The appointing authority asserts appellant violated this duty when she "indebted herself" to the union by soliciting their help to manipulate her own chain of command. OA Br. p. 7. Finally, the appointing authority argues appellant's deceit regarding her knowledge of the letters "make[s] further employment in a position of trust too risky for the Commonwealth, and, therefore, further employment with [the appointing authority] impossible." OA Br. p. 7.

In her response, appellant does not deny or contest her conduct, but submits her conduct was a justified means to end her Performance Improvement Plan (hereinafter, "PIP"). *See* Ap. Br. Appellant testified she asked for the written statements from Dobish and Friend because she believed her PIP was based on bad information and she ". . . wanted to be able to show that my bosses were getting some misinformation that was being communicated to them." N.T. pp. 297-299; Ap. Br. pp. 15, 19-20. Appellant also does not deny she lied about having foreknowledge of the written statements when she spoke to Linn on September 18,

2025. N.T. pp. 307-308. Appellant testified she lied stating, "I did that because, just like I told [Shettlewood], I was scared of what was going to come out of it because of everything I was dealing with. I wanted people to look at the content of the statement that was being written and the treatment I was receiving." N.T. p. 308; Ap. Br. pp. 15, 19-20. Alternatively, appellant argues the appointing authority's stated grounds for her removal "Conduct Unbecoming of a Manager" and "Being Less Than Truthful" are not phrases found in any code of conduct or management directive and cannot be used as a basis for her removal. Ap. Br. pp. 19-20.

Upon our review of the record, we find the appointing authority established just cause for appellant's removal. We will begin by addressing appellant's argument the appointing authority failed to cite to a specific disciplinary policy or code of conduct violation.

The Commission agrees with appellant that the appointing authority did not cite to any specific disciplinary policy or code of conduct violation. The appointing authority's removal notice did layout appellant's conduct that formed the basis for her removal. The Commission would have preferred citation to specific violations of policy and code; however, under the facts of this case the appointing authority's failure is not fatal. Just cause for removal must be merit related but does not require citation to a specific disciplinary policy or code violation. *Woods v. State Civil Service Commission,* 590 Pa. 337, 912 A.2d 803 (2006). Merit-related criteria includes whether the employee failed to properly execute her duties or has acted in such a way that hampers or frustrates the execution of her duties. *Id.* The criteria

must in a rational and logical way touch upon the employee's competency and ability. *Id.* Consequently, an employer's failure to cite to a specific policy does not provide a complete defense to an employee's removal when, as here, the employee has engaged in behavior that meets the above outlined merit-related criteria.

Having resolved appellant's argument as to the appointing authority's failure to cite policy, we will now summarize the admitted and proven conduct underlying appellant's removal. Appellant admits she solicited written statements from two former union officers, Dobish and Friend, for her benefit. Appellant admits she requested Dobish and Friend email their statements to her supervisors, and does not deny she sent an email to Dobish and Friend containing her supervisors' email addresses. Appellant reviewed the statements and asked Dobish and Friend to add information to their statements. The statements contained disparaging comments about Major Poska, to include that Major Poska engaged in behavior that caused unnecessary delays in resolving union issues. OA Exs. 5, 6. After Dobish and Friend agreed to provide the written statements, appellant thanked them stating, "If there is anything I can do for you going forward, don't hesitate to let me know." *See* Finding of Fact 30. On September 18, 2025, appellant lied to her supervisor, Linn, about having any foreknowledge of the statements. At the October 17, 2025 investigatory interview, appellant again lied about having any foreknowledge of the statements when questioned by Shettlewood. Appellant only admitted she lied about having foreknowledge of the statements after Shettlewood confronted her with her own emails, evidencing she had solicited the statements from Dobish and Friend.

The Commission finds appellant's above summarized conduct hampered appellant's ability to execute her FHRO 3 duties and touched upon her competency and ability to carry out those duties. Appellant managed all Human

Resources activities at SCI Fayette and SCI Greene. Her duties, outlined in her job description that she signed on July 1, 2024, included working with Labor Relations Analysts to ensure decisions were made in the best interest of the Commonwealth and the Department. Appellant was also a member of the DOC management leadership team tasked with advocating for the best interest of the Commonwealth in an adversarial role against the union. Appellant's solicitation of written statements disparaging another member of the DOC management leadership team from former union officers compromised her credibility in carrying out her FHRO 3 job duty to advocate for management in labor matters. Additionally, appellant's email thanking Dobish and Friend for providing the statements stating "If there is anything I can do for you going forward . . . let me know" further compromised her credibility to advocate for management in future labor matters. The statement at the very least created the perception of a *quid pro quo*, where appellant could be leveraged by the union in future labor matters. Finally, appellant's numerous lies regarding her knowledge of the written statements and associated circumstances call into question her general character for truthfulness. Appellant's conduct hampered her ability to credibly advocate for the Commonwealth in labor matters in the future, which was an essential function of her FHRO 3 position.

Furthermore, the Commission does not accept or find credible appellant's argument her conduct was a justifiable course of action to show her PIP was based on misinformation. When appellant was asked about her knowledge of the written statements she lied and continued to lie until presented with irrefutable evidence of her lies.[6] This is not the response of someone who believes her conduct was correct and justifiable. The Commission will not speculate as to appellant's

[6] Again, appellant only admitted knowledge of the written statements after Shettlewood confronted her with her own emails evidencing her foreknowledge. *See* Findings of Fact 36-37.

motivations, but it is noteworthy that the disparaging comments about Major Poska contained in the written statements are the exact type of comments appellant's PIP instructed her to refrain from making.[7] Moreover, appellant was in a supervisory position, and as such, she was required to set an example for her subordinates. *See Woodbridge v. Commonwealth, Department of Revenue*, 62 Pa. Commw. 140, 143, 435 A.2d 300, 302 (1981). Appellant's untruthfulness with her supervisors sets the example such behavior is acceptable to appellant's subordinates. Accordingly, appellant's untruthfulness and poor decision-making reflect negatively upon her competence and ability to perform her job duties and constitutes just cause for her removal.

Before concluding, the Commission will address a due process claim raised by appellant at the hearing and in her brief. Appellant contends she did not receive a proper pre-disciplinary conference (hereinafter "PDC") prior to her removal. Ap. Bf. pp. 6-10. To establish a claim of procedural discrimination, appellant must show she was harmed because of the procedural noncompliance with these requirements or that, because of the peculiar nature of the procedural impropriety, she could have been harmed, but there is no way to prove that for certain. *See Pronko, supra.* No showing of intent is required. *See Pronko, supra*. Upon review of the record, the Commission concurs that appellant was not provided with adequate or proper due process prior to her termination.

[7] The performance expectations contained in appellant's PIP stated appellant was to "[r]efrain from negative or disparaging comments about the Superintendent or staff," and appellant was to have zero instances of negative comments during the rating period. *See* Finding of Fact 21.

The essential requirements of due process . . . are notice and opportunity to respond. The opportunity to present reasons, either in person or in writing, why proposed action should not be taken is a fundamental due process requirement. *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 542-545 (1985). In *Loudermill*, the Supreme Court held a tenured public employee, such as appellant, is entitled to the following: 1) a pre-disciplinary conference prior to being terminated; 2) oral or written notice of the charges against her; 3) an explanation of the employer's evidence; and 4) an opportunity to present her side of the story." *Loudermill*, 470 U.S. 532, 546-547 (1985). These rights are commonly referred to as an employee's *Loudermill* rights. This requirement is applicable to Pennsylvania civil service employees with regular status. *See, Pavonarius v. City of Allentown*, 157 Pa. Commw. 116, 629 A.2d 204 (1993).

Here, the appointing authority neither held a PDC prior to appellant's removal nor provided appellant either written or verbal notice of the charges against her. At the hearing, the appointing authority's counsel acknowledged no PDC was held prior to appellant's removal. *See* Finding of Fact 40. Additionally, neither prior to nor at the October 17, 2025, investigatory interview was appellant given written or verbal notice of the charges against her. *See* Findings of Fact 38-39. Appellant did not receive notice of the charges of "Conduct Unbecoming of a Manager" and "Being Less Than Truthful" until she received the appointing authority's October 27, 2025, removal notice. *See* Findings of Fact 1, 41. Accordingly, we find appellant's notice and due process rights required under *Loudermill* were violated because she was never given a meaningful opportunity to respond to the charges of "Conduct Unbecoming of a Manager" and "Being Less Than Truthful" prior to her removal.

Having found a due process violation, we now turn to what remedy is appropriate to redress the violation. In *Bosnjak v. State Civil Service Commission*, 781 A.2d 1280 (Pa. Commw. 2001), the Commonwealth Court noted the appointing authority's failure to comply with the required notice requirements in a personnel action does not automatically invalidate the personnel action. Here, we find the violation did not impact whether the appointing authority had just cause for removal. Consequently, appellant will not be reinstated, but the Commission will provide a remedy for the due process violation that occurred when appellant was denied a meaningful opportunity to be heard in response to the charges upon which her removal was based. The first hearing at which appellant actually had the opportunity to address the evidence collected during the appointing authority's investigation, upon which the removal was based, was the hearing before the Commission on this appeal. Therefore, appellant is entitled to back pay from the effective date of her removal until the date of the hearing before this Commission, which provided her with her first meaningful opportunity to respond to these charges. Accordingly, we enter the following:

CONCLUSIONS OF LAW

1. The Office of Administration, Executive Offices has presented evidence sufficient to establish just cause for appellant's removal under Section 2607 of Act 71 of 2018.

2. Appellant was deprived of her right to Due Process from the effective date of her termination through the commencement date of her post-termination Due Process hearing before the Commission.

ORDER

AND NOW, the State Civil Service Commission, by agreement of two of its members,[8] dismisses the appeal of Sascha E. McKay-Landis challenging her removal from regular Field Human Resource Officer 3 employment with Office of Administration, Executive Offices and sustains the action of the Office of Administration, Executive Offices in the removal of Sascha E. McKay-Landis from regular Field Human Resource Officer 3 employment. Appellant shall not be reinstated. However, because appellant did not receive adequate due process prior to her termination, we award appellant reimbursement of such wages and emoluments as she would have earned had she worked from October 27, 2025,

[8] Chairwoman Maria P. Donatucci did not participate in the decision on this appeal.

through March 26, 2026, less wages earned and benefits received under the Public Laws of Pennsylvania as established by a sworn statement to be submitted by appellant to the Office of Administration, Executive Offices. We further order that within thirty (30) calendar days of the mailed date of this order, the Office of Administration, Executive Offices shall submit written notice of compliance with this order to the Executive Director of the State Civil Service Commission.

State Civil Service Commission

Gregory M. Lane
Commissioner

Pamela M. Iovino
Commissioner

Issued: October 22, 2026