

State Civil Service Commission
June 1, 1979

SUBJECT: Veterans' Complaint Report
Act of October 7, 1974, P.L. 676 (Act 226)

TO: Honorable Martin L. Murray
President Pro Tempore
Senate of Pennsylvania

Honorable H. Jack Seltzer
Speaker
House of Representatives

FROM: John A. M. McCarthy
Chairman
State Civil Service Commission

John E. Millett
Executive Director
State Civil Service Commission

Pursuant to Section 203(5) of the Civil Service Act, the Act of August 5, 1941, P.L. 752, as amended, the State Civil Service Commission submits the following annual report to the General Assembly:

March 9, 1978

Complaint: Robert E. Summers, 1273 Market Street, Sunbury, PA 17801, completed and returned a preliminary inquiry on an appeal and request for hearing. Summers, a Mental Retardation Aide I at Selinsgrove Center, DPW, is appealing his PER, dated December 20, 1977. He contends that the evaluation is "unfounded and unfair" and one "which will be prejudicial to my future career with the DPW".

Disposition: Chairman McCarthy responded on April 26, 1978, "You will note that the Commission has declined to grant your request for hearing. However, this is being done upon the condition that the Selinsgrove Center execute a revised Performance Evaluation Report within thirty days." Revised PER for Summers, dated April 25, 1978, was received.

April 5, 1978

Complaint: Fred Woehrle, 426 Crown Avenue, Scranton, PA 18505, addressed a letter to the Executive Director stating that he felt he should be reinstated to his position and reimbursed for wages lost as a result of furlough August 2, 1978 from position of Milk Examiner II in the Pittston Office, Milk Marketing Board.

Disposition: Edgar L. Yost, SCSC deputy director replied by letter that there was no basis of fact in the assertions for reinstatement and/or reimbursement. The furlough action which affected Woehrle also affected others and was done legally and properly as a result of a reduction of the budget of the Milk Marketing Board.

April 7, 1978

Complaint: Rev. Glenn T. Sullivan, 113 Ninth Avenue, Shamokin Dam, PA 17876, completed and returned a preliminary inquiry relating to an appeal and request for hearing. Sullivan, a Chaplain II at Selinsgrove Center, DPW, is appealing his PER, dated December 28, 1977, in conjunction with what he alleges to be lack of compliance with an SCSC Order, dated July 26, 1977.

Disposition: Chairman McCarthy responded by letter to Eric J. Wiener, Esq., on May 11, 1978, saying that the Commission will not rehear the subject. The client was properly rerated and there is no further appealable action.

April 9, 1978

Complaint: A friend of Eugene C. Lubenetski, 4802 Main Street, Whitehall, PA 18052, sent a letter to the Commission complaining that John W. Gombocz, Sub-District Supervisor, PLCB, "made promotions from two different lists". In a letter dated May 6, 1978, Lubenetski reasserts his original claim of promotion being made from two different lists and accuses Gombocz of "using a double standard".

Disposition: Upon investigation, the Commission found no irregularity in the procedures used for the promotion.

June 1, 1978

Complaint: John Garlewsky, 780 West Old 422, Butler, PA 16001, addressed the Commission by letter dated June 1, 1978 and complained about interview practices at Moraine State Park, DER, and requested clarification as to normal practices followed in employment decisions.

Disposition: Investigation revealed that MD 580.10 was violated in that Garlewsky was not informed of his non-selection for a Security Officer I position at Moraine State Park. Report further states that Garlewsky was informed of his non-selection by letter dated July 3, 1978.

June 19, 1978

Complaint: Anthony Fusco, 2900 Fourth Avenue, Altoona, PA 16602, complained in a letter dated June 7, 1978, that although he was first or second on the employment list and a veteran, he was not hired.

Disposition: The methods of filling a position were explained in a letter dated June 19, 1978. It was verified that another veteran received the appointment.

July 7, 1978

Complaint: Michael L. Dowden, 500 West Rosedale Avenue, C-2 Magdlene, West Chester, PA 19380, complained, in a letter to John E. Millett, about the promotion practices at West Chester State College. Speaking for himself and another officer, William J. Redner, both police officers I, he stated that there is a deliberate and willful intent to deceive Campus police personnel regarding job opportunities and promotions, and possible falsification of employment and application records.

Disposition: Investigation indicated that complaint is largely unfounded. It may be desirable, however to look further into the promotion procedures at this college as none of the three candidates were on the police officer III promotion list.

Complaint: William J. Redner, 8029 Fairview Street, Philadelphia, PA 19136, complained, in a letter to John E. Millett, about the promotion practices at West Chester State College. Speaking for himself and another officer, Michael L. Dowdon, both police officers I, he stated that there is a deliberate and willful intent to deceive Campus police personnel in regard to job opportunities and promotions, and possible falsification of employment and application records.

Disposition: Investigation indicated that complaint is largely unfounded. It may be desirable to look further into the promotion procedures of police officers at this college as none of the three candidates were on the police officer III promotion list.

July 27, 1978

Complaint: John C. Catherine, 120 Wilson Street, Jersey Shore, PA 17740, complained in a letter to John E. Millett, as to the circumvention of the civil service system regarding promotions in the Welfare Program Executive II class of positions within the DPW.

Disposition: While the complaint originally dealt with failure to be selected for promotion, investigation strongly suggests that there has been rather loose use of certain classifications in the past. It further suggests that closer classification reviews would be appropriate in the future. This information was contained in a letter to Robert Parsons, Chief, Division of Classification and Pay, OBA, on October 12, 1978, for his appropriate use.

August 4, 1978

Complaint: Joseph J. Micalonis, 513 West Mahanoy Avenue, Mahanoy City, PA 17948, complained that he has been discriminated against because of age as his name is on several employment lists and he hasn't received a job.

Disposition: Mr. Micalonis was advised in a letter dated August 4, 1978, that age was not a factor in his non-employment, but rather his low score and few vacancies.

August 8, 1978

Complaint: R. Fisher, Box 381, Jackson Center, PA 16133, complained in a letter dated July 10, 1978, and through several congressmen and legislators, that positions at the State Correctional Institution in Mercer were filled by non-veterans with lower scores than his.

Disposition: Investigation revealed that Fisher had indicated he was available for employment with the Fish and Game Commissions, and the State Police; therefore, he was not certified to the State Correctional Institution. His availability was corrected.

August 22, 1978

Complaint: F. I. Rusin, Box 26, R.D. 1, Carbondale, PA 18407, complained in a letter dated May 21, 1978 that a retired policeman from New York was hired over himself, a veteran. He also complained of unethical hiring practices.

Disposition: Investigation revealed that all appointments at Fairview State Hospital were verified as legal appointments, all were Pennsylvania residents and all were veterans. Rusin was so advised in a letter dated August 22, 1978.

Complaint: R. J. Volciak, Box 187, Hummels Wharf, PA 17857, complained in a letter dated August 10, 1978, that he was not selected for a position with the Department of Education after being interviewed. He felt that the provisions of the Veterans Preference Act were not being applied in his situation.

Disposition: Investigation revealed that all appointments were made in accordance with the Veterans Preference Act. Volciak was so advised in a letter dated August 22, 1978.

August 28, 1978

Complaint: William J. Wills, 1205 Schweitzer Road, McKeesport, PA 15135, complained in a letter dated August 4, 1978, that he was not notified by Scotland School by the end of July, of his hiring or non-hiring, as promised during a job interview. When he contacted the School, he was informed that his scores fell below the cut-off and there was a freeze on hiring.

Disposition: Investigation revealed that there was no appointment made from the certification on which Wills' name appeared. His name was still on the list and would be certified as other vacancies occurred.

September 12, 1978

Complaint: V. R. Stramella, 220 Glen Avenue, Ellwood City, PA 16117, complained in a letter dated August 20, 1978, that he hasn't received employment and requested that additional locations be added to his areas of availability.

Disposition: Stramella was advised by letter dated September 12, 1978, that an additional location was added to his availability and was advised that his non-employment was due to his relatively low score on the examination. He was advised to retake the examination.

September 13, 1978

Complaint: Harold R. Stauff, Jr., Box 6852, Pittsburgh, PA 15212, complained that he has been on a list for Security Officer I for eight months and has not received a job.

Disposition: In a letter dated September 13, 1978, Stauff was given his current rank on the employment list and information about SCSC certification procedures.

September 18, 1978

Complaint: William P. Bodkin, 2828 North Street, Philadelphia, PA 19134, complained in a letter dated September 18, 1978, that failure to receive Form SCSC-98 (a request to report for an interview) mailed from the Philadelphia CBA on April 13, 1978, was the only reason he did not report for the scheduled interview and was subsequently not appointed to the position.

Disposition: Investigation revealed that apparently Mr. Bodkin was victimized by the U.S. Postal Service. His correct mailing address was used and he requested and did receive a copy of the interview notice sent by the Philadelphia CBA on April 13, 1978. It does not seem that he has been singularly discriminated against. Bodkin took the Income Maintenance Worker Trainee examination on October 16, 1978. If he successfully completes the examination, he should have a chance for future employment with the Philadelphia CBA. This information has also been sent to the Honorable Charles F. Dougherty, Member of the Senate of Pennsylvania.

September 20, 1978

Complaint: John A. Stanko, 94 Utah Road, Star Route, Sheffield, PA 16347, complained in a letter dated August 4, 1978, that he never received a job notice although he has been on the Liquor Store Clerk I list since October 9, 1976.

Disposition: Investigation revealed that Stanko's name was on certifications, that his rank had changed since the date of placement on lists, and that any appointments made from those lists were audited by the SCSC for legality. Stanko was so advised by letter dated September 20, 1978.

September (no date), 1978

Complaint: Samuel C. Livingston, 1808 Parkline Drive, Pittsburgh, PA 15227, complained, in an undated letter, as to the falsification of Paul Abel's civil service application. Livingston maintains that Abel is not qualified for the Soils Engineer II position by virtue of his lack of a high school diploma.

Disposition: Investigation revealed that Abel did qualify for the position for which he applied and for subsequent classes to which he was promoted, even without a high school diploma.

October 10, 1978

Complaint: Norman J. Haldeman, Jr., R.D. 2, Box 304 E, York, PA 17403, complained to the Pennsylvania Human Relations Commission, alleging discrimination because of age. Named as correspondents in Haldeman's complaint are the Pennsylvania Emergency Management Agency and the SCSC.

Disposition: This matter has been forwarded to the Pennsylvania Human Relations Commission for adjudication.

December 21, 1978

Complaint: Harry J. Papaian, 914 Lancaster Avenue, Bryn Mawr, PA 19010, complained about the unfair processing of his performance evaluation report for the period April 1977 - April 1978. Papaian, Casework Supervisor II, Delaware County Board of Assistance, maintains that he was not presented with the PER, prepared February 21, 1978, until October 1978. He further states that he was not able to discuss the contents of the report with the reviewing officer as the reviewing officer had retired. Papaian claims that he did not indicate on the PER that he did not wish to discuss the contents of the report.

Disposition: Investigation revealed that Papaian's Performance Evaluation Report for April 1977-1978 has been purged from his official personnel folder by virtue of an agreement with all parties concerned. Papaian has been notified of the removal in writing. Case tentatively closed as Papaian may appeal his most recent Performance Evaluation Report.

December 27, 1978

Complaint: B. Hayes, 2015 S. Salford Street, Philadelphia, PA 19143, was supposed to appear for an interview at EPPI for a cook I position. The institute reported that Hayes did not report. Commission sent a verification message to Hayes on October 24, 1978 to which he responded by saying that he never received information on the position.

Disposition: Investigation could not account for the nonreceipt of the interview notice. However, a higher ranking veteran was appointed and Hayes was so advised by letter dated December 27, 1978.

January 2, 1979

Complaint: B. T. Reiter, 256 West Market Street, Marietta, PA 17547, was supposed to appear for an interview for a personnel analyst I position in Department of Education. The department reported that Reiter did not report. Reiter claims that he received the interview notice a month after the scheduled interview date.

Disposition: Investigation could not account for the late receipt of the interview notice which was mailed on September 27, 1978. However, no action was taken on the certification, and Reiter's name was returned to the employment list.

January 24, 1979

Complaint: Jack S. Ervin, Jr., 1847 State Street, Harrisburg, PA 17103, complained during a discussion with George Young, SCSC Fair Employment Coordinator, that he was deemed ineligible to apply for custodial supervisor examination.

Disposition: Investigation revealed that Ervin was ineligible for the custodial supervisor exam. He was eligible for custodial worker, however, and Commission staff suggested he apply for these tests so that he could gain the necessary experience for the higher level position.

January 27, 1979

Complaint: E. W. Pangburn, 302 N. Third Street, Lewisburg, PA 17837, had been scheduled for interview for an Activity Aide I position at Selinsgrove Center, DPW and subsequently notified not to report because Federal funding for the position had been cancelled. The Center reported that Pangburn did not report for the interview.

Disposition: Investigation revealed that the certification was improperly completed. Two positions were involved, one on the regular complement and one Federally funded. The Federally funded position was cancelled, but the agency proceeded to fill the regular complement position without contacting Pangburn. The Center produced evidence that a second interview notice was issued to Pangburn on September 27, 1978, which he evidently did not receive. Attempts to reach Pangburn by phone and letter failed. The Center was prepared to offer him a position.

March 9, 1979

Complaint: James R. Ellsworth, 785 Keating Street, Wilkes-Barre, PA 18702, complained to Representative George C. Hasay about the employment practices being utilized within District 3 of the Bureau of Employment Security. Representative Hasay requested the Commission "look into this matter" by letter of March 9, 1979.

Disposition: Investigation indicated no violations of the Civil Service Act or the Rules of the Civil Service Commission regarding Bureau of Employment Security employment practices in District 3. Letters dated May 7, 1979 from John E. Millett, Executive Director, SCSC, so informed Representative Hasay and Mr. Ellsworth. Case closed.

March 23, 1979

Complaint: William Bairstow, 3638 North Third Street, Philadelphia, PA 19140, alleged by letter of February 28, 1979, that certain manipulations were made by Woodhaven to appoint a nonveteran. He claimed that the promotion of a nonveteran was illegal and contrary to civil service rules because posting was delayed and the promotee had not taken an examination.

Disposition: Investigation revealed that Sidney Mednick, the promotee, has attained regular status, was qualified on the basis of meritorious service and seniority, and met the requirements for the position. Veteran's preference was not a consideration as the promotion was not effected from the employment list. The appointment would be legal and in conformance with civil service rules and regulations.

Complaint: R. P. Endres, 1205 Coppercreek Drive, Mechanicsburg, PA 17055, stated on the verification message from the Commission that he was interviewed for the position of maintenance repairman II, PLCB although the PLCB claimed that Endres did not report for the employment interview.

Disposition: Investigation revealed that the PLCB was in error. Endres was notified of this by letter dated March 23, 1979. However, another veteran was appointed in accordance with civil service rules and regulations. Endres' eligibility had expired in the meantime. A new application was forwarded to him.

Complaint: R. T. Howard, 175 County Line Road, Huntingdon Valley, PA 19006, claims that he was advised by the DPW, Southeast Region that the agency was not going to fill a job after interview notices had been sent. The agency reported that Howard did not appear for a scheduled interview.

Disposition: Investigation revealed that the agency reported in error that Howard did not report for the interview. However, no appointment was made and the certification was cancelled. Howard was advised by letter dated March 23, 1979.

March 29, 1979

Complaint: W. M. Averytt, 4645 Chatsworth Avenue, Pittsburgh, PA 15207, claims that he never received a job notice.

Disposition: Investigation revealed that Averytt should not have been certified. He was removed from the eligible list by Commission action on November 30, 1978, at the request of the Allegheny County Child Welfare Services.

April 4, 1979

Complaint: Evans Gary, Jr., 7200 Merion Terrace Apt. D-104, Upper Darby, PA 19082, complained to George Young, SCSC Fair Employment Coordinator, that he was refused employment as a Youth Development Counselor because he would be unable to run after an escaping youth.

Disposition: Investigation revealed that Gary did not pass the physical examination necessary to be hired as a Youth Development Counselor. A letter dated April 17, from Dr. Melvin M. Marcus, Director, Medical and Psychiatric Services, DPW, stated that "this existing physical problem would pose a problem".

April 10, 1979

Complaint: Gilbert C. Spruhde, Jr., 1463 Cheltenham Avenue, Philadelphia, PA 19124, complained in a letter dated April 10, 1979, to John E. Millett, of what he felt were questionable hiring practices at Woodhaven Center and EPPI.

Disposition: Investigation revealed that Spruhde was not discriminated against in either appointment act and he was so advised by letter dated May 21, 1979.

Complaint: Richard A. Gale, Box 55, Kresgeville, PA 18333, complained as to "several possible violations of the Civil Service Rules".

Disposition: Investigation revealed certain questionable employment practices. F. L. Schaffer, Director, Bureau of Audit and Technical Services, SCSC, recommended, in a memo to Edgar L. Yost, SCSC deputy director, dated April 10, 1979, that the SCSC technical assistance staff meet with the staff of the Carbon-Monroe-Pike County Drug & Alcohol Abuse Office to explain and clarify rules and procedures. He also verbally recommended that the Commission consider Mr. Gale's complaint at their formal meeting in July.

Complaint: Milton S. Rubin, 33 Driscoll Drive, Ivyland, PA 18974, complained about the interview practices employed by the Delaware and Bucks County Children and Youth Units. Rubin claimed he was "talked into" signing away the positions "I was being considered for" (Social Worker I and II).

Disposition: Investigation revealed that neither agency mentioned in Rubin's letter violated the Civil Service Act regarding the conduct of employment interviews. Rubin was so advised in a letter from Edgar Yost, deputy director, on May 23, 1979.

April 13, 1979

Complaint: Phillip Makara, 225 E. Green Street, Nanticoke, PA 18634, complained by letter on March 20, 1979, that another eligible was selected for promotion and that he was by-passed even though he had stronger qualifications than other candidates. He also claimed that his veteran's rights were denied.

Disposition: Investigation revealed that the promotee was selected because he had regular status as opposed to Makara's probationary status; that the promotion was without examination; that the promotee had the unqualified recommendation of the immediate supervisor and appointing authority. As a probationary employe, Makara could not be considered for promotion without examination. Veterans preference does not apply to appointments effected by means other than the employment list. Makara was so advised by letter dated April 13, 1979.

May 17, 1979

Complaint: A. A. Blue, 1631 Main Street, Hellertown, PA 18055, complained, through Representative Zeller's office, on May 11, 1979, that he ranked first on the list and never received a job.

Disposition: Representative Zeller's office was contacted by telephone on May 17, 1979, with the following facts: Blue is on the Government Career Associate (Corrections and Police) list, score 78.00; Special Investigator I list, score 102.28; Special Investigator II list, score 100.00. He has not been certified for Government Career Associate. His name appears on a current certification for Special Investigator I with the Department of Justice, Delaware County. He was certified on February 26, 1979, to the Department of Public Welfare, Monroe County, but did not rank among the three highest ranking eligibles. The same situation occurred on a certification for Special Investigator II with the Department of Public Welfare, Philadelphia County, on the same date. He will remain on these lists until February 1981, and will continue to be certified as vacancies occur.

May (undated), 1979

Complaint: Robert E. Burhannan, 214 Peffer Street, Harrisburg, PA 17102, complained to Congressman Ertel's office, regarding the interview and employment practices utilized by DPW in filling a Fiscal Assistant position. Congressman Ertel's office forwarded the letter to the SCSC.

Disposition: Investigation revealed no violations of the Civil Service Act regarding interview practices employed by the Department of Health. Letters dated May 31, 1979 so indicating were sent to Burhannan and Congressman Ertel. Case closed.

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| cc: Mr. Millett | Mr. Douglass | Ms. Vitzenty |
| Mr. Yost | Mr. Heffner | Mr. Young |
| Mr. Agate | Mr. Ritz | Ms. Cassidy |
| Mr. Balestreire | Mr. Schaffer | |