

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Valerya McGriff,	:	
Petitioner	:	
	:	
v.	:	No. 2671 C.D. 2010
	:	SUBMITTED: August 19, 2011
State Civil Service Commission	:	
(Philadelphia County Assistance	:	
Office, Department of Public	:	
Welfare),	:	
Respondent	:	

BEFORE: HONORABLE BONNIE BRIGANCE LEADBETTER, President Judge
HONORABLE ROBERT SIMPSON, Judge
HONORABLE JAMES R. KELLEY, Senior Judge

OPINION NOT REPORTED

**MEMORANDUM OPINION BY
PRESIDENT JUDGE LEADBETTER**

FILED: October 28, 2011

Valerya McGriff, *pro se*, petitions for review of the order of the State Civil Service Commission (Commission), which dismissed her challenge to a one-day suspension imposed on her by her employer, the Philadelphia County Assistance Office (County). We affirm.

In April 2010, McGriff was given a one-day unpaid suspension from her employment for alleged unprofessional conduct. McGriff filed an appeal with the Commission, and a hearing was scheduled. However, before the hearing was held, the County moved for dismissal on mootness grounds. The County stated that McGriff's suspension had been retroactively reduced to a written reprimand,

and that she would receive full back pay and benefits. McGriff opposed the motion, but the Commission granted it, dismissing the case. The Commission denied McGriff's motion for reconsideration, and an appeal to this court followed.

On appeal, McGriff argues that the dismissal of her appeal was not in accordance with due process or Commission regulations governing hearings. However, the Civil Service Act (Act),¹ grants public employees the ability to appeal employment actions allegedly motivated by discrimination, *see* Section 951(b) of the Act, 71 P.S. § 741.951(b), as well as from “any permanent separation, suspension for cause, furlough or demotion” *Id.* at Section 951(a), 71 P.S. § 741.951(a). McGriff makes no allegation of discrimination, and her suspension for cause has been reduced to a written reprimand. Because the Act includes no provision requiring the Commission to hear appeals from written reprimands, the Commission was well within its discretion in dismissing her case.² We affirm.

BONNIE BRIGANCE LEADBETTER,
President Judge

¹ Act of August 5, 1941, P.L. 752, *as amended*, 71 P.S. §§ 741.1-741.1005.

² We do not suggest that the Commission did not have jurisdiction to hear this case. Indeed, the Act states that the Commission “may, upon its own motion, investigate any personnel action taken pursuant to this act, and in its discretion, hold public hearings” Section 951(d), *added by* Act of August 27, 1963, P.L. 1257, 71 P.S. § 741.951(d). We simply find that the Commission was not required to hear this particular case, and, thus, did not err in dismissing it.

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	:	
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ORDER

AND NOW, this 28th day of October, 2011, the order of the State Civil Service Commission in the above-captioned matter is hereby AFFIRMED.

BONNIE BRIGANCE LEADBETTER,
President Judge