

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Charles Bradley,	:	
	:	
Petitioner	:	
	:	
v.	:	
	:	
State Civil Service Commission	:	
(State Correctional Institution	:	
at Graterford, Department	:	
of Corrections),	:	No. 1095 C.D. 2010
	:	Submitted: January 21, 2011
Respondent	:	

BEFORE: HONORABLE BONNIE BRIGANCE LEADBETTER, President Judge
HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE JOHNNY J. BUTLER, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
JUDGE BUTLER

FILED: March 7, 2011

Charles Bradley (Bradley) appeals from the May 7, 2010 order of the State Civil Service Commission (Commission) dismissing his appeal challenging his return from the probationary Corrections Community Center Director (CCCD) position to his regular Corrections Activity Specialist position with the State Correctional Institute at Graterford (SCI-Graterford), Department of Corrections (Department). Bradley presents one issue for this Court's review: whether his bachelor's degree in business administration/management qualifies for credit purposes as a bachelor's degree in sociology, psychology or related field. For reasons that follow, we affirm the order of the Commission.

On January 19, 2009, the Department posted a job vacancy for the position of CCCD. The minimum experience and training for the job were listed as:

Two years experience as a Corrections Counselor 2; *or four years of counseling or casework experience involving criminal offenders in a correctional, probation, or parole situation, including one year of supervisory experience, and a bachelor's degree in sociology, psychology or related field*; or any combination of experience and training which afforded the applicant the opportunity to gain the required knowledge, skills, and abilities.

Reproduced Record (R.R.) at 2 (emphasis added). Bradley applied, and was selected to fill the position starting April 20, 2009. On July 9, 2009, Bradley was notified that he was being removed from the CCCD position for failing to meet the minimum experience and training requirements for the position. Bradley appealed to the Commission, and a hearing was held on October 19, 2009. The Commission dismissed the appeal, and Bradley appealed to this Court.¹

Bradley argues that the Commission erred by determining that his bachelor's degree in business administration/management did not qualify for credit purposes as a bachelor's degree in sociology, psychology or related field. Specifically, Bradley contends that the duties of the position include: fiscal management, removing and approving all scheduling so it agrees with all the Department's personnel policies and contractual agreements with the three unions; resolving questions regarding labor disputes prior to the filing of a grievance, if possible; and ensuring an accurate accounting of any financial dealings with residents' funds in accordance with Department and ACA² standards. Bradley argues these duties are related to business administration and management, thus his degree qualifies him for the position. We disagree.

¹ "On appeal, our review of an adjudication of the Civil Service Commission is to determine whether the Commission violated the constitution, erred as a matter of law or made findings of fact not supported by substantial evidence." *City of Phila. v. Phila. Civil Serv. Comm'n (Carter)*, 895 A.2d 87, 91 n.7 (Pa. Cmwlth. 2006).

² American Correctional Association.

The requirements specifically state that the degree must be in “sociology, psychology, or a related field.” R.R. at 2. The obvious import of this language is that the applicant must have a bachelor’s degree in sociology, psychology or in some other field related to either sociology or psychology. Terms are considered ambiguous if they are subject to more than one reasonable interpretation when applied to a particular set of facts. *See Black v. Jamison*, 913 A.2d 313 (Pa. Cmwlth. 2006). Contrary to Bradley’s argument, it is not reasonable to interpret “or related field” as referring to relationship to the job duties of the position, particularly given the fact that the phrase “related field” immediately follows the terms to which it refers. In addition, Karena Parks, a Human Resource Analyst for the Department in the classification and recruitment section, testified that Bradley “does have a Bachelor’s degree, but it was not in a field that would relate to sociology or psychology.” Supplemental Reproduced Record at 92. This testimony further supports the Commission’s interpretation. Moreover, the Commission determined that Bradley had not presented any credible evidence to support his claim that he should be deemed to meet the position’s minimum experience and training requirement. Thus, the Commission did not err by determining that Bradley’s bachelor’s degree in business administration/management did not qualify for credit purposes as a bachelor’s degree in sociology, psychology or related field.

For all of the above reasons, the order of the Commission is affirmed.

JOHNNY J. BUTLER, Judge

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ORDER

AND NOW, this 7th day of March, 2011, the May 7, 2010 order of the State Civil Service Commission is affirmed.

JOHNNY J. BUTLER, Judge