

COMMONWEALTH COURT OF PENNSYLVANIA

Electric City Aquarium & Reptile Den, LLC v. Pennsylvania Human Relations Commission

No. 1551 C.D. 2024 (Pa. Cmwlth. Nov. 20 2025) · No. 1551 C.D. 2024 · Decided November 20, 2025

SUMMARY

The Pennsylvania Commonwealth Court reviewed an adjudication of the Pennsylvania Human Relations Commission finding Electric City Aquarium & Reptile Den, LLC liable for retaliating against a former employee. The court held that the employee's complaints about coworker conduct did not constitute protected activity under the Pennsylvania Human Relations Act because they did not identify unlawful sex discrimination or sexual harassment. The court reversed the Commission's adjudication and award of backpay and interest.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Mary Hannah Leavitt, Senior Judge; Patricia A. McCullough, Judge; Lori A. Dumas, Judge
JURISDICTION	Commonwealth Court of Pennsylvania
DECIDED	November 20, 2025
DOCKET	1551 C.D. 2024
DISPOSITION	reversed
PROCEDURAL POSTURE	Employer petitioned for review of a Pennsylvania Human Relations Commission adjudication holding it liable for retaliation under the Pennsylvania Human Relations Act and awarding backpay and interest.
STANDARD OF REVIEW	Whether the Commission's adjudication was in accordance with law, whether constitutional rights were violated, and whether its findings of fact were supported by substantial evidence.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Electric City Aquarium & Reptile Den, LLC v. Pennsylvania Human Relations Commission

TOPICS

retaliation

employment law

administrative law

appellate procedure

standard of review

PRACTICE AREAS

employment law

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QUESTIONS PRESENTED

1. Whether the employee established the protected-activity element of a prima facie retaliation claim under Section 5(d) of the Pennsylvania Human Relations Act.
2. Whether the employee established that the employer's stated reason for terminating her employment—financial losses and the need to reduce staffing—was pretextual under the McDonnell Douglas burden-shifting framework.

HOLDINGS

1. The employee did not establish the first element of a prima facie retaliation claim because her oral and written complaints concerned a coworker's allegedly rude or harassing behavior but did not oppose a practice forbidden by the Pennsylvania Human Relations Act, such as sex discrimination or sexual harassment, of which the employer's decisionmaker was aware.
2. Even assuming the employee established a prima facie retaliation claim, she did not prove that the employer's stated reason for terminating her employment—financial difficulties requiring a reduction in reptile-curator positions—was pretextual.

KEY QUOTATIONS

“The two positions cannot be reconciled.” (20-21)

“We therefore reverse the Commission’s October 28, 2024, order.” (21)

FACTUAL BACKGROUND

Rachel Lanning worked as a reptile curator for Electric City Aquarium & Reptile Den from September 2018 until her employment ended in October 2019. In early October 2019, she complained to the aquarium's director about a coworker's belittling, dismissive, and allegedly harassing conduct, and she signed a written complaint that did not identify sex discrimination or sexual harassment. The employer placed her on paid leave and then informed her that she was being laid off because business was slow and the aquarium could retain only one reptile curator. The hearing examiner and Commission found retaliation, but the Commonwealth Court held that Lanning had not engaged in protected activity under the Pennsylvania Human Relations Act and, alternatively, had not shown the employer's financial justification to be pretextual.

PROCEDURAL HISTORY

A former employee filed Pennsylvania Human Relations Commission claims for sex discrimination and retaliation. Following a hearing on April 3, 2024, the hearing examiner recommended relief on the retaliation claim but rejected the sex-discrimination claim. The Commission adopted the recommendation in toto on

October 28, 2024, ordered the employer to cease and desist from retaliation, and awarded \$66,268.03 in backpay plus 6% interest. The Commonwealth Court reversed the Commission's order.

DISPOSITION

reversed

CASES CITED

- McDonnell Douglas Corporation v. Green, 411 U.S. 792 (1973)
- Spanish Council of York, Inc. v. Pennsylvania Human Relations Commission, 879 A.2d 391, 397 n.15, 399 (Pa. Cmwlth. 2005)
- Jackson v. Birmingham Board of Education, 544 U.S. 167 (2005)
- Foust v. Pennsylvania Department of Human Services, 305 A.3d 1128, 1133 (Pa. Cmwlth. 2023)
- Philadelphia Housing Authority v. American Federation of State, County and Municipal Employees, 956 A.2d 477, 484 (Pa. Cmwlth. 2008)
- Hoy v. Angelone, 691 A.2d 476, 480 & n.5 (Pa. Super. 1997)
- Lerch v. Unemployment Compensation Board of Review, 180 A.3d 545, 550 (Pa. Cmwlth. 2018)
- Ferraro v. Temple University, 185 A.3d 396, 401-02 (Pa. Super. 2018)
- Kroptavich v. Pennsylvania Power and Light Company, 795 A.2d 1048, 1055 (Pa. Super. 2002)
- Fuentes v. Perskie, 32 F.3d 759, 763 (3d Cir. 1994)
- Circle Bolt & Nut Company, Inc. v. Pennsylvania Human Relations Commission, 954 A.2d 1265 (Pa. Cmwlth. 2008)