

SUPREME COURT OF PENNSYLVANIA

Pennsylvania State Corrections Officers Ass'n v. State Civil Service Commission, 595 Pa. 548

939 A.2d 296 (2007) · Decided December 27, 2007

SUMMARY

The Supreme Court of Pennsylvania held that the Pennsylvania State Civil Service Act's seniority protections conflicted with a collective bargaining agreement provision that treated an employee's promotion out of a bargaining unit and subsequent return as a break in service. Applying the Pennsylvania Employee Relations Act, the court concluded that the statute prevailed over the inconsistent collective bargaining agreement provisions. The court reversed the Commonwealth Court and reinstated the State Civil Service Commission's adjudication.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Baer; Chief Justice Cappy; Justice Castille; Justice Saylor; Justice Eakin; Justice Baldwin; Justice Fitzgerald
JURISDICTION	Pennsylvania
DECIDED	December 27, 2007
DISPOSITION	reversed
PROCEDURAL POSTURE	The State Civil Service Commission and Dennis N. Jenkins appealed the Commonwealth Court's order directing the Department of Corrections to calculate Jenkins's seniority under the collective bargaining agreement rather than the State Civil Service Act.
STANDARD OF REVIEW	Review of the Commission's adjudication was limited to whether constitutional rights were violated, errors of law were committed, or the agency's findings were supported by substantial evidence.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Pennsylvania
PARTIES	State Civil Service Commission, Dennis N. Jenkins, Sr. v. Pennsylvania State Corrections Officers Association

TOPICS

labor law

collective bargaining

employment law

statutory interpretation

administrative law

PRACTICE AREAS

labor law

employment law

administrative law

QUESTIONS PRESENTED

1. Whether the State Civil Service Act and the collective bargaining agreement define and apply seniority differently for furlough and promotion purposes.
2. Whether the collective bargaining agreement's provision forfeiting seniority after a promotion out of and return to the bargaining unit conflicts with the State Civil Service Act.
3. Whether, under section 703 of the Pennsylvania Employee Relations Act, the State Civil Service Act controls when the collective bargaining agreement conflicts with the statutory seniority protections.

HOLDINGS

1. The collective bargaining agreement's treatment of a promotion out of the H1 bargaining unit as a break in service, with resulting forfeiture of seniority, conflicts with the State Civil Service Act's protection of seniority during continuous employment in the classified service.
2. A collective bargaining agreement may not redefine seniority or provide for forfeiture of seniority in a manner inconsistent with the State Civil Service Act.
3. Jenkins's seniority must be calculated under the State Civil Service Act, including his prior service in the CO2 class and H1 bargaining unit before his promotion to CO3.

KEY QUOTATIONS

“In the event of such a conflict, the statutory language controls.” (at 308)

“While labor and management may bargain over whether seniority should be given more or less weight when making furlough or promotional decisions, they may not define what seniority is and when it is forfeited in a way that conflicts with the Act.” (at 311)

FACTUAL BACKGROUND

Dennis Jenkins began employment with the Department of Corrections in 1987 and accumulated seniority in the classified service, the corrections officer classification series, and the CO2 class. In 2002, he was promoted from CO2 to CO3, a management position outside the H1 bargaining unit, and returned to CO2 within approximately three months. The collective bargaining agreement treated the promotion out of the bargaining unit as a break in service and reset his seniority, while the State Civil Service Act protected his accrued seniority because he remained continuously employed in the classified service.

PROCEDURAL HISTORY

Jenkins challenged the Department of Corrections' calculation of his seniority after he was promoted out of the H1 bargaining unit and returned to his former position within three months. The Commission ruled that the collective bargaining agreement conflicted with the State Civil Service Act and directed the Department to calculate seniority under the Act. The Commonwealth Court vacated and remanded for the union's participation,

then reversed the Commission and ordered calculation under the collective bargaining agreement. The Supreme Court of Pennsylvania reversed the Commonwealth Court and reinstated the Commission's adjudication.

DISPOSITION

reversed

CASES CITED

- Geary v. U.S. Steel Corp., 456 Pa. 171, 319 A.2d 174 (1974)
- Pennsylvania Game Comm'n v. State Civil Serv. Comm'n (Toth), 561 Pa. 19, 747 A.2d 887 (2000)
- Bowman v. Department of Env. Res., 549 Pa. 65, 700 A.2d 427 (1997)
- Commonwealth v. Bennett, 593 Pa. 382, 930 A.2d 1264 (2007)
- Pennsylvania Gaming Control Bd. v. City Council of Philadelphia, 593 Pa. 241, 928 A.2d 1255 (2007)
- Pennsylvania Labor Relations Board v. State College Area School District, 461 Pa. 494, 337 A.2d 262 (1975)
- Mifflinburg Area Educ. Ass'n ex rel. Ulrich v. Mifflinburg Area Sch. Dist., 555 Pa. 326, 724 A.2d 339 (1999)
- Kmonk-Sullivan v. State Farm Mut. Auto. Ins. Co., 567 Pa. 514, 788 A.2d 955 (2001)
- Pennsylvania State Corrs. Officers Ass'n v. State Civil Service Comm'n, 900 A.2d 997 (Pa. Cmwlth. 2006)
- Abel v. City of Pittsburgh, 890 A.2d 1 (Pa. Cmwlth. 2005)
- Jenkins v. Dep't of Corrs., Pennsylvania Civ. Serv. Comm'n Adj. No. 22765 (Mar. 4, 2005)