

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 736 Session of 1991

INTRODUCED BY MICHLOVIC, TRELLO, PISTELLA, TIGUE, OLASZ,  
LAUGHLIN, CIVERA, ALLEN, BILLOW, KAISER, KOSINSKI, LINTON,  
McNALLY, SALOOM, BATTISTO, MAIALE, S. H. SMITH, VEON, PESCI,  
STISH, COLAIZZO, DALEY, BELFANTI, STABACK, HALUSKA, MARKOSEK,  
CAWLEY, BUNT, TELEK AND CLARK, MARCH 13, 1991

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 13, 1991

AN ACT

1 Amending the act of August 5, 1941 (P.L.752, No.286), entitled  
2 "An act regulating and improving the civil service of certain  
3 departments and agencies of the Commonwealth; vesting in the  
4 State Civil Service Commission and a Personnel Director  
5 certain powers and duties; providing for classification of  
6 positions, adoption of compensation schedules and  
7 certification of payrolls; imposing duties upon certain  
8 officers and employees of the Commonwealth; authorizing  
9 service to other State departments or agencies and political  
10 subdivisions of the Commonwealth in matters relating to civil  
11 service; defining certain crimes and misdemeanors; imposing  
12 penalties; making certain appropriations, and repealing  
13 certain acts and parts thereof," further providing for public  
14 notice of examinations and vacancies and for selection and  
15 appointment of eligibles.

16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 Section 1. Section 504 of the act of August 5, 1941  
19 (P.L.752, No.286), known as the Civil Service Act, amended  
20 August 27, 1963 (P.L.1257, No.520), is amended to read:

21 Section 504. Public Notice of Examinations.--The director  
22 shall give public notice of all examinations for positions or  
23 promotions in the classified service at least two weeks in

1 advance of the final date for filing applications for such  
2 examinations by posting an appropriate notice on the bulletin  
3 board maintained in or near the commission's principal office,  
4 by furnishing at least twenty copies of such notice to the  
5 newspaper correspondents' office in the State Capitol, and at  
6 least one copy of such notice to each office throughout the  
7 State of all the departments set forth in Article I, section 3,  
8 clause (d) of this act, directing that such notice shall  
9 immediately be posted on a public bulletin board maintained in  
10 each such office. The director may give such further public  
11 notice as he deems advisable. Such notice shall give the  
12 schedule and general scope of every examination, the weights to  
13 be given to each of the tests in the examination, and the  
14 specific and particular duties, pay, experience, education and  
15 other qualifications requisite for all positions in the class  
16 for which the examination is to be held and the manner and place  
17 in which application forms and detailed pertinent information  
18 may be obtained.

19 Section 2. Section 602 of the act, amended October 7, 1974  
20 (P.L.676, No.226), is amended to read:

21 Section 602. Selection and Appointment of Eligibles.--Unless  
22 it is found to be in the interest of the service of the  
23 Commonwealth not to fill a vacant position, or unless the terms  
24 of a collective bargaining agreement in existence provide  
25 alternative promotion filling procedures, in which case the  
26 terms of such labor agreement shall be controlling, the  
27 appointing authority, within thirty days, shall appoint the  
28 person whose name is, or one of the persons whose names are,  
29 certified by the director. If the vacant position is to be  
30 filled from among the names of employes on the appropriate

1 promotion list which have been submitted to the appointing  
2 authority, he shall select a person, provided he is among the  
3 three highest ranking persons on such list or that his final  
4 mark or grade is not more than one point below the mark or grade  
5 of the person ranking highest on such list unless there is in  
6 existence a labor agreement covering promotions in which case  
7 the terms of such labor agreement shall be controlling. In  
8 making the second, third and any additional promotion in the  
9 same class of position, the appointing authority in like manner  
10 shall select a person from among the three highest ranking  
11 persons remaining on such list, or he shall select a person  
12 whose final mark or grade is not more than one point below the  
13 mark or grade of the highest ranking person remaining on such  
14 list, except where the terms of a collective bargaining  
15 agreement in existence provide otherwise, in which case the  
16 terms of the collective bargaining agreement shall be  
17 controlling. If the vacant position is to be filled from among  
18 the names of persons certified from the employment list by the  
19 director to the appointing authority, he shall select a person  
20 from among the three highest ranking persons for the class of  
21 position to be filled, unless there is in existence a labor  
22 agreement covering promotions in which case the terms of such  
23 labor agreement shall be controlling. For the second, third, and  
24 any additional vacancy in the same class of position the  
25 appointing authority shall make selection from among the three  
26 highest ranking persons remaining on such list who have not been  
27 within his reach for three separate vacancies. After a name has  
28 been rejected three times by an appointing authority in favor of  
29 others on the same eligible list, [such name shall not] the name  
30 may again be certified to that appointing authority, except upon

1 written request from the appointing authority to remove the name  
2 from the list, and a person whose name has been removed under  
3 this procedure may challenge the removal of his name by filing  
4 an administrative appeal. Appointing authorities shall promptly  
5 report to the director the selection and appointment of  
6 eligibles whose names have been certified. If an eligible whose  
7 name has been certified shall refuse to accept an appointment  
8 offered to him, such refusal shall be promptly investigated by  
9 the director and, if it be found that the refusal has been made  
10 for improper or insufficient reasons, the director shall after  
11 giving ten days' notice to such person remove his name from the  
12 list.

13       Section 3. This act shall take effect in 60 days.