

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2273 Session of  
2003

INTRODUCED BY ZUG, CLYMER, HALUSKA, BROWNE, DALEY, DENLINGER,  
DONATUCCI, GEIST, GERGELY, GINGRICH, GOODMAN, HARHAI, HERMAN,  
HERSHEY, HESS, KIRKLAND, SAYLOR, B. SMITH, SURRA, TIGUE AND  
YOUNGBLOOD, DECEMBER 17, 2003

REFERRED TO COMMITTEE ON STATE GOVERNMENT, DECEMBER 17, 2003

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  
14 examination requisite for appointment and promotion.

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

17 Section 1. Section 501 of the act of August 5, 1941  
18 (P.L.752, No.286), known as the Civil Service Act, amended  
19 November 27, 2002 (P.L.1129, No.140), is amended to read:

20 Section 501. Examinations Requisite for Appointment and  
21 Promotion.--(a) Except as otherwise provided in this act,  
22 appointments of persons entering the classified service or  
23 promoted therein shall be from eligible lists established as the

1 result of examinations given by the director to determine the  
2 relative merit of candidates. Such examinations may be written  
3 and shall be competitive and open to all persons who may be  
4 lawfully appointed to positions within the classes for which the  
5 examinations are held, except that persons in unskilled  
6 positions shall enter the classified service by promotion  
7 without examination provided: (1) such promotion is into a  
8 classified position immediately above the person's own position;  
9 (2) such promotion is based on seniority and meritorious  
10 service; (3) the person meets the minimum requirements for that  
11 position; and (4) the person satisfactorily completes a six  
12 month probationary period in the classified position. If no  
13 persons in such unskilled positions meet the preceding  
14 requirements, the vacant position may be filled pursuant to  
15 Article V.

16 (b) Persons applying for positions or promotions in the  
17 classified service shall be residents of the Commonwealth or  
18 former residents of the Commonwealth who meet the requirements  
19 of this subsection, and where applicable to the administrative  
20 district. Former residents of the Commonwealth must have  
21 relocated out of State for academic or employment purposes,  
22 shall plan to establish Commonwealth residency within six months  
23 of beginning employment in the classified service and must have:  
24 (1) graduated from a public, private or nonpublic secondary  
25 school in the Commonwealth within five years of applying for a  
26 position in the classified service; [or] (2) attended a public,  
27 private or nonpublic school in the Commonwealth at least eighty  
28 percent of the time while enrolled in grades one through twelve  
29 and attended such school within five years of applying for a  
30 position in the classified service[.]; or (3) graduated or

1 attended a public, private or nonpublic secondary school in the  
2 Commonwealth and graduated from a four year college, university  
3 or technical school in the Commonwealth within five years of  
4 applying for a position in the classified service.

5 Notwithstanding any of the provisions of this act, whenever an  
6 appointing authority finds a lack of a sufficient number of  
7 qualified personnel available for appointment to any particular  
8 class or classes of positions, the appointing authority may  
9 present evidence thereof to the director who may waive the  
10 residence requirements for such class or classes of positions.

11 (c) The director shall prepare the proper State and district  
12 employment and promotion eligible lists: Provided, That after an  
13 examination has been conducted for any class of positions, if  
14 there is no person with such legal residence in any  
15 administrative district, remaining on the register the director  
16 shall certify and the appointing authority may make the  
17 appointment or promotion from the names of persons on an  
18 appropriate eligible list for the same class of positions of  
19 other administrative districts. Limitations as to age, sex,  
20 health, moral character, experience and other qualifications may  
21 be specified in the rules of the commission and in the  
22 announcements of the examinations. All applications for  
23 positions in the classified service shall be subject to the  
24 penalties of 18 Pa.C.S. § 4904 (relating to unsworn  
25 falsification to authorities).

26 (d) The commission may limit competition in promotion  
27 examinations to employes in the classified service who have  
28 completed their probationary period in a class or classes  
29 designated in the public notice of the examinations, and may  
30 permit promotions to be accomplished by any one of the following

1 plans: (1) by appointment from open competitive lists; or (2) by  
2 achieving a place on an eligible list after a promotional  
3 examination, such examination having been given at the request  
4 of the appointing authority; or (3) by promotion based upon  
5 meritorious service and seniority to be accomplished by  
6 appointment without examination, if the person has completed the  
7 probationary period in the next lower position and meets the  
8 minimum requirements for the higher position.

9 (e) To the extent permitted by law, when all applicants for  
10 appointment or promotion to a position in the classified service  
11 are equally qualified, preference will be shown to applicants  
12 who are United States citizens over those who are not.

13 Section 2. This act shall take effect in 60 days.