

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1154 Session of 2015

INTRODUCED BY VULAKOVICH, FOLMER, BAKER, ARGALL, BARTOLOTTA, BLAKE, BOSCOLA, BREWSTER, DINNIMAN, EICHELBERGER, FARNESE, FONTANA, GORDNER, HUTCHINSON, KITCHEN, LEACH, MCGARRIGLE, MENSCH, RAFFERTY, RESCHENTHALER, SCARNATI, SCAVELLO, SCHWANK, TARTAGLIONE, VOGEL, WAGNER, WARD, WHITE, WOZNIAK, YAW AND YUDICHAK, MARCH 9, 2016

REFERRED TO STATE GOVERNMENT, MARCH 9, 2016

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 employes 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," in selection of employees
 14 for entrance to or promotion in the classified service,
 15 further providing for ratings of competitors; and, in
 16 appointment and promotion of employees in the classified
 17 service, further providing for certification and for
 18 selection and appointment of eligibles.

19 The General Assembly of the Commonwealth of Pennsylvania
 20 hereby enacts as follows:

21 Section 1. Section 505 of the act of August 5, 1941
 22 (P.L.752, No.286), known as the Civil Service Act, amended
 23 August 27, 1963 (P.L.1257, No.520), is amended to read:

24 Section 505. Ratings of Competitors.--The final earned

1 rating of a person competing in any examination shall be
2 attained by computing the ratings for each part or parts of the
3 examination, the qualifying point for which is set by the
4 director under the direction of the commission according to
5 weights for each test established by the director. The director
6 shall [send] provide notice by [mail] electronic mail or other
7 communication or method if available, or alternatively, by
8 United States mail to all competitors informing them whether
9 they have attained a place upon the list and informing those who
10 have attained a place upon the list of the number who took the
11 examination, the number on the list, and of their relative
12 standing upon the list.

13 Section 2. Sections 601 and 602 of the act, amended November
14 27, 2002 (P.L.1129, No.140), are amended to read:

15 Section 601. Certification.--Whenever a vacancy is likely to
16 occur or is to be filled in the classified service, the
17 appointing authority shall submit to the director a statement
18 indicating the position to be filled. Unless the appointing
19 authority elects to follow one of the alternative procedures
20 provided for in this act, or unless there is in existence a
21 labor agreement covering promotions in the classified service,
22 in which case the terms and procedures of such labor agreement
23 relative to the procedures for promotions shall be controlling,
24 the director shall certify to the appointing authority the names
25 of the three [eligibles who are highest on the appropriate
26 promotion list or employment list, whichever is in existence, or
27 from the one, which under the rules of the commission, has
28 priority.] highest ranking available persons on the
29 certification of eligibles unless the director has specified,
30 prior to testing the eligibles on the list, that either all

1 available persons regardless of ranking or a specified
2 alternative number, other than three, of the highest ranking
3 available persons will be used in making selections for this
4 classification. If the appropriate employment or promotion
5 certification of eligibles contains fewer than three eligibles
6 who are willing to accept appointment or if there is no
7 appropriate eligible list, the appointing authority may appoint
8 an available eligible from the approved list or request the
9 director to certify from such other list or lists as the
10 director deems the next most nearly appropriate. If operational
11 conditions of the appointing authority so dictate and it is
12 found to be in the interest of the service to the Commonwealth,
13 the [commission] director may authorize selective certifications
14 based on [standards to be prescribed by the commission] merit-
15 related criteria. Any person on any promotion or employment list
16 who waives consideration for promotion or appointment need not
17 be considered among the names from which a promotion or
18 appointment is to be made.

19 Section 602. Selection and Appointment of Eligibles.--[If]

20 (a) Unless a labor agreement contains promotion procedures
21 which are inconsistent with this act, in which case the terms of
22 the labor agreement shall be controlling, if a vacant position
23 is to be filled, an appointing authority may:

24 (1) request the director to issue an appropriate
25 certification of previously tested and active eligibles [unless
26 a labor agreement contains promotion procedures which are
27 inconsistent with this act, in which case the terms of such
28 labor agreement shall be controlling.]; or

29 (2) request the director to create and issue a certification
30 of eligibles consisting only of the names of those candidates

1 who responded by applying for the vacancy after receipt of
2 notice of the vacancy from the commission, provided the director
3 approves the use of this alternative selection procedure to fill
4 the vacancy. The failure of a candidate to apply for the vacancy
5 shall be considered a waiver under section 601.

6 (b) The certification of eligibles created and issued under
7 this section shall be valid for [sixty] ninety work days. If the
8 vacant position is to be filled from an employment or promotion
9 list, the appointing authority shall select a person who is
10 among the three highest ranking available persons on the
11 certification of eligibles[.], unless the director has
12 specified, prior to testing the eligibles on the list, that
13 either all available persons regardless of ranking or a
14 specified alternative number other than three of the highest
15 ranking available persons will be used in making selections for
16 the classification. In making the second, third or any
17 additional selection from the eligibles on an employment or
18 promotional certification, each selection shall be from among
19 the [three highest scoring] similarly ranked available persons
20 remaining on such certification of eligibles. After a person has
21 been rejected three times by an appointing authority in favor of
22 others on the same eligible list, such person shall not again be
23 certified to that appointing authority, except upon written
24 request from the appointing authority. Appointing authorities
25 shall promptly report to the director the appointment of
26 eligibles who have been certified. If a certified eligible
27 refuses to accept an offer of employment, such refusal shall be
28 promptly investigated by the director and, if it be found that
29 the refusal has been made for improper or insufficient reasons,
30 the director shall after giving ten days' notice to such person

1 remove the eligible from the list.

2 Section 3. This act shall take effect immediately.