
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1037 Session of
2018

INTRODUCED BY FOLMER, VULAKOVICH, EICHELBERGER, BARTOLOTTA,
RESCHENTHALER, FONTANA, YUDICHAK, ARGALL, WILLIAMS, SCHWANK,
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LEACH, LAUGHLIN, ALLOWAY, MARTIN, STREET AND YAW,
FEBRUARY 9, 2018

REFERRED TO STATE GOVERNMENT, FEBRUARY 9, 2018

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, consolidating the Civil Service Act;
3 providing for civil service reform in the areas of merit-
4 based hiring, civil service applications, certification,
5 examinations and promotions; and making related repeals.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 71 of the Pennsylvania Consolidated
9 Statutes is amended by adding a part to read:

10 PART III

11 CIVIL SERVICE REFORM

12 Chapter

13 21. General Provisions

14 22. Merit System Employment

15 23. Selection of Employees for Entrance to or Promotion in

16 Classified Service

17 24. Appointment and Promotion of Employees in Classified

1 Service

2 25. Regulation of Employees in Classified Service

3 26. Separation of Employees from Classified Service

4 27. Prohibitions, Penalties and Enforcement

5 28. Notice of Personnel Actions

6 29. Services Available, Costs and Funding

7 30. State Civil Service Commission and Director

8 31. Hearings and Records

9 32. Commission Funds, Costs and Service

10 33. Records, Status and Appropriations

11 CHAPTER 21

12 GENERAL PROVISIONS

13 Sec.

14 2101. Scope of part.

15 2102. Purpose.

16 2103. Definitions.

17 § 2101. Scope of part.

18 This part relates to civil service reform.

19 § 2102. Purpose.

20 The purpose of this part is to create and sustain a modern
21 merit system of employment within the Commonwealth work force
22 that promotes the hiring, retention and promotion of highly
23 qualified individuals, ensuring that government services are
24 efficiently and effectively delivered to the public.

25 § 2103. Definitions.

26 Subject to additional definitions contained in subsequent
27 provisions of this part which are applicable to specific
28 provisions of this part, the following words and phrases when
29 used in this part shall have the meanings given to them in this
30 section unless the context clearly indicates otherwise:

1 "Appointing authority." The officers, board, commission,
2 individual or group of individuals having power by law to make
3 appointments in the classified service.

4 "Board." The Executive Board of the Commonwealth.

5 "Civil Service Act." The former act of August 5, 1941
6 (P.L.752, No.286), known as the Civil Service Act.

7 "Classified service." As follows:

8 (1) A position filled under the merit system of
9 employment, including:

10 (i) Each position existing on or created after
11 August 5, 1941, in the Department of Human Services,
12 including the county boards of assistance, except for a
13 student worker in institutions operated by the Office of
14 Children, Youth and Families.

15 (ii) The following:

16 (A) Each position existing on or created after
17 August 5, 1941, in the Department of Labor and
18 Industry which is charged with the administration of
19 the act of December 5, 1936 (2nd Sp.Sess., 1937
20 P.L.2897, No.1), known as the Unemployment
21 Compensation Law.

22 (B) Each position which is charged with the
23 administration of the act of June 2, 1915 (P.L.736,
24 No.338), known as the Workers' Compensation Act, and
25 the act of July 26, 1913 (P.L.1363, No.851), referred
26 to as the Occupational Disease Prevention Law,
27 including the positions of workers' compensation
28 judges. The term shall not include the positions of
29 members of the Workers' Compensation Appeal Board and
30 members and employees of the State Workers' Insurance

1 Board and the State Workers' Insurance Fund.

2 (iii) Each position existing on or created after
3 August 5, 1941, in the Pennsylvania Liquor Control Board.

4 (iv) Each position existing on or created after
5 August 5, 1941, in the commission.

6 (v) Each position existing on or created after
7 August 5, 1941, in the Pennsylvania Board of Probation
8 and Parole.

9 (vi) Each position existing on or created after
10 August 5, 1941, in the Department of Education. The term
11 shall not include the presidents, faculty members and
12 student employees of the State colleges, the heads and
13 faculty members of the Department of Education's other
14 educational institutions and county superintendents,
15 assistant county superintendents and supervisors of
16 special education.

17 (vii) Each position existing on or created after
18 August 5, 1941, in the Department of Health. The term
19 shall not include patient employees at institutions
20 operated by the Department of Health.

21 (viii) Each position existing on or created after
22 August 5, 1941, in the Department of Banking and
23 Securities.

24 (ix) Each position existing on or created after
25 August 5, 1941, in the Insurance Department.

26 (x) Each position existing on or created after
27 August 5, 1941, in the State Employes' Retirement Board
28 and under the professional licensing boards in the
29 Department of State.

30 (xi) Each position existing on or created after

1 August 5, 1941, in a department or agency under the
2 Governor's jurisdiction which:

3 (A) Is required to be under a merit system in
4 order to qualify the agency or department for the
5 receipt of money from the Federal Government or an
6 agency or instrumentality of the Federal Government.

7 (B) Was designated as professional or technical
8 by the board on or before October 1, 1962.

9 (C) Was covered by civil service under the terms
10 of an agreement entered into between the department
11 or agency and the commission after October 1, 1962,
12 other than agreements arising out of the board
13 resolution of September 10, 1956, as amended and
14 supplemented.

15 (xii) The positions of engineer, geologist, chemist,
16 planning specialist, statistician, economist,
17 photogrammetrist, architect, landscape architect,
18 cartographer, draftsmen and surveyor in the Department of
19 Transportation.

20 (xiii) Each position in a local civil defense
21 organization which a political subdivision may bring
22 under the provisions of 35 Pa.C.S. § 7312(f) (relating to
23 organization), upon the exercise of the authority.

24 (xiv) Each position existing on or created after
25 December 3, 1975, in the Pennsylvania Labor Relations
26 Board. The term shall not include an executive director,
27 secretary, regional director, attorney and attorney
28 examiner.

29 (2) The term shall not include a position included in
30 the unclassified service.

1 "Commission." The State Civil Service Commission.

2 "Demotion." The voluntary or involuntary movement of an
3 employee to a class assigned to a pay range with a lower maximum
4 salary.

5 "Director." The Executive Director of the State Civil
6 Service Commission.

7 "Eligible." An individual whose name is on an eligible list.

8 "Eligible list." An employment list, promotion list or
9 reemployment list.

10 "Employee." Except as provided in section 2705(g) (relating
11 to political activity), an individual legally occupying a
12 position in the classified service.

13 "Employment list." A list of individuals who have been found
14 qualified by an entrance examination for appointment to a
15 position in a particular class.

16 "Entrance examination." An examination for a position in a
17 particular class, admission to which is not limited to an
18 individual employed in the classified service.

19 "Furlough." The termination of employment because of lack of
20 work or lack of funds.

21 "Job," "job title," "class" or "class of positions." A group
22 of positions in the classified service which are sufficiently
23 similar in respect to the duties and responsibilities of the
24 positions that the same:

25 (1) descriptive title may be used for each position;

26 (2) requirements as to experience, knowledge and ability
27 are demanded of incumbents;

28 (3) assessments may be used to choose qualified
29 appointees; and

30 (4) schedule of compensation may be made to apply with

1 fairness under like working conditions.

2 "Permanent position." A position in the classified service
3 which does not have an expiration date.

4 "Position." A group of current duties and responsibilities
5 assigned or delegated by competent authority requiring the full-
6 time or part-time employment of one individual.

7 "Probationary period." A preliminary period of employment,
8 the purpose of which is to determine the fitness of an employee
9 for regular status.

10 "Promotion." The movement of an employee to another class in
11 a pay range with a higher maximum salary.

12 "Promotion examination." An examination for a position in a
13 particular class, admission to which is limited to an employee
14 in the classified service who has held a position in another
15 class.

16 "Promotion list." A list of individuals determined to be
17 qualified by a promotion examination for appointment to a
18 position in a particular class.

19 "Regular employee." An employee who has been appointed to a
20 position in the classified service in accordance with this part
21 after completion of the employee's probationary period.

22 "Removal." The permanent separation from the classified
23 service of an employee who has been permanently appointed.

24 "Temporary position." A position in the classified service
25 resulting from temporary pressure of extra work which is likely
26 to continue for a period of 12 months or less.

27 "Unclassified service." Each position existing on or created
28 after August 5, 1941, in a department and agency included in the
29 definition of classified service which are held by any of the
30 following:

1 (1) A head and deputy head of a department of the
2 Commonwealth, bureau director, division chief and all other
3 supervisory personnel whose duties include participation in
4 policy decisions.

5 (2) A member of a board or commission.

6 (3) One secretary or one confidential clerk and not more
7 than five other personal assistants or aides to each State
8 appointing authority or each member of the State appointing
9 authority, except the commission and the director.

10 (4) An individual appointed for the duration of a
11 special study, project or internship which is scheduled to be
12 completed after a fixed or limited period of time and which
13 should not be performed by an individual in the classified
14 service.

15 (5) An attorney that the appointing authority appoints.

16 (6) Unskilled labor.

17 (7) Each professional position attached to the
18 department head's office which functions in press, public
19 relations, legislative liaison or development of executive
20 policy.

21 "Unskilled labor." An individual occupying or assigned to a
22 position for which the principal job function is manual labor or
23 work requiring limited or no prior education or training.

24 "Veteran." An individual who served in the United States
25 Armed Forces, including a reserve component or National Guard,
26 and who was honorably discharged or released from service.

27 CHAPTER 22

28 MERIT SYSTEM EMPLOYMENT

29 Sec.

30 2201. Transfer of duties.

1 2202. Duties of Office of Administration.

2 2203. Regulations.

3 2204. Federal standards.

4 2205. Legislative representation for collective bargaining.

5 § 2201. Transfer of duties.

6 Beginning on the effective date of this section, the Office
7 of Administration shall perform the duties conducted by the
8 commission and the director under the Civil Service Act, except
9 sections 950 and 951(a), (b) and (c) of the Civil Service Act.

10 § 2202. Duties of Office of Administration.

11 (a) Duties.--The Office of Administration shall have the
12 power and duty to implement and administer this part as follows:

13 (1) Perform the duties conducted, prior to the effective
14 date of this section, by the commission and the director
15 under section 2201 (relating to transfer of duties).

16 (2) Direct and supervise the administrative work of
17 merit system employment.

18 (3) Appoint staff to classified service positions
19 necessary to carry out the provisions of this part.

20 (4) Provide merit system employment for the Commonwealth
21 in accordance with this part.

22 (5) Advertise, on the Office of Administration's
23 publicly accessible Internet website and in each Office of
24 Administration announcement and advertisement, that:

25 (i) veterans' preference is the law of this
26 Commonwealth;

27 (ii) to determine standing on each certified
28 eligibility list, an additional 10 points shall be
29 applied to the final examination score obtained by a
30 veteran, in accordance with 51 Pa.C.S. § 7103 (relating

1 to additional points in grading civil service
2 examinations); and

3 (iii) the same preferential rating given to veterans
4 under this chapter shall be extended to include spouses
5 of deceased or disabled veterans, in accordance with 51
6 Pa.C.S. § 7108 (relating to preference of spouses).

7 (6) Administer this part, except for Chapters 30
8 (relating to State Civil Service Commission and Director) and
9 31 (relating to hearings and records).

10 (7) Request assistance from State departments, agencies,
11 boards or commissions, if necessary.

12 (8) Cooperate with other civil service agencies.

13 (9) Investigate as requested by the Governor or the
14 General Assembly and to report on the investigation.

15 (10) Investigate, notwithstanding any other provision of
16 this part, personnel action taken under this part and hold
17 public hearings, record findings and conclusions and order
18 action to assure observance of this part.

19 (11) Administer oaths and require testimony and the
20 production of documents and records.

21 (b) Oaths, testimony and documents.--The following shall
22 apply:

23 (1) The Secretary of Administration and any other
24 employee or agency authorized by the secretary shall have the
25 power to administer oaths in matters pertaining to the work
26 of the Office of Administration under this part.

27 (2) The Office of Administration shall have the power to
28 secure by subpoena the attendance and testimony of witnesses
29 and the production of documents and records.

30 (c) Authority of court.--A judge of a court of record shall,

1 upon proper application of the Office of Administration, compel
2 the attendance of witnesses, the production of documents and
3 records and the giving of testimony before the Office of
4 Administration in the same manner as the production of evidence
5 may be compelled before the court.

6 § 2203. Regulations.

7 (a) Authority.--The Office of Administration may promulgate
8 regulations necessary to carry out the provisions of this part.

9 (b) Temporary regulations.--

10 (1) In order to facilitate the prompt implementation of
11 this part, the Office of Administration may promulgate
12 temporary regulations which shall expire no later than three
13 years following the publication of the temporary regulations.
14 The Office of Administration may promulgate temporary
15 regulations not subject to:

16 (i) Sections 201, 202, 203, 204 and 205 of the act
17 of July 31, 1968 (P.L.769, No.240), referred to as the
18 Commonwealth Documents Law.

19 (ii) Section 204(b) of the act of October 15, 1980
20 (P.L.950, No.164), known as the Commonwealth Attorneys
21 Act.

22 (iii) The act of June 25, 1982 (P.L.633, No.181),
23 known as the Regulatory Review Act.

24 (2) The authority provided to the Office of
25 Administration to adopt temporary regulations under paragraph
26 (1) shall expire three years following the publication of the
27 temporary regulations. Regulations adopted after this period
28 shall be promulgated as provided by law.

29 § 2204. Federal standards.

30 (a) Duty.--Notwithstanding any other provision of this part,

1 the Commonwealth and its political subdivisions shall take
2 action with respect to matters involving personnel
3 administration as necessary to ensure the continued eligibility
4 of the Commonwealth and its political subdivisions for Federal
5 grants-in-aid.

6 (b) Prohibition.--Notwithstanding any other provision of
7 this part, a State program which is required to have the State
8 program's positions under a merit system because of the receipt
9 of Federal grants-in-aid may not have more positions in the
10 unclassified service than are allowed by Federal merit system
11 standards.

12 § 2205. Legislative representation for collective bargaining.

13 The President pro tempore of the Senate and the Speaker of
14 the House of Representatives may jointly appoint a competent
15 industrial relations specialist, who may not be a member of the
16 General Assembly, to represent the General Assembly at
17 collective bargaining negotiations relating to individuals in
18 the classified service by observing the proceedings and
19 submitting reports of the proceedings to the President pro
20 tempore of the Senate and the Speaker of the House of
21 Representatives.

22 CHAPTER 23

23 SELECTION OF EMPLOYEES FOR ENTRANCE TO

24 OR PROMOTION IN CLASSIFIED SERVICE

25 Sec.

26 2301. Examinations requisite for appointment and promotion.

27 2302. Nature of examinations.

28 2303. Holding examinations and rating competitors.

29 2304. Public notice of examinations.

30 2305. Ratings of competitors.

1 2306. Establishment of eligible lists.

2 2307. Duration of eligible lists.

3 § 2301. Examinations requisite for appointment and promotion.

4 (a) General rule.--Except as otherwise provided in this
5 chapter, the appointment of an individual entering the
6 classified service or promoted in the classified service shall
7 be from an eligible list established as the result of
8 examinations given by the Office of Administration to determine
9 the relative merit of candidates. Examinations may be written
10 and shall be competitive and open to each individual who may be
11 lawfully appointed to the position within the class for which
12 the examinations are held. An individual in an unskilled
13 position shall enter the classified service by promotion without
14 examination in accordance with the following:

15 (1) The individual shall enter the classified service
16 if:

17 (i) The promotion is into a classified position
18 immediately above the individual's own position.

19 (ii) The promotion is based on seniority and
20 meritorious service.

21 (iii) The individual meets the minimum requirements
22 for that position.

23 (iv) The individual satisfactorily completes a six-
24 month probationary period in the classified position.

25 (2) If no individuals in the unskilled positions meet
26 the requirements under paragraph (1), the vacant position may
27 be filled under this chapter.

28 (b) Requirements.--The following apply:

29 (1) An individual applying for a position or promotion
30 in the classified service shall be a resident of this

1 Commonwealth or former resident of this Commonwealth who
2 meets the requirements of this subsection and, if applicable,
3 of the district.

4 (2) A former resident of this Commonwealth shall be
5 eligible if the individual:

6 (i) relocated out of State for academic or
7 employment purposes;

8 (ii) plans to establish Commonwealth residency
9 within six months of beginning employment in the
10 classified service; and

11 (iii) has done one of the following:

12 (A) Graduated from a public, private or
13 nonpublic secondary school in this Commonwealth or
14 satisfied the requirements of sections 1327 and
15 1327.1 of the act of March 10, 1949 (P.L.30, No.14),
16 known as the Public School Code of 1949, within five
17 years of applying for a position in the classified
18 service.

19 (B) Satisfied the requirements of sections 1327
20 and 1327.1 of the Public School Code of 1949 or
21 attended a public, private or nonpublic school in the
22 Commonwealth at least 80% of the time while enrolled
23 in grades one through twelve and attended the school
24 within five years of applying for a position in the
25 classified service.

26 (C) Graduated or attended a public, private or
27 nonpublic secondary school in the Commonwealth or
28 satisfied the requirements of sections 1327 and
29 1327.1 of the Public School Code of 1949 and
30 graduated from a postsecondary institution in the

1 Commonwealth within five years of applying for a
2 position in the classified service.

3 (3) Notwithstanding any other provision of this chapter,
4 if an appointing authority finds a lack of qualified
5 individuals available for appointment to a particular class
6 or classes of position, the appointing authority may present
7 evidence of the lack of qualified personnel to the Office of
8 Administration, which may waive the residence requirements
9 for the class or classes of position.

10 (c) Eligible lists.--The Office of Administration shall
11 prepare the proper State and district eligible lists. If, after
12 an examination has been conducted for a class of position, there
13 is no individual with legal residence in a district remaining on
14 the register, the Office of Administration shall certify and the
15 appointing authority may make the appointment or promotion from
16 the names of individuals on an appropriate eligible list for the
17 same class of positions of other districts. Qualifications as
18 permitted by law may be specified in the regulations and in the
19 announcements of the examinations. All applications for
20 positions in the classified service shall be subject to the
21 penalties of 18 Pa.C.S. § 4904 (relating to unsworn
22 falsification to authorities).

23 (d) Limitation of competition.--The Office of Administration
24 may limit competition in promotion examinations to employees in
25 the classified service who have completed a probationary period
26 in a class or classes designated in the public notice of the
27 examinations and may permit promotions to be accomplished by any
28 one of the following plans:

29 (1) Appointment from open competitive lists.

30 (2) Achieving a place on an eligible list after a

1 promotional examination given at the request of the
2 appointing authority.

3 (3) Promotion based upon meritorious service and
4 seniority to be accomplished by appointment without
5 examination if the individual has completed the probationary
6 period in the next lower position and meets the minimum
7 requirements for the higher position.

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

13 § 2302. Nature of examinations.

14 (a) General rule.--Examinations shall be conducted to
15 establish employment and promotion lists. Examinations may be:

16 (1) Written or oral.

17 (2) A demonstration of skill.

18 (3) An evaluation of experience and education.

19 (4) A combination of paragraphs (1), (2) and (3) which
20 fairly appraise the fitness and ability of competitors.

21 (b) Method of examination.--The appointing authority shall
22 select the method of examination that will be used for the
23 individual position or the class of positions for which the
24 employment or promotion list is being established. The
25 examinations shall:

26 (1) Be practical in nature.

27 (2) Relate to the duties and responsibilities of the
28 position for which the applicant is being examined.

29 (3) Fairly test the relative capacity and fitness of
30 individuals examined to perform the duties of the position or

1 class of positions to which the individuals seek to be
2 appointed or promoted.

3 (c) Qualifications.--An applicant may be required to possess
4 scholastic education qualifications only if the position for
5 which the applicant is being examined requires professional or
6 technical knowledge, skills and abilities or if the scholastic
7 qualifications are required to ensure the continued eligibility
8 of the Commonwealth for Federal grants-in-aid. No greater credit
9 for experience gained during a provisional, emergency or
10 temporary appointment under this chapter shall be given to an
11 individual in an examination than is given for experience in the
12 same type of work performed in a similar position not under the
13 provisions of this chapter.

14 (d) Military service.--In evaluating experience in order to
15 compute the final rating in an examination to establish eligible
16 lists, an individual discharged other than dishonorably after
17 active service during a war or armed conflict in which the
18 United States engaged, from a branch of the armed forces of the
19 United States or from a women's uniformed service directly
20 connected with the armed forces of the United States, may not be
21 given less credit for experience than would be given for
22 continued experience in the position held at the time of
23 induction into the service.

24 (e) Discriminatory questions prohibited.--No question in an
25 examination shall relate to the race, gender, religion or
26 political or labor union affiliation of the candidate.

27 § 2303. Holding examinations and rating competitors.

28 The Office of Administration shall prepare and hold
29 examinations rating the work of competitors and prepare the
30 resulting eligible lists. Individuals not on the regular staff

1 of the Office of Administration may be called on for assistance.

2 § 2304. Public notice of examinations.

3 The Office of Administration shall give public notice of all
4 examinations for positions or promotions in the classified
5 service at least two weeks in advance of the final date for
6 filing applications.

7 § 2305. Ratings of competitors.

8 (a) Computation of rating.--The final earned rating of an
9 individual competing in an examination shall be attained by
10 computing the ratings for each part or parts of the examination,
11 the qualifying point for which is set by the Office of
12 Administration, according to weights for each test.

13 (b) Notification.--The Office of Administration shall
14 provide notice by e-mail or other communication or method, if
15 available, or, alternatively, by United States mail, to all
16 competitors informing them whether they have attained a place on
17 the eligible list and informing those who have attained a place
18 on the eligible list of the number of individuals who took the
19 examination, the number of individuals on the eligible list and
20 the individual's relative standing on the eligible list.

21 § 2306. Establishment of eligible lists.

22 The Office of Administration shall establish and maintain
23 eligible lists as are necessary or desirable to meet the needs
24 of the service. The eligible lists shall contain the names of
25 each individual who has qualified for and successfully passed
26 the examination. The eligible list shall be arranged in the
27 order of final earned ratings.

28 § 2307. Duration of eligible lists.

29 (a) Duration.--The duration of an eligible list shall be
30 fixed by the Office of Administration. An existing eligible list

1 shall terminate upon the establishment of an appropriate, new,
2 eligible list unless otherwise prescribed by the Office of
3 Administration.

4 (b) Utilization of current eligible lists.--Appointing
5 authorities shall utilize eligible lists from the date of the
6 establishment of the eligible list until exhausted, canceled by
7 the Office of Administration or replaced by more recently
8 prepared eligible lists.

9 (c) Correction and revision.--The Office of Administration
10 may correct clerical errors occurring in connection with the
11 preparation of an eligible list and revise the eligible list
12 accordingly. No individual who has been appointed as the result
13 of certification from the eligible list shall be displaced by
14 the action.

15 (d) Cancellation.--The Office of Administration shall have
16 the power, after giving notice as required in this part and
17 after a public hearing, to cancel the whole or a part of an
18 eligible list on account of illegality or fraud in connection
19 with the eligible list.

20 CHAPTER 24

21 APPOINTMENT AND PROMOTION OF EMPLOYEES

22 IN CLASSIFIED SERVICE

23 Sec.

24 2401. Certification.

25 2402. Selection and appointment of eligibles.

26 2403. Substitution during military leave.

27 2404. Probationary period.

28 2405. Provisional appointments.

29 2406. Temporary appointments to extra positions.

30 2407. Emergency appointments.

1 § 2401. Certification.

2 (a) Statement of vacancy.--If a vacancy is likely to occur
3 or is to be filled in the classified service, the appointing
4 authority shall submit to the Office of Administration a
5 statement indicating the position to be filled.

6 (b) Certification of available individuals.--

7 (1) The Office of Administration shall certify to the
8 appointing authority the names of the three highest-ranking
9 available individuals on the certification of eligibles,
10 except if any of the following apply:

11 (i) The appointing authority elects to follow an
12 alternative selection procedure under section 2402(a)
13 (relating to selection and appointment of eligibles).

14 (ii) A labor agreement covering promotions in the
15 classified service exists.

16 (iii) The Office of Administration has specified,
17 prior to testing the eligibles on the eligible list, that
18 either all available individuals, regardless of ranking,
19 or a specified alternative number other than three of the
20 highest-ranking available individuals shall be used in
21 making selections for the classification.

22 (2) If a labor agreement covering promotions in the
23 classified service exists, the terms and procedures of the
24 labor agreement relative to the procedures for promotions
25 shall control.

26 (c) Lack of eligibles.--If the appropriate employment or
27 promotion certification of eligibles contains fewer than three
28 eligibles who are willing to accept appointment or if there is
29 no appropriate eligible list, the appointing authority may
30 appoint an available eligible from the approved eligible list or

1 request the Office of Administration to certify from another
2 eligible list deemed the next most appropriate.

3 (d) Selective certifications.--If operational conditions of
4 the appointing authority dictate and it is in the interest of
5 the service to the Commonwealth, the Office of Administration
6 may authorize selective certifications based on merit-related
7 criteria.

8 (e) Waiver of consideration.--An individual on a promotion
9 or employment list who waives consideration for promotion or
10 appointment may not be considered among the names from which a
11 promotion or appointment is to be made.

12 § 2402. Selection and appointment of eligibles.

13 (a) Alternative selection procedure.--Unless a labor
14 agreement contains promotion procedures which are inconsistent
15 with this chapter, in which case the terms of the labor
16 agreement shall be controlling, if a vacant position is to be
17 filled, an appointing authority may:

18 (1) request that the Office of Administration issue an
19 appropriate certification of previously tested and active
20 eligibles; or

21 (2) request that the Office of Administration create and
22 issue a certification of eligibles consisting only of the
23 names of those candidates who responded by applying for the
24 vacancy after receipt of notice of the vacancy from the
25 Office of Administration. The failure of a candidate to apply
26 for the vacancy shall be considered a waiver under section
27 2401 (relating to certification).

28 (b) Selection of certified eligibles.--The following apply:

29 (1) The certification of eligibles created and issued
30 under this section shall be valid for 90 business days.

1 (2) If the vacant position is to be filled from an
2 eligible list, the appointing authority shall select an
3 individual who is among the three highest-ranking available
4 individuals on the certification of eligibles, unless the
5 Office of Administration has specified prior to testing the
6 eligibles on the eligible list that either all available
7 individuals regardless of ranking or a specified alternative
8 number other than three of the highest-ranking available
9 individuals shall be used in making selections for the
10 classification.

11 (3) In making the second or subsequent selection from
12 the eligibles on an employment or promotional certification,
13 each selection shall be from among the similarly ranked
14 available individuals remaining on the certification of
15 eligibles.

16 (4) After an individual has been rejected three times by
17 an appointing authority in favor of others on the same
18 eligible list, the individual may not be certified to that
19 appointing authority, except upon written request from the
20 appointing authority.

21 (5) Appointing authorities shall promptly report to the
22 Office of Administration the appointment of eligibles who
23 have been certified.

24 (6) If a certified eligible refuses to accept an offer
25 of employment, the refusal shall be promptly investigated by
26 the Office of Administration and, if found that the refusal
27 has been made for improper or insufficient reasons, the
28 Office of Administration shall, after giving 10 days' notice
29 to the individual, remove the eligible from the eligible
30 list.

1 § 2403. Substitution during military leave.

2 (a) Substitution for military leave.--When an employee in
3 the classified service is granted military leave, the position
4 vacated shall be filled only by substitute appointment or
5 promotion and the employee appointed or promoted shall vacate
6 the position upon return of the employee from military leave. A
7 substitute employee, when required to vacate a position upon the
8 return of the regular employee, shall have the right to return
9 to the substitute employee's previous civil service position and
10 status.

11 (b) Substitute lists.--The substitute appointment or
12 promotion shall be made from lists certified by the Office of
13 Administration under this chapter.

14 § 2404. Probationary period.

15 (a) Completion and duration.--

16 (1) No appointment to a position in the classified
17 service shall be deemed complete until after the expiration
18 of a probationary period.

19 (2) The probationary period for each class of position
20 shall be prescribed by the Office of Administration and,
21 except for trainee classes, shall in no case be less than 6
22 months nor more than 18 months. The probationary period for a
23 trainee class shall be combined with that of the class for
24 which the trainee is being trained. The combined probationary
25 period shall be the same as the training period and shall not
26 exceed 24 months.

27 (3) The appointing authority may remove an employee
28 during the probationary period if, in the opinion of the
29 appointing authority, the probation indicates that the
30 employee is unable or unwilling to perform the duties

1 satisfactorily or that the employee's dependability does not
2 merit continuance in the service. Upon removal, the
3 appointing authority shall notify the employee in a manner
4 prescribed by the Office of Administration.

5 (b) Notification of permanent status.--If the employee's
6 work has been satisfactory, the appointing authority shall
7 notify the employee in writing prior to the completion of the
8 probationary period that the employee shall attain regular
9 status in the classified service upon completion of the
10 probationary period.

11 (c) Further appointment.--If an employee is removed from a
12 position during or at the end of the probationary period and the
13 Office of Administration determines that the employee is
14 suitable for appointment to another position, the employee's
15 name may be restored to the eligible list from which the name
16 was certified.

17 § 2405. Provisional appointments.

18 (a) Accelerated examination program.--The Office of
19 Administration may authorize an accelerated examination program
20 for the position to be filled if:

21 (1) there is a great and urgent public need to fill a
22 vacancy in a position in the classified service;

23 (2) the Office of Administration is unable to certify an
24 eligible for the vacancy from an eligible list or arrange for
25 a reassignment, transfer, promotion or other means of filling
26 the vacancy with a qualified employee; and

27 (3) there is no regular examination immediately
28 available.

29 (b) Elements of program.--The accelerated examination
30 program shall include:

1 (1) Abbreviated, localized advertising for the position
2 to ensure open competition.

3 (2) Rapid processing and evaluation of the
4 qualifications of applicants, ranking the applicants as well
5 qualified, qualified and not qualified.

6 (3) Certification of applicants determined to be well-
7 qualified and qualified for the position.

8 (c) Appointment.--The appointing authority shall appoint
9 applicants determined to be well qualified. If insufficient
10 well-qualified applicants are available, the appointment shall
11 be made from the qualified group.

12 (d) Test period.--The appointee shall serve a six-month
13 working test period upon successful completion of which the
14 appointee shall be granted probationary status. Failure to
15 successfully complete the working test period shall result in
16 termination.

17 (e) Successive appointments prohibited.--Successive
18 provisional appointments of the same individual may not be made
19 to the same position or classification.

20 (f) Rights of provisional status.--The acceptance of a
21 provisional appointment shall not confer upon the appointee
22 rights of promotion, reinstatement or reassignment to another
23 classification while in provisional status.

24 § 2406. Temporary appointments to extra positions.

25 If, from pressure of work, an extra position in the
26 classified service must be established for a period of 12 months
27 or less, the appointing authority shall request the Office of
28 Administration to certify the name of a qualified individual
29 from an appropriate eligible list or by other means authorized
30 by this part. In the request, the appointing authority shall

1 state the cause of the extra work, the probable length of
2 employment and the duties that the appointee is to perform.
3 § 2407. Emergency appointments.

4 (a) Appointment during emergency period.--An appointing
5 authority or a subordinate authorized by the appointing
6 authority may, to prevent serious impairment of the public
7 business when an emergency arises and time may not permit
8 securing authorization from the Office of Administration for the
9 appointment of a certified eligible, appoint a qualified
10 individual during the emergency for a period not exceeding 30
11 days and, with the approval of the Office of Administration,
12 extend the appointment for a further period not to exceed 30
13 days.

14 (b) Parameters.--The following shall not be considered an
15 emergency:

16 (1) a vacancy of which the appointing authority had
17 reasonable notice; or

18 (2) employment conditions of which the appointing
19 authority had previous knowledge.

20 (c) Nomenclature.--Individuals appointed under subsection
21 (a) shall be known as emergency employees.

22 (d) Report to Office of Administration.--Appointing
23 authorities shall immediately report to the Office of
24 Administration all emergency appointments.

25 (e) Nonrenewal.--Appointments made under subsection (a) may
26 not be renewed.

27 CHAPTER 25

28 REGULATION OF EMPLOYEES IN CLASSIFIED SERVICE

29 Sec.

30 2501. Performance ratings.

1 2502. Transfers and reassignments.

2 2503. Demotions.

3 2504. Classification and compensation.

4 2505. Effect of reclassifications.

5 2506. Other personnel standards and rules.

6 § 2501. Performance ratings.

7 (a) Evaluations.--Performance evaluations shall be
8 considered for purposes prescribed by the Office of
9 Administration.

10 (b) Frequency of evaluations.--Agencies shall evaluate the
11 performance of agency employees during the employees'
12 probationary periods and at least once a year thereafter.

13 (c) Forms and procedure.--Performance evaluation forms and
14 procedures shall be reviewed and approved by the Office of
15 Administration prior to utilization.

16 § 2502. Transfers and reassignments.

17 (a) Transfers.--The transfer of a classified service
18 employee from a position under the jurisdiction of one
19 appointing authority to a position in the same class under the
20 jurisdiction of another appointing authority may be made with
21 the approval of the Office of Administration and both appointing
22 authorities.

23 (b) Reassignments.--An appointing authority may reassign a
24 classified service employee under the appointing authority's
25 jurisdiction from one position to another in the same class or
26 in a similar class at the same pay range for which the employee
27 qualifies.

28 (c) Manner of transfers and reassignments.--Transfers and
29 reassignments shall be accomplished in a manner prescribed by
30 the Office of Administration.

1 (d) Promotion.--A transfer or reassignment of an employee
2 from a position in one class to a position in a class for which
3 a higher maximum salary is prescribed shall be deemed a
4 promotion and may be accomplished only in the manner provided
5 for in this part.

6 (e) Appointment after certification.--No individual may be
7 transferred or reassigned from a position in the unclassified
8 service to a position in the classified service unless appointed
9 to the classified service position after certification of the
10 individual's name from an eligible list in accordance with the
11 provisions of this part.

12 § 2503. Demotions.

13 (a) Employees subject to demotion and rights.--The following
14 apply:

15 (1) An appointing authority may demote to a vacant
16 position in a lower class an employee in the classified
17 service who does not satisfactorily perform the duties of the
18 position to which the employee was appointed or promoted and
19 who is able to perform the duties of the lower class
20 position.

21 (2) In case of a demotion, the employee shall have all
22 rights of appeal as provided in this part.

23 (3) No employee may be demoted because of the employee's
24 race, gender, religion or political, partisan or labor union
25 affiliation or other nonmerit factor.

26 (b) Voluntary demotion.--A voluntary demotion may be made by
27 an appointing authority upon written request of the employee
28 with the approval of the Office of Administration.

29 § 2504. Classification and compensation.

30 The classification of positions and the compensation of

1 employees in the classified service shall conform to standards
2 and rules adopted by the board.

3 § 2505. Effect of reclassifications.

4 (a) Reclassification.--When an employee's job changes or the
5 board changes a classification and a reallocation of the
6 position becomes necessary, the employee shall be reclassified
7 to the new classification, provided the employee meets the
8 established requirements for the new classification.

9 (b) Reclassification to lower level.--Reclassification to a
10 lower level shall not be construed as a demotion.

11 § 2506. Other personnel standards and rules.

12 With respect to other personnel management matters, including
13 hours of work, paid holidays, vacations, sick leave and employee
14 training, employees in the classified service shall conform to
15 standards and rules established by the Governor and the board
16 for Commonwealth employees generally.

17 CHAPTER 26

18 SEPARATION OF EMPLOYEES FROM CLASSIFIED SERVICE

19 Sec.

20 2601. Temporary and permanent separations.

21 2602. Furlough.

22 2603. Suspension.

23 2604. Removal during probationary period.

24 2605. Rights of promoted employee during probationary period.

25 2606. Resignation.

26 2607. Removal.

27 2608. Leave of absence.

28 2609. Seniority.

29 § 2601. Temporary and permanent separations.

30 An employee may be:

1 (1) Temporarily separated from the classified service
2 through furlough, leave of absence or suspension.

3 (2) Permanently separated through rejection on
4 probation, retirement, resignation or removal.

5 § 2602. Furlough.

6 (a) General rule.--

7 (1) If a reduction in force is necessary in the
8 classified service:

9 (i) no employee may be furloughed while a
10 probationary or provisional employee is employed in the
11 same class in the same department or agency; and

12 (ii) no probationary employee may be furloughed
13 while a provisional employee is employed in the same
14 class in the same department or agency.

15 (2) The following apply:

16 (i) An employee shall be furloughed only if, at the
17 time of furlough, the employee is within the lowest
18 quarter among all employees of the employer in the same
19 class on the basis of the employee's last regular service
20 ratings. Within the quarter, the employee shall be
21 furloughed in the order of seniority, unless a labor
22 agreement covering the employees to be furloughed exists
23 in which case the terms of the labor agreement regarding
24 a furlough procedure shall be controlling.

25 (ii) The appointing authority may limit the
26 application of this subparagraph in any particular
27 instance to employees who are in:

28 (A) the same class, classification series or
29 other grouping of employees as referred to in an
30 applicable labor agreement; and

1 (B) the same department or agency within the
2 same bureau or division with headquarters at a
3 particular municipality, county or district of the
4 Commonwealth.

5 (b) Rights of furloughed employees.--

6 (1) A furloughed employee shall have the right of return
7 to a class and civil service status which was held prior to
8 the furlough, provided the class is contained in the current
9 classification plan of the agency.

10 (2) A furloughed employee shall have the right of return
11 to a class and civil service status in the same or lower
12 grade held prior to the furlough, provided the employee meets
13 the minimum qualifications given in the classification plan
14 of the agency.

15 (c) Report of furloughed employees.--The following apply:

16 (1) The appointing authority shall promptly report to
17 the Office of Administration the names of employees
18 furloughed, together with the date the furlough of each
19 employee is effective, and the character of the employee's
20 service.

21 (2) A regular employee furloughed shall, for a period of
22 one year, be given preference for reemployment in the same
23 class of position from which furloughed and shall be eligible
24 for appointment to a position of a similar class in other
25 agencies under this part unless the terms of an existing
26 labor agreement preclude the employee from receiving the
27 preferential treatment contained in this paragraph, in which
28 event the terms of the labor agreement shall control.

29 § 2603. Suspension.

30 (a) Right to suspend.--The following apply:

1 (1) An appointing authority may, for disciplinary
2 purposes, suspend without pay an employee holding a position
3 in the classified service.

4 (2) Suspensions, including suspensions pending internal
5 investigation, may not exceed 60 working days in one calendar
6 year.

7 (3) Suspensions pending investigation by external
8 agencies may be maintained up to 30 working days after
9 conclusion of the external investigation.

10 (b) Discrimination prohibited.--No individual may be
11 suspended because of race, gender, religion or political,
12 partisan or labor union affiliation or any other nonmerit
13 factor.

14 (c) Good cause.--Employees may only be suspended for good
15 cause.

16 (d) Report of suspension.--An appointing authority shall
17 immediately report in writing to the Office of Administration a
18 suspension, together with the reason or reasons for the
19 suspension, and shall send a copy of the report to the suspended
20 employee.

21 § 2604. Removal during probationary period.

22 (a) General rule.--The appointing authority may remove an
23 employee from the classified service before the expiration of
24 the probationary period.

25 (b) Permanent separation.--An individual removed shall be
26 considered permanently separated from the individual's position.
27 The Office of Administration may, if the action is appropriate,
28 place the name of the individual removed on the employment list
29 of the appropriate class for future certification to other
30 appointing authorities.

1 § 2605. Rights of promoted employee during probationary period.

2 (a) General rule.--An employee serving a probationary period
3 which has resulted from a promotion may be removed from the
4 classified service only for just cause.

5 (b) Voluntary return to previous position.--

6 (1) During the first three months of the probationary
7 period, the employee has the option to return to the position
8 previously held.

9 (2) After three months, an employee in probationary
10 status may return to the previous position or classification
11 with written consent of the appointing authorities.

12 (c) Appointment to previous position.--If the employee's
13 performance during the probationary period is not determined to
14 be satisfactory by the appointing authority, the employee shall
15 be returned to the position or class held immediately prior to
16 the promotion without necessity of appeal or hearing.

17 § 2606. Resignation.

18 (a) Form and reinstatement.--

19 (1) An employee may resign from the classified service
20 either verbally or in writing.

21 (2) Upon the request of an appointing authority, an
22 employee may be reinstated in the classification from which
23 the employee resigned.

24 (b) Acceptance of resignation.--Resignation of an individual
25 in the classified service shall not be effective unless accepted
26 by the appointing authority in writing within 15 calendar days
27 after the date the individual tenders resignation.

28 (c) Resignation prohibited.--No individual about to be
29 appointed to a position in the classified service shall, in
30 advance of or at the time of the appointment, sign or execute a

1 resignation, whether dated or undated.

2 § 2607. Removal.

3 No regular employee in the classified service may be removed,
4 except for just cause.

5 § 2608. Leave of absence.

6 (a) Right of return.--If there is a vacancy with the same
7 appointing authority, an employee who has been granted a leave
8 of absence at the discretion of an appointing authority shall,
9 upon expiration of the leave of absence, have the right of
10 return to any of the following:

11 (1) the class and civil service status from which leave
12 was granted;

13 (2) a class and civil service status that the employee
14 previously held, if the class is contained in the current
15 class plan of the agency; or

16 (3) a class and civil service status in the same or
17 lower grade, if the employee meets the minimum qualifications
18 given in the classification plan of the agency.

19 (b) No vacancy upon return.--If there is no vacancy to which
20 the employee on leave can be returned, the employee shall retain
21 priority of return to the class from which the leave of absence
22 was granted for a period of one year following the date of
23 expiration of the leave, and, during that time period, the
24 employee shall have precedence for employment over employees
25 furloughed from the same class.

26 § 2609. Seniority.

27 (a) General rule.--Seniority is established for the
28 classified service, classification series and for each class,
29 unless there is in existence a labor agreement covering the
30 position in the classified service, in which case the definition

1 of seniority in the labor agreement shall control.

2 (b) Calculation of seniority.--

3 (1) Seniority for the classified service begins with the
4 date of first civil service employment in a civil service
5 class and includes periods of subsequent employment in any
6 civil service class, providing the employment has been on a
7 continuous basis.

8 (2) Seniority for a classification series begins with
9 the date of first civil service employment in the class
10 series and includes periods of employment in classes within
11 the series during any period while employed on a continuous
12 basis in the classified service.

13 (3) Seniority in each class begins with the date of
14 first civil service employment in that class and includes
15 periods of subsequent employment in that class during any
16 period while employed on a continuous basis in the classified
17 service.

18 (c) Consideration of furlough and leave of absence.--Periods
19 of furlough and approved leave of absence without pay shall be
20 deemed continuous employment for seniority purposes, except that
21 the period of furlough or leave of absence without pay shall not
22 be counted toward seniority.

23 CHAPTER 27

24 PROHIBITIONS, PENALTIES AND ENFORCEMENT

25 Sec.

26 2701. Periodic audits of employees by Office of Administration.

27 2702. False statements made under oath and concealing
28 information.

29 2703. Misdemeanors.

30 2704. Prohibition of discrimination.

1 2705. Political activity.

2 2706. Removal and disqualification of officers and employees.

3 § 2701. Periodic audits of employees by Office of
4 Administration.

5 The Office of Administration may conduct audits of changes in
6 employment and promotions of employees in the departments,
7 bureaus and agencies under its jurisdiction to ensure strict
8 compliance with this part.

9 § 2702. False statements made under oath and concealing
10 information.

11 (a) Perjury.--An individual who makes a false statement
12 under oath on an application or other paper filed with the
13 Office of Administration, in an investigation conducted by or
14 under the direction of the Office of Administration or in
15 proceedings arising under this chapter, commits perjury and
16 shall be punished under the provisions of 18 Pa.C.S. Ch. 49
17 (relating to falsification and intimidation).

18 (b) Concealing information.--An individual who intentionally
19 fails to disclose a material fact or in any manner conceals
20 information in order to obtain employment or promotion under
21 this part shall, in addition to any other penalty provided by
22 law, be removed from all eligible lists for a period of time to
23 be determined by the Office of Administration and, if appointed
24 or promoted, be summarily removed.

25 § 2703. Misdemeanors.

26 An individual who, alone or in collusion with one or more
27 other individuals, willfully performs any of the following
28 commits a misdemeanor and shall, upon conviction, be sentenced
29 to pay a fine of not less than \$100 nor more than \$3,000 for
30 each offense or to imprisonment for not more than three years,

1 or both:

2 (1) Defeats, deceives or obstructs an individual with
3 respect to the individual's right of examination, appointment
4 or employment in accordance with this part.

5 (2) Corruptly or falsely marks, rates, grades, estimates
6 or reports upon the tests or proper standing of an individual
7 tested or certified under this part, or aids in doing so.

8 (3) Willfully makes false representations concerning
9 tests, standings or individuals tested.

10 (4) Willfully furnishes to an individual special or
11 secret information for the purpose of improving or injuring
12 the prospects or chances of an individual examined or
13 certified or of an individual who will be examined or
14 certified.

15 (5) Impersonates an individual or permits or aids in any
16 manner another individual to impersonate him or her in
17 connection with an examination or request to be examined,
18 certified or appointed.

19 (6) Furnishes false information about the individual or
20 another individual in connection with a request to be
21 examined, certified or appointed.

22 (7) Makes an appointment to office or selects an
23 individual for employment contrary to this part.

24 (8) Refuses to comply with the provisions of this part.

25 (9) Willfully or through culpable negligence violates
26 the provisions of this part or rules made under this part.

27 § 2704. Prohibition of discrimination.

28 An officer or employee of the Commonwealth may not
29 discriminate against an individual in recruitment, examination,
30 appointment, training, promotion, retention or any other

1 personnel action with respect to the classified service because
2 of race, gender, religious or political, partisan or labor union
3 affiliation or other nonmerit factors.

4 § 2705. Political activity.

5 (a) General rule.--An individual in the classified service
6 may not use the individual's official authority or influence for
7 the purpose of interfering with or affecting the result of an
8 election.

9 (b) Political activities prohibited.--An individual in the
10 classified service may not take an active part in political
11 management or in a political campaign. Activities prohibited by
12 this subsection include the following:

13 (1) Serving as an officer of a political party, a member
14 of a national, State or local committee of a political party
15 or an officer or member of a committee of a partisan
16 political club, or being a candidate for any of these
17 positions.

18 (2) Organizing or reorganizing a political party
19 organization or political club.

20 (3) Directly or indirectly soliciting, receiving,
21 collecting, handling, disbursing or accounting for
22 assessments, contributions or other money for a partisan
23 political purpose.

24 (4) Organizing, selling tickets to, promoting or
25 actively participating in a fundraising activity of a
26 candidate in a partisan election or a political party or
27 political club.

28 (5) Taking an active part in managing the political
29 campaign of a candidate for public office in a partisan
30 election or a candidate for political party office.

1 (6) Becoming a candidate or campaigning for an elective
2 public office in a partisan election.

3 (7) Soliciting votes in support of or in opposition to a
4 candidate for public office in a partisan election or a
5 candidate for political party office.

6 (8) Acting as recorder, watcher, challenger or similar
7 officer at the polls on behalf of a political party or a
8 candidate in a partisan election.

9 (9) Driving voters to the polls on behalf of a political
10 party or a candidate in a partisan election.

11 (10) Endorsing or opposing a candidate for public office
12 in a partisan election or a candidate for political party
13 office in a political advertisement, broadcast, campaign,
14 literature or similar material.

15 (11) Serving as a delegate, alternate or proxy to a
16 political party convention.

17 (12) Addressing a convention, caucus, rally or similar
18 gathering of a political party in support of or in opposition
19 to a partisan candidate for public office or political party
20 office.

21 (13) Initiating or circulating a partisan nominating
22 petition.

23 (14) Soliciting, paying, collecting or receiving a
24 contribution at or in the workplace from an employee for a
25 political party, political fund or other partisan recipient.

26 (15) Paying a contribution in the workplace to an
27 employee who is the employer or employing authority of the
28 individual making the contribution for a political party,
29 political fund or other partisan recipient.

30 (c) Rights.--An employee or individual to whom subsection

1 (a) or (b) applies shall retain the right to and may engage in
2 the following activities:

3 (1) Register and vote in an election.

4 (2) Express an opinion as an individual privately and
5 publicly on political subjects and candidates.

6 (3) Display a political picture, sticker, badge or
7 button when not on duty and at locations other than the
8 workplace.

9 (4) Participate in the nonpartisan activities of a
10 civic, community, social, labor or professional organization,
11 or a similar organization.

12 (5) Be a member of a political party or other political
13 organization or club and participate in the organization's or
14 club's activities to the extent consistent with this section.

15 (6) Attend a political convention, rally, fundraising
16 function or other political gathering.

17 (7) Sign a political petition as an individual.

18 (8) Make a financial contribution to a political party
19 or organization.

20 (9) Be politically active in connection with a question
21 that is not specifically identified with a political party,
22 such as a constitutional amendment, referendum, approval of a
23 municipal ordinance or other question or issue of similar
24 character.

25 (10) Otherwise participate fully in public affairs,
26 except as prohibited by law, in a manner that does not
27 materially compromise efficiency or integrity as an employee
28 or the neutrality, efficiency or integrity of a Commonwealth
29 agency.

30 (d) School director.--Notwithstanding any provision of this

1 section or any other law to the contrary, no individual may be
2 deemed ineligible for the office of school director solely on
3 the basis that the individual is a member of the classified
4 service under this part.

5 (e) Further prohibition or limitation.--The provisions of
6 subsection (c) do not authorize an employee to engage in
7 political activity while on duty or while in a uniform which
8 identifies the individual as an employee. The head of an agency
9 may prohibit or limit the participation of an employee or class
10 of employees of the agency in an activity permitted under
11 subsection (c) if participation in the activity will interfere
12 with the efficient performance of official duties or create a
13 conflict or apparent conflict of interests.

14 (f) Penalty.--An individual in the classified service who
15 violates this section shall be removed from employment and money
16 appropriated for the position from which the employee was
17 removed may not be used to pay the employee or individual,
18 provided the Office of Administration may impose a penalty of
19 suspension without pay for not more than 120 working days if the
20 Office of Administration finds that the violation does not
21 warrant termination.

22 (g) Definitions.--As used in this section, the following
23 words and phrases shall have the meanings given to them in this
24 subsection unless the context clearly indicates otherwise:

25 "Agency." An agency employing individuals in the classified
26 service.

27 "Contribution." A gift, subscription, loan, advance, deposit
28 of money, allotment of money or anything of value given or
29 transferred by one individual to another, including cash, check,
30 draft, payroll deduction, allotment plan or by pledge or

1 promise, whether or not enforceable.

2 "Election." A primary, municipal, special and general
3 election.

4 "Employee." An individual in the classified service.

5 "Employer" or "employing authority." The immediate employing
6 agency head, agency principals or an employee's supervisor.

7 "Partisan." When used as an adjective, the term refers to a
8 political party.

9 "Political fund." A fund, organization, political action
10 committee or other entity that, for purposes of influencing the
11 outcome of a partisan election, receives or expends money or
12 anything of value, or transfers money or anything of value to
13 another fund, political party, candidate, organization,
14 political action committee or any other entity.

15 § 2706. Removal and disqualification of officers and employees.

16 (a) General rule.--Except as otherwise provided in section
17 2705 (relating to political activity), an individual holding a
18 position in the classified service who intentionally violates
19 the provisions of this chapter shall be immediately separated
20 from the service.

21 (b) Duty of appointing authority.--The appointing authority
22 of the State agency in which the offending individual is
23 employed shall remove the individual at once in accordance with
24 the provisions of this part.

25 (c) Ineligibility after removal.--An individual removed
26 under this section shall be ineligible for reappointment to a
27 position in the classified service for a period of time to be
28 determined by the Office of Administration.

29 CHAPTER 28

30 NOTICE OF PERSONNEL ACTIONS

1 Sec.

2 2801. Notice.

3 § 2801. Notice.

4 (a) Notice.--Written notice of a personnel action taken
5 under this part shall be provided to the affected employee.

6 (b) Time limit for notice.--The notice shall be furnished
7 within the time limit prescribed by the Office of
8 Administration. Copies of the notice shall be provided to the
9 Office of Administration upon request.

10 (c) Contents of notice.--The notice shall, in the case of
11 permanent separation, suspension for cause or involuntary
12 demotion of a regular employee, set forth the reasons for the
13 action. The notice shall also provide the affected employee
14 information on the employee's right to appeal the personnel
15 action to the commission.

16 CHAPTER 29

17 SERVICES AVAILABLE, COSTS AND FUNDING

18 Sec.

19 2901. Service and cooperation.

20 2902. Receiving money and allocating or apportioning costs.

21 § 2901. Service and cooperation.

22 (a) General rule.--The services and facilities utilized by
23 the Office of Administration and its staff to implement this
24 chapter shall be available to departments, boards, commissions,
25 agencies and political subdivisions of this Commonwealth.

26 (b) Costs.--The following shall apply:

27 (1) The cost of the services and facilities made
28 available by the Office of Administration under subsection
29 (a) shall be paid proportionally by the department, board,
30 commission, agency or political subdivision to which the

1 services and facilities are made available.

2 (2) The Office of Administration shall prepare and issue
3 semiannual statements of costs under this section, setting
4 forth the total cost and the share attributable to each
5 department, board, commission, agency or political
6 subdivision to which services or facilities are made
7 available. Upon receipt of a statement, each department,
8 board, commission, agency and political subdivision shall pay
9 its share of the cost to the Office of Administration.

10 (c) Obligation.--The following shall apply:

11 (1) Money payable to the Office of Administration under
12 subsection (b) shall be:

13 (i) deposited into the General Fund;

14 (ii) credited to the annual appropriation made to
15 the Office of Administration out of the General Fund for
16 the proper conduct of its work under this chapter; and

17 (iii) made available for the same purposes for which
18 an appropriation is available.

19 (2) If a department, board, commission or agency of this
20 Commonwealth that is supported with money from the General
21 Fund becomes liable to the Office of Administration under
22 this section, the liability shall be reimbursed out of the
23 current appropriation to the department, board, commission or
24 agency, and an appropriation is appropriated for that
25 purpose.

26 (3) As much money as may be necessary is appropriated to
27 the Office of Administration from:

28 (i) The State Stores Fund to meet the cost of the
29 services and facilities of the Office of Administration
30 as may be attributable to the work of the Office of

1 Administration with respect to the Pennsylvania Liquor
2 Control Board; and

3 (ii) the Administration Fund to meet the cost of
4 services and facilities of the Office of Administration
5 as may be attributable to the work of the Office of
6 Administration with respect to the work of the Department
7 of Labor and Industry under the act of December 5, 1936
8 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
9 Unemployment Compensation Law.

10 (4) In the event any other department, board, commission
11 or agency of the Commonwealth that is supported out of a
12 special fund becomes obligated to the Office of
13 Administration under the provisions of this section, as much
14 money as may be necessary is appropriated out of the special
15 fund to meet the cost of services and facilities of the
16 Office of Administration as may be attributable to the work
17 of the administrative department, board, commission or
18 agency. The amounts that are appropriated out of the special
19 funds shall be transferred from the funds to the General
20 Fund, shall be credited to the current appropriation made to
21 the Office of Administration out of the General Fund and are
22 appropriated to the Office of Administration for the same
23 purposes as the appropriation out of the General Fund is
24 appropriated under this section.

25 § 2902. Receiving money and allocating or apportioning costs.

26 The Office of Administration shall have the authority to
27 receive money from the Federal Government, an agency of the
28 Federal Government or any other source for the administration of
29 this part. The Office of Administration and the Secretary of the
30 Budget shall have the power to allocate among the departments

1 and agencies the cost of administering this part.

2 CHAPTER 30

3 STATE CIVIL SERVICE COMMISSION AND DIRECTOR

4 Sec.

5 3001. State Civil Service Commission.

6 3002. Meetings of commission.

7 3003. Duties of commission.

8 3004. Legal counsel.

9 3005. Qualifications, appointment and compensation of director.

10 3006. Powers and duties of director.

11 3007. Cooperation by officers and employees of the

12 Commonwealth.

13 3008. Periodic audits of employees by commission.

14 § 3001. State Civil Service Commission.

15 (a) Organization of commission.--The commission shall
16 consist of three full-time members, not more than two of whom
17 shall be of the same political affiliation, appointed by the
18 Governor with the advice and consent of a majority of the
19 members elected to the Senate.

20 (b) Term.--Each appointment shall be for a term of six
21 years. The members of the commission shall hold no other public
22 position to which a salary is attached.

23 (c) Chair.--The Governor shall designate one of the members
24 of the commission as chair.

25 (d) Prohibitions.--Commission members shall not hold an
26 office or position if the duties of the office or position are
27 incompatible with the member's official duties.

28 (e) Veteran requirement.--At least one member of the
29 commission shall be a veteran.

30 (f) Salary.--The chair of the commission shall receive an

1 annual salary of \$89,000. Every other commissioner shall receive
2 a salary of \$85,000 per annum.

3 (g) Increases and expenses.--The commissioners shall receive
4 annual cost-of-living increases under section 3(e) of the act of
5 September 30, 1983 (P.L.160, No.39), known as the Public
6 Official Compensation Law. Each commissioner shall be entitled
7 to receive actual traveling expenses.

8 (h) Eligibility.--The following shall apply:

9 (1) An individual appointed as a member of the
10 commission shall be:

11 (i) A citizen and legal resident of this
12 Commonwealth for a period of not less than one year.

13 (ii) Familiar with modern personnel methods and the
14 application of merit principles to public employment.

15 (2) An individual who does any of the following shall
16 not be eligible to serve as a commissioner:

17 (i) holds or campaigns for any other public office;

18 (ii) holds office in a political party or political
19 committee;

20 (iii) actively participates in or contributes to a
21 political campaign;

22 (iv) directly or indirectly attempts to influence a
23 decision by a governmental body other than a court of law
24 or as a representative of the commission on a matter
25 within the jurisdiction of the commission; or

26 (v) is employed by the Commonwealth or a political
27 subdivision in any other capacity whether or not for
28 compensation.

29 (3) The Governor may remove a member of the commission
30 for incompetence, inefficiency, neglect of duty, malfeasance

1 or misfeasance in office by giving the member a statement in
2 writing of the charges against the member and affording the
3 member, after notice of not less than 10 days, an opportunity
4 to make a written answer and, upon request, to be publicly
5 heard in person and by counsel. A copy of the charges and
6 answer of the Governor's findings and a transcript of the
7 record shall be filed with the director.

8 § 3002. Meetings of commission.

9 (a) Meetings.--The commission shall meet at least once each
10 month. Meetings may be canceled with appropriate public notice.

11 (b) Notice of meetings.--The chair of the commission shall
12 cause reasonable notice to be given to each member of the
13 commission and to the director of the time and place of each
14 meeting.

15 (c) Call to meeting.--Meetings shall be held at the call of
16 the chair, the Governor or any member of the commission.

17 (d) Quorum.--Two members of the commission shall constitute
18 a quorum at a meeting.

19 § 3003. Duties of commission.

20 It shall be the duty of the commission:

21 (1) After public hearing, as specified under this
22 chapter, to promulgate regulations either on the motion of
23 the commission or upon recommendation of the director for
24 effectuating the provisions of this chapter.

25 (2) Upon request or on the motion of the commission as
26 provided under this section, in cases of demotion, furlough,
27 suspension and removal, to hold public hearings, render
28 decisions on appeals and record the commission's findings and
29 conclusions.

30 (3) To make investigations as may be requested by the

1 Governor or the General Assembly and to report on the
2 investigations.

3 (4) To report by June 1 of each year to the General
4 Assembly on all complaints, grievances and cases arising from
5 questions by veterans about the application of and the
6 results attained by use of the veterans' preference
7 provisions of this chapter with regard to hiring, promotion
8 and firing of employees covered by this chapter.

9 (5) Upon its own motion and subject to the specific
10 terms and conditions imposed under this part, to delegate
11 authority to the director to promote the efficient and
12 effective performance of the administrative duties of the
13 commission.

14 (6) From money appropriated for the operation of the
15 commission, to enter into cooperative agreements with
16 departments, boards, commissions and other agencies of the
17 Commonwealth to provide services, including budget
18 preparation, fiscal oversight, human resources and personnel
19 services, technology services, procurement, courier and
20 mailing and other services. Notwithstanding 62 Pa.C.S.
21 (relating to procurement), the commission may use the
22 Department of General Services as its purchasing agency. The
23 commission shall retain authority over commission work under
24 the cooperative agreement.

25 (7) To conduct hearings as follows:

26 (i) A regular employee in the classified service
27 may, within 20 calendar days of receipt of notice from
28 the appointing authority, appeal in writing to the
29 commission a permanent separation, suspension for cause,
30 furlough or demotion on the grounds that the action has

1 been taken in the employee's case in violation of the
2 provisions of this part. Upon receipt of the notice of
3 appeal, the commission shall promptly schedule and hold a
4 public hearing.

5 (ii) A person who is aggrieved by an alleged
6 violation of section 2704 (relating to prohibition of
7 discrimination) may appeal in writing to the commission
8 within 20 calendar days of the alleged violation. Upon
9 receipt of the notice of appeal, the commission shall
10 promptly schedule and hold a public hearing.

11 (iii) Final decisions of the commission shall be
12 reviewable in accordance with the laws of this
13 Commonwealth.

14 (8) To provide remedies as follows:

15 (i) Within 90 days after the conclusion of the
16 hearing described under section 3003(d)(7), the
17 commission shall report the commission's findings and
18 conclusions to the parties directly involved in the
19 action.

20 (ii) If the decision is in favor of the employee or
21 the aggrieved person, the commission shall make an order
22 as the commission deems appropriate to assure the rights
23 accorded the individual under this part.

24 (iii) If an employee is removed, furloughed,
25 suspended or demoted, the commission may modify or set
26 aside the action of the appointing authority. If
27 appropriate, the commission may order reinstatement, with
28 the payment of the portion of the salary or wages lost,
29 including employee benefits, as the commission may in its
30 discretion award.

1 § 3004. Legal counsel.

2 In accordance with the act of October 15, 1980 (P.L.950,
3 No.164), known as the Commonwealth Attorneys Act, the commission
4 shall appoint and direct attorneys as needed in the performance
5 of the commission's duties required under this part.

6 § 3005. Qualifications, appointment and compensation of
7 director.

8 (a) General rule.--The director shall be an individual who
9 is familiar with the principles and methods of personnel
10 administration and the application of merit principles and
11 scientific methods to public employment.

12 (b) Appointment.--The director shall be appointed by the
13 commission and serve at the pleasure of the commissioners.

14 (c) Salary.--The director's salary shall be fixed by the
15 commission with the approval of the Governor. The director shall
16 hold no other paid public position.

17 § 3006. Powers and duties of director.

18 Under the direction and supervision of the commission, the
19 director, except as otherwise provided in this part, shall
20 direct and supervise the administrative work of the commission.
21 The director shall have the power and duty to:

22 (1) Appoint staff to classified service positions as may
23 be necessary to carry out this chapter and Chapter 31
24 (relating to hearings and records) and to supervise and
25 direct this work.

26 (2) Attend the meetings of the commission.

27 (3) Prepare and recommend to the commission regulations
28 and amendments to regulations.

29 (4) Administer the provisions of this chapter and
30 Chapter 31 and of the regulations made under this chapter and

1 Chapter 31.

2 (5) Investigate the effect of the administration of this
3 chapter and Chapter 31 and of the regulations made under this
4 chapter and Chapter 31 and to report the findings and
5 recommendations to the commission.

6 (6) Make a report in writing, not later than November 1
7 of each year, concerning the administrative and legal work
8 performed by the commission during the preceding fiscal year.

9 (7) Perform an act required under this chapter and
10 Chapter 31 or regulations made under this chapter and Chapter
11 31 or directed by the commission.

12 (8) Request assistance from the attorneys appointed
13 under section 3004 (relating to legal counsel) as may be
14 necessary in the performance of the director's administrative
15 duties.

16 (9) Advertise on the commission's publicly accessible
17 Internet website and in all commission announcements and
18 advertisements that veterans' preference is the law of this
19 Commonwealth and that, to determine standing on all certified
20 eligible lists, an additional 10 points shall be applied to
21 the final examination score obtained by a veteran in
22 accordance with 51 Pa.C.S. § 7103 (relating to additional
23 points in grading civil service examinations), and the same
24 preferential rating given to veterans under this part shall
25 be extended to include spouses in accordance with 51 Pa.C.S.
26 § 7108 (relating to preference of spouses).

27 § 3007. Cooperation by officers and employees of the
28 Commonwealth.

29 Upon the written request of the director, all officers and
30 employees in the service of the Commonwealth shall, during usual

1 business hours, furnish to the commission the facilities,
2 assistance and information as the commission may require in
3 carrying out its functions.

4 § 3008. Periodic audits of employees by commission.

5 The commission shall conduct audits of changes in employment
6 and promotions of employees in the classified service to ensure
7 strict compliance with this part and regulations promulgated
8 under this part.

9 CHAPTER 31

10 HEARINGS AND RECORDS

11 Sec.

12 3101. Public hearings.

13 3102. Oaths, testimony and production of papers.

14 3103. Records open to public.

15 3104. False statements made under oath constitute perjury.

16 § 3101. Public hearings.

17 (a) Public hearing.--The commission shall hold a public
18 hearing at which any citizen shall have the right to appear and
19 be heard before submitting proposed regulations under the act of
20 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review
21 Act, or adopting or amending the rules of the commission.

22 (b) Notice of hearing.--Public notice of the public hearing
23 shall be given in accordance with 65 Pa.C.S. Ch. 7 (relating to
24 open meetings) and, at least seven days in advance of the
25 hearing, by posting on a bulletin board maintained in or near
26 the commission's principal office, in a place accessible to the
27 public during business hours, a statement of the time and place
28 of the hearing and of the matter to be considered. The
29 commission shall also furnish at least 20 copies of the notice
30 to the newspaper correspondents' office in the State Capitol and

1 one copy of the notice to the Governor, each appointing
2 authority and each member of the General Assembly. The
3 commission may give further public notice of the hearings as it
4 deems advisable.

5 § 3102. Oaths, testimony and production of papers.

6 (a) Administration of oaths.--Each member of the commission,
7 the director and any other employee or agent authorized by the
8 commission shall have the power to administer oaths in matters
9 pertaining to the work of the commission.

10 (b) Subpoenas.--The commission shall have the power to
11 secure by subpoena the attendance and testimony of witnesses and
12 the production of books and papers.

13 (c) Authority of court.--A judge of a court of record shall,
14 upon proper application of the commission, compel the attendance
15 of witnesses, the production of books and papers and the giving
16 of testimony before the commission by attachment for contempt,
17 or otherwise, in the same manner as the production of evidence
18 may be compelled before the court.

19 § 3103. Records open to public.

20 (a) General rule.--The minutes of the commission shall be
21 preserved as permanent records. Correspondence, other papers and
22 records of the commission shall be maintained for periods
23 established in the commission's records retention schedule,
24 which may, upon publication of notice in the Pennsylvania
25 Bulletin, be changed at the discretion of the commission to meet
26 the criteria and needs of the commission.

27 (b) Electronic records.--The commission and the director, in
28 their deliberations, may rely on computerized or electronically
29 or mechanically reproduced records.

30 (c) Records to be public.--On written request, supported by

1 justification acceptable to the director and subject to
2 reasonable regulation, all records of the commission shall be
3 open to public inspection during ordinary business hours except
4 as otherwise provided for under this chapter.

5 § 3104. False statements made under oath constitute perjury.

6 (a) Offense defined.--A false statement made under oath in
7 an application or other paper filed with the commission, in an
8 investigation conducted by or under the direction of the
9 commission or in proceedings arising under this part, shall be
10 perjury and punishable under the provisions of 18 Pa.C.S. Ch. 49
11 (relating to falsification and intimidation).

12 (b) Penalty.--An individual intentionally failing to
13 disclose a material fact or in any manner concealing information
14 in order to obtain employment or promotion under this part
15 shall, in addition to any other penalty provided in this
16 chapter, be removed from all eligible lists for a period of time
17 to be determined by the Office of Administration and, if
18 appointed or promoted, be summarily removed.

19 CHAPTER 32

20 COMMISSION FUNDS, COSTS AND SERVICE

21 Sec.

22 3201. Receiving money and allocating or apportioning costs.

23 3202. Service and cooperation.

24 § 3201. Receiving money and allocating or apportioning costs.

25 (a) Receipt.--The commission may receive money from the
26 Federal Government or an agency of the Federal Government or
27 from any other source for the administration of this part. The
28 commission and the Secretary of the Budget shall allocate among
29 the departments and agencies under this part the cost of
30 administering this part.

1 (b) Transfer.--On the effective date of this section, the
2 Secretary of the Budget shall, if necessary, transfer money to
3 the Office of Administration in the amount necessary to support
4 the transfer of duties.

5 § 3202. Service and cooperation.

6 (a) General rule.--The services and facilities of the
7 commission and its staff shall be available to departments,
8 boards, commissions, agencies and political subdivisions of this
9 Commonwealth.

10 (b) Costs.--

11 (1) The cost of the services and facilities made
12 available by the commission shall be paid by the department,
13 board, commission, agency and political subdivision to which
14 the services and facilities are made available, in the
15 proportion that the cost of the services and facilities bears
16 to the total cost of the services and facilities.

17 (2) The commission shall prepare and issue semiannual
18 statements of the cost, which shall be reviewed and approved
19 by the Office of the Budget, providing the total cost and the
20 share attributable to each department, board, commission,
21 agency and political subdivision to which services or
22 facilities are made available. Upon receipt of the
23 statements, each department, board, commission, agency and
24 political subdivision shall pay its share of the cost to the
25 commission.

26 (c) Obligation.--

27 (1) Money payable to the commission, by way of
28 reimbursement, shall be paid into the General Fund, shall be
29 credited to the annual appropriation made to the commission
30 out of the General Fund for the proper conduct of its work

1 under this part and shall be available for the same purposes
2 for which an appropriation is available.

3 (2) If a department, board, commission or agency which
4 is supported out of the General Fund becomes liable to the
5 commission under the provisions of this section, the
6 liability shall be defrayed out of the current appropriation
7 to the department, board, commission or agency for the proper
8 conduct of its work, and an appropriation is appropriated for
9 that purpose.

10 (3) As much money as may be necessary is appropriated to
11 the commission from the State Stores Fund to meet the cost of
12 the services and facilities of the commission as may be
13 attributable to the work of the commission, with respect to
14 the Pennsylvania Liquor Control Board.

15 (4) As much money as may be necessary is appropriated to
16 the commission from the Administrative Fund to meet the cost
17 of services and facilities of the commission as may be
18 attributable to the work of the commission with respect to
19 the work of the Department of Labor and Industry under the
20 act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1),
21 known as the Unemployment Compensation Law.

22 (5) In the event any other department, board, commission
23 or agency, which is supported out of a special fund, becomes
24 obligated to the commission under the provisions of this
25 section, as much money as may be necessary is appropriated
26 out of the special fund to meet the cost of services and
27 facilities of the commission as may be attributable to the
28 work of the department, board, commission or agency. The
29 amounts that are appropriated out of the special funds shall
30 be transferred from the funds to the General Fund, shall be

1 credited to the current appropriation made to the commission
2 out of the General Fund for the proper conduct of its work
3 and are appropriated to the commission for the same purposes
4 as the appropriation out of the General Fund is appropriated
5 under this section.

6 CHAPTER 33

7 RECORDS, STATUS AND APPROPRIATIONS

8 Sec.

9 3301. Transfer of records.

10 3302. Status of certain employees.

11 3303. Veterans' preference.

12 § 3301. Transfer of records.

13 (a) Transfer.--The following, which are in effect on the
14 effective date of this section, shall be transferred from the
15 commission to the Office of Administration on the effective date
16 of this section:

17 (1) Each eligible list previously established or
18 certified.

19 (2) All books, records and documents in paper and
20 electronic form and format.

21 (3) All supplies, materials, equipment and computer
22 hardware and software relating to or used in connection with
23 a merit system in the service of the Commonwealth.

24 (b) Eligible list.--

25 (1) Each eligible list shall be used for appointments by
26 the Office of Administration in the same manner as provided
27 in this part until examinations have been selected or
28 conducted by the Office of Administration and new eligible
29 lists have been prepared.

30 (2) Individuals whose names remain on an existing

1 eligible list shall be retained on the eligible list for at
2 least 180 days from the date the eligible list was
3 established until the eligible list is replaced by a more
4 recently prepared eligible list.

5 (3) If applications have been filed for examinations or
6 examinations have been held, but no eligible list established
7 in connection with a merit system in the service of the
8 Commonwealth is in effect on the effective date of this
9 section, the applications and examinations transferred to the
10 Office of Administration shall have the same force and effect
11 as if the applications had been filed or the examinations had
12 been held by the Office of Administration.

13 § 3302. Status of certain employees.

14 An individual occupying a position in the classified service
15 which, on the day preceding the effective date of this section,
16 was under a type of merit system, including a merit system by
17 virtue of the Civil Service Act, shall be accorded the status
18 the individual held on that date. Nothing in this part shall be
19 construed to remove from the classified service any position
20 which was in the classified service in the service of this
21 Commonwealth immediately prior to the effective date of this
22 section.

23 § 3303. Veterans' preference.

24 Nothing in this part shall be construed to repeal or
25 supersede the provisions of 51 Pa.C.S. Pt. V (relating to
26 employment preferences and pensions).

27 Section 2. Repeals are as follows:

28 (1) The General Assembly declares that the repeals under
29 paragraphs (2) and (3) are necessary to effectuate the
30 addition of 71 Pa.C.S. Pt. III.

1 (2) Section 1312(a) of the act of April 9, 1929
2 (P.L.177, No.175), known as The Administrative Code of 1929,
3 is repealed.

4 (3) The act of August 5, 1941 (P.L.752, No.286), known
5 as the Civil Service Act, is repealed.

6 (4) All acts and parts of acts are repealed insofar as
7 they are inconsistent with this part.

8 Section 3. The addition of 71 Pa.C.S. Pt. III is a
9 continuation of the act of August 5, 1941 (P.L.752, No.286),
10 known as the Civil Service Act. The following apply:

11 (1) Except as otherwise provided in 71 Pa.C.S. Pt. III,
12 all activities initiated under the act of August 5, 1941
13 (P.L.752, No.286), known as the Civil Service Act, shall
14 continue and remain in full force and effect and may be
15 completed under 71 Pa.C.S. Pt. III. Orders, regulations,
16 rules and decisions which were made under the Civil Service
17 Act and which are in effect on the effective date of section
18 2(3) of this act shall remain in full force and effect until
19 revoked, vacated or modified under 71 Pa.C.S. Pt. III.
20 Contracts, obligations and collective bargaining agreements
21 entered into under the Civil Service Act are not affected nor
22 impaired by the repeal of the Civil Service Act.

23 (1.1) Each position given civil service status under the
24 Civil Service Act or any other act shall not be affected nor
25 impaired by the repeal of the Civil Service Act and the
26 addition of 71 Pa.C.S. Pt. III.

27 (2) Except as set forth in paragraph (3), any difference
28 in language between 71 Pa.C.S. Pt. III and the Civil Service
29 Act is intended only to conform to the style of the
30 Pennsylvania Consolidated Statutes and is not intended to

1 change or affect the legislative intent, judicial
2 construction or administration and implementation of the
3 Civil Service Act.

4 (3) Paragraph (2) does not apply to the addition of the
5 following:

6 (i) The addition of the definitions of "job," "job
7 title" and "board" under 71 Pa.C.S. § 2103.

8 (ii) The authority of the Office of Administration
9 to issue regulations, including temporary regulations,
10 under 71 Pa.C.S. § 2203.

11 (iii) The administration of merit system employment
12 by the Office of Administration under 71 Pa.C.S. Chs. 22,
13 23, 24, 25, 26, 27, 28 and 29.

14 (iv) 71 Pa.C.S. Chs. 32 and 33.

15 (v) The transfer of records under 71 Pa.C.S. § 3301.

16 Section 4. This act shall take effect as follows:

17 (1) The following provisions shall take effect
18 immediately:

19 (i) This section.

20 (ii) The addition of 71 Pa.C.S. §§ 2203(b) and 3301.

21 (2) The remainder of this act shall take effect in nine
22 months.