
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 162 Session of
1989

INTRODUCED BY LINTON, OLIVER, MILLER, O'DONNELL, McHALE,
WAMBACH, HARPER, BROUJOS, DEMPSEY, LaGROTTA, CAPPABIANCA,
CALTAGIRONE, PISTELLA, HERMAN, COWELL, REBER, VAN HORNE,
KOSINSKI, HALUSKA, TRELLO, STEIGHNER, COLAFELLA, MELIO,
GEIST, RYBAK, DeLUCA, BELFANTI, SAURMAN, MICHLOVIC, BIRMELIN,
FOX, HUGHES, COLAIZZO, KASUNIC, BUNT, McVERRY, LAUGHLIN,
VEON, BUSH, CESSAR, CARN, THOMAS AND JAMES, JANUARY 30, 1989

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, MAY 23, 1989

AN ACT

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

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

19 Section 1. Section 3(c) of the act of August 5, 1941
20 (P.L.752, No.286), known as the Civil Service Act, amended
21 August 27, 1963 (P.L.1257, No.520) and March 4, 1970 (P.L.115,

1 No.44), is amended to read:

2 Section 3. Definition of Terms.--In this act, unless the
3 context otherwise clearly requires,--

4 * * *

5 (c) "Unclassified service" includes all positions now
6 existing or hereafter created in departments and agencies
7 included in clause (d) of this section, which are held by:

8 (1) Heads of departments of the Commonwealth and the deputy
9 heads thereof [and bureau], bureau directors and division chiefs
10 and all other supervisory personnel whose duties include
11 participation in policy decisions.

12 (2) Members of boards and commissions.

13 (3) One secretary or one confidential clerk and not more
14 than five (5) other personal assistants or aides to each state
15 appointing authority, or each member thereof, as the case may
16 be, except the commission and the director.

17 (4) Any person appointed for the duration of a special
18 study, project, or internship which is scheduled to be completed
19 after a fixed or limited period of time and which, for reasons
20 set forth in the minutes of the commission, should not be
21 performed by persons in the classified service.

22 (5) Such attorney as the appointing authority shall appoint. <—
23 [and the Attorney General shall approve.] <—

24 (6) Unskilled Labor.

25 (7) All professional positions attached to the department
26 head's office which function as press and/or public relations
27 and legislative liaisons.

28 Notwithstanding any other provisions of this clause, any
29 State program which is required to have its positions under a
30 merit system because of the receipt of Federal grants-in-aid

1 shall not have more positions in the unclassified service than
2 are allowed by Federal merit system standards.

3 * * *

4 Section 2. Section 201 of the act is amended to read:

5 Section 201. [Qualifications and Removal of Commissioners.--
6] State Civil Service Commission.--(a) The State Civil Service
7 Commission shall consist of three members, not more than two of
8 whom shall be of the same political affiliation, appointed by
9 the Governor, with the advice and consent of a majority of the
10 members elected to the Senate. Each appointment shall be for a
11 term of six years or until a successor is appointed and
12 qualified, but not longer than six months beyond the six-year
13 term. The members of the commission shall hold no other public
14 position to which a salary is attached. The Governor shall
15 designate one of the members as chairman. ~~Commission members~~ <—
16 ~~shall devote full time to their official duties.~~ No commission
17 member shall hold any office or position, the duties of which
18 are incompatible with his official duties.

19 (b) Each member of the commission shall receive actual
20 traveling expenses and per diem compensation to a maximum of two
21 hundred sixty days for the time actually devoted to the business
22 of the commission.

23 (c) Any person appointed as a member of the commission shall
24 be a citizen and legal resident of the Commonwealth for a period
25 of not less than one year who is in sympathy with modern
26 personnel methods and the application of merit principles to
27 public employment. No person who, within one year preceding his
28 appointment, has been an officer of a political party shall be
29 eligible to serve as a commissioner. The Governor may remove any
30 member of the commission, but only for incompetence,

1 inefficiency, neglect of duty, malfeasance or misfeasance in
2 office by giving such member a statement in writing of the
3 charges against him and affording him, after notice of not less
4 than ten days, an opportunity of making written answer and, upon
5 request, being publicly heard in person and by counsel. A copy
6 of the charges and answer of the Governor's findings and a
7 transcript of the record shall be filed with the secretary of
8 the commission.

9 Section 3. The act is amended by adding a section to read:

10 Section 204.1. Commission Staff.--In accordance with the act
11 of October 15, 1980 (P.L.950, No.164), known as the
12 "Commonwealth Attorneys Act," the commission shall appoint and
13 direct such attorneys as needed in its performance of the duties
14 required under this act.

15 Section 4. Section 205 of the act, amended August 27, 1963
16 (P.L.1257, No.520), is amended to read:

17 Section 205. Qualifications, Appointment and Compensation of
18 Director.--

19 [(a)] The director shall be a person who shows he is
20 familiar with the principles and methods of personnel
21 administration and one who is in sympathy with the application
22 of merit principles and scientific methods to public employment.
23 He shall be appointed by the commission [from an employment list
24 established under this act, his] and serve at the pleasure of
25 the commissioners. His salary shall be fixed by the commission
26 with the approval of the Governor, and he shall hold no other
27 paid public position.

28 Section 5. Section 206 of the act, amended June 1, 1945
29 (P.L.1366, No.435), June 21, 1947 (P.L.835, No.348) and August
30 27, 1963 (P.L.1257, No.520), is amended to read:

1 Section 206. Powers and Duties of Director.--[The] Under the
2 direction and supervision of the commission, the director,
3 except as otherwise provided in this act, shall direct and
4 supervise [all] the administrative work of the commission. [He]
5 The director shall have power and [it shall be his duty under
6 the direction and supervision of the commission] the duty--

7 (1) To appoint from employment lists established under this
8 act such examiners, investigators, clerks and other assistants
9 as may be necessary to carry out this act and to supervise and
10 direct this work.

11 (2) To attend the meetings of the commission.

12 (3) To prepare and recommend to the commission rules and
13 amendments thereto.

14 (4) To establish and maintain a record of all employees in
15 the classified service, showing for each such person the date
16 appointed or employed, the title of the position held, the rate
17 of compensation and every change in his status, including
18 increases and decreases in pay, changes in title transfers, and
19 such other data as he may consider desirable and pertinent. The
20 director shall, within sixty calendar days after the effective
21 date of this amending act, transfer all position classification
22 records to the budget secretary.

23 (5) To administer and make effective the provisions of this
24 act and of the rules made thereunder, including those relating
25 to the preparation and conduct of examinations, the preparation
26 of eligible lists, the certification of persons qualified for
27 employment, the transfer, promotion, suspension, demotion,
28 removal, furlough, leave of absence and resignation of employees,
29 the rating of employees' services, the requiring of health
30 examinations at the discretion of appointing authorities as a

1 condition of initial or continued employment, the checking and
2 certification of pay-rolls before payment.

3 (6) To investigate the effect of the administration of this
4 act and of the rules made thereunder and to report his findings
5 and recommendations to the commission.

6 [(7) To appoint, with the approval of the commission, one
7 employe to be his deputy. The person selected as deputy may be
8 one of the three remaining highest ranking persons on the
9 eligible list for the position of director, or one of the three
10 highest ranking persons on an eligible list established by an
11 examination for the position of deputy director, which
12 examination and ratings shall be in a like manner and under the
13 same conditions as provided in this act for other classes of
14 positions. The salary of the deputy shall be established by the
15 commission, with the approval of the Governor. In case of the
16 absence of the director or his inability from any cause to
17 discharge the powers and duties of his office, such powers and
18 duties shall devolve upon his deputy.]

19 (8) To make [a biennial] an annual report in writing, not
20 later than September first of each [even-numbered] year, to the
21 commission concerning the administrative work of the commission,
22 including pertinent information and recommendations.

23 (9) To do any act or acts required by this act, or directed
24 by the commission, or the rules made thereunder.

25 (10) To request assistance, from among the attorneys
26 appointed under section 204.1 of this act, such legal counsel as
27 may be necessary in the performance of his administrative
28 duties.

29 Section 6. Section 210 of the act is amended to read:

30 Section 210. Records Open to the Public.--The minutes of the

1 commission shall be preserved as permanent records. The
2 correspondence, eligible lists and other papers and records of
3 the commission shall be preserved for [seven] four years.
4 Applications, examination records, and other documents submitted
5 by candidates shall be maintained for a period equal to the
6 candidate's eligibility, plus one year. Records of candidates
7 who do not report for one or more parts of an examination shall
8 be maintained for a period of six months after they did not
9 report. The commission, in its deliberations, may rely on
10 computerized or photocopied records. On written request,
11 supported by justification acceptable to the [commission]
12 director, and subject to reasonable regulation, all records of
13 the commission shall be open to public inspection during
14 ordinary business hours, except as herein specifically otherwise
15 provided. The [directors] director shall take all due
16 precautions to prevent the securing in advance by any
17 unauthorized person of questions or other material to be used in
18 any test unless such questions or materials are available to all
19 competitors. [He] The director shall prevent the identification
20 by any examiner or other persons, where identity is concealed,
21 of papers or work of any competitor in an examination before the
22 papers or work of all competitors in that examination have been
23 rated. Statements of former employers of competitors in
24 examinations shall be considered confidential and not open to
25 inspection.

26 Section 7. Section 212(b) of the act, amended May 21, 1943
27 (P.L.516, No.231), is amended to read:

28 Section 212. Service to State Departments, Boards and
29 Commissions or Agencies and Political Subdivisions; Cooperation
30 with Other Civil Service Agencies.--* * *

1 (b) The cost of such services and facilities made available
2 by the commission shall be borne by every State department,
3 board, commission or agency and political subdivision to which
4 the same are made available, in the proportion which the cost of
5 said services and facilities to each bears to the total cost of
6 said services and facilities. The commission shall prepare and
7 issue [monthly] semiannual statements of such cost, setting
8 forth the total and the share attributable to each department,
9 board, commission or agency and political subdivision to which
10 services or facilities are made available. Upon receipt of such
11 statements, each State department, board, commission or agency
12 and political subdivision shall pay its share of the cost to the
13 commission.

14 * * *

15 Section 8. Section 507 of the act, amended August 27, 1963
16 (P.L.1257, No.520), is amended to read:

17 Section 507. Duration of Eligible Lists.--The duration of an
18 eligible list shall be fixed [at not less than one nor more
19 than] by the director with the approval of the commission for a
20 period of up to four years. An existing eligible list [that has
21 been in existence for one year or more] shall terminate upon the
22 establishment of an appropriate new list unless otherwise
23 prescribed by the director. Appointing authorities shall utilize
24 eligible lists from the date of their establishment until
25 exhausted, cancelled by the commission, or replaced by more
26 recently prepared lists. The director, with the approval of the
27 commission, may at any time correct clerical errors occurring in
28 connection with the preparation of any eligible list and revise
29 the list accordingly, but no person who has been appointed as
30 the result of certification from such list shall be displaced by

1 such action. The commission shall have the power at any time
2 after giving notice as required in this act, and after a public
3 hearing, to cancel the whole or any part of any eligible list on
4 account of illegality or fraud in connection therewith.

5 Section 9. Section 601 of the act, amended October 7, 1974
6 (P.L.676, No.226), is amended to read:

7 Section 601. Certification.--Whenever a vacancy is likely to
8 occur or is to be filled in a permanent position in the
9 classified service, the appointing authority shall submit to the
10 director a statement indicating the position to be filled.
11 Unless the appointing authority elects to follow one of the
12 alternative provisions of section five hundred one, or unless
13 there is in existence a labor agreement covering promotions in
14 permanent positions in the classified service, in which case the
15 terms and procedures of such labor agreement relative to the
16 procedures for promotions shall be controlling, the director
17 shall thereupon certify to the appointing authority the names of
18 the three eligibles willing to accept appointment who are
19 highest on the appropriate promotion list or employment list,
20 whichever is in existence, or from the one, which under the
21 rules of the commission, has priority. If the appropriate list
22 contains less than three eligibles who are willing to accept
23 appointment, the names certified may be taken from the other
24 appropriate list to make a certification of at least three
25 eligibles. If there are less than three eligibles on appropriate
26 eligible lists who are willing to accept appointment, the
27 director shall certify all the names on these lists. If there is
28 no appropriate eligible list, the director may certify from such
29 other list or lists as he deems the next most nearly
30 appropriate. If operational conditions of the appointing

1 authority so dictate and it is found to be in the interest of
2 the service to the Commonwealth, the commission may authorize
3 selective certifications based on standards to be prescribed by
4 the commission. If upon inquiry by the director any person on
5 any promotion or employment list is found to be not available
6 for promotion or appointment, his name shall not for the time
7 being be considered among the names from which a promotion or
8 appointment is to be made.

9 Section 10. Section 603 of the act, amended June 21, 1947
10 (P.L.835, No.348) and August 27, 1963 (P.L.1257, No.520), is
11 amended to read:

12 Section 603. Probationary Period.--(a) No appointment to a
13 position in the classified service shall be deemed complete
14 until after the expiration of a probationary period. The
15 probationary period for each class of position shall be
16 prescribed in the rules of the commission and, except for
17 trainee classes, shall in no case be less than six months or
18 more than eighteen months. The probationary period for a trainee
19 class shall be combined with that of the class for which the
20 trainee is being trained. This combined probationary period
21 shall be the same as the training period, subject to limits of
22 three months and twenty-four months. At such times during the
23 probationary period, and in such manner as the director may
24 require, the appointing authority shall report to the director
25 [his] an observation of the work of the employe and [his] a
26 judgment as to the willingness and ability of the employe to
27 perform [his] the duties satisfactorily and as to [his] the
28 employe's dependability. At any time during [his] the
29 probationary period, the appointing authority may remove an
30 employe if in the opinion of the appointing authority the

1 probation indicates that such employe is unable or unwilling to
2 perform [his] the duties satisfactorily or that [his] the
3 employe's dependability does not merit [his] continuance in the
4 service. Upon such removal the appointing authority shall
5 forthwith report [his] this action to the director and to the
6 employe so removed. No more than three employes shall be removed
7 successively from the same position during their probationary
8 periods without the approval of the director. The director, with
9 the approval of the commission, shall remove an employe during
10 [his] the probationary period if it is found after the employe
11 has been given notice and an opportunity to be heard that [he]
12 the employe was appointed as a result of fraud.

13 (b) Ten working days prior to the expiration of an employe's
14 probationary period the appointing authority shall notify the
15 [director] employe in writing whether the services of the
16 employe have been satisfactory. A copy of such notice shall be
17 given to the [employe] director. If the employe's work has been
18 satisfactory [he], the employe shall at the completion of [his]
19 the probationary period become a classified service employe
20 under the provisions hereof and continue in that position unless
21 separated therefrom as herein provided.

22 (c) If any employe is removed from [his] a position during
23 or at the end of [his] the probationary period, and the director
24 determines that [he] the employe is suitable for appointment to
25 another position, [his] the employe's name may be restored to
26 the list from which it was certified.

27 Section 11. Section 605 of the act is amended to read:

28 Section 605. Temporary Appointments to Extra Positions.--
29 When from pressure of work an extra position in the classified
30 service must be established for a period of less than [six]

1 twelve months, the appointing authority shall request the
2 director in writing to certify the name of a qualified person
3 from [the] an appropriate list of eligibles. In such request the
4 appointing authority shall state the cause of the extra work,
5 the probable length of employment and[, unless the position has
6 been classified,] the duties which the appointee is to perform.

7 Section 12. Section 705 of the act, amended August 27, 1963
8 (P.L.1257, No.520), is amended to read:

9 Section 705. Transfers and Assignments.--An appointing
10 authority may at any time assign a classified employe under
11 [this] its jurisdiction from one position to another in the same
12 class, or in a similar class for which the employe qualifies. In
13 every case the appointing authority shall give written notice of
14 [his] this action to the director, according to the rules of the
15 commission. Transfer of a classified employe from a position
16 under the jurisdiction of one appointing authority to a position
17 under the jurisdiction of another appointing authority may be
18 made subject to such rules and with the approval of the director
19 and of both appointing authorities concerned. Any transfer of an
20 employe from a position in one class to a position in a class
21 for which a higher maximum rate of compensation is prescribed
22 shall be deemed a promotion and may be accomplished only in the
23 manner hereinbefore provided for the making of promotions. No
24 person shall ever be transferred from a position in the
25 unclassified service to a position in the classified service
26 unless [he is] appointed to such latter position after
27 certification of [his] the person's name from an eligible list
28 in accordance with the provisions of this act.

29 Section 13. The act is amended by adding a section to read:

30 Section 707.1. Effect of Reclassifications.--When an

1 employee's job changes or the Executive Board changes a
2 classification and a reallocation of the position becomes
3 necessary, the employee shall be reclassified to the new
4 classification provided the employee meets the established
5 requirements for the new classification. This reclassification,
6 if it is to a lower level, shall not be construed as a demotion.

7 Section 14. Section 802 of the act, amended October 7, 1974
8 (P.L.676, No.226), is amended to read:

9 Section 802. Furlough.--(a) In case a reduction in force is
10 necessary in the classified service, no employee shall be
11 furloughed while any probationary or provisional employee is
12 employed in the same class in the same department or agency, and
13 no probationary employee shall be furloughed while a provisional
14 employee is employed in the same class in the same department or
15 agency. An employee shall be furloughed only if at the time [he
16 is furloughed, he] of furlough, the employee is within the lowest
17 quarter among all employees of the employer in the same class on
18 the basis of their last regular service ratings, and within this
19 quarter [he] the employee shall be furloughed in the order of
20 seniority unless there is in existence a labor agreement
21 covering the employees to be furloughed, in which case the terms
22 of such labor agreement relative to a furlough procedure shall
23 be controlling: Provided, That the appointing authority may
24 limit the application of this provision in any particular
25 instance to employees in the same class, classification series or
26 other grouping of employees as referred to in any applicable
27 labor agreement, and which are in the same department or agency
28 within the same bureau or division with headquarters at a
29 particular municipality, county or administrative district of
30 the Commonwealth.

1 **(b)** A furloughed employe shall have the right of return to
2 any class and civil service status which [he] was previously
3 held, provided such class is contained in the current
4 classification plan of the agency; or to any class and civil
5 service status in the same or lower grade, provided that [he]
6 the employe meets the minimum qualifications given in the
7 classification plan of the agency.

8 **(c)** The appointing authority shall promptly report to the
9 director the names of employes furloughed, together with the
10 date the furlough of each is effective and the character of
11 [his] their services. Under the rules a regular employe
12 furloughed shall for a period of one year be given preference
13 for reemployment in the same class of position from which [he
14 was] furloughed and shall be eligible for appointment to a
15 position of a similar class in other agencies under this act
16 unless the terms of an existing labor agreement preclude the
17 employe from receiving the preferential treatment contained in
18 this section in which event the terms of the labor agreement
19 shall be controlling[, provided that in case of a promotion of
20 another employe such preference shall not be effective if it
21 necessitates furloughing such other employe unless the terms of
22 an existing labor agreement require that such preferential
23 treatment shall be given to the furloughed employe].

24 Section 15. Section 803 of the act is amended to read:

25 Section 803. Suspension.--An appointing authority may for
26 good cause suspend without pay for disciplinary purposes an
27 employe holding a position in the classified service. Such
28 suspension shall not exceed in the aggregate thirty working days
29 in one calendar year. No person shall be suspended because of
30 [his] race, religion or political, partisan or labor union

1 affiliation. What shall constitute good cause for suspension may
2 be stated in the rules. An appointing authority shall forthwith
3 report to the director in writing every suspension, together
4 with the reason or reasons therefor, and shall send a copy of
5 such report to the suspended employee. Such report shall be made
6 a part of the commission's public records.

7 Section 16. Sections 804.1, 806 and 807.2 of the act,
8 amended August 27, 1963 (P.L.1257, No.520), are amended to read:

9 Section 804.1. Rights of Promoted Employee During
10 Probationary Period.--If the probationary period has resulted
11 from a promotion, such removal shall not be from the classified
12 service except for just cause. A classified employee [so removed]
13 during a probationary period[,] resulting from promotion, shall
14 [have the right to and shall], if the employee's performance is
15 satisfactory, be returned to the position or class held
16 immediately prior to such promotion without necessity of appeal
17 or hearing.

18 Section 806. Resignation.--The rules of the commission shall
19 state what shall constitute resignation from the classified
20 service. [Absence from duty for five consecutive working days
21 without notice to the appointing authority may be regarded as an
22 abandonment of a position and in effect a resignation.] Upon the
23 request of an appointing authority, and with the approval of the
24 commission, an employee may be reinstated in the classification
25 from which he has resigned. No resignation [except by
26 abandonment] of any person in the classified service shall be
27 effective unless accepted by the appointing authority within
28 fifteen calendar days after the actual date of the making
29 thereof. No person about to be appointed to any position in the
30 classified service shall in advance of or at the time of such

1 appointment sign or execute a resignation dated or undated. No
2 resignation[, except by abandonment,] shall be made or shall be
3 valid unless it bears the signature of the person resigning and
4 the date of the resignation [in his handwriting].

5 Section 807.2. Seniority.--(a) Seniority is established for
6 the classified service, classification series and for each class
7 [in which an employe holds or has held civil service status.
8 Seniority in each class begins with the date of first civil
9 service employment in that class and includes periods of
10 subsequent employment (civil service or provisional) in other
11 classes in the same or higher grade].

12 (b) Seniority for the classified service begins with the
13 date of first civil service employment in a civil service class
14 and includes periods of subsequent employment in any civil
15 service class providing such employment has been on a continuous
16 basis. Seniority for a classification series begins with the
17 date of first civil service employment in the class series and
18 includes periods of employment in classes within the series
19 during any period while employed in a continuous basis in the
20 classified service. Seniority in each class begins with the date
21 of first civil service employment in that class and includes
22 periods of subsequent employment in that class during any period
23 while employed on a continuous basis in the classified service.

24 (c) Periods of furlough and approved leave of absence
25 without pay shall be deemed continuous employment for seniority
26 purposes, except that the period of furlough or leave of absence
27 without pay shall not be counted toward seniority.

28 Section 17. Section 902 of the act is amended to read:

29 Section 902. False Statements Made under Oath Constitute
30 Perjury.--Any false statement made under oath, either orally or

1 in writing, in any application or other paper filed with the
2 commission or in any proceeding before the commission or in any
3 investigation conducted by or under the direction of the
4 commission or by the director or in any proceedings arising
5 under this act shall be perjury and punishable as such. Any
6 person intentionally failing to disclose a material fact or in
7 any manner concealing any information in order to obtain
8 employment or promotion under this act shall, in addition to any
9 other penalty herein provided, be removed from all eligible
10 lists and, if appointed or promoted, he shall be summarily
11 removed.

12 Section 18. ~~Section 904~~ SECTIONS 904 AND 905 of the act ~~is~~ <—
13 ARE repealed. <—

14 Section 19. The act is amended by adding a section to read:

15 Section 905.2. Political Activity.--(a) No person in the
16 classified service shall use his official authority or influence
17 for the purpose of interfering with or affecting the result of
18 an election.

19 (b) No person in the classified service shall take an active
20 part in political management or in a political campaign.
21 Activities prohibited by this subsection include but are not
22 limited to the following activities:

23 (1) Serving as an officer of a political party, a member of
24 a National, State, or local committee of a political party, an
25 officer or member of a committee of a partisan political club,
26 or being a candidate for any of these positions.

27 (2) Organizing or reorganizing a political party
28 organization or political club.

29 (3) Directly or indirectly soliciting, receiving,
30 collecting, handling, disbursing, or accounting for assessments,

1 contributions, or other funds for a partisan political purpose.

2 (4) Organizing, selling tickets to, promoting, or actively
3 participating in a fund-raising activity of a candidate in a
4 partisan election or of a political party, or political club.

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

8 (6) Becoming a candidate for, or campaigning for, an
9 elective public office in a partisan election.

10 (7) Soliciting votes in support of or in opposition to a
11 candidate for public office in a partisan election or a
12 candidate for political party office.

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

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

18 (10) Endorsing or opposing a candidate for public office in
19 a partisan election or a candidate for political party office in
20 a political advertisement, a broadcast, campaign, literature or
21 similar material.

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

24 (12) Addressing a convention, caucus, rally, or similar
25 gathering of a political party in support of or in opposition to
26 a partisan candidate for public office or political party
27 office.

28 (13) Initiating or circulating a partisan nominating
29 petition.

30 (14) Soliciting, PAYING, collecting or receiving a

<—

1 contribution at or in the Commonwealth workplace from any <—
2 employee for any political party, political fund or other
3 partisan recipient.

4 (15) Paying a contribution at or in the Commonwealth <—
5 workplace to any employee who is the employer or employing
6 authority of the person making the contribution for any
7 political party, political fund or other partisan recipient.

8 ~~(16) Soliciting, paying, collecting or receiving a~~ <—
9 ~~contribution at or in the Commonwealth workplace from any~~
10 ~~employee for any political party, political fund or other~~
11 ~~partisan recipient.~~

12 (c) An employee or individual to whom subsection (a) or (b)
13 applies retains the right to vote and to express an opinion on
14 political subjects and candidates, and may engage in the
15 following activities:

16 (1) Register and vote in any election.

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

19 (3) Display a political picture, sticker, badge or button
20 WHEN NOT ON DUTY AND AT LOCATIONS OTHER THAN THE WORKPLACE. <—

21 (4) Participate in the nonpartisan activities of a civic,
22 community, social, labor or professional organization, or of a
23 similar organization.

24 (5) Be a member of a political party or other political
25 organization or club and participate in its activities to the
26 extent consistent with this section.

27 (6) Attend a political convention, rally, fund-raising
28 function or other political gathering.

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

30 (8) Make a financial contribution to a political party or

1 organization.

2 (9) Be politically active in connection with a question
3 which is not specifically identified with a political party,
4 such as a constitutional amendment, referendum, approval of a
5 municipal ordinance or any other question or issue of a similar
6 character.

7 ~~(10) Serve as an election judge or clerk, or in a similar~~ <—
8 ~~position to perform nonpartisan duties as prescribed by State or~~
9 ~~local law.~~

10 ~~(11)~~ (10) Otherwise participate fully in public affairs, <—
11 except as prohibited by law, in a manner which does not
12 materially compromise efficiency or integrity as an employe or
13 the neutrality, efficiency or integrity of a Commonwealth
14 agency.

15 (D) NOTWITHSTANDING ANYTHING IN THIS SECTION OR ANY OTHER <—
16 ACT TO THE CONTRARY, NO PERSON SHALL BE DEEMED INELIGIBLE FOR
17 THE OFFICE OF SCHOOL DIRECTOR SOLELY ON THE BASIS THAT SUCH
18 PERSON IS A MEMBER OF THE CLASSIFIED SERVICE UNDER THIS ACT.

19 ~~(d)~~ (E) Subsection (c) does not authorize an employe to <—
20 engage in political activity, while on duty, or while in a
21 uniform that identifies him as an employe. The head of a <—
22 ~~Commonwealth~~ AN agency may prohibit or limit the participation <—
23 of an employe or class of employes of the agency in an activity
24 permitted by subsection (c), if participation in the activity
25 would interfere with the efficient performance of official
26 duties, or create a conflict or apparent conflict of interests.

27 ~~(e)~~ (F) A person in the classified service who violates this <—
28 section shall be removed from employment and funds appropriated
29 for the position from which removed thereafter may not be used
30 to pay the employe or individual: Provided, That, the commission

1 at its discretion may impose a penalty of suspension without pay
2 for at least thirty (30) days, BUT NOT MORE THAN ONE HUNDRED <—
3 TWENTY (120) DAYS, if it finds that the violation does not
4 warrant ~~suspension~~ TERMINATION. <—

5 ~~(f)~~ (G) As used in this section, the following words and <—
6 phrases shall have the meanings given to them in this
7 subsection:

8 (1) ~~"Commonwealth agency"~~ "AGENCY" means an agency of the <—
9 ~~Commonwealth~~ employing persons in the classified service.

10 (2) "Contribution" means any gift, subscription, loan,
11 advance, deposit of money, allotment of money or anything of
12 value or given or transferred by one person to another,
13 including in cash, by check, by draft, through a payroll
14 deduction or allotment plan, by pledge or promise, whether or
15 not enforceable, or otherwise.

16 (3) "Election" means a primary, municipal, special and
17 general election.

18 (4) "Employee" means a person in the classified service.

19 (5) "Employer" or "employing authority" means the immediate
20 employing ~~Commonwealth~~ agency head, ~~Commonwealth~~ agency <—
21 principals or an employee's supervisor.

22 ~~(6) "Nonpartisan election" means an election involving a~~ <—
23 ~~question or issue which is not specifically identified with a~~
24 ~~political party, such as a constitutional amendment, referendum,~~
25 ~~approval of a municipal ordinance, or any question or issue of a~~
26 ~~similar character.~~

27 ~~(7)~~ (6) "Partisan" when used as an adjective refers to a <—
28 political party.

29 ~~(8)~~ (7) "Political fund" means any fund, organization, <—
30 political action committee, or other entity that, for purposes

1 of influencing in any way the outcome of any partisan election,
2 receives or expends money or anything of value or transfers
3 money or anything of value to any other fund, political party,
4 candidate, organization, political action committee or any other
5 entity.

6 ~~(9) "Unified judicial system" means the unified judicial~~ <—
7 ~~system existing under section 1 of Article V of the Constitution~~
8 ~~of Pennsylvania.~~

9 Section 20. Sections 906 and 951 of the act, amended or
10 added August 27, 1963 (P.L.1257, No.520), are amended to read:

11 Section 906. Removal and Disqualification of Officers and
12 Employees.--[Any] Except as otherwise provided in section 905.2,
13 any person holding a position in the classified service who
14 intentionally violates any of the provisions of this act or of
15 the rules made thereunder shall be immediately separated from
16 the service. It shall be the duty of the appointing authority of
17 the State Agency in which the offending person is employed to
18 remove him at once in accordance with the provisions of this
19 act. Any person removed under this section shall for a period of
20 one year be ineligible for reappointment to any position in the
21 classified service.

22 Section 951. Hearings.--(a) Any regular employe in the
23 classified service may, within twenty calendar days of receipt
24 of notice from the appointing authority, appeal in writing to
25 the commission. Any permanent separation, suspension for cause,
26 furlough or demotion on the grounds that such action has been
27 taken in his case in violation of the provisions of this act,
28 upon receipt of such notice of appeal, the commission shall
29 promptly schedule and hold a public hearing. [As soon as
30 practicable after the conclusion of the hearing, the commission

1 shall report its findings and conclusions to the appointing
2 authority and the employee. If such final decision is in favor of
3 the employee, the appointing authority shall reinstate him with
4 the payment of so much of the salary or wages lost by him as the
5 commission may in its discretion order.]

6 (b) Any person who is aggrieved by an alleged violation of
7 section 905.1 of this act may appeal in writing to the
8 commission within twenty calendar days of the alleged violation.
9 Upon receipt of such notice of appeal, the commission shall
10 promptly schedule and hold a public hearing. [As soon as
11 practicable after the conclusion of the hearing, the commission
12 shall report its findings and conclusions to the aggrieved
13 person and other interested parties. If such final decision is
14 in favor of the aggrieved person, the commission shall make such
15 order as it deems appropriate to assure the person such rights
16 as are accorded him by this act.]

17 (c) All final decisions of the commission shall [not] be
18 reviewable [by any court] in accordance with the laws.

19 (d) Notwithstanding any other provisions of this section,
20 the commission may, upon its own motion, investigate any
21 personnel action taken pursuant to this act and, in its
22 discretion, hold public hearings, record its findings and
23 conclusions, and make such orders as it deems appropriate to
24 assure observance of the provisions of this act and the rules
25 and regulations thereunder.

26 Section 21. The act is amended by adding a section to read:

27 Section 952. Remedies.--(a) Within ~~sixty~~ NINETY days after <—
28 the conclusion of the hearing described in section 951, the
29 commission shall report its findings and conclusions to those
30 parties directly involved in the action.

1 (b) Where such decision is in favor of the employe or the
2 aggrieved person, the commission shall make such order as it
3 deems appropriate to assure such rights as are accorded the
4 individual under this act.

5 (c) In the case of any employe removed, furloughed,
6 suspended, or demoted, the commission may modify or set aside
7 the action of the appointing authority. Where appropriate, the
8 commission may order reinstatement, with the payment of so much
9 of the salary or wages lost, including employe benefits, as the
10 commission may in its discretion award.

11 Section 22. This act, with respect to the State Civil
12 Service Commission, shall constitute the legislation required to
13 reestablish an agency pursuant to the act of December 22, 1981
14 (P.L.508, No.142), known as the Sunset Act.

15 Section 23. The presently confirmed members of the State
16 Civil Service Commission constituted under section 452 of the
17 act of April 9, 1929 (P.L.177, No.175), known as The
18 Administrative Code of 1929, as of the effective date of this
19 act, shall continue to serve as commission members until their
20 present terms of office expire AND UNTIL THEIR SUCCESSORS SHALL <—
21 BE APPOINTED AND QUALIFIED.

22 Section 24. Each rule and regulation of the commission in
23 effect on the effective date of this act shall remain in effect
24 after such date until repealed or amended by the commission.

25 Section 25. The following acts and parts of acts are
26 repealed:

27 Section 452 of the act of April 9, 1929 (P.L.177, No.175),
28 known as The Administrative Code of 1929.

29 THE LAST SENTENCE OF SECTION 322 OF THE ACT OF MARCH 10, 1949 <—
30 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949.

1 As much as refers to the State Civil Service Commission AND <—
2 LIMITS PER DIEM COMPENSATION TO \$27,500 PER ANNUM in section 2
3 of the act of September 2, 1961 (P.L.1177, No.525), referred to
4 as the Board and Commission Compensation Law.
5 Section 26. Section 22 of this act shall be retroactive to
6 December 31, 1987.
7 Section 27. This act shall take effect immediately.