

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 590 Session of
2001

INTRODUCED BY CLYMER, M. BAKER, BARD, BUNT, CALTAGIRONE, CURRY,
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YOUNGBLOOD, YUDICHAK AND HORSEY, FEBRUARY 8, 2001

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 4, 2001

AN ACT

1 Amending the act of August 5, 1941 (P.L.752, No.286), entitled
2 "An act regulating and improving the civil service of certain
3 departments and agencies of the Commonwealth; vesting in the
4 State Civil Service Commission and a Personnel Director
5 certain powers and duties; providing for classification of
6 positions, adoption of compensation schedules and
7 certification of payrolls; imposing duties upon certain
8 officers and employees of the Commonwealth; authorizing
9 service to other State departments or agencies and political
10 subdivisions of the Commonwealth in matters relating to civil
11 service; defining certain crimes and misdemeanors; imposing
12 penalties; making certain appropriations, and repealing
13 certain acts and parts thereof," further providing for the
14 commissioner's salary and meeting times; providing for
15 delegation of authority to the director; further providing
16 for recordkeeping requirements; eliminating the certification
17 of payrolls; requiring the commissioners to submit an annual
18 report; revising the records retention period; deleting
19 citizenship and oath requirements; further providing for the
20 filling of vacancies; REQUIRING CITIZENSHIP TO BE THE
21 DECIDING FACTOR IN A CASE OF EQUAL QUALIFICATIONS;
22 eliminating certain requirements for promotion without
23 examination; further providing for the distribution of public
24 notice of examinations and requirements for maintaining
25 eligibility lists and for the procedure for certain eligibles
26 who waive consideration for a promotion, for procedures for
27 filling a position, for the requirements of the probationary
28 period; providing for the expansion of the authority of the
29 director to approve temporary assignments; eliminating
30 certain performance standards; requiring probationary

<—

1 performance evaluations and evaluation forms; further
2 providing for a period of removal from eligibility lists;
3 authorizing the commissioner to impose penalties; and
4 providing copies and notices to the director.

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

7 Section 1. Section 3(c), (h), (i), (r), (t) and (u) of the
8 act of August 5, 1941 (P.L.752, No.286), known as the Civil
9 Service Act, amended August 27, 1963 (P.L.1257, No.520) and June
10 26, 1989 (P.L.47, No.10), are amended to read:

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

13 * * *

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

17 (1) Heads of departments of the Commonwealth and the deputy
18 heads thereof, bureau directors and division chiefs and all
19 other supervisory personnel whose duties include participation
20 in policy decisions.

21 (2) Members of boards and commissions.

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

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

31 (5) Such attorney as the appointing authority shall appoint.

1 (6) Unskilled Labor.

2 (7) All professional positions attached to the department
3 head's office which function [as] in press and/or public
4 relations [and], legislative [liaisons] liaison or development
5 of executive policy.

6 Notwithstanding any other provisions of this clause, any
7 State program which is required to have its positions under a
8 merit system because of the receipt of Federal grants-in-aid
9 shall not have more positions in the unclassified service than
10 are allowed by Federal merit system standards.

11 * * *

12 (h) "Permanent position" means a position in the classified
13 service which [is likely to be needed continuously for a period
14 of six months or more] does not have an expiration date.

15 (i) "Temporary position" means a position in the classified
16 service which arises out of temporary pressure of extra work and
17 is likely to continue for a period of [less than six months]
18 twelve months or less.

19 * * *

20 (r) "Demotion" means [a change to a position in a class
21 carrying a lower maximum salary.] the voluntary or involuntary
22 movement of an employe to a class assigned to a pay range with a
23 lower maximum salary.

24 * * *

25 (t) "Probationary period" means a preliminary period of
26 employment [prior to permanent appointment of an employe for the
27 purpose of determining his fitness for permanent employment.]
28 the purpose of which is to determine the fitness of an employe
29 for regular status.

30 (u) "Promotion" means [a change to a position in a class

1 carrying a higher maximum salary.] the movement of an employee to
2 another class in a pay range with a higher maximum salary.

3 * * *

4 Section 2. Section 201 of the act, amended June 26, 1989
5 (P.L.47, No.10), is amended to read:

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

19 (b) Each member of the commission shall receive actual
20 traveling expenses and {per diem compensation to a maximum of <—
21 two hundred sixty days for the time actually devoted to the
22 business of the commission[.] ~~the commissioner's compensation~~ <—
23 ~~shall be set by the Executive Board.~~ PURSUANT TO THE ACT OF <—
24 SEPTEMBER 30, 1983 (P.L.160, NO.39), KNOWN AS THE "PUBLIC
25 OFFICIAL COMPENSATION LAW."

26 (c) Any person appointed as a member of the commission shall
27 be a citizen and legal resident of the Commonwealth for a period
28 of not less than one year who is in sympathy with modern
29 personnel methods and the application of merit principles to
30 public employment. No person who, within one year preceding his

1 appointment, has been an officer of a political party shall be
2 eligible to serve as a commissioner. The Governor may remove any
3 member of the commission, but only for incompetence,
4 inefficiency, neglect of duty, malfeasance or misfeasance in
5 office by giving such member a statement in writing of the
6 charges against him and affording him, after notice of not less
7 than ten days, an opportunity of making written answer and, upon
8 request, being publicly heard in person and by counsel. A copy
9 of the charges and answer of the Governor's findings and a
10 transcript of the record shall be filed with the secretary of
11 the commission.

12 Section 3. Section 202 of the act is amended to read:

13 Section 202. Meetings of Commission.--The commission shall
14 meet at least once each month[, except that meetings may be
15 omitted during two summer months]. Meetings may be canceled with
16 appropriate public notice. The chairman of the commission shall
17 cause reasonable notice to be given to each member of the
18 commission and to the director of the time and place of each
19 meeting. Meetings shall be held at the call of the chairman, the
20 Governor, or any member of the commission. Two members of the
21 commission shall constitute a quorum at any meeting.

22 Section 4. Section 203 of the act, amended August 27, 1963
23 (P.L.1257, No.520) and repealed in part July 31, 1968 (P.L.769,
24 No.240), is amended to read:

25 Section 203. Duties of Commission.--It shall be the duty of
26 members of the commission as a body--

27 (1) After public hearing, as hereinafter set forth, to
28 establish, adopt and amend rules, either on its own motion or
29 upon recommendation of the director, for making effective the
30 provisions of this act.

1 (2) Upon request or on its own motion, as herein provided,
2 in cases of demotion, furlough, suspension and removal to
3 conduct investigations, hold public hearings, render decisions
4 on appeals and record its findings and conclusions.

5 (3) To make investigations on its own motion and, in its
6 discretion, on petition of a citizen concerning any matter
7 touching the enforcement and effect of the provisions of this
8 act and to require observance of the provisions of this act and
9 the rules and regulations thereunder.

10 (4) To make such investigations as may be requested by the
11 Governor or the legislature and to report thereon.

12 (5) To report on an annual basis, beginning June 1, 1975 and
13 each June first, thereafter, to the General Assembly on all
14 complaints, grievances, and cases arising from questions by
15 veterans with regard to the application of and the results
16 attained by use of the veterans' preference provisions of this
17 act with regard to hiring, promotion, and firing of employes
18 covered by this act.

19 (6) Upon its own motion and subject to the specific terms
20 and conditions imposed, to delegate authority to the director to
21 promote the efficient and effective performance of the
22 administrative duties of the commission.

23 Section 5. Sections 206 and 210 of the act, amended June 26,
24 1989 (P.L.47, No.10), are amended to read:

25 Section 206. Powers and Duties of Director.--Under the
26 direction and supervision of the commission, the director,
27 except as otherwise provided in this act, shall direct and
28 supervise the administrative work of the commission. The
29 director shall have power and the duty--

30 (1) To appoint [from employment lists established under this

1 act such examiners, investigators, clerks and other assistants]
2 such staff to classified service positions as may be necessary
3 to carry out this act and to supervise and direct this work.

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

5 (3) To prepare and recommend to the commission rules and
6 amendments thereto.

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

17 (5) To administer and make effective the provisions of this
18 act and of the rules made thereunder, including those relating
19 to the preparation and conduct of examinations, the preparation
20 of eligible lists, the certification of persons qualified for
21 employment, the transfer, promotion, suspension, demotion,
22 removal, furlough, leave of absence and resignation of employes,
23 the rating of employes' services, the requiring of health
24 examinations at the discretion of appointing authorities as a
25 condition of initial or continued employment[, the checking and
26 certification of pay-rolls before payment].

27 (6) To investigate the effect of the administration of this
28 act and of the rules made thereunder and to report his findings
29 and recommendations to the commission.

30 (8) To make an annual report in writing, not later than

1 [September] November first of each year[, to the commission]
2 concerning the administrative and legal work [of] performed by
3 the commission[, including pertinent information and
4 recommendations] during the preceding fiscal year.

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

7 (10) To request assistance, from among the attorneys
8 appointed under section 204.1, such legal counsel as may be
9 necessary in the performance of his administrative duties.

10 Section 210. Records Open to the Public.--The minutes of the
11 commission shall be preserved as permanent records. The
12 correspondence, eligible lists [and], other papers and records
13 of the commission [shall be preserved for four years.

14 Applications], applications, examination records [and], other
15 documents submitted by candidates [shall be maintained for a
16 period equal to the candidate's eligibility, plus one year.

17 Records] and records of candidates who do not report for one or
18 more parts of an examination shall be maintained [for a period
19 of six months after they did not report.] for periods

20 established in the commission's records retention schedule,

21 which may be changed at the discretion of the director to meet

22 the criteria and needs of the commission. The commission and its

23 director, in its deliberations, may rely on computerized or

24 [photocopied] electronically or mechanically reproduced records.

25 On written request, supported by justification acceptable to the
26 director, and subject to reasonable regulation, all records of
27 the commission shall be open to public inspection during

28 ordinary business hours, except as herein specifically otherwise
29 provided. The director shall take all due precautions to prevent
30 the securing in advance by any unauthorized person of questions

1 or other material to be used in any test unless such questions
2 or materials are available to all competitors. The director
3 shall prevent the identification by any examiner or other
4 persons, where identity is concealed, of papers or work of any
5 competitor in an examination before the papers or work of all
6 competitors in that examination have been rated. Statements of
7 former employers of competitors in examinations shall be
8 considered confidential and not open to inspection.

9 Section 6. Section 501 of the act, amended November 26, 1978
10 (P.L.1210, No.285), is amended to read:

11 Section 501. Examinations Requisite for Appointment and
12 Promotion.--Except as otherwise provided in this act,
13 appointments of persons entering the classified service or
14 promoted therein shall be from eligible lists established as the
15 result of examinations given by the director to determine the
16 relative merit of candidates. Such examinations may be written
17 and shall be competitive and open to all persons who may be
18 lawfully appointed to positions within the classes for which the
19 examinations are held, except that persons in unskilled
20 positions shall enter the classified service by promotion
21 without examination provided: (1) such promotion is into a
22 classified position immediately above the person's own position;
23 (2) such promotion is based on seniority and meritorious
24 service; (3) the person meets the minimum requirements for that
25 position; and (4) the person satisfactorily completes a six
26 month probationary period in the classified position. If no
27 persons in such unskilled positions meet the preceding
28 requirements, the vacant position may be filled pursuant to
29 Article V. Persons applying for positions or promotions in the
30 classified service shall be ~~+~~citizens of the United States [and] <—

1 TO THE EXTENT ALLOWED BY FEDERAL LAW, residents of the
2 Commonwealth and where applicable [to], OF the administrative
3 district. THE DIRECTOR OF THE APPOINTING AUTHORITY SHALL
4 PERIODICALLY REVIEW POSITIONS AS NECESSARY FOR APPLICABLE
5 CITIZENSHIP REQUIREMENTS. THE COMMISSION SHALL REPORT SUCH
6 CITIZENSHIP REQUIREMENTS TO THE STATE GOVERNMENT COMMITTEE OF
7 THE SENATE AND THE STATE GOVERNMENT COMMITTEE OF THE HOUSE OF
8 REPRESENTATIVES BY SEPTEMBER 1, 2002, AND EACH SEPTEMBER 1
9 THEREAFTER. Notwithstanding any of the provisions of this act,
10 whenever an appointing authority finds a lack of a sufficient
11 number of qualified personnel available for appointment to any
12 particular class or classes of positions, [he] the appointing
13 authority may present evidence thereof to the director who may
14 waive the residence ~~and citizenship~~ requirements for such
15 class or classes of positions. [A noncitizen appointed pursuant
16 to the provisions of this section shall not be eligible for
17 continued employment unless he files an application for
18 citizenship as soon as he is eligible therefor, and thereafter
19 diligently prosecutes the same.] The director shall prepare the
20 proper State and district employment and promotion eligible
21 lists: Provided, That after an examination has been conducted
22 for any class of positions, if there is no person with such
23 legal residence in any administrative district, remaining on the
24 register the director shall certify and the appointing authority
25 may make the appointment or promotion from the names of persons
26 on an appropriate eligible list for the same class of positions
27 of other administrative districts. Limitations as to age, sex,
28 health, moral character, experience and other qualifications may
29 be specified in the rules of the commission and in the
30 announcements of the examinations. All applications for

1 positions in the classified service shall be [under oath. As far
2 as is in the judgment of the commission consistent with the best
3 interest of the Commonwealth, vacancies shall be filled by
4 promotion.] subject to the penalties of 18 Pa.C.S. § 4904
5 (relating to unsworn falsification to authorities). The
6 commission may limit competition in promotion examinations to
7 employees in the classified service who have completed their
8 probationary period in a class or classes designated in the
9 public notice of the examinations, and may permit promotions to
10 be accomplished by any one of the following plans: (1) by
11 appointment from open competitive lists; or (2) by achieving a
12 place on an eligible list after a promotional examination, such
13 examination having been given at the request of the appointing
14 authority; or (3) by promotion based upon meritorious service
15 and seniority to be accomplished by appointment without
16 examination, if [(i)] the person has completed [his] the
17 probationary period in the next lower position[, (ii) he] and
18 meets the minimum requirements for the higher position[, and
19 (iii) he receives the unqualified recommendation of both his
20 immediate superior and the appointing authority of his
21 department or agency]. NOTWITHSTANDING ANY PROVISION OF THIS ACT <—
22 OR ANY OTHER LAW TO THE CONTRARY, WHEN ALL APPLICANTS FOR
23 APPOINTMENT OR PROMOTION TO A POSITION IN THE CLASSIFIED SERVICE
24 ARE EQUALLY QUALIFIED, PREFERENCE WILL BE SHOWN TO APPLICANTS
25 WHO ARE UNITED STATES CITIZENS OVER THOSE WHO ARE NOT.

26 Section 7. Sections 502, 504 and 506 of the act, amended
27 August 27, 1963 (P.L.1257, No.520), are amended to read:

28 Section 502. Nature of Examinations.--The director shall
29 give examinations to establish employment and promotion lists.

30 [The tests in such examination] Such examinations may be written

1 or oral, or a demonstration of skill, or an evaluation of
2 experience and education, or a combination of these, which shall
3 fairly appraise [and determine the merit, qualifications,] the
4 fitness and ability of competitors. Such [tests] examinations
5 shall be practical in character and shall relate to the duties
6 and responsibilities of the position for which the applicant is
7 being examined and shall fairly test the relative capacity and
8 fitness of persons examined to perform the duties of the class
9 of positions to which they seek to be appointed or promoted. An
10 applicant may be required to possess scholastic education
11 qualifications only if the position for which [he] the applicant
12 is being examined requires professional or technical knowledges,
13 skills and abilities, or if such scholastic qualifications are
14 required to assure the continued eligibility of the Commonwealth
15 for Federal grants-in-aid. No greater credit for experience
16 gained during a provisional, emergency or temporary appointment
17 under this act or acts repealed hereby shall be given to any
18 person in any examination than is given in such examination for
19 experience in the same type of work performed in a similar
20 position not under the provisions of this act or acts repealed
21 hereby. In evaluating experience in order to compute the final
22 rating in any examination to establish employment and promotion
23 lists, persons discharged other than dishonorably, after active
24 service during any war or armed conflict in which the United
25 States engaged, from any branch of the armed service of the
26 United States, or from any women's uniformed service directly
27 connected therewith, shall not be given less credit for
28 experience than would be given for continued experience in the
29 position held at the time of induction in the service. No
30 question in any examination shall relate to the race, gender,

1 religion or political or labor union affiliation of the
2 candidate.

3 Section 504. Public Notice of Examinations.--The director
4 shall give public notice of all examinations for positions or
5 promotions in the classified service at least two weeks in
6 advance of the final date for filing applications [for such
7 examinations by posting an appropriate notice on the bulletin
8 board maintained in or near the commission's principal office,
9 by furnishing at least twenty copies of such notice to the
10 newspaper correspondents' office in the State Capitol, and at
11 least one copy of such notice to each office throughout the
12 State of all the departments set forth in Article I, section 3,
13 clause (d) of this act, directing that such notice shall
14 immediately be posted on a public bulletin board maintained in
15 each such office. The director may give such further public
16 notice as he deems advisable. Such notice shall give the
17 schedule and general scope of examination, the weights to be
18 given to each of the tests in the examination, the duties, pay,
19 experience, education and other qualifications requisite for all
20 positions in the class for which the examination is to be held
21 and the manner and place in which application forms and detailed
22 pertinent information may be obtained] as prescribed by the
23 rules of the commission.

24 Section 506. Establishment of Eligible Lists.--The director
25 shall establish and maintain such eligible lists [for the
26 various classes of positions in the classified service] as are
27 necessary or desirable to meet the needs of the service. These
28 lists shall contain the names of [persons] those persons who
29 have been found qualified for and have successfully passed the
30 examination and shall be arranged in the order of final earned

1 ratings [who have been given at least such minimum rating or
2 ratings as may be fixed for the whole examination or for the
3 whole examination and for any one or more of the tests].

4 Section 8. Section 601 of the act, amended June 26, 1989
5 (P.L.47, No.10), is amended to read:

6 Section 601. Certification.--Whenever a vacancy is likely to
7 occur or is to be filled in [a permanent position in] the
8 classified service, the appointing authority shall submit to the
9 director a statement indicating the position to be filled.

10 Unless the appointing authority elects to follow one of the
11 alternative [provisions of section five hundred one] procedures
12 provided for in this act, or unless there is in existence a
13 labor agreement covering promotions [in permanent positions] in
14 the classified service, in which case the terms and procedures
15 of such labor agreement relative to the procedures for
16 promotions shall be controlling, the director shall [thereupon]
17 certify to the appointing authority the names of the three
18 eligibles [willing to accept appointment] who are highest on the
19 appropriate promotion list or employment list, whichever is in
20 existence, or from the one, which under the rules of the
21 commission, has priority. If the appropriate [list] employment
22 or promotion certification of eligibles contains [less] fewer
23 than three eligibles who are willing to accept appointment, [the
24 names certified may be taken from the other appropriate list to
25 make a certification of at least three eligibles. If there are
26 [less] fewer than three eligibles on appropriate eligible lists
27 who are willing to accept appointment, the director shall
28 certify all the names on these lists. If] or, if there is no
29 appropriate eligible list, the appointing authority may appoint
30 an available eligible from the approved list or request the

1 director [may] to certify from such other list or lists as [he]
2 the director deems the next most nearly appropriate. If
3 operational conditions of the appointing authority so dictate
4 and it is found to be in the interest of the service to the
5 Commonwealth, the commission may authorize selective
6 certifications based on standards to be prescribed by the
7 commission. [If upon inquiry by the director any] Any person on
8 any promotion or employment list [is found to be not available]
9 who waives consideration for promotion or appointment[, his name
10 shall not for the time being] need not be considered among the
11 names from which a promotion or appointment is to be made.

12 Section 9. Section 602 of the act, amended October 7, 1974
13 (P.L.676, No.226), is amended to read:

14 Section 602. Selection and Appointment of Eligibles.--
15 [Unless it is found to be in the interest of the service of the
16 Commonwealth not to fill a vacant position, or unless the terms
17 of a collective bargaining agreement in existence provide
18 alternative promotion filling procedures, in which case the
19 terms of such labor agreement shall be controlling, the
20 appointing authority, within thirty days, shall appoint the
21 person whose name is, or one of the persons whose names are,
22 certified by the director. If the vacant position is to be
23 filled from among the names of employes on the appropriate
24 promotion list which have been submitted to the appointing
25 authority, he shall select a person, provided he is among the
26 three highest ranking persons on such list or that his final
27 mark or grade is not more than one point below the mark or grade
28 of the person ranking highest on such list unless there is in
29 existence a labor agreement covering promotions in which case
30 the terms of such labor agreement shall be controlling. In

1 making the second, third and any additional promotion in the
2 same class of position, the appointing authority in like manner
3 shall select a person from among the three highest ranking
4 persons remaining on such list, or he shall select a person
5 whose final mark or grade is not more than one point below the
6 mark or grade of the highest ranking person remaining on such
7 list, except where the terms of a collective bargaining
8 agreement in existence provide otherwise, in which case the
9 terms of the collective bargaining agreement shall be
10 controlling. If the vacant position is to be filled from among
11 the names of persons certified from the employment list by the
12 director to the appointing authority, he shall select a person
13 from among the three highest ranking persons for the class of
14 position to be filled, unless there is in existence a labor
15 agreement covering promotions in which case the terms of such
16 labor agreement shall be controlling. For the second, third, and
17 any additional vacancy in the same class of position the
18 appointing authority shall make selection from among the three
19 highest ranking persons remaining on such list who have not been
20 within his reach for three separate vacancies.] If a vacant
21 position is to be filled, an appointing authority may request
22 the director to issue an appropriate certification of eligibles
23 unless a labor agreement contains promotion procedures which are
24 inconsistent with this act, in which case the terms of such
25 labor agreement shall be controlling. The certification of
26 eligibles shall be valid for sixty work days. If the vacant
27 position is to be filled from an employment or promotion list,
28 the appointing authority shall select a person who is among the
29 three highest ranking available persons on the certification of
30 eligibles. In making the second, third or any additional

1 selection from the eligibles on an employment or promotional
2 certification, each selection shall be from among the three
3 highest scoring available persons remaining on such
4 certification of eligibles. After a [name] person has been
5 rejected three times by an appointing authority in favor of
6 others on the same eligible list, such [name] person shall not
7 again be certified to that appointing authority, except upon
8 written request from the appointing authority. Appointing
9 authorities shall promptly report to the director the [selection
10 and] appointment of eligibles [whose names] who have been
11 certified. If [an] a certified eligible [whose name has been
12 certified shall refuse] refuses to accept an [appointment
13 offered to him,] offer of employment, such refusal shall be
14 promptly investigated by the director and, if it be found that
15 the refusal has been made for improper or insufficient reasons,
16 the director shall after giving ten days' notice to such person
17 remove [his name] the eligible from the list.

18 Section 10. Sections 603 and 605 of the act, amended June
19 26, 1989 (P.L.47, No.10), are amended to read:

20 Section 603. Probationary Period.--(a) No appointment to a
21 position in the classified service shall be deemed complete
22 until after the expiration of a probationary period. The
23 probationary period for each class of position shall be
24 prescribed in the rules of the commission and, except for
25 trainee classes, shall in no case be less than six months or
26 more than eighteen months. The probationary period for a trainee
27 class shall be combined with that of the class for which the
28 trainee is being trained. This combined probationary period
29 shall be the same as the training period[, subject to limits of
30 three months] and shall not exceed twenty-four months. [At such

1 times during the probationary period, and in such manner as the
2 director may require, the appointing authority shall report to
3 the director an observation of the work of the employee and a
4 judgment as to the willingness and ability of the employee to
5 perform the duties satisfactorily and as to the employee's
6 dependability.] At any time during the probationary period, the
7 appointing authority may remove an employee if in the opinion of
8 the appointing authority the probation indicates that such
9 employee is unable or unwilling to perform the duties
10 satisfactorily or that the employee's dependability does not
11 merit continuance in the service. Upon such removal, the
12 appointing authority shall [forthwith report this action to the
13 director and to] notify the employee [so removed. No more than
14 three employees shall be removed successively from the same
15 position during their probationary periods without the approval
16 of the director. The director, with the approval of the
17 commission, shall remove an employee during the probationary
18 period if it is found after the employee has been given notice
19 and an opportunity to be heard that the employee was appointed as
20 a result of fraud.] in a manner prescribed by the rules of the
21 commission.

22 (b) [Ten working days prior to the expiration of an
23 employee's probationary period the appointing authority shall
24 notify the employee in writing whether the services of the
25 employee have been satisfactory. A copy of such notice shall be
26 given to the director. If the employee's work has been
27 satisfactory, the employee shall at the completion of the
28 probationary period become a classified service employee under
29 the provisions hereof and continue in that position unless
30 separated therefrom as herein provided.] If the employee's work

1 has been satisfactory, the employe shall be notified by the
2 appointing authority in writing prior to the completion of the
3 probationary period that the employe has attained regular status
4 in the classified service.

5 (c) If any employe is removed from a position during or at
6 the end of the probationary period, and the director determines
7 that the employe is suitable for appointment to another
8 position, the employe's name may be restored to the list from
9 which it was certified.

10 Section 605. Temporary Appointments to Extra Positions.--
11 When from pressure of work an extra position in the classified
12 service must be established for a period of [less than] twelve
13 months or less, the appointing authority shall request the
14 director [in writing] to certify the name of a qualified person
15 from an appropriate list of eligibles or by other means
16 authorized by this act. In such request the appointing authority
17 shall state the cause of the extra work, the probable length of
18 employment and the duties which the appointee is to perform.

19 Section 11. Sections 607, 701 and 702 of the act are
20 repealed.

21 Section 12. Section 704 of the act, amended June 21, 1947
22 (P.L.835, No.348), is amended to read:

23 Section 704. [Service Standards and Ratings.--In cooperation
24 with appointing authorities the director shall establish and may
25 from time to time amend standards of performance and output for
26 employes in each class of positions in the classified service or
27 for groups of classes and a system of service ratings based upon
28 such standards. Service ratings] Performance Ratings.--(a)
29 Performance evaluations shall be considered for such purposes as
30 the rules of the commission shall provide.

1 (b) Agencies shall evaluate the performance of their
2 employees during their probationary period and at least once a
3 year thereafter.

4 (c) Performance evaluation forms and procedures shall be
5 reviewed and approved by the director prior to utilization.

6 Section 13. Section 705 of the act, amended June 26, 1989
7 (P.L.47, No. 10), is amended to read:

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

1 authority may be made with the approval of the director and both
2 appointing authorities.

3 (b) An appointing authority may at any time reassign a
4 classified service employe under its jurisdiction from one
5 position to another in the same class, or in a similar class at
6 the same pay range for which the employe qualifies.

7 (c) Transfers and reassignments shall be accomplished in a
8 manner prescribed in the rules of the commission.

9 (d) Any transfer or reassignment of an employe from a
10 position in one class to a position in a class for which a
11 higher maximum salary is prescribed shall be deemed a promotion
12 and may be accomplished only in the manner provided for in this
13 act.

14 (e) No person shall be transferred or reassigned from a
15 position in the unclassified service unless appointed to such
16 latter position after certification of the person's name from an
17 eligible list in accordance with the provisions of this act.

18 Section 14. Section 705.1 of the act is repealed.

19 Section 15. Section 706 of the act, amended August 27, 1963
20 (P.L.1257, No.520), is amended to read:

21 Section 706. Demotions.--(a) An appointing authority may
22 demote to a vacant position in a lower class any employe in the
23 classified service who does not satisfactorily perform the
24 duties of the position to which [he] the employe was appointed
25 or promoted and who is able to perform the duties of the lower
26 class. In case of such demotion the employe shall have all
27 rights of appeal as provided in this act. No employe shall be
28 demoted because of [his] the employe's race, gender, religion or
29 political, partisan or labor union affiliation. [A demotion may
30 also be made by an appointing authority with the approval of the

1 director upon the written petition of the employe stating the
2 reasons therefor and supported by such evidence as the director
3 may require to show that the employe is able to perform the
4 duties of the class of position to which he petitions that he be
5 demoted.]

6 (b) A voluntary demotion may be made by an appointing
7 authority upon written request of the employe and with the
8 approval of the director.

9 Section 16. Sections 803 and 804.1 of the act, amended June
10 26, 1989 (P.L.47, No.10), are amended to read:

11 Section 803. Suspension.--An appointing authority may for
12 good cause suspend without pay for disciplinary purposes an
13 employe holding a position in the classified service. [Such
14 suspension shall not exceed in the aggregate thirty working days
15 in one calendar year.] Suspensions, including suspensions
16 pending internal investigation, shall not exceed sixty working
17 days in one calendar year; however, suspensions pending
18 investigation by external agencies, such as Inspector General,
19 Attorney General, district attorney or Pennsylvania State
20 Police, may be maintained up to thirty working days after
21 conclusion of the external investigation. No person shall be
22 suspended because of race, gender, religion or political,
23 partisan or labor union affiliation. What shall constitute good
24 cause for suspension may be stated in the rules. An appointing
25 authority shall forthwith report to the director in writing
26 every suspension, together with the reason or reasons therefor,
27 and shall send a copy of such report to the suspended employe.
28 Such report shall be made a part of the commission's public
29 records.

30 Section 804.1. Rights of Promoted Employe During

1 Probationary Period.--[If the probationary period has resulted
2 from a promotion, such removal shall not be from the classified
3 service except for just cause. A classified employee during a
4 probationary period resulting from promotion, shall, if the
5 employee's performance is satisfactory, be returned to the
6 position or class held immediately prior to such promotion
7 without necessity of appeal or hearing.](a) An employee serving
8 a probationary period which has resulted from a promotion, may
9 be removed from the classified service only for just cause.

10 (b) During the first three months of the probationary
11 period, the employee has the option to return to the position
12 previously held. At any time after the first three months, an
13 employee in probationary status may return to the previous
14 position or classification with written consent of the
15 appointing authorities.

16 (c) If the employee's performance during the probationary
17 period is not satisfactory to the appointing authority, the
18 employee shall be returned to the position or class held
19 immediately prior to such promotion without necessity of appeal
20 or hearing.

21 Section 17. Sections 805 and 901 of the act are repealed.

22 Section 18. Sections 902, 905.2(f) and 906 of the act,
23 amended or added June 26, 1989 (P.L.47, No.10), are amended to
24 read:

25 Section 902. False Statements Made under Oath Constitute
26 Perjury.--Any false statement made under oath, either orally or
27 in writing, in any application or other paper filed with the
28 commission or in any proceeding before the commission or in any
29 investigation conducted by or under the direction of the
30 commission or by the director or in any proceedings arising

1 under this act shall be perjury and punishable as such. Any
2 person intentionally failing to disclose a material fact or in
3 any manner concealing any information in order to obtain
4 employment or promotion under this act shall, in addition to any
5 other penalty herein provided, be removed from all eligible
6 lists for a period of time to be determined by the commissioners
7 and, if appointed or promoted, [he shall] be summarily removed.

8 Section 905.2. Political Activity.--* * *

9 (f) A person in the classified service who violates this
10 section shall be removed from employment and funds appropriated
11 for the position from which removed thereafter may not be used
12 to pay the employe or individual: Provided, That, the commission
13 at its discretion may impose a penalty of suspension without pay
14 [for at least thirty days, but] of not more than one hundred
15 twenty working days, if it finds that the violation does not
16 warrant termination.

17 * * *

18 Section 906. Removal and Disqualification of Officers and
19 Employes.--Except as otherwise provided in section 905.2, any
20 person holding a position in the classified service who
21 intentionally violates any of the provisions of this act or of
22 the rules made thereunder shall be immediately separated from
23 the service. It shall be the duty of the appointing authority of
24 the State Agency in which the offending person is employed to
25 remove him at once in accordance with the provisions of this
26 act. Any person removed under this section shall [for a period
27 of one year] be ineligible for reappointment to any position in
28 the classified service for a period of time to be determined by
29 the commissioners.

30 Section 19. Section 950 of the act, added August 27, 1963

1 (P.L.1257, No.520), is amended to read:

2 Section 950. Notice.--[Every person in the classified
3 service shall be furnished with written] Written notice of any
4 personnel action taken [with respect to him] pursuant to the
5 provisions of this act shall be provided to the affected
6 employee. Such notice[, a copy of which shall be submitted to the
7 commission,] shall be furnished within time limits prescribed by
8 the rules of the commission. Copies of such notices shall be
9 provided to the director upon request. The notice shall in the
10 case of the permanent separation, suspension for cause, or
11 involuntary demotion of a regular employee set forth the reason
12 or reasons for the action.

13 Section 20. This act shall take effect in 60 days.