
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 590 Session of
2001

INTRODUCED BY CLYMER, M. BAKER, BARD, BUNT, CALTAGIRONE, CURRY,
GEORGE, HENNESSEY, HERMAN, HERSHEY, LAUGHLIN, MARSICO,
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YOUNGBLOOD, YUDICHAK AND HORSEY, FEBRUARY 8, 2001

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 26, 2002

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 residency and for recordkeeping requirements; eliminating
17 the certification of payrolls; requiring the commissioners to
18 submit an annual report; revising the records retention
19 period; deleting citizenship and oath requirements; further
20 providing for the filling of vacancies; requiring citizenship
21 to be the 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

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

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

8 Section 1. Section 3(c), (h), (i), (r), (t) and (u) of the
9 act of August 5, 1941 (P.L.752, No.286), known as the Civil
10 Service Act, amended August 27, 1963 (P.L.1257, No.520) and June
11 26, 1989 (P.L.47, No.10), are amended to read:

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

14 * * *

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

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

22 (2) Members of boards and commissions.

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

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

32 (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 COMPENSATION OF THE MEMBERS OF <—
23 THE COMMISSION SHALL BE SET BY THE EXECUTIVE BOARD.] pursuant to <—
24 the act of September 30, 1983 (P.L.160, No.39), known as the
25 "Public 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, UPON PUBLICATION OF NOTICE IN THE PENNSYLVANIA <—

22 BULLETIN, be changed at the discretion of the ~~director~~ <—

23 COMMISSION to meet the criteria and needs of the commission. The <—

24 commission and its director, in its deliberations, may rely on
25 computerized or [photocopied] electronically or mechanically

26 reproduced records. On written request, supported by

27 justification acceptable to the director, and subject to

28 reasonable regulation, all records of the commission shall be

29 open to public inspection during ordinary business hours, except

30 as herein specifically otherwise provided. The director shall

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

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

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

1 Article V.

2 **(b)** Persons applying for positions or promotions in the
3 classified service shall be [citizens of the United States and]
4 residents of the Commonwealth, or former residents of the
5 Commonwealth who meet the requirements of this subsection, and
6 where applicable to the administrative district. Former
7 residents of the Commonwealth must have relocated out of State
8 for academic or employment purposes, shall plan to establish
9 Commonwealth residency within six months of beginning employment
10 in the classified service and must have: (1) graduated from a
11 public, private or nonpublic secondary school in the
12 Commonwealth within five years of applying for a position in the
13 classified service; or (2) attended a public, private or
14 nonpublic school in the Commonwealth at least eighty percent of
15 the time while enrolled in grades one through twelve and
16 attended such school within five years of applying for a
17 position in the classified service. Notwithstanding any of the
18 provisions of this act, whenever an appointing authority finds a
19 lack of a sufficient number of qualified personnel available for
20 appointment to any particular class or classes of positions,
21 [he] the appointing authority may present evidence thereof to
22 the director who may waive the residence [and citizenship]
23 requirements for such class or classes of positions. [A
24 noncitizen appointed pursuant to the provisions of this section
25 shall not be eligible for continued employment unless he files
26 an application for citizenship as soon as he is eligible
27 therefor, and thereafter diligently prosecutes the same.]

28 **(c)** The director shall prepare the proper State and district
29 employment and promotion eligible lists: Provided, That after an
30 examination has been conducted for any class of positions, if

1 there is no person with such legal residence in any
2 administrative district, remaining on the register the director
3 shall certify and the appointing authority may make the
4 appointment or promotion from the names of persons on an
5 appropriate eligible list for the same class of positions of
6 other administrative districts. Limitations as to age, sex,
7 health, moral character, experience and other qualifications may
8 be specified in the rules of the commission and in the
9 announcements of the examinations. All applications for
10 positions in the classified service shall be [under oath. As far
11 as is in the judgment of the commission consistent with the best
12 interest of the Commonwealth, vacancies shall be filled by
13 promotion.] subject to the penalties of 18 Pa.C.S. § 4904
14 (relating to unsworn falsification to authorities).

15 (d) The commission may limit competition in promotion
16 examinations to employes in the classified service who have
17 completed their probationary period in a class or classes
18 designated in the public notice of the examinations, and may
19 permit promotions to be accomplished by any one of the following
20 plans: (1) by appointment from open competitive lists; or (2) by
21 achieving a place on an eligible list after a promotional
22 examination, such examination having been given at the request
23 of the appointing authority; or (3) by promotion based upon
24 meritorious service and seniority to be accomplished by
25 appointment without examination, if [(i)] the person has
26 completed [his] the probationary period in the next lower
27 position[, (ii) he] and meets the minimum requirements for the
28 higher position[, and (iii) he receives the unqualified
29 recommendation of both his immediate superior and the appointing
30 authority of his department or agency].

1 ~~(e) Notwithstanding any provision of this act or any other~~ <—
2 ~~law to the contrary~~ TO THE EXTENT PERMITTED BY LAW, when all <—
3 applicants for appointment or promotion to a position in the
4 classified service are equally qualified, preference will be
5 shown to applicants who are United States citizens over those
6 who are not.

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

9 Section 502. Nature of Examinations.--The director shall
10 give examinations to establish employment and promotion lists.
11 [The tests in such examination] Such examinations may be written
12 or oral, or a demonstration of skill, or an evaluation of
13 experience and education, or a combination of these, which shall
14 fairly appraise [and determine the merit, qualifications,] the
15 fitness and ability of competitors. Such [tests] examinations
16 shall be practical in character and shall relate to the duties
17 and responsibilities of the position for which the applicant is
18 being examined and shall fairly test the relative capacity and
19 fitness of persons examined to perform the duties of the class
20 of positions to which they seek to be appointed or promoted. An
21 applicant may be required to possess scholastic education
22 qualifications only if the position for which [he] the applicant
23 is being examined requires professional or technical knowledges,
24 skills and abilities, or if such scholastic qualifications are
25 required to assure the continued eligibility of the Commonwealth
26 for Federal grants-in-aid. No greater credit for experience
27 gained during a provisional, emergency or temporary appointment
28 under this act or acts repealed hereby shall be given to any
29 person in any examination than is given in such examination for
30 experience in the same type of work performed in a similar

1 position not under the provisions of this act or acts repealed
2 hereby. In evaluating experience in order to compute the final
3 rating in any examination to establish employment and promotion
4 lists, persons discharged other than dishonorably, after active
5 service during any war or armed conflict in which the United
6 States engaged, from any branch of the armed service of the
7 United States, or from any women's uniformed service directly
8 connected therewith, shall not be given less credit for
9 experience than would be given for continued experience in the
10 position held at the time of induction in the service. No
11 question in any examination shall relate to the race, gender,
12 religion or political or labor union affiliation of the
13 candidate.

14 Section 504. Public Notice of Examinations.--The director
15 shall give public notice of all examinations for positions or
16 promotions in the classified service at least two weeks in
17 advance of the final date for filing applications [for such
18 examinations by posting an appropriate notice on the bulletin
19 board maintained in or near the commission's principal office,
20 by furnishing at least twenty copies of such notice to the
21 newspaper correspondents' office in the State Capitol, and at
22 least one copy of such notice to each office throughout the
23 State of all the departments set forth in Article I, section 3,
24 clause (d) of this act, directing that such notice shall
25 immediately be posted on a public bulletin board maintained in
26 each such office. The director may give such further public
27 notice as he deems advisable. Such notice shall give the
28 schedule and general scope of examination, the weights to be
29 given to each of the tests in the examination, the duties, pay,
30 experience, education and other qualifications requisite for all

1 positions in the class for which the examination is to be held
2 and the manner and place in which application forms and detailed
3 pertinent information may be obtained] as prescribed by the
4 rules of the commission.

5 Section 506. Establishment of Eligible Lists.--The director
6 shall establish and maintain such eligible lists [for the
7 various classes of positions in the classified service] as are
8 necessary or desirable to meet the needs of the service. These
9 lists shall contain the names of [persons] those persons who
10 have been found qualified for and have successfully passed the
11 examination and shall be arranged in the order of final earned
12 ratings [who have been given at least such minimum rating or
13 ratings as may be fixed for the whole examination or for the
14 whole examination and for any one or more of the tests].

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

17 Section 601. Certification.--Whenever a vacancy is likely to
18 occur or is to be filled in [a permanent position in] the
19 classified service, the appointing authority shall submit to the
20 director a statement indicating the position to be filled.
21 Unless the appointing authority elects to follow one of the
22 alternative [provisions of section five hundred one] procedures
23 provided for in this act, or unless there is in existence a
24 labor agreement covering promotions [in permanent positions] in
25 the classified service, in which case the terms and procedures
26 of such labor agreement relative to the procedures for
27 promotions shall be controlling, the director shall [thereupon]
28 certify to the appointing authority the names of the three
29 eligibles [willing to accept appointment] who are highest on the
30 appropriate promotion list or employment list, whichever is in

1 existence, or from the one, which under the rules of the
2 commission, has priority. If the appropriate [list] employment
3 or promotion certification of eligibles contains [less] fewer
4 than three eligibles who are willing to accept appointment, [the
5 names certified may be taken from the other appropriate list to
6 make a certification of at least three eligibles. If there are
7 ~~fless~~ ~~fewer~~ than three eligibles on appropriate eligible lists <—
8 who are willing to accept appointment, the director shall
9 certify all the names on these lists. If] or, if there is no
10 appropriate eligible list, the appointing authority may appoint
11 an available eligible from the approved list or request the
12 director [may] to certify from such other list or lists as [he]
13 the director deems the next most nearly appropriate. If
14 operational conditions of the appointing authority so dictate
15 and it is found to be in the interest of the service to the
16 Commonwealth, the commission may authorize selective
17 certifications based on standards to be prescribed by the
18 commission. [If upon inquiry by the director any] Any person on
19 any promotion or employment list [is found to be not available]
20 who waives consideration for promotion or appointment[, his name
21 shall not for the time being] need not be considered among the
22 names from which a promotion or appointment is to be made.

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

25 Section 602. Selection and Appointment of Eligibles.--
26 [Unless it is found to be in the interest of the service of the
27 Commonwealth not to fill a vacant position, or unless the terms
28 of a collective bargaining agreement in existence provide
29 alternative promotion filling procedures, in which case the
30 terms of such labor agreement shall be controlling, the

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

1 within his reach for three separate vacancies.] If a vacant
2 position is to be filled, an appointing authority may request
3 the director to issue an appropriate certification of eligibles
4 unless a labor agreement contains promotion procedures which are
5 inconsistent with this act, in which case the terms of such
6 labor agreement shall be controlling. The certification of
7 eligibles shall be valid for sixty work days. If the vacant
8 position is to be filled from an employment or promotion list,
9 the appointing authority shall select a person who is among the
10 three highest ranking available persons on the certification of
11 eligibles. In making the second, third or any additional
12 selection from the eligibles on an employment or promotional
13 certification, each selection shall be from among the three
14 highest scoring available persons remaining on such
15 certification of eligibles. After a [name] person has been
16 rejected three times by an appointing authority in favor of
17 others on the same eligible list, such [name] person shall not
18 again be certified to that appointing authority, except upon
19 written request from the appointing authority. Appointing
20 authorities shall promptly report to the director the [selection
21 and] appointment of eligibles [whose names] who have been
22 certified. If [an] a certified eligible [whose name has been
23 certified shall refuse] refuses to accept an [appointment
24 offered to him,] offer of employment, such refusal shall be
25 promptly investigated by the director and, if it be found that
26 the refusal has been made for improper or insufficient reasons,
27 the director shall after giving ten days' notice to such person
28 remove [his name] the eligible from the list.

29 Section 10. Sections 603 and 605 of the act, amended June
30 26, 1989 (P.L.47, No.10), are amended to read:

1 Section 603. Probationary Period.--(a) No appointment to a
2 position in the classified service shall be deemed complete
3 until after the expiration of a probationary period. The
4 probationary period for each class of position shall be
5 prescribed in the rules of the commission and, except for
6 trainee classes, shall in no case be less than six months or
7 more than eighteen months. The probationary period for a trainee
8 class shall be combined with that of the class for which the
9 trainee is being trained. This combined probationary period
10 shall be the same as the training period[, subject to limits of
11 three months] and shall not exceed twenty-four months. [At such
12 times during the probationary period, and in such manner as the
13 director may require, the appointing authority shall report to
14 the director an observation of the work of the employee and a
15 judgment as to the willingness and ability of the employee to
16 perform the duties satisfactorily and as to the employee's
17 dependability.] At any time during the probationary period, the
18 appointing authority may remove an employee if in the opinion of
19 the appointing authority the probation indicates that such
20 employee is unable or unwilling to perform the duties
21 satisfactorily or that the employee's dependability does not
22 merit continuance in the service. Upon such removal, the
23 appointing authority shall [forthwith report this action to the
24 director and to] notify the employee [so removed. No more than
25 three employees shall be removed successively from the same
26 position during their probationary periods without the approval
27 of the director. The director, with the approval of the
28 commission, shall remove an employee during the probationary
29 period if it is found after the employee has been given notice
30 and an opportunity to be heard that the employee was appointed as

1 a result of fraud.] in a manner prescribed by the rules of the
2 commission.

3 (b) [Ten working days prior to the expiration of an
4 employe's probationary period the appointing authority shall
5 notify the employe in writing whether the services of the
6 employe have been satisfactory. A copy of such notice shall be
7 given to the director. If the employe's work has been
8 satisfactory, the employe shall at the completion of the
9 probationary period become a classified service employe under
10 the provisions hereof and continue in that position unless
11 separated therefrom as herein provided.] If the employe's work
12 has been satisfactory, the employe shall be notified by the
13 appointing authority in writing prior to the completion of the
14 probationary period that the employe has attained WILL ATTAIN <—
15 regular status in the classified service UPON COMPLETION OF THE <—
16 PROBATIONARY PERIOD.

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

22 Section 605. Temporary Appointments to Extra Positions.--
23 When from pressure of work an extra position in the classified
24 service must be established for a period of [less than] twelve
25 months or less, the appointing authority shall request the
26 director [in writing] to certify the name of a qualified person
27 from an appropriate list of eligibles or by other means
28 authorized by this act. In such request the appointing authority
29 shall state the cause of the extra work, the probable length of
30 employment and the duties which the appointee is to perform.

1 Section 11. Sections 607, 701 and 702 of the act are
2 repealed.

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

5 Section 704. [Service Standards and Ratings.--In cooperation
6 with appointing authorities the director shall establish and may
7 from time to time amend standards of performance and output for
8 employes in each class of positions in the classified service or
9 for groups of classes and a system of service ratings based upon
10 such standards. Service ratings] Performance Ratings.--(a)
11 Performance evaluations shall be considered for such purposes as
12 the rules of the commission shall provide.

13 (b) Agencies shall evaluate the performance of their
14 employes during their probationary period and at least once a
15 year thereafter.

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

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

20 Section 705. [Transfers and Assignments.--An appointing
21 authority may at any time assign a classified employe under its
22 jurisdiction from one position to another in the same class, or
23 in a similar class for which the employe qualifies. In every
24 case the appointing authority shall give written notice of this
25 action to the director, according to the rules of the
26 commission. Transfer of a classified employe from a position
27 under the jurisdiction of one appointing authority to a position
28 under the jurisdiction of another appointing authority may be
29 made subject to such rules and with the approval of the director
30 and of both appointing authorities concerned. Any transfer of an

1 employe from a position in one class to a position in a class
2 for which a higher maximum rate of compensation is prescribed
3 shall be deemed a promotion and may be accomplished only in the
4 manner hereinbefore provided for the making of promotions. No
5 person shall ever be transferred from a position in the
6 unclassified service to a position in the classified service
7 unless appointed to such latter position after certification of
8 the person's name from an eligible list in accordance with the
9 provisions of this act.] Transfers and Reassignments.--(a) The
10 transfer of a classified service employe from a position under
11 the jurisdiction of one appointing authority to a position in
12 the same class under the jurisdiction of another appointing
13 authority may be made with the approval of the director and both
14 appointing authorities.

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

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

21 (d) Any transfer or reassignment of an employe from a
22 position in one class to a position in a class for which a
23 higher maximum salary is prescribed shall be deemed a promotion
24 and may be accomplished only in the manner provided for in this
25 act.

26 (e) No person shall be transferred or reassigned from a
27 position in the unclassified service TO A POSITION IN THE
28 CLASSIFIED SERVICE unless appointed to such latter position
29 after certification of the person's name from an eligible list
30 in accordance with the provisions of this act.

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

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

4 Section 706. Demotions.--(a) An appointing authority may
5 demote to a vacant position in a lower class any employe in the
6 classified service who does not satisfactorily perform the
7 duties of the position to which [he] the employe was appointed
8 or promoted and who is able to perform the duties of the lower
9 class. In case of such demotion the employe shall have all
10 rights of appeal as provided in this act. No employe shall be
11 demoted because of [his] the employe's race, gender, religion or
12 political, partisan or labor union affiliation. [A demotion may
13 also be made by an appointing authority with the approval of the
14 director upon the written petition of the employe stating the
15 reasons therefor and supported by such evidence as the director
16 may require to show that the employe is able to perform the
17 duties of the class of position to which he petitions that he be
18 demoted.]

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

22 Section 16. Sections 803 and 804.1 of the act, amended June
23 26, 1989 (P.L.47, No.10), are amended to read:

24 Section 803. Suspension.--An appointing authority may for
25 good cause suspend without pay for disciplinary purposes an
26 employe holding a position in the classified service. [Such
27 suspension shall not exceed in the aggregate thirty working days
28 in one calendar year.] Suspensions, including suspensions
29 pending internal investigation, shall not exceed sixty working
30 days in one calendar year; however, suspensions pending

1 employee shall be returned to the position or class held
2 immediately prior to such promotion without necessity of appeal
3 or hearing.

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

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

8 Section 902. False Statements Made under Oath Constitute
9 Perjury.--Any false statement made under oath, either orally or
10 in writing, in any application or other paper filed with the
11 commission or in any proceeding before the commission or in any
12 investigation conducted by or under the direction of the
13 commission or by the director or in any proceedings arising
14 under this act shall be perjury and punishable as such. Any
15 person intentionally failing to disclose a material fact or in
16 any manner concealing any information in order to obtain
17 employment or promotion under this act shall, in addition to any
18 other penalty herein provided, be removed from all eligible
19 lists for a period of time to be determined by the commissioners
20 and, if appointed or promoted, [he shall] be summarily removed.

21 Section 905.2. Political Activity.--* * *

22 (f) A person in the classified service who violates this
23 section shall be removed from employment and funds appropriated
24 for the position from which removed thereafter may not be used
25 to pay the employee or individual: Provided, That, the commission
26 at its discretion may impose a penalty of suspension without pay
27 [for at least thirty days, but] of not more than one hundred
28 twenty working days, if it finds that the violation does not
29 warrant termination.

30 * * *

1 Section 906. Removal and Disqualification of Officers and
2 Employes.--Except as otherwise provided in section 905.2, any
3 person holding a position in the classified service who
4 intentionally violates any of the provisions of this act or of
5 the rules made thereunder shall be immediately separated from
6 the service. It shall be the duty of the appointing authority of
7 the State Agency in which the offending person is employed to
8 remove him at once in accordance with the provisions of this
9 act. Any person removed under this section shall [for a period
10 of one year] be ineligible for reappointment to any position in
11 the classified service for a period of time to be determined by
12 the commissioners.

13 Section 19. Section 950 of the act, added August 27, 1963
14 (P.L.1257, No.520), is amended to read:

15 Section 950. Notice.--[Every person in the classified
16 service shall be furnished with written] Written notice of any
17 personnel action taken [with respect to him] pursuant to the
18 provisions of this act shall be provided to the affected
19 employee. Such notice[, a copy of which shall be submitted to the
20 commission,] shall be furnished within time limits prescribed by
21 the rules of the commission. Copies of such notices shall be
22 provided to the director upon request. The notice shall in the
23 case of the permanent separation, suspension for cause, or
24 involuntary demotion of a regular employe set forth the reason
25 or reasons for the action.

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