
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 590 Session of
2001

Report of the Committee of Conference

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 590, entitled:
"An act amending the act of August 5, 1941 (P.L.752, No.286), entitled 'An act regulating and improving the civil service of certain departments and agencies of the Commonwealth; * * * making certain appropriations, and repealing certain acts and parts thereof,' further providing for the commissioner's salary and meeting times; * * * requiring probationary performance evaluations and evaluation forms; further providing for a period of removal from eligibility lists; authorizing the commissioner to impose penalties; and providing copies and notices to the director,"

respectfully submit the following bill as our report:

PAUL I. CLYMER

MATTHEW E. BAKER

BABETTE JOSEPHS

(Committee on the part of the House of Representatives.)

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AN ACT

Amending the act of August 5, 1941 (P.L.752, No.286), entitled "An act regulating and improving the civil service of certain departments and agencies of the Commonwealth; vesting in the State Civil Service Commission and a Personnel Director certain powers and duties; providing for classification of positions, adoption of compensation schedules and certification of payrolls; imposing duties upon certain officers and employees of the Commonwealth; authorizing service to other State departments or agencies and political subdivisions of the Commonwealth in matters relating to civil service; defining certain crimes and misdemeanors; imposing penalties; making certain appropriations, and repealing certain acts and parts thereof," providing for full-time State Civil Service Commission members; further providing for members' salaries and meeting times; providing for delegation of authority to director; further providing for residency and for recordkeeping requirements; eliminating the certification of payrolls; requiring members to submit annual report; revising the records retention period; deleting citizenship and oath requirements; further providing for the filling of vacancies; requiring citizenship to be the deciding factor in a case of equal qualifications; eliminating certain requirements for promotion without examination; further providing for the distribution of public notice of examinations and requirements for maintaining eligibility lists and for the procedure for certain eligibles who waive consideration for a promotion, for procedures for filling a position, for the requirements of the probationary period; providing for the expansion of the authority of the director to approve temporary assignments; eliminating certain performance standards; requiring probationary performance evaluations and evaluation forms; further providing for a period of removal from eligibility lists; authorizing the commissioner to impose penalties; providing copies and notices to the director; and making a repeal.

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

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

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

* * *

(c) "Unclassified service" includes all positions now

1 existing or hereafter created in departments and agencies
2 included in clause (d) of this section, which are held by:

3 (1) Heads of departments of the Commonwealth and the deputy
4 heads thereof, bureau directors and division chiefs and all
5 other supervisory personnel whose duties include participation
6 in policy decisions.

7 (2) Members of boards and commissions.

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

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

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

18 (6) Unskilled Labor.

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

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

28 * * *

29 (h) "Permanent position" means a position in the classified
30 service which [is likely to be needed continuously for a period

1 of six months or more] does not have an expiration date.

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

6 * * *

7 (r) "Demotion" means [a change to a position in a class
8 carrying a lower maximum salary.] the voluntary or involuntary
9 movement of an employe to a class assigned to a pay range with a
10 lower maximum salary.

11 * * *

12 (t) "Probationary period" means a preliminary period of
13 employment [prior to permanent appointment of an employe for the
14 purpose of determining his fitness for permanent employment.]
15 the purpose of which is to determine the fitness of an employe
16 for regular status.

17 (u) "Promotion" means [a change to a position in a class
18 carrying a higher maximum salary.] the movement of an employe to
19 another class in a pay range with a higher maximum salary.

20 * * *

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

23 Section 201. State Civil Service Commission.--(a) The State
24 Civil Service Commission shall consist of three full-time
25 members, not more than two of whom shall be of the same
26 political affiliation, appointed by the Governor, with the
27 advice and consent of a majority of the members elected to the
28 Senate. Each appointment shall be for a term of six years or
29 until a successor is appointed and qualified[, but not longer
30 than six months beyond the six-year term]. The members of the

1 commission shall hold no other public position to which a salary
2 is attached. The Governor shall designate one of the members as
3 chairman. No commission member shall hold any office or
4 position, the duties of which are incompatible with his official
5 duties.

6 [(b) Each member of the commission shall receive actual
7 traveling expenses and per diem compensation to a maximum of two
8 hundred sixty days for the time actually devoted to the business
9 of the commission.] (b) The chairman of the commission shall
10 receive a salary of sixty-five thousand dollars (\$65,000.00) per
11 annum. Each other member of the commission shall receive a
12 salary of sixty-two thousand five hundred dollars (\$62,500.00)
13 per annum.

14 (b.1) The commissioners shall receive annual cost-of-living
15 increases under section 3(e) of the act of September 30, 1983
16 (P.L.160, No.39), known as the "Public Official Compensation
17 Law." Each commissioner shall be entitled to receive actual
18 traveling expenses.

19 (c) Any person appointed as a member of the commission shall
20 be a citizen and legal resident of the Commonwealth for a period
21 of not less than one year who is in sympathy with modern
22 personnel methods and the application of merit principles to
23 public employment. No person who, within one year preceding his
24 appointment, has been an officer of a political party shall be
25 eligible to serve as a commissioner. The Governor may remove any
26 member of the commission, but only for incompetence,
27 inefficiency, neglect of duty, malfeasance or misfeasance in
28 office by giving such member a statement in writing of the
29 charges against him and affording him, after notice of not less
30 than ten days, an opportunity of making written answer and, upon

1 request, being publicly heard in person and by counsel. A copy
2 of the charges and answer of the Governor's findings and a
3 transcript of the record shall be filed with the secretary of
4 the commission.

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

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

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

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

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

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

28 (3) To make investigations on its own motion and, in its
29 discretion, on petition of a citizen concerning any matter
30 touching the enforcement and effect of the provisions of this

1 act and to require observance of the provisions of this act and
2 the rules and regulations thereunder.

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

5 (5) To report on an annual basis, beginning June 1, 1975 and
6 each June first, thereafter, to the General Assembly on all
7 complaints, grievances, and cases arising from questions by
8 veterans with regard to the application of and the results
9 attained by use of the veterans' preference provisions of this
10 act with regard to hiring, promotion, and firing of employes
11 covered by this act.

12 (6) Upon its own motion and subject to the specific terms
13 and conditions imposed, to delegate authority to the director to
14 promote the efficient and effective performance of the
15 administrative duties of the commission.

16 Section 5. Sections 206 and 210 of the act, amended June 26,
17 1989 (P.L.47, No.10), are amended to read:

18 Section 206. Powers and Duties of Director.--Under the
19 direction and supervision of the commission, the director,
20 except as otherwise provided in this act, shall direct and
21 supervise the administrative work of the commission. The
22 director shall have power and the duty--

23 (1) To appoint [from employment lists established under this
24 act such examiners, investigators, clerks and other assistants]
25 such staff to classified service positions as may be necessary
26 to carry out this act and to supervise and direct this work.

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

28 (3) To prepare and recommend to the commission rules and
29 amendments thereto.

30 (4) To establish and maintain a record of all employes in

1 the classified service, showing [for each such person the date
2 appointed or employed, the title of the position held, the rate
3 of compensation and every change in his status, including
4 increases and decreases in pay, changes in title transfers, and
5 such other data as he may consider] such data as the director
6 considers desirable and pertinent. [The director shall, within
7 sixty calendar days after the effective date of this amending
8 act, transfer all position classification records to the budget
9 secretary.]

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

20 (6) To investigate the effect of the administration of this
21 act and of the rules made thereunder and to report his findings
22 and recommendations to the commission.

23 (8) To make an annual report in writing, not later than
24 [September] November first of each year[, to the commission]
25 concerning the administrative and legal work [of] performed by
26 the commission[, including pertinent information and
27 recommendations] during the preceding fiscal year.

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

30 (10) To request assistance, from among the attorneys

1 appointed under section 204.1, such legal counsel as may be
2 necessary in the performance of his administrative duties.

3 Section 210. Records Open to the Public.--The minutes of the
4 commission shall be preserved as permanent records. The
5 correspondence, eligible lists [and], other papers and records
6 of the commission [shall be preserved for four years.
7 Applications], applications, examination records [and], other
8 documents submitted by candidates [shall be maintained for a
9 period equal to the candidate's eligibility, plus one year.
10 Records] and records of candidates who do not report for one or
11 more parts of an examination shall be maintained [for a period
12 of six months after they did not report.] for periods
13 established in the commission's records retention schedule,
14 which may, upon publication of notice in the Pennsylvania
15 Bulletin, be changed at the discretion of the commission to meet
16 the criteria and needs of the commission. The commission and its
17 director, in its deliberations, may rely on computerized or
18 [photocopied] electronically or mechanically reproduced records.
19 On written request, supported by justification acceptable to the
20 director, and subject to reasonable regulation, all records of
21 the commission shall be open to public inspection during
22 ordinary business hours, except as herein specifically otherwise
23 provided. The director shall take all due precautions to prevent
24 the securing in advance by any unauthorized person of questions
25 or other material to be used in any test unless such questions
26 or materials are available to all competitors. The director
27 shall prevent the identification by any examiner or other
28 persons, where identity is concealed, of papers or work of any
29 competitor in an examination before the papers or work of all
30 competitors in that examination have been rated. Statements of

1 former employers of competitors in examinations shall be
2 considered confidential and not open to inspection.

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

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

24 (b) Persons applying for positions or promotions in the
25 classified service shall be [citizens of the United States and]
26 residents of the Commonwealth, or former residents of the
27 Commonwealth who meet the requirements of this subsection, and
28 where applicable to the administrative district. Former
29 residents of the Commonwealth must have relocated out of State
30 for academic or employment purposes, shall plan to establish

1 Commonwealth residency within six months of beginning employment
2 in the classified service and must have: (1) graduated from a
3 public, private or nonpublic secondary school in the
4 Commonwealth within five years of applying for a position in the
5 classified service; or (2) attended a public, private or
6 nonpublic school in the Commonwealth at least eighty percent of
7 the time while enrolled in grades one through twelve and
8 attended such school within five years of applying for a
9 position in the classified service. Notwithstanding any of the
10 provisions of this act, whenever an appointing authority finds a
11 lack of a sufficient number of qualified personnel available for
12 appointment to any particular class or classes of positions,
13 [he] the appointing authority may present evidence thereof to
14 the director who may waive the residence [and citizenship]
15 requirements for such class or classes of positions. [A
16 noncitizen appointed pursuant to the provisions of this section
17 shall not be eligible for continued employment unless he files
18 an application for citizenship as soon as he is eligible
19 therefor, and thereafter diligently prosecutes the same.]

20 (c) The director shall prepare the proper State and district
21 employment and promotion eligible lists: Provided, That after an
22 examination has been conducted for any class of positions, if
23 there is no person with such legal residence in any
24 administrative district, remaining on the register the director
25 shall certify and the appointing authority may make the
26 appointment or promotion from the names of persons on an
27 appropriate eligible list for the same class of positions of
28 other administrative districts. Limitations as to age, sex,
29 health, moral character, experience and other qualifications may
30 be specified in the rules of the commission and in the

1 announcements of the examinations. All applications for
2 positions in the classified service shall be [under oath. As far
3 as is in the judgment of the commission consistent with the best
4 interest of the Commonwealth, vacancies shall be filled by
5 promotion.] subject to the penalties of 18 Pa.C.S. § 4904
6 (relating to unsworn falsification to authorities).

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

23 (e) To the extent permitted by law, when all applicants for
24 appointment or promotion to a position in the classified service
25 are equally qualified, preference will be shown to applicants
26 who are United States citizens over those who are not.

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

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

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

1 question in any examination shall relate to the race, gender,
2 religion or political or labor union affiliation of the
3 candidate.

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

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

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

5 Section 8. Section 601 of the act, amended June 26, 1989
6 (P.L.47, No.10), 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] procedures
13 provided for in this act, or unless there is in existence a
14 labor agreement covering promotions [in permanent positions] in
15 the classified service, in which case the terms and procedures
16 of such labor agreement relative to the procedures for
17 promotions shall be controlling, the director shall [thereupon]
18 certify to the appointing authority the names of the three
19 eligibles [willing to accept appointment] who are highest on the
20 appropriate promotion list or employment list, whichever is in
21 existence, or from the one, which under the rules of the
22 commission, has priority. If the appropriate [list] employment
23 or promotion certification of eligibles contains [less] fewer
24 than three eligibles who are willing to accept appointment, [the
25 names certified may be taken from the other appropriate list to
26 make a certification of at least three eligibles. If there are
27 [less] fewer than three eligibles on appropriate eligible lists
28 who are willing to accept appointment, the director shall
29 certify all the names on these lists. If] or, if there is no
30 appropriate eligible list, the appointing authority may appoint

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

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

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

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

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

19 Section 10. Sections 603 and 605 of the act, amended June
20 26, 1989 (P.L.47, No.10), are amended to read:

21 Section 603. Probationary Period.--(a) No appointment to a
22 position in the classified service shall be deemed complete
23 until after the expiration of a probationary period. The
24 probationary period for each class of position shall be
25 prescribed in the rules of the commission and, except for
26 trainee classes, shall in no case be less than six months or
27 more than eighteen months. The probationary period for a trainee
28 class shall be combined with that of the class for which the
29 trainee is being trained. This combined probationary period
30 shall be the same as the training period[, subject to limits of

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

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

1 separated therefrom as herein provided.] If the employee's work
2 has been satisfactory, the employee shall be notified by the
3 appointing authority in writing prior to the completion of the
4 probationary period that the employee will attain regular status
5 in the classified service upon completion of the probationary
6 period.

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

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

21 Section 11. Sections 607, 701 and 702 of the act are
22 repealed.

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

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

1 Performance evaluations shall be considered for such purposes as
2 the rules of the commission shall provide.

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

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

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

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

1 the jurisdiction of one appointing authority to a position in
2 the same class under the jurisdiction of another appointing
3 authority may be made with the approval of the director and both
4 appointing authorities.

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

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

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

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

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

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

24 Section 706. Demotions.--(a) An appointing authority may
25 demote to a vacant position in a lower class any employe in the
26 classified service who does not satisfactorily perform the
27 duties of the position to which [he] the employe was appointed
28 or promoted and who is able to perform the duties of the lower
29 class. In case of such demotion the employe shall have all
30 rights of appeal as provided in this act. No employe shall be

1 demoted because of [his] the employee's race, gender, religion or
2 political, partisan or labor union affiliation. [A demotion may
3 also be made by an appointing authority with the approval of the
4 director upon the written petition of the employee stating the
5 reasons therefor and supported by such evidence as the director
6 may require to show that the employee is able to perform the
7 duties of the class of position to which he petitions that he be
8 demoted.]

9 (b) A voluntary demotion may be made by an appointing
10 authority upon written request of the employee and with the
11 approval of the director.

12 Section 16. Sections 803 and 804.1 of the act, amended June
13 26, 1989 (P.L.47, No.10), are amended to read:

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

1 Section 804.1. Rights of Promoted Employee During
2 Probationary Period.--[If the probationary period has resulted
3 from a promotion, such removal shall not be from the classified
4 service except for just cause. A classified employee during a
5 probationary period resulting from promotion, shall, if the
6 employee's performance is satisfactory, be returned to the
7 position or class held immediately prior to such promotion
8 without necessity of appeal or hearing.](a) An employee serving
9 a probationary period which has resulted from a promotion, may
10 be removed from the classified service only for just cause.

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

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

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

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

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

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

9 Section 905.2. Political Activity.--* * *

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

18 * * *

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

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

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

14 Section 20. Section 3(b.1) of the act of September 30, 1983
15 (P.L.160, No.39), known as the Public Official Compensation Law,
16 is repealed insofar as it relates to the Civil Service
17 Commission.

18 Section 21. This act shall take effect immediately.