

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 956 Session of
2007

INTRODUCED BY DALLY, BEYER, DENLINGER, FREEMAN, GALLOWAY, GEIST,
GINGRICH, GODSHALL, HERSHEY, HORNAMAN, HUTCHINSON, KILLION,
METCALFE, MILLARD, R. MILLER, PAYNE, PETRI, PHILLIPS, PYLE,
RAPP, REED, REICHLEY, ROAE, SABATINA, SIPTROTH, STERN AND
SWANGER, MARCH 29, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 29, 2007

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
14 examination requisite for appointment and promotion.

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

17 Section 1. Section 501 of the act of August 5, 1941
18 (P.L.752, No.286), known as the Civil Service Act, amended June
19 28, 2004 (P.L.461, No.50), is amended to read:

20 Section 501. Examinations Requisite for Appointment and
21 Promotion.--(a) Except as otherwise provided in this act,
22 appointments of persons entering the classified service or

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

17 (b) Persons applying for positions or promotions in the
18 classified service shall be United States citizens, aliens
19 lawfully admitted for permanent residence to the United States
20 or aliens authorized to be employed under 8 U.S.C. Ch. 12
21 (relating to immigration and nationality) or by the United
22 States Attorney General, and residents of the Commonwealth or
23 former residents of the Commonwealth who meet the requirements
24 of this subsection, and where applicable to the administrative
25 district. Former residents of the Commonwealth must have
26 relocated out of State for academic or employment purposes,
27 shall plan to establish Commonwealth residency within six months
28 of beginning employment in the classified service and must have:
29 (1) graduated from a public, private or nonpublic secondary
30 school in the Commonwealth or satisfied the requirements of

1 sections 1327 and 1327.1 of the act of March 10, 1949 (P.L.30,
2 No.14), known as the "Public School Code of 1949," within five
3 years of applying for a position in the classified service; (2)
4 satisfied the requirements of sections 1327 and 1327.1 of the
5 "Public School Code of 1949" or 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; or (3) graduated or attended
10 a public, private or nonpublic secondary school in the
11 Commonwealth or satisfied the requirements of sections 1327 and
12 1327.1 of the "Public School Code of 1949" and graduated from a
13 postsecondary institution in the Commonwealth within five years
14 of applying for a position in the classified service.

15 Notwithstanding any of the provisions of this act, whenever an
16 appointing authority finds a lack of a sufficient number of
17 qualified personnel available for appointment to any particular
18 class or classes of positions, the appointing authority may
19 present evidence thereof to the director who may waive the
20 residence requirements for such class or classes of positions.

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

1 be specified in the rules of the commission and in the
2 announcements of the examinations. All applications for
3 positions in the classified service shall be subject to the
4 penalties of 18 Pa.C.S. § 4904 (relating to unsworn
5 falsification to authorities).

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

19 [(e) To the extent permitted by law, when all applicants for
20 appointment or promotion to a position in the classified service
21 are equally qualified, preference will be shown to applicants
22 who are United States citizens over those who are not.]

23 Section 2. This act shall take effect in 60 days.