
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1548 Session of
2019

INTRODUCED BY D. MILLER, HILL-EVANS, MARKOSEK, YOUNGBLOOD,
READSHAW, JOHNSON-HARRELL, DEASY AND DeLUCA, JUNE 3, 2019

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 3, 2019

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, in civil service reform, providing for
3 excepted service hiring and promotion authority; and imposing
4 duties on the Office of Vocational Rehabilitation.

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

7 Section 1. Title 71 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 34

10 EXCEPTED SERVICE HIRING AND

11 PROMOTION AUTHORITY

12 Sec.

13 3401. Scope of chapter.

14 3402. Purpose.

15 3403. Definitions.

16 3404. Eligibility, documentation and certification generally.

17 3405. Hiring and promotion.

18 3406. Conversion.

19 3407. Customized employment job classification.

1 3408. Administrative support.

2 § 3401. Scope of chapter.

3 This chapter relates to excepted service hiring and promotion
4 authority for individuals with disabilities.

5 § 3402. Purpose.

6 The purpose of this chapter is to establish an excepted
7 service hiring and promotion authority that enables an
8 appointing authority to more effectively and efficiently hire
9 and promote qualified, working-age adults, whose physical or
10 mental impairments impact their ability to participate in the
11 competitive hiring and promotion process within this
12 Commonwealth's workforce.

13 § 3403. Definitions.

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Customized employment." The development of job descriptions
18 based on a flexible process that:

19 (1) Is designed to personalize the employment
20 relationship between a job candidate and an employer in a way
21 that meets the needs of both.

22 (2) Is based on an individualized match between the
23 strengths, conditions and interests of a job candidate and
24 the identified needs of an employer.

25 (3) May take the form of any of the following:

26 (i) Task reassignment, which involves some of the
27 job tasks of incumbent workers being reassigned to a new
28 employee. The reassignment shall:

29 (A) allow the incumbent worker to focus on the
30 critical functions of the incumbent worker's job, in

1 the nature of primary job responsibilities and to
2 complete more of the central work of the job; and
3 (B) typically take the form of job creation,
4 whereby a new job description is negotiated based on
5 current and unmet workplace needs.

6 (ii) Job carving, which involves an existing job
7 description being modified so that one or more, but not
8 all, of the tasks are changed from the original job
9 description.

10 (iii) Job sharing, which involves two or more
11 individuals sharing the tasks and responsibilities of a
12 job based on the strengths of each individual.

13 "Working-age adult with a significant disability." An
14 individual who is a resident of this Commonwealth, is at least
15 18 years of age, has not reached 65 years of age and meets any
16 of the following conditions:

17 (1) Is or was a client of, or has a current eligibility
18 determination for vocational rehabilitation services by, the
19 Office of Vocational Rehabilitation.

20 (2) Has been determined to be eligible to receive Social
21 Security disability benefits or Supplemental Security income
22 benefits on the basis of disability, including an individual
23 who is eligible to participate in the Ticket to Work program
24 authorized under the Social Security Act (49 Stat. 620, 42
25 U.S.C. § 301 et seq.).

26 (3) Is eligible for appointment under Schedule A of 5
27 CFR Pt. 213 Subpt. C (relating to excepted schedules) on the
28 basis of disability.

29 (4) Has been determined to be eligible for services,
30 supports or benefits under programs administered by the

1 Department of Human Services through the Office of
2 Developmental Programs, the Office of Long Term Living or the
3 Office of Mental Health and Substance Abuse Services.

4 (5) Has been determined to be eligible for services,
5 supports or benefits under a program for disabled veterans
6 administered by the Federal Department of Veterans Affairs or
7 the State Department of Military and Veterans Affairs.

8 (6) Has relocated to this Commonwealth and had at the
9 time of relocation an eligibility determination in good
10 standing from a vocational rehabilitation office governed by
11 the Rehabilitation Services Administration located in another
12 state or territory of the United States.

13 (7) Is eligible to receive services, supports or
14 benefits under a program administered by an agency of the
15 Commonwealth that has been determined by the agency head to
16 be comparable to a program described under paragraph (1),
17 (2), (3), (4), (5) or (6).

18 § 3404. Eligibility, documentation and certification generally.

19 (a) Appointment.--An appointing authority may
20 noncompetitively appoint a working-age adult with a significant
21 disability to a temporary position or permanent position in
22 accordance with this chapter.

23 (b) Proof of disability.--

24 (1) An appointing authority shall require proof of an
25 applicant's significant disability prior to making a
26 noncompetitive appointment under this section.

27 (2) The appointing authority shall accept as proof of a
28 significant disability a letter or other official
29 certification from the Office of Vocational Rehabilitation.

30 § 3405. Hiring and promotion.

1 (a) Temporary appointment.--An appointing authority may
2 noncompetitively appoint a working-age adult with a significant
3 disability to a temporary position if the appointing authority
4 determines the following:

5 (1) The Office of Vocational Rehabilitation has
6 certified the working-age adult as eligible for
7 noncompetitive appointment under this chapter.

8 (2) It is necessary to observe the working-age adult on
9 the job to establish that the working-age adult is able or
10 ready to perform the duties of the position.

11 (b) Permanent appointment.--Subject to subsection (c), an
12 appointing authority may noncompetitively appoint a working-age
13 adult with a significant disability to a permanent position if
14 the appointing authority determines that the working-age adult:

15 (1) provided a copy of a document from the Office of
16 Vocational Rehabilitation certifying that the working-age
17 adult is eligible for noncompetitive appointment under this
18 chapter; and

19 (2) is likely to succeed in the performance of the
20 duties of the position for which the working-age adult is
21 applying. In determining whether the working-age adult is
22 likely to succeed in the performance of the duties of the
23 position, the appointing authority may rely upon the working-
24 age adult's employment, educational or other relevant
25 experience, including, but not limited to, service under
26 classified service or unclassified service.

27 (c) Probationary periods.--Appointment to a noncompetitive
28 permanent position shall be subject to the probationary periods
29 described in section 2404 (relating to probationary period).
30 § 3406. Conversion.

1 (a) Satisfactory performance of duties.--When an appointing
2 authority makes an appointment of a working-age adult with a
3 significant disability to a temporary position under section
4 3405(a) (relating to hiring and promotion) in order to determine
5 the working-age adult's job readiness, the appointing authority
6 may convert the working-age adult to a permanent position under
7 section 3405(b) if the appointing authority determines that the
8 working-age adult is able to perform the duties of the position.
9 Time spent in a temporary position shall not count toward the
10 completion of the probationary period described in section 2404
11 (relating to probationary period).

12 (b) Classified service.--When an appointing authority makes
13 an appointment of a working-age adult with a significant
14 disability to a permanent position under section 3405(b), the
15 appointing authority shall convert the working-age adult to
16 classified service upon completion of the probationary period
17 consistent with section 2404 if the appointing authority
18 determines that the working-age adult's work has been
19 satisfactory. Prior to the completion of the probationary
20 period, the appointing authority shall notify the working-age
21 adult in writing whether the working-age adult's work has been
22 satisfactory.

23 § 3407. Customized employment job classification.

24 (a) Development and implementation.--The appointing
25 authority shall develop and implement a customized employment
26 job classification.

27 (b) Limitation.--Eligibility for placement into a position
28 under a customized employment job classification shall be
29 limited to individuals who have been determined eligible for
30 vocational rehabilitation services by the Office of Vocational

1 Rehabilitation.

2 § 3408. Administrative support.

3 The Office of Vocational Rehabilitation shall, with its
4 appropriation, provide all necessary supports, including the
5 following:

6 (1) Identifying State agencies that will hire a working-
7 age adult under this chapter.

8 (2) Identifying eligible candidates for work under this
9 chapter.

10 (3) Developing customized employment job
11 classifications.

12 (4) Providing or arranging job coaching or other needed
13 services as necessary under this chapter.

14 (5) Providing or arranging another service for a
15 working-age adult that is customarily provided by the Office
16 of Vocational Rehabilitation to similarly situated customers
17 of the Office of Vocational Rehabilitation.

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