

**CIVIL SERVICE ACT - STATE CIVIL SERVICE COMMISSION, POWERS AND DUTIES OF DIRECTOR, SERVICE TO STATE DEPARTMENTS, BOARDS AND COMMISSIONS OR AGENCIES AND POLITICAL SUBDIVISIONS; COOPERATION COMMISSIONS OR AGENCIES AND POLITICAL SUBDIVISIONS; COOPERATION**

**Act of Nov. 21, 2016, P.L. 1314, No. 167**

**Cl. 71**

Session of 2016

No. 2016-167

HB 192

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 employes 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," in Civil Service Commission and executive director and their powers, further providing for State Civil Service Commission, for powers and duties of director and for service to State departments, boards and commissions or agencies and political subdivisions; cooperation with other civil service agencies; and, in selection of employes for entrance to or promotion in the classified service, further providing for nature of examinations.

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

Section 1. Section 201 of the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, amended October 5, 2011 (P.L.310, No.76), is amended to read:

Section 201. State Civil Service Commission.--(a) The State Civil Service Commission shall consist of three full-time members, not more than two of whom shall be of the same political affiliation, appointed by the Governor, with the advice and consent of a majority of the members elected to the Senate. Each appointment shall be for a term of six years or until a successor is appointed and qualified. The members of the commission shall hold no other public position to which a salary is attached. The Governor shall designate one of the members as chairman. No commission member shall hold any office or position, the duties of which are incompatible with his official duties. At least one member of the commission must be a veteran.

(b) The chairman of the commission shall receive a salary of sixty-five thousand dollars (\$65,000.00) per annum. Each other member of the commission shall receive a salary of sixty-two thousand five hundred dollars (\$62,500.00) per annum.

(b.1) The commissioners shall receive annual cost-of-living increases under section 3(e) of the act of September 30, 1983 (P.L.160, No.39), known as the "Public Official Compensation

Law." Each commissioner shall be entitled to receive actual traveling expenses.

(c) Any person appointed as a member of the commission shall be a citizen and legal resident of the Commonwealth for a period of not less than one year who is in sympathy with modern personnel methods and the application of merit principles to public employment. No person who[, within one year preceding his appointment, has been an officer of a political party] **holds or campaigns for any other public office, holds office in a political party or political committee, actively participates in or contributes to a political campaign, directly or indirectly attempts to influence a decision by a governmental body other than a court of law or as a representative of the commission on a matter within the jurisdiction of the commission or is employed by the Commonwealth or a political subdivision in any other capacity, whether or not for compensation,** shall be eligible to serve as a commissioner. The Governor may remove any member of the commission, but only for incompetence, inefficiency, neglect of duty, malfeasance or misfeasance in office by giving such member a statement in writing of the charges against him and affording him, after notice of not less than ten days, an opportunity of making written answer and, upon request, being publicly heard in person and by counsel. A copy of the charges and answer of the Governor's findings and a transcript of the record shall be filed with the secretary of the commission.

Section 2. Section 206 of the act is amended by adding a paragraph to read:

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

\* \* \*

**(11) To advertise, on the commission's publicly accessible Internet website and in all commission announcements, advertisements and examination materials, that veterans' preference is the law of this Commonwealth and that, to determine standing on all certified eligibility lists, an additional ten points will be applied to the final examination score obtained by a veteran, in accordance with 51 Pa.C.S. § 7103 (relating to additional points in grading civil service examinations), and the same preferential rating given to veterans under this chapter shall be extended to include spouses, in accordance with 51 Pa.C.S. § 7108 (relating to preference of spouses).**

Section 3. Section 212(d) of the act, amended May 21, 1943 (P.L.516, No.231), is amended to read:

Section 212. Service to State Departments, Boards and Commissions or Agencies and Political Subdivisions; Cooperation with Other Civil Service Agencies.--\* \* \*

(d) The commission shall have power from time to time to enter into agreements with other public personnel agencies in this or any other State and with agencies of the federal government for the purpose of using and exchanging information and services. **The commission shall enter into an agreement to utilize the form and method of an employment application that is standard across departments and agencies that are under the Governor's jurisdiction for the purpose of entrance to, or promotion in, the classified service.** The commission shall have power to become a member of or subscribe to any association or

service having as its purpose the interchange of information relating to the technique of personnel administration.

Section 4. Section 502 of the act, amended November 27, 2002 (P.L.1129, No.140), is amended to read:

Section 502. Nature of Examinations.--[The director shall give examinations] **Examinations shall be conducted** to establish employment and promotion lists. Such examinations may be written or oral, or a demonstration of skill, or an evaluation of experience and education, or a combination of these, which shall fairly appraise the fitness and ability of competitors. **The appointing authority shall select the method of examination that shall be used for the individual position or the class of positions for which the employment or promotion list is being established.** Such examinations shall be practical in character and shall relate to the duties and responsibilities of the position for which the applicant is being examined and shall fairly test the relative capacity and fitness of persons examined to perform the duties of the class of positions to which they seek to be appointed or promoted. An applicant may be required to possess scholastic education qualifications only if the position for which the applicant is being examined requires professional or technical knowledges, skills and abilities or if such scholastic qualifications are required to assure the continued eligibility of the Commonwealth for Federal grants-in-aid. No greater credit for experience gained during a provisional, emergency or temporary appointment under this act or acts repealed hereby shall be given to any person in any examination than is given in such examination for experience in the same type of work performed in a similar position not under the provisions of this act or acts repealed hereby. In evaluating experience in order to compute the final rating in any examination to establish employment and promotion lists, persons discharged other than dishonorably, after active service during any war or armed conflict in which the United States engaged, from any branch of the armed service of the United States, or from any women's uniformed service directly connected therewith, shall not be given less credit for experience than would be given for continued experience in the position held at the time of induction in the service. No question in any examination shall relate to the race, gender, religion or political or labor union affiliation of the candidate.

Section 5. This act shall take effect immediately.

APPROVED--The 21st day of November, A.D. 2016.

TOM WOLF