

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1730

Session of
1987

INTRODUCED BY LINTON, MILLER AND OLIVER, SEPTEMBER 28, 1987

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 28, 1987

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," reestablishing the State
14 Civil Service Commission; further providing for the civil
15 service system; and making editorial changes.

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

18 Section 1. Section 3(c) of the act of August 5, 1941
19 (P.L.752, No.286), known as the Civil Service Act, amended
20 August 27, 1963 (P.L.1257, No.520) and March 4, 1970 (P.L.115,
21 No.44), is amended to read:

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

1 * * *

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

5 (1) Heads of departments of the Commonwealth and the deputy
6 heads thereof [and bureau], bureau directors and division chiefs
7 and all other supervisory personnel whose duties include
8 participation in broad program policy decisions.

9 (2) Members of boards and commissions.

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

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

19 (5) Such attorney as the appointing authority shall appoint
20 and the Attorney General shall approve.

21 (6) Unskilled Labor.

22 (7) ALL PROFESSIONAL POSITIONS ATTACHED TO THE DEPARTMENT
23 HEAD'S OFFICE WHICH FUNCTION AS PRESS AND/OR PUBLIC RELATIONS
24 AND LEGISLATIVE LIAISONS.

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

30 ~~(7) All professional positions attached to the department~~

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1 ~~head's office which function as press and/or public relations~~
2 ~~and legislative liaisons.~~

3 * * *

4 Section 2. Section 201 of the act is amended to read:

5 Section 201. [Qualifications and Removal of Commissioners.--
6] State Civil Service Commission.--(a) The State Civil Service
7 Commission shall consist of three members, not more than two of
8 whom shall be of the same political affiliation, appointed by
9 the Governor, with the advice and consent of a majority of the
10 members elected to the Senate. Each appointment shall be for a
11 term of six years or until a successor is appointed and
12 qualified, but not longer than six months beyond the six-year
13 term. The members of the commission shall hold no other public
14 position to which a salary is attached. The Governor shall
15 designate one of the members as chairman.

16 (b) Each member of the commission shall receive an annual
17 salary of forty-seven thousand dollars (\$47,000), except the
18 chairman, who shall receive an annual salary of forty-eight
19 thousand dollars (\$48,000).

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

1 than ten days, an opportunity of making written answer and, upon
2 request, being publicly heard in person and by counsel. A copy
3 of the charges and answer of the Governor's findings and a
4 transcript of the record shall be filed with the secretary of
5 the commission.

6 Section 3. The act is amended by adding a section to read:

7 Section 204.1. Commission Staff.--In accordance with the act
8 of October 15, 1980 (P.L.950, No.164), known as the
9 "Commonwealth Attorneys Act," the commission shall appoint and
10 direct such attorneys as needed in its performance of the duties
11 required under this act.

12 Section 4. Section 205 of the act, amended August 27, 1963
13 (P.L.1257, No.520), is amended to read:

14 Section 205. Qualifications, Appointment and Compensation of
15 Director.--

16 [(a)] The director shall be a person who shows he is
17 familiar with the principles and methods of personnel
18 administration and one who is in sympathy with the application
19 of merit principles and scientific methods to public employment.
20 He shall be appointed by the commission [from an employment list
21 established under this act, his] and serve at the pleasure of
22 the commissioners. His salary shall be fixed by the commission
23 with the approval of the Governor, and he shall hold no other
24 paid public position.

25 Section 5. Section 206 of the act, amended June 1, 1945
26 (P.L.1366, No.435), June 21, 1947 (P.L.835, No.348) and August
27 27, 1963 (P.L.1257, No.520), is amended to read:

28 Section 206. Powers and Duties of Director.--[The] (a)
29 Under the direction and supervision of the commission, the
30 director, except as otherwise provided in this act, shall direct

1 and supervise [all] the administrative work of the commission.
2 [He] The director shall have power and [it shall be his duty
3 under the direction and supervision of the commission] the
4 duty--

5 (1) To appoint from employment lists established under this
6 act such examiners, investigators, clerks and other assistants
7 as may be necessary to carry out this act and to supervise and
8 direct this work.

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

10 (3) To prepare and recommend to the commission rules and
11 amendments thereto.

12 (4) To establish and maintain a record of all employees in
13 the classified service, showing for each such person the date
14 appointed or employed, the title of the position held, the rate
15 of compensation and every change in his status, including
16 increases and decreases in pay, changes in title transfers, and
17 such other data as he may consider desirable and pertinent. The
18 director shall, within sixty calendar days after the effective
19 date of this amending act, transfer all position classification
20 records to the budget secretary.

21 (5) To administer and make effective the provisions of this
22 act and of the rules made thereunder, including those relating
23 to the preparation and conduct of examinations, the preparation
24 of eligible lists, the certification of persons qualified for
25 employment, the transfer, promotion, suspension, demotion,
26 removal, furlough, leave of absence and resignation of employees,
27 the rating of employees' services, the requiring of health
28 examinations at the discretion of appointing authorities as a
29 condition of initial or continued employment, the checking and
30 certification of pay-rolls before payment.

1 (6) To investigate the effect of the administration of this
2 act and of the rules made thereunder and to report his findings
3 and recommendations to the commission.

4 [(7) To appoint, with the approval of the commission, one
5 employe to be his deputy. The person selected as deputy may be
6 one of the three remaining highest ranking persons on the
7 eligible list for the position of director, or one of the three
8 highest ranking persons on an eligible list established by an
9 examination for the position of deputy director, which
10 examination and ratings shall be in a like manner and under the
11 same conditions as provided in this act for other classes of
12 positions. The salary of the deputy shall be established by the
13 commission, with the approval of the Governor. In case of the
14 absence of the director or his inability from any cause to
15 discharge the powers and duties of his office, such powers and
16 duties shall devolve upon his deputy.]

17 (8) To make [a biennial] an annual report in writing, not
18 later than September first of each [even-numbered] year, to the
19 commission concerning the administrative work of the commission,
20 including pertinent information and recommendations.

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

23 (b) ~~From~~ TO REQUEST ASSISTANCE FROM among the attorneys <—
24 appointed under section 204.1 of this act, such legal counsel as
25 may be necessary in the performance of his administrative
26 duties. ~~shall be provided to the director.~~ <—

27 Section 6. Section 210 of the act is amended to read:

28 Section 210. Records Open to the Public.--The minutes of the
29 commission shall be preserved as permanent records. The
30 correspondence, eligible lists and other papers and records of

1 the commission shall be preserved for [seven] four years.
2 Applications, examination records, and other documents submitted
3 by candidates shall be maintained for a period equal to the
4 candidate's eligibility, plus one year. Records of candidates
5 who do not report for one or more parts of an examination shall
6 be maintained for a period of six months after they did not
7 report. The commission, in its deliberations, may rely on
8 computerized or photocopied records. On written request,
9 supported by justification acceptable to the [commission]
10 director, and subject to reasonable regulation, all records of
11 the commission shall be open to public inspection during
12 ordinary business hours, except as herein specifically otherwise
13 provided. The [directors] director shall take all due
14 precautions to prevent the securing in advance by any
15 unauthorized person of questions or other material to be used in
16 any test unless such questions or materials are available to all
17 competitors. [He] The director shall prevent the identification
18 by any examiner or other persons, where identity is concealed,
19 of papers or work of any competitor in an examination before the
20 papers or work of all competitors in that examination have been
21 rated. Statements of former employers of competitors in
22 examinations shall be considered confidential and not open to
23 inspection.

24 Section 7. Section 212(b) of the act, amended May 21, 1943
25 (P.L.516, No.231), is amended to read:

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

29 (b) The cost of such services and facilities made available
30 by the commission shall be borne by every State department,

1 board, commission or agency and political subdivision to which
2 the same are made available, in the proportion which the cost of
3 said services and facilities to each bears to the total cost of
4 said services and facilities. The commission shall prepare and
5 issue [monthly] semiannual statements of such cost, setting
6 forth the total and the share attributable to each department,
7 board, commission or agency and political subdivision to which
8 services or facilities are made available. Upon receipt of such
9 statements, each State department, board, commission or agency
10 and political subdivision shall pay its share of the cost to the
11 commission.

12 * * *

13 Section 8. Section 507 of the act, amended August 27, 1963
14 (P.L.1257, No.520), is amended to read:

15 Section 507. Duration of Eligible Lists.--The duration of an
16 eligible list shall be fixed [at not less than one nor more
17 than] by the director with the approval of the commission for a
18 period of up to four years. An existing eligible list [that has
19 been in existence for one year or more] shall terminate upon the
20 establishment of an appropriate new list unless otherwise
21 prescribed by the director. Appointing authorities shall utilize
22 eligible lists from the date of their establishment until
23 exhausted, cancelled by the commission, or replaced by more
24 recently prepared lists. The director, with the approval of the
25 commission, may at any time correct clerical errors occurring in
26 connection with the preparation of any eligible list and revise
27 the list accordingly, but no person who has been appointed as
28 the result of certification from such list shall be displaced by
29 such action. The commission shall have the power at any time
30 after giving notice as required in this act, and after a public

1 hearing, to cancel the whole or any part of any eligible list on
2 account of illegality or fraud in connection therewith.

3 SECTION 9. SECTION 601 OF THE ACT, AMENDED OCTOBER 7, 1974 <—
4 (P.L.676, NO.226), IS AMENDED TO READ:

5 SECTION 601. CERTIFICATION.--WHENEVER A VACANCY IS LIKELY TO
6 OCCUR OR IS TO BE FILLED IN A PERMANENT POSITION IN THE
7 CLASSIFIED SERVICE, THE APPOINTING AUTHORITY SHALL SUBMIT TO THE
8 DIRECTOR A STATEMENT INDICATING THE POSITION TO BE FILLED.
9 UNLESS THE APPOINTING AUTHORITY ELECTS TO FOLLOW ONE OF THE
10 ALTERNATIVE PROVISIONS OF SECTION FIVE HUNDRED ONE, OR UNLESS
11 THERE IS IN EXISTENCE A LABOR AGREEMENT COVERING PROMOTIONS IN
12 PERMANENT POSITIONS IN THE CLASSIFIED SERVICE, IN WHICH CASE THE
13 TERMS AND PROCEDURES OF SUCH LABOR AGREEMENT RELATIVE TO THE
14 PROCEDURES FOR PROMOTIONS SHALL BE CONTROLLING, THE DIRECTOR
15 SHALL THEREUPON CERTIFY TO THE APPOINTING AUTHORITY THE NAMES OF
16 THE THREE ELIGIBLES WILLING TO ACCEPT APPOINTMENT WHO ARE
17 HIGHEST ON THE APPROPRIATE PROMOTION LIST OR EMPLOYMENT LIST,
18 WHICHEVER IS IN EXISTENCE, OR FROM THE ONE, WHICH UNDER THE
19 RULES OF THE COMMISSION, HAS PRIORITY. IF THE APPROPRIATE LIST
20 CONTAINS LESS THAN THREE ELIGIBLES WHO ARE WILLING TO ACCEPT
21 APPOINTMENT, THE NAMES CERTIFIED MAY BE TAKEN FROM THE OTHER
22 APPROPRIATE LIST TO MAKE A CERTIFICATION OF AT LEAST THREE
23 ELIGIBLES. IF THERE ARE LESS THAN THREE ELIGIBLES ON APPROPRIATE
24 ELIGIBLE LISTS WHO ARE WILLING TO ACCEPT APPOINTMENT, THE
25 DIRECTOR SHALL CERTIFY ALL THE NAMES ON THESE LISTS. IF THERE IS
26 NO APPROPRIATE ELIGIBLE LIST, THE DIRECTOR MAY CERTIFY FROM SUCH
27 OTHER LIST OR LISTS AS HE DEEMS THE NEXT MOST NEARLY
28 APPROPRIATE. IF OPERATIONAL CONDITIONS OF THE APPOINTING
29 AUTHORITY SO DICTATE AND IT IS FOUND TO BE IN THE INTEREST OF
30 THE SERVICE TO THE COMMONWEALTH, THE COMMISSION MAY AUTHORIZE

1 SELECTIVE CERTIFICATIONS BASED ON STANDARDS TO BE PRESCRIBED BY
2 THE COMMISSION. IF UPON INQUIRY BY THE DIRECTOR ANY PERSON ON
3 ANY PROMOTION OR EMPLOYMENT LIST IS FOUND TO BE NOT AVAILABLE
4 FOR PROMOTION OR APPOINTMENT, HIS NAME SHALL NOT FOR THE TIME
5 BEING BE CONSIDERED AMONG THE NAMES FROM WHICH A PROMOTION OR
6 APPOINTMENT IS TO BE MADE.

7 Section 9 10. Section 603 of the act, amended June 21, 1947 <—
8 (P.L.835, No.348) and August 27, 1963 (P.L.1257, No.520), is
9 amended to read:

10 Section 603. Probationary Period.--(a) No appointment to a
11 position in the classified service shall be deemed complete
12 until after the expiration of a probationary period. The
13 probationary period for each class of position shall be
14 prescribed in the rules of the commission and, except for
15 trainee classes, shall in no case be less than six months or
16 more than eighteen months. The probationary period for a trainee
17 class shall be combined with that of the class for which the
18 trainee is being trained. This combined probationary period
19 shall be the same as the training period, subject to limits of
20 three months and twenty-four months. At such times during the
21 probationary period, and in such manner as the director may
22 require, the appointing authority shall report to the director
23 [his] an observation of the work of the employe and [his] a
24 judgment as to the willingness and ability of the employe to
25 perform [his] the duties satisfactorily and as to [his] the
26 employe's dependability. At any time during [his] the
27 probationary period, the appointing authority may remove an
28 employe if in the opinion of the appointing authority the
29 probation indicates that such employe is unable or unwilling to
30 perform [his] the duties satisfactorily or that [his] the

1 employee's dependability does not merit [his] continuance in the
2 service. Upon such removal the appointing authority shall
3 forthwith report [his] this action to the director and to the
4 employee so removed. No more than three employees shall be removed
5 successively from the same position during their probationary
6 periods without the approval of the director. The director, with
7 the approval of the commission, shall remove an employee during
8 [his] the probationary period if it is found after the employee
9 has been given notice and an opportunity to be heard that [he]
10 the employee was appointed as a result of fraud.

11 (b) Ten working days prior to the expiration of an employee's
12 probationary period the appointing authority shall notify the
13 [director] employee in writing whether the services of the
14 employee have been satisfactory. A copy of such notice shall be
15 given to the [employee] director. If the employee's work has been
16 satisfactory [he], the employee shall at the completion of [his]
17 the probationary period become a classified service employee
18 under the provisions hereof and continue in that position unless
19 separated therefrom as herein provided.

20 (c) If any employee is removed from [his] a position during
21 or at the end of [his] the probationary period, and the director
22 determines that [he] the employee is suitable for appointment to
23 another position, [his] the employee's name may be restored to
24 the list from which it was certified.

25 Section ~~10~~ 11. Section 605 of the act is amended to read: <—

26 Section 605. Temporary Appointments to Extra Positions.--
27 When from pressure of work an extra position in the classified
28 service must be established for a period of less than [six]
29 twelve months, the appointing authority shall request the
30 director in writing to certify the name of a qualified person

1 from [the] an appropriate list of eligibles. In such request the
2 appointing authority shall state the cause of the extra work,
3 the probable length of employment and[, unless the position has
4 been classified,] the duties which the appointee is to perform.

5 Section ~~11~~ 12. Section 705 of the act, amended August 27, <—
6 1963 (P.L.1257, No.520), is amended to read:

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

27 SECTION 13. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

28 SECTION 707.1. EFFECT OF RECLASSIFICATIONS.--WHEN AN
29 EMPLOYE'S JOB CHANGES OR THE EXECUTIVE BOARD CHANGES A
30 CLASSIFICATION AND A REALLOCATION OF THE POSITION BECOMES

1 NECESSARY, THE EMPLOYE SHALL BE RECLASSIFIED TO THE NEW
2 CLASSIFICATION PROVIDED THE EMPLOYE MEETS THE ESTABLISHED
3 REQUIREMENTS FOR THE NEW CLASSIFICATION. THIS RECLASSIFICATION
4 SHALL NOT BE CONSTRUED AS A PROMOTION IF IT IS A HIGHER LEVEL OR
5 A DEMOTION IF IT IS A LOWER LEVEL. REALLOCATIONS DOWNWARD SHALL
6 NOT RESULT IN REDUCTION OF THE INCUMBENT'S PRESENT SALARY.

7 Section ~~12~~ 14. Section 802 of the act, amended October 7, <—
8 1974 (P.L.676, No.226), is amended to read:

9 Section 802. Furlough.--(a) In case a reduction in force is
10 necessary in the classified service, no employe shall be
11 furloughed while any probationary or provisional employe is
12 employed in the same class in the same department or agency, and
13 no probationary employe shall be furloughed while a provisional
14 employe is employed in the same class in the same department or
15 agency. An employe shall be furloughed only if at the time [he
16 is furloughed, he] of furlough, the employe is within the lowest
17 quarter among all employes of the employer in the same class on
18 the basis of their last regular service ratings, and within this
19 quarter [he] the employe shall be furloughed in the order of
20 seniority unless there is in existence a labor agreement
21 covering the employes to be furloughed, in which case the terms
22 of such labor agreement relative to a furlough procedure shall
23 be controlling: Provided, That the appointing authority may
24 limit the application of this provision in any particular
25 instance to employes in the same class, classification series or
26 other grouping of employes as referred to in any applicable
27 labor agreement, and which are in the same department or agency
28 within the same bureau or division with headquarters at a
29 particular municipality, county or administrative district of
30 the Commonwealth.

1 **(b)** A furloughed employe shall have the right of return to
2 any class and civil service status which [he] was previously
3 held, provided such class is contained in the current
4 classification plan of the agency; or to any class and civil
5 service status in the same or lower grade, provided that [he]
6 the employe meets the minimum qualifications given in the
7 classification plan of the agency.

8 **(c)** The appointing authority shall promptly report to the
9 director the names of employes furloughed, together with the
10 date the furlough of each is effective and the character of
11 [his] their services. Under the rules a regular employe
12 furloughed shall for a period of one year be given preference
13 for reemployment in the same class of position from which [he
14 was] furloughed and shall be eligible for appointment to a
15 position of a similar class in other agencies under this act
16 unless the terms of an existing labor agreement preclude the
17 employe from receiving the preferential treatment contained in
18 this section in which event the terms of the labor agreement
19 shall be controlling[, provided that in case of a promotion of
20 another employe such preference shall not be effective if it
21 necessitates furloughing such other employe unless the terms of
22 an existing labor agreement require that such preferential
23 treatment shall be given to the furloughed employe].

24 Section ~~13~~ 15. Section 803 of the act is amended to read: <—

25 Section 803. Suspension.--An appointing authority may for
26 good cause suspend without pay for disciplinary purposes an
27 employe holding a position in the classified service. Such
28 suspension shall not exceed in the aggregate [thirty] ninety
29 working days in one calendar year. No person shall be suspended
30 because of [his] race, religion or political, partisan or labor

1 union affiliation. What shall constitute good cause for
2 suspension may be stated in the rules. An appointing authority
3 may suspend without pay an employe holding a position in the
4 classified service, when criminal charges which constitute a
5 misdemeanor or a felony have been formally filed against the
6 employe. Suspensions without pay pending criminal charges which
7 constitute a misdemeanor or a felony may remain in effect until
8 the outcome of the criminal ~~litigation~~ PROCEEDING. An appointing <—
9 authority shall forthwith report to the director in writing
10 every suspension, together with the reason or reasons therefor,
11 and shall send a copy of such report to the suspended employe.
12 Such report shall be made a part of the commission's public
13 records.

14 Section ~~14~~ 16. Sections 804.1, 806 and 807.2 of the act, <—
15 amended August 27, 1963 (P.L.1257, No.520), are amended to read:
16 Section 804.1. Rights of Promoted Employe During
17 Probationary Period.--If the probationary period has resulted
18 from a promotion, such removal shall not be from the classified
19 service except for just cause. A classified employe [so removed]
20 during a probationary period[,] resulting from promotion, shall
21 [have the right to and shall], if the employe's performance is
22 satisfactory, be returned to the position or class held
23 immediately prior to such promotion without necessity of appeal
24 or hearing.

25 Section 806. Resignation.--The rules of the commission shall
26 state what shall constitute resignation from the classified
27 service. [Absence from duty for five consecutive working days
28 without notice to the appointing authority may be regarded as an
29 abandonment of a position and in effect a resignation.] Upon the
30 request of an appointing authority, and with the approval of the

1 commission, an employe may be reinstated in the classification
2 from which he has resigned. No resignation [except by
3 abandonment] of any person in the classified service shall be
4 effective unless accepted by the appointing authority within
5 fifteen calendar days after the actual date of the making
6 thereof. No person about to be appointed to any position in the
7 classified service shall in advance of or at the time of such
8 appointment sign or execute a resignation dated or undated. No
9 resignation[, except by abandonment,] shall be made or shall be
10 valid unless it bears the signature of the person resigning and
11 the date of the resignation [in his handwriting].

12 Section 807.2. Seniority.--(a) Seniority is established for
13 the classified service, classification series and for each class
14 [in which an employe holds or has held civil service status.
15 Seniority in each class begins with the date of first civil
16 service employment in that class and includes periods of
17 subsequent employment (civil service or provisional) in other
18 classes in the same or higher grade].

19 (b) Seniority for the classified service begins with the
20 date of first civil service employment in a civil service class
21 and includes periods of subsequent employment in any civil
22 service class providing such employment has been on a continuous
23 basis. Seniority for a classification series begins with the
24 date of first civil service employment in the class series and
25 includes periods of employment in classes within the series
26 during any period while employed in a continuous basis in the
27 classified service. Seniority in each class begins with the date
28 of first civil service employment in that class and includes
29 periods of subsequent employment in that class during any period
30 while employed on a continuous basis in the classified service.

1 (c) Periods of furlough and approved leave of absence
2 without pay shall be deemed continuous employment for seniority
3 purposes, except that the period of furlough or leave of absence
4 without pay shall not be counted toward seniority.

5 Section ~~15~~ 17. Section 902 of the act is amended to read: <—

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

19 Section ~~16~~ 18. Sections 906 and 951 of the act, amended or <—
20 added August 27, 1963 (P.L.1257, No.520), are amended to read:

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

1 Section 951. Hearings.--(a) Any regular employe in the
2 classified service may, within twenty calendar days of receipt
3 of notice from the appointing authority, appeal in writing to
4 the commission. Any permanent separation, suspension for cause,
5 furlough or demotion on the grounds that such action has been
6 taken in his case in violation of the provisions of this act,
7 upon receipt of such notice of appeal, the commission shall
8 promptly schedule and hold a public hearing. [As soon as
9 practicable after the conclusion of the hearing, the commission
10 shall report its findings and conclusions to the appointing
11 authority and the employe. If such final decision is in favor of
12 the employe, the appointing authority shall reinstate him with
13 the payment of so much of the salary or wages lost by him as the
14 commission may in its discretion order.]

15 (b) Any person who is aggrieved by an alleged violation of
16 section 905.1 of this act may appeal in writing to the
17 commission within twenty calendar days of the alleged violation.
18 Upon receipt of such notice of appeal, the commission shall
19 promptly schedule and hold a public hearing. [As soon as
20 practicable after the conclusion of the hearing, the commission
21 shall report its findings and conclusions to the aggrieved
22 person and other interested parties. If such final decision is
23 in favor of the aggrieved person, the commission shall make such
24 order as it deems appropriate to assure the person such rights
25 as are accorded him by this act.]

26 (c) All final decisions of the commission shall [not] be
27 reviewable [by any court] in accordance with the laws.

28 (d) Notwithstanding any other provisions of this section,
29 the commission may, upon its own motion, investigate any
30 personnel action taken pursuant to this act and, in its

1 discretion, hold public hearings, record its findings and
2 conclusions, and make such orders as it deems appropriate to
3 assure observance of the provisions of this act and the rules
4 and regulations thereunder.

5 Section ~~17~~ 19. The act is amended by adding a section to <—
6 read:

7 Section 952. Remedies.--(a) Within sixty days after the
8 conclusion of the hearing described in section 951, the
9 commission shall report its findings and conclusions to those
10 parties directly involved in the action.

11 (b) Where such decision is in favor of the employe or the
12 aggrieved person, the commission shall make such order as it
13 deems appropriate to assure such rights as are accorded the
14 individual under this act.

15 ~~(c) Where appropriate, the commission may order~~ <—
16 ~~reinstatement, with the payment of so much of the salary or~~
17 ~~wages lost, including employe benefits, as the commission may in~~
18 ~~its discretion award.~~

19 (C) IN THE CASE OF ANY EMPLOYE REMOVED, FURLOUGHED, <—
20 SUSPENDED, OR DEMOTED, THE COMMISSION MAY MODIFY OR SET ASIDE
21 THE ACTION OF THE APPOINTING AUTHORITY. WHERE APPROPRIATE, THE
22 COMMISSION MAY ORDER REINSTATEMENT, WITH THE PAYMENT OF SO MUCH
23 OF THE SALARY OR WAGES LOST, INCLUDING EMPLOYE BENEFITS, AS THE
24 COMMISSION MAY IN ITS DISCRETION AWARD.

25 Section ~~18~~ 20. This act, with respect to the State Civil <—
26 Service Commission, shall constitute the legislation required to
27 reestablish an agency pursuant to the act of December 22, 1981
28 (P.L.508, No.142), known as the Sunset Act.

29 Section ~~19~~ 21. The presently confirmed members of the State <—
30 Civil Service Commission constituted under section 452 of the

1 act of April 9, 1929 (P.L.177, No.175), known as The
2 Administrative Code of 1929, as of the effective date of this
3 act, shall continue to serve as commission members until their
4 present terms of office expire.

5 Section ~~20~~ 22. Each rule and regulation of the commission in <—
6 effect on the effective date of this act shall remain in effect
7 after such date until repealed or amended by the commission.

8 Section ~~21~~ 23. The following acts and parts of acts are <—
9 repealed:

10 Section 452 of the act of April 9, 1929 (P.L.177, No.175),
11 known as The Administrative Code of 1929.

12 As much as refers to the State Civil Service Commission in
13 section 2 of the act of September 2, 1961 (P.L.1177, No.525),
14 referred to as the Board and Commission Compensation Law.

15 Section ~~22~~ 24. This act shall take effect January 1, 1988, <—
16 or immediately, whichever is later.