

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 162 Session of  
1989

INTRODUCED BY LINTON, OLIVER, MILLER, O'DONNELL, McHALE,  
WAMBACH, HARPER, BROUJOS, DEMPSEY, LaGROTTA, CAPPABIANCA,  
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FOX, HUGHES, COLAIZZO, KASUNIC, BUNT, McVERRY, LAUGHLIN,  
VEON, BUSH, CESSAR AND CARN, JANUARY 30, 1989

AS RE-REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 12, 1989

## 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; further providing for political activity;  
16 making editorial changes; and making a repeal.

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

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

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

3 \* \* \*

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

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

11 (2) Members of boards and commissions.

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

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

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

23 (6) Unskilled Labor.

24 (7) All professional positions attached to the department  
25 head's office which function as press and/or public relations  
26 and legislative liaisons.

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

1 are allowed by Federal merit system standards.

2 \* \* \*

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

4 Section 201. [Qualifications and Removal of Commissioners.--

5 ] State Civil Service Commission.--(a) The State Civil Service

6 Commission shall consist of three members, not more than two of

7 whom shall be of the same political affiliation, appointed by

8 the Governor, with the advice and consent of a majority of the

9 members elected to the Senate. Each appointment shall be for a

10 term of six years or until a successor is appointed and

11 qualified, but not longer than six months beyond the six-year

12 term. The members of the commission shall hold no other public

13 position to which a salary is attached. The Governor shall

14 designate one of the members as chairman. Commission members

15 shall devote full time to their official duties. No commission

16 member shall hold any office or position, the duties of which

17 are incompatible with his official duties.

18 (b) Each member of the commission shall receive an annual

19 salary of forty-seven thousand dollars (\$47,000), except the

20 chairman, who shall receive an annual salary of forty-eight

21 thousand dollars (\$48,000).

22 (c) Any person appointed as a member of the commission shall

23 be a citizen and legal resident of the Commonwealth for a period

24 of not less than one year who is in sympathy with modern

25 personnel methods and the application of merit principles to

26 public employment. No person who, within one year preceding his

27 appointment, has been an officer of a political party shall be

28 eligible to serve as a commissioner. The Governor may remove any

29 member of the commission, but only for incompetence,

30 inefficiency, neglect of duty, malfeasance or misfeasance in

1 office by giving such member a statement in writing of the  
2 charges against him and affording him, after notice of not less  
3 than ten days, an opportunity of making written answer and, upon  
4 request, being publicly heard in person and by counsel. A copy  
5 of the charges and answer of the Governor's findings and a  
6 transcript of the record shall be filed with the secretary of  
7 the commission.

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

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

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

16 Section 205. Qualifications, Appointment and Compensation of  
17 Director.--

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

27 Section 5. Section 206 of the act, amended June 1, 1945  
28 (P.L.1366, No.435), June 21, 1947 (P.L.835, No.348) and August  
29 27, 1963 (P.L.1257, No.520), is amended to read:

30 Section 206. Powers and Duties of Director.--[The] Under the

1 direction and supervision of the commission, the director,  
2 except as otherwise provided in this act, shall direct and  
3 supervise [all] the administrative work of the commission. [He]  
4 The director shall have power and [it shall be his duty under  
5 the direction and supervision of the commission] the duty--

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

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

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

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

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

1 certification of pay-rolls before payment.

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

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

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

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

24 (10) To request assistance, from among the attorneys  
25 appointed under section 204.1 of this act, such legal counsel as  
26 may be necessary in the performance of his administrative  
27 duties.

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

29 Section 210. Records Open to the Public.--The minutes of the  
30 commission shall be preserved as permanent records. The

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

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

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

30 (b) The cost of such services and facilities made available

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

13 \* \* \*

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

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



1 after giving notice as required in this act, and after a public  
2 hearing, to cancel the whole or any part of any eligible list on  
3 account of illegality or fraud in connection therewith.

4 Section 9. Section 601 of the act, amended October 7, 1974  
5 (P.L.676, No.226), is amended to read:

6 Section 601. Certification.--Whenever a vacancy is likely to  
7 occur or is to be filled in a permanent position in the  
8 classified service, the appointing authority shall submit to the  
9 director a statement indicating the position to be filled.

10 Unless the appointing authority elects to follow one of the  
11 alternative provisions of section five hundred one, or unless  
12 there is in existence a labor agreement covering promotions in  
13 permanent positions in the classified service, in which case the  
14 terms and procedures of such labor agreement relative to the  
15 procedures for promotions shall be controlling, the director  
16 shall thereupon certify to the appointing authority the names of  
17 the three eligibles willing to accept appointment who are  
18 highest on the appropriate promotion list or employment list,  
19 whichever is in existence, or from the one, which under the  
20 rules of the commission, has priority. If the appropriate list  
21 contains less than three eligibles who are willing to accept  
22 appointment, the names certified may be taken from the other  
23 appropriate list to make a certification of at least three  
24 eligibles. If there are less than three eligibles on appropriate  
25 eligible lists who are willing to accept appointment, the  
26 director shall certify all the names on these lists. If there is  
27 no appropriate eligible list, the director may certify from such  
28 other list or lists as he deems the next most nearly  
29 appropriate. If operational conditions of the appointing  
30 authority so dictate and it is found to be in the interest of

1 the service to the Commonwealth, the commission may authorize  
2 selective certifications based on standards to be prescribed by  
3 the commission. If upon inquiry by the director any person on  
4 any promotion or employment list is found to be not available  
5 for promotion or appointment, his name shall not for the time  
6 being be considered among the names from which a promotion or  
7 appointment is to be made.

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

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

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

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

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

26 Section 11. Section 605 of the act is amended to read:

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

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

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

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

28 Section 13. The act is amended by adding a section to read:

29 Section 707.1. Effect of Reclassifications.--When an  
30 employe's job changes or the Executive Board changes a

1 classification and a reallocation of the position becomes  
2 necessary, the employee shall be reclassified to the new  
3 classification provided the employee meets the established  
4 requirements for the new classification. This reclassification,  
5 if it is to a lower level, shall not be construed as a demotion.

6 Section 14. Section 802 of the act, amended October 7, 1974  
7 (P.L.676, No.226), is amended to read:

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

30 (b) A furloughed employee shall have the right of return to

1 any class and civil service status which [he] was previously  
2 held, provided such class is contained in the current  
3 classification plan of the agency; or to any class and civil  
4 service status in the same or lower grade, provided that [he]  
5 the employee meets the minimum qualifications given in the  
6 classification plan of the agency.

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

23 Section 15. Section 803 of the act is amended to read:

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

1 be stated in the rules. An appointing authority shall forthwith  
2 report to the director in writing every suspension, together  
3 with the reason or reasons therefor, and shall send a copy of  
4 such report to the suspended employee. Such report shall be made  
5 a part of the commission's public records.

6 Section 16. Sections 804.1, 806 and 807.2 of the act,  
7 amended August 27, 1963 (P.L.1257, No.520), are amended to read:

8 Section 804.1. Rights of Promoted Employee During  
9 Probationary Period.--If the probationary period has resulted  
10 from a promotion, such removal shall not be from the classified  
11 service except for just cause. A classified employee [so removed]  
12 during a probationary period[, ] resulting from promotion, shall  
13 [have the right to and shall], if the employee's performance is  
14 satisfactory, be returned to the position or class held  
15 immediately prior to such promotion without necessity of appeal  
16 or hearing.

17 Section 806. Resignation.--The rules of the commission shall  
18 state what shall constitute resignation from the classified  
19 service. [Absence from duty for five consecutive working days  
20 without notice to the appointing authority may be regarded as an  
21 abandonment of a position and in effect a resignation.] Upon the  
22 request of an appointing authority, and with the approval of the  
23 commission, an employee may be reinstated in the classification  
24 from which he has resigned. No resignation [except by  
25 abandonment] of any person in the classified service shall be  
26 effective unless accepted by the appointing authority within  
27 fifteen calendar days after the actual date of the making  
28 thereof. No person about to be appointed to any position in the  
29 classified service shall in advance of or at the time of such  
30 appointment sign or execute a resignation dated or undated. No

1 resignation[, except by abandonment,] shall be made or shall be  
2 valid unless it bears the signature of the person resigning and  
3 the date of the resignation [in his handwriting].

4 Section 807.2. Seniority.--(a) Seniority is established for  
5 the classified service, classification series and for each class  
6 [in which an employe holds or has held civil service status.  
7 Seniority in each class begins with the date of first civil  
8 service employment in that class and includes periods of  
9 subsequent employment (civil service or provisional) in other  
10 classes in the same or higher grade].

11 (b) Seniority for the classified service begins with the  
12 date of first civil service employment in a civil service class  
13 and includes periods of subsequent employment in any civil  
14 service class providing such employment has been on a continuous  
15 basis. Seniority for a classification series begins with the  
16 date of first civil service employment in the class series and  
17 includes periods of employment in classes within the series  
18 during any period while employed in a continuous basis in the  
19 classified service. Seniority in each class begins with the date  
20 of first civil service employment in that class and includes  
21 periods of subsequent employment in that class during any period  
22 while employed on a continuous basis in the classified service.

23 (c) Periods of furlough and approved leave of absence  
24 without pay shall be deemed continuous employment for seniority  
25 purposes, except that the period of furlough or leave of absence  
26 without pay shall not be counted toward seniority.

27 Section 17. Section 902 of the act is amended to read:

28 Section 902. False Statements Made under Oath Constitute  
29 Perjury.--Any false statement made under oath, either orally or  
30 in writing, in any application or other paper filed with the



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

11 Section 18. Section 904 of the act is repealed.

12 Section 19. The act is amended by adding a section to read:

13 Section 905.2. Prohibition of Political Activity.--(a) No  
14 person in the classified service shall use his official  
15 authority or influence for the purpose of interfering with or  
16 affecting the result of an election or take an active part in  
17 political management or in political campaigns. For purposes of  
18 this subsection, the term "an active part in political  
19 management or in political campaigns" means those acts of  
20 political management or political campaigning which are  
21 prohibited on the part of employes in the Federal competitive  
22 service as outlined in 5 U.S.C. § 7324 (relating to influencing  
23 elections; taking part in political campaigns; prohibitions;  
24 exceptions).

25 (b) An ~~employer~~ EMPLOYEE or individual to whom subsection (a) <—  
26 of this section applies retains the right to vote as he chooses  
27 and to express his opinion on political subjects and candidates.

28 (c) A person in the classified service who violates  
29 subsection (a) shall be removed from his position and funds  
30 appropriated for the position from which removed thereafter may

1 not be used to pay the employe or individual. However, if the  
2 commission finds that the violation does not warrant removal, a  
3 penalty of not less than thirty days suspension without pay  
4 shall be imposed by the direction of the commission.

5 (d) Subsection (a) of this section does not prohibit  
6 political activity in connection with any of the following:

7 (1) An election and the preceding campaign if none of the  
8 candidates is to be nominated or elected at that election as  
9 representing a party any of whose candidates for presidential  
10 elector received votes in the last preceding election at which  
11 the presidential electors were selected.

12 (2) A question which is not specifically identified with a  
13 national or state political party of a territory or a possession  
14 of the United States. For the purpose of this section, questions  
15 relating to constitutional amendments, referendums, approval of  
16 municipal ordinances and others of a similar character, are  
17 deemed not specifically identified with a national or state  
18 political party or political party of a territory or possession  
19 of the United States.

20 ~~(3) Being a member of and holding office in a political~~ <—  
21 ~~party, organization or club. Such membership and holding of~~  
22 ~~office may include attending meetings, voting on candidates and~~  
23 ~~issues, and taking an active part in management of such club,~~  
24 ~~organization or party. State or local officers or employes may~~  
25 ~~be candidates for party office.~~

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

28 Section 906. Removal and Disqualification of Officers and  
29 Employes.--[Any] EXCEPT AS OTHERWISE PROVIDED IN SECTION 905.2, <—  
30 ANY person holding a position in the classified service who

1 intentionally violates any of the provisions of this act or of  
2 the rules made thereunder shall be immediately separated from  
3 the service. It shall be the duty of the appointing authority of  
4 the State Agency in which the offending person is employed to  
5 remove him at once in accordance with the provisions of this  
6 act. Any person removed under this section shall for a period of  
7 one year be ineligible for reappointment to any position in the  
8 classified service.

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

23 (b) Any person who is aggrieved by an alleged violation of  
24 section 905.1 of this act may appeal in writing to the  
25 commission within twenty calendar days of the alleged violation.  
26 Upon receipt of such notice of appeal, the commission shall  
27 promptly schedule and hold a public hearing. [As soon as  
28 practicable after the conclusion of the hearing, the commission  
29 shall report its findings and conclusions to the aggrieved  
30 person and other interested parties. If such final decision is

1 in favor of the aggrieved person, the commission shall make such  
2 order as it deems appropriate to assure the person such rights  
3 as are accorded him by this act.]

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

6 (d) Notwithstanding any other provisions of this section,  
7 the commission may, upon its own motion, investigate any  
8 personnel action taken pursuant to this act and, in its  
9 discretion, hold public hearings, record its findings and  
10 conclusions, and make such orders as it deems appropriate to  
11 assure observance of the provisions of this act and the rules  
12 and regulations thereunder.

13 Section 21. The act is amended by adding a section to read:

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

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

22 (c) In the case of any employe removed, furloughed,  
23 suspended, or demoted, the commission may modify or set aside  
24 the action of the appointing authority. Where appropriate, the  
25 commission may order reinstatement, with the payment of so much  
26 of the salary or wages lost, including employe benefits, as the  
27 commission may in its discretion award.

28 Section 22. This act, with respect to the State Civil  
29 Service Commission, shall constitute the legislation required to  
30 reestablish an agency pursuant to the act of December 22, 1981

1 (P.L.508, No.142), known as the Sunset Act.

2 Section 23. The presently confirmed members of the State  
3 Civil Service Commission constituted under section 452 of the  
4 act of April 9, 1929 (P.L.177, No.175), known as The  
5 Administrative Code of 1929, as of the effective date of this  
6 act, shall continue to serve as commission members until their  
7 present terms of office expire.

8 Section 24. Each rule and regulation of the commission in  
9 effect on the effective date of this act shall remain in effect  
10 after such date until repealed or amended by the commission.

11 Section 25. The following acts and parts of acts are  
12 repealed:

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

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

18 Section 26. Section 22 of this act shall be retroactive to  
19 December 31, 1987.

20 Section 27. This act shall take effect immediately.