

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 590 Session of
2001

INTRODUCED BY CLYMER, M. BAKER, BARD, BUNT, CALTAGIRONE, CURRY,
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YOUNGBLOOD, YUDICHAK AND HORSEY, FEBRUARY 8, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 20, 2001

AN ACT

1 Amending the act of August 5, 1941 (P.L.752, No.286), entitled
2 "An act regulating and improving the civil service of certain
3 departments and agencies of the Commonwealth; vesting in the
4 State Civil Service Commission and a Personnel Director
5 certain powers and duties; providing for classification of
6 positions, adoption of compensation schedules and
7 certification of payrolls; imposing duties upon certain
8 officers and employees of the Commonwealth; authorizing
9 service to other State departments or agencies and political
10 subdivisions of the Commonwealth in matters relating to civil
11 service; defining certain crimes and misdemeanors; imposing
12 penalties; making certain appropriations, and repealing
13 certain acts and parts thereof," further providing for the
14 commissioner's salary and meeting times; providing for
15 delegation of authority to the director; further providing
16 for RESIDENCY AND FOR recordkeeping requirements; eliminating <—
17 the certification of payrolls; requiring the commissioners to
18 submit an annual report; revising the records retention
19 period; deleting citizenship and oath requirements; further
20 providing for the filling of vacancies; requiring citizenship
21 to be the deciding factor in a case of equal qualifications;
22 eliminating certain requirements for promotion without
23 examination; further providing for the distribution of public
24 notice of examinations and requirements for maintaining
25 eligibility lists and for the procedure for certain eligibles
26 who waive consideration for a promotion, for procedures for
27 filling a position, for the requirements of the probationary
28 period; providing for the expansion of the authority of the
29 director to approve temporary assignments; eliminating
30 certain performance standards; requiring probationary

1 performance evaluations and evaluation forms; further
2 providing for a period of removal from eligibility lists;
3 authorizing the commissioner to impose penalties; and
4 providing copies and notices to the director.

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

7 Section 1. Section 3(c), (h), (i), (r), (t) and (u) of the
8 act of August 5, 1941 (P.L.752, No.286), known as the Civil
9 Service Act, amended August 27, 1963 (P.L.1257, No.520) and June
10 26, 1989 (P.L.47, No.10), are amended to read:

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

13 * * *

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

17 (1) Heads of departments of the Commonwealth and the deputy
18 heads thereof, bureau directors and division chiefs and all
19 other supervisory personnel whose duties include participation
20 in policy decisions.

21 (2) Members of boards and commissions.

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

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

31 (5) Such attorney as the appointing authority shall appoint.

1 (6) Unskilled Labor.

2 (7) All professional positions attached to the department
3 head's office which function [as] in press and/or public
4 relations [and], legislative [liaisons] liaison or development
5 of executive policy.

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

11 * * *

12 (h) "Permanent position" means a position in the classified
13 service which [is likely to be needed continuously for a period
14 of six months or more] does not have an expiration date.

15 (i) "Temporary position" means a position in the classified
16 service which arises out of temporary pressure of extra work and
17 is likely to continue for a period of [less than six months]
18 twelve months or less.

19 * * *

20 (r) "Demotion" means [a change to a position in a class
21 carrying a lower maximum salary.] the voluntary or involuntary
22 movement of an employe to a class assigned to a pay range with a
23 lower maximum salary.

24 * * *

25 (t) "Probationary period" means a preliminary period of
26 employment [prior to permanent appointment of an employe for the
27 purpose of determining his fitness for permanent employment.]
28 the purpose of which is to determine the fitness of an employe
29 for regular status.

30 (u) "Promotion" means [a change to a position in a class

1 carrying a higher maximum salary.] the movement of an employee to
2 another class in a pay range with a higher maximum salary.

3 * * *

4 Section 2. Section 201 of the act, amended June 26, 1989
5 (P.L.47, No.10), is amended to read:

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

19 (b) Each member of the commission shall receive actual
20 traveling expenses and per diem compensation to a maximum of two
21 hundred sixty days for the time actually devoted to the business
22 of the commission[.] pursuant to the act of September 30, 1983
23 (P.L.160, No.39), known as the "Public Official Compensation
24 Law."

25 (c) Any person appointed as a member of the commission shall
26 be a citizen and legal resident of the Commonwealth for a period
27 of not less than one year who is in sympathy with modern
28 personnel methods and the application of merit principles to
29 public employment. No person who, within one year preceding his
30 appointment, has been an officer of a political party shall be

1 eligible to serve as a commissioner. The Governor may remove any
2 member of the commission, but only for incompetence,
3 inefficiency, neglect of duty, malfeasance or misfeasance in
4 office by giving such member a statement in writing of the
5 charges against him and affording him, after notice of not less
6 than ten days, an opportunity of making written answer and, upon
7 request, being publicly heard in person and by counsel. A copy
8 of the charges and answer of the Governor's findings and a
9 transcript of the record shall be filed with the secretary of
10 the commission.

11 Section 3. Section 202 of the act is amended to read:

12 Section 202. Meetings of Commission.--The commission shall
13 meet at least once each month[, except that meetings may be
14 omitted during two summer months]. Meetings may be canceled with
15 appropriate public notice. The chairman of the commission shall
16 cause reasonable notice to be given to each member of the
17 commission and to the director of the time and place of each
18 meeting. Meetings shall be held at the call of the chairman, the
19 Governor, or any member of the commission. Two members of the
20 commission shall constitute a quorum at any meeting.

21 Section 4. Section 203 of the act, amended August 27, 1963
22 (P.L.1257, No.520) and repealed in part July 31, 1968 (P.L.769,
23 No.240), is amended to read:

24 Section 203. Duties of Commission.--It shall be the duty of
25 members of the commission as a body--

26 (1) After public hearing, as hereinafter set forth, to
27 establish, adopt and amend rules, either on its own motion or
28 upon recommendation of the director, for making effective the
29 provisions of this act.

30 (2) Upon request or on its own motion, as herein provided,

1 in cases of demotion, furlough, suspension and removal to
2 conduct investigations, hold public hearings, render decisions
3 on appeals and record its findings and conclusions.

4 (3) To make investigations on its own motion and, in its
5 discretion, on petition of a citizen concerning any matter
6 touching the enforcement and effect of the provisions of this
7 act and to require observance of the provisions of this act and
8 the rules and regulations thereunder.

9 (4) To make such investigations as may be requested by the
10 Governor or the legislature and to report thereon.

11 (5) To report on an annual basis, beginning June 1, 1975 and
12 each June first, thereafter, to the General Assembly on all
13 complaints, grievances, and cases arising from questions by
14 veterans with regard to the application of and the results
15 attained by use of the veterans' preference provisions of this
16 act with regard to hiring, promotion, and firing of employes
17 covered by this act.

18 (6) Upon its own motion and subject to the specific terms
19 and conditions imposed, to delegate authority to the director to
20 promote the efficient and effective performance of the
21 administrative duties of the commission.

22 Section 5. Sections 206 and 210 of the act, amended June 26,
23 1989 (P.L.47, No.10), are amended to read:

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

29 (1) To appoint [from employment lists established under this
30 act such examiners, investigators, clerks and other assistants]

1 such staff to classified service positions as may be necessary
2 to carry out this act and to supervise and direct this work.

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

4 (3) To prepare and recommend to the commission rules and
5 amendments thereto.

6 (4) To establish and maintain a record of all employees in
7 the classified service, showing [for each such person the date
8 appointed or employed, the title of the position held, the rate
9 of compensation and every change in his status, including

10 increases and decreases in pay, changes in title transfers, and
11 such other data as he may consider] such data as the director
12 considers desirable and pertinent. [The director shall, within
13 sixty calendar days after the effective date of this amending
14 act, transfer all position classification records to the budget
15 secretary.]

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

26 (6) To investigate the effect of the administration of this
27 act and of the rules made thereunder and to report his findings
28 and recommendations to the commission.

29 (8) To make an annual report in writing, not later than
30 [September] November first of each year[, to the commission]

1 concerning the administrative and legal work [of] performed by
2 the commission[, including pertinent information and
3 recommendations] during the preceding fiscal year.

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

6 (10) To request assistance, from among the attorneys
7 appointed under section 204.1, such legal counsel as may be
8 necessary in the performance of his administrative duties.

9 Section 210. Records Open to the Public.--The minutes of the
10 commission shall be preserved as permanent records. The
11 correspondence, eligible lists [and], other papers and records
12 of the commission [shall be preserved for four years.

13 Applications], applications, examination records [and], other
14 documents submitted by candidates [shall be maintained for a
15 period equal to the candidate's eligibility, plus one year.

16 Records] and records of candidates who do not report for one or
17 more parts of an examination shall be maintained [for a period
18 of six months after they did not report.] for periods

19 established in the commission's records retention schedule,
20 which may be changed at the discretion of the director to meet
21 the criteria and needs of the commission. The commission and its
22 director, in its deliberations, may rely on computerized or
23 [photocopied] electronically or mechanically reproduced records.

24 On written request, supported by justification acceptable to the
25 director, and subject to reasonable regulation, all records of
26 the commission shall be open to public inspection during
27 ordinary business hours, except as herein specifically otherwise
28 provided. The director shall take all due precautions to prevent
29 the securing in advance by any unauthorized person of questions
30 or other material to be used in any test unless such questions

1 or materials are available to all competitors. The director
2 shall prevent the identification by any examiner or other
3 persons, where identity is concealed, of papers or work of any
4 competitor in an examination before the papers or work of all
5 competitors in that examination have been rated. Statements of
6 former employers of competitors in examinations shall be
7 considered confidential and not open to inspection.

8 Section 6. Section 501 of the act, amended November 26, 1978
9 (P.L.1210, No.285), is amended to read:

10 Section 501. Examinations Requisite for Appointment and
11 ~~Promotion.~~ ~~Except~~ PROMOTION.--(A) EXCEPT as otherwise provided <—
12 in this act, appointments of persons entering the classified
13 service or promoted therein shall be from eligible lists
14 established as the result of examinations given by the director
15 to determine the relative merit of candidates. Such examinations
16 may be written and shall be competitive and open to all persons
17 who may be lawfully appointed to positions within the classes
18 for which the examinations are held, except that persons in
19 unskilled positions shall enter the classified service by
20 promotion without examination provided: (1) such promotion is
21 into a classified position immediately above the person's own
22 position; (2) such promotion is based on seniority and
23 meritorious service; (3) the person meets the minimum
24 requirements for that position; and (4) the person
25 satisfactorily completes a six month probationary period in the
26 classified position. If no persons in such unskilled positions
27 meet the preceding requirements, the vacant position may be
28 filled pursuant to ~~Article V. Persons applying for positions or~~ <—
29 ~~promotions in the classified service shall be citizens of the~~
30 ~~United States [and] to the extent allowed by Federal law,~~

~~residents of the Commonwealth and where applicable [to], of the
administrative district. The director of the appointing
authority shall periodically review positions as necessary for
applicable citizenship requirements. The commission shall report
such citizenship requirements to the State Government Committee
of the Senate and the State Government Committee of the House of
Representatives by September 1, 2002, and each September 1
thereafter. Notwithstanding any of the provisions of this act,
whenever an appointing authority finds a lack of a sufficient
number of qualified personnel available for appointment to any
particular class or classes of positions, [he] the appointing
authority may present evidence thereof to the director who may
waive the residence and citizenship requirements for such class
or classes of positions. [A noncitizen appointed pursuant
ARTICLE V.~~

<—

(B) PERSONS APPLYING FOR POSITIONS OR PROMOTIONS IN THE
CLASSIFIED SERVICE SHALL BE [CITIZENS OF THE UNITED STATES AND]
RESIDENTS OF THE COMMONWEALTH, OR FORMER RESIDENTS OF THE
COMMONWEALTH WHO MEET THE REQUIREMENTS OF THIS SUBSECTION, AND
WHERE APPLICABLE TO THE ADMINISTRATIVE DISTRICT. FORMER
RESIDENTS OF THE COMMONWEALTH MUST HAVE RELOCATED OUT OF STATE
FOR ACADEMIC OR EMPLOYMENT PURPOSES, SHALL PLAN TO ESTABLISH
COMMONWEALTH RESIDENCY WITHIN SIX MONTHS OF BEGINNING EMPLOYMENT
IN THE CLASSIFIED SERVICE AND MUST HAVE: (1) GRADUATED FROM A
PUBLIC, PRIVATE OR NONPUBLIC SECONDARY SCHOOL IN THE
COMMONWEALTH WITHIN FIVE YEARS OF APPLYING FOR A POSITION IN THE
CLASSIFIED SERVICE; OR (2) ATTENDED A PUBLIC, PRIVATE OR
NONPUBLIC SCHOOL IN THE COMMONWEALTH AT LEAST EIGHTY PERCENT OF
THE TIME WHILE ENROLLED IN GRADES ONE THROUGH TWELVE AND
ATTENDED SUCH SCHOOL WITHIN FIVE YEARS OF APPLYING FOR A

1 POSITION IN THE CLASSIFIED SERVICE. NOTWITHSTANDING ANY OF THE
2 PROVISIONS OF THIS ACT, WHENEVER AN APPOINTING AUTHORITY FINDS A
3 LACK OF A SUFFICIENT NUMBER OF QUALIFIED PERSONNEL AVAILABLE FOR
4 APPOINTMENT TO ANY PARTICULAR CLASS OR CLASSES OF POSITIONS,
5 [HE] THE APPOINTING AUTHORITY MAY PRESENT EVIDENCE THEREOF TO
6 THE DIRECTOR WHO MAY WAIVE THE RESIDENCE [AND CITIZENSHIP]
7 REQUIREMENTS FOR SUCH CLASS OR CLASSES OF POSITIONS. [A
8 NONCITIZEN APPOINTED PURSUANT to the provisions of this section
9 shall not be eligible for continued employment unless he files
10 an application for citizenship as soon as he is eligible
11 therefor, and thereafter diligently prosecutes the same.] The <—

12 ~~director shall prepare the~~

13 (C) THE DIRECTOR SHALL PREPARE THE proper State and district <—
14 employment and promotion eligible lists: Provided, That after an
15 examination has been conducted for any class of positions, if
16 there is no person with such legal residence in any
17 administrative district, remaining on the register the director
18 shall certify and the appointing authority may make the
19 appointment or promotion from the names of persons on an
20 appropriate eligible list for the same class of positions of
21 other administrative districts. Limitations as to age, sex,
22 health, moral character, experience and other qualifications may
23 be specified in the rules of the commission and in the
24 announcements of the examinations. All applications for
25 positions in the classified service shall be [under oath. As far
26 as is in the judgment of the commission consistent with the best
27 interest of the Commonwealth, vacancies shall be filled by
28 promotion.] subject to the penalties of 18 Pa.C.S. § 4904

29 (relating to unsworn falsification to authorities). The <—

30 (D) THE commission may limit competition in promotion <—

1 examinations to employes in the classified service who have
2 completed their probationary period in a class or classes
3 designated in the public notice of the examinations, and may
4 permit promotions to be accomplished by any one of the following
5 plans: (1) by appointment from open competitive lists; or (2) by
6 achieving a place on an eligible list after a promotional
7 examination, such examination having been given at the request
8 of the appointing authority; or (3) by promotion based upon
9 meritorious service and seniority to be accomplished by
10 appointment without examination, if [(i)] the person has
11 completed [his] the probationary period in the next lower
12 position[, (ii) he] and meets the minimum requirements for the
13 higher position[, and (iii) he receives the unqualified
14 recommendation of both his immediate superior and the appointing
15 authority of his department or agency].

16 (E) Notwithstanding any provision of this act or any other <—
17 law to the contrary, when all applicants for appointment or
18 promotion to a position in the classified service are equally
19 qualified, preference will be shown to applicants who are United
20 States citizens over those who are not.

21 Section 7. Sections 502, 504 and 506 of the act, amended
22 August 27, 1963 (P.L.1257, No.520), are amended to read:

23 Section 502. Nature of Examinations.--The director shall
24 give examinations to establish employment and promotion lists.
25 [The tests in such examination] Such examinations may be written
26 or oral, or a demonstration of skill, or an evaluation of
27 experience and education, or a combination of these, which shall
28 fairly appraise [and determine the merit, qualifications,] the
29 fitness and ability of competitors. Such [tests] examinations
30 shall be practical in character and shall relate to the duties

1 and responsibilities of the position for which the applicant is
2 being examined and shall fairly test the relative capacity and
3 fitness of persons examined to perform the duties of the class
4 of positions to which they seek to be appointed or promoted. An
5 applicant may be required to possess scholastic education
6 qualifications only if the position for which [he] the applicant
7 is being examined requires professional or technical knowledges,
8 skills and abilities, or if such scholastic qualifications are
9 required to assure the continued eligibility of the Commonwealth
10 for Federal grants-in-aid. No greater credit for experience
11 gained during a provisional, emergency or temporary appointment
12 under this act or acts repealed hereby shall be given to any
13 person in any examination than is given in such examination for
14 experience in the same type of work performed in a similar
15 position not under the provisions of this act or acts repealed
16 hereby. In evaluating experience in order to compute the final
17 rating in any examination to establish employment and promotion
18 lists, persons discharged other than dishonorably, after active
19 service during any war or armed conflict in which the United
20 States engaged, from any branch of the armed service of the
21 United States, or from any women's uniformed service directly
22 connected therewith, shall not be given less credit for
23 experience than would be given for continued experience in the
24 position held at the time of induction in the service. No
25 question in any examination shall relate to the race, gender,
26 religion or political or labor union affiliation of the
27 candidate.

28 Section 504. Public Notice of Examinations.--The director
29 shall give public notice of all examinations for positions or
30 promotions in the classified service at least two weeks in

1 advance of the final date for filing applications [for such
2 examinations by posting an appropriate notice on the bulletin
3 board maintained in or near the commission's principal office,
4 by furnishing at least twenty copies of such notice to the
5 newspaper correspondents' office in the State Capitol, and at
6 least one copy of such notice to each office throughout the
7 State of all the departments set forth in Article I, section 3,
8 clause (d) of this act, directing that such notice shall
9 immediately be posted on a public bulletin board maintained in
10 each such office. The director may give such further public
11 notice as he deems advisable. Such notice shall give the
12 schedule and general scope of examination, the weights to be
13 given to each of the tests in the examination, the duties, pay,
14 experience, education and other qualifications requisite for all
15 positions in the class for which the examination is to be held
16 and the manner and place in which application forms and detailed
17 pertinent information may be obtained] as prescribed by the
18 rules of the commission.

19 Section 506. Establishment of Eligible Lists.--The director
20 shall establish and maintain such eligible lists [for the
21 various classes of positions in the classified service] as are
22 necessary or desirable to meet the needs of the service. These
23 lists shall contain the names of [persons] those persons who
24 have been found qualified for and have successfully passed the
25 examination and shall be arranged in the order of final earned
26 ratings [who have been given at least such minimum rating or
27 ratings as may be fixed for the whole examination or for the
28 whole examination and for any one or more of the tests].

29 Section 8. Section 601 of the act, amended June 26, 1989
30 (P.L.47, No.10), is amended to read:

1 Section 601. Certification.--Whenever a vacancy is likely to
2 occur or is to be filled in [a permanent position in] the
3 classified service, the appointing authority shall submit to the
4 director a statement indicating the position to be filled.
5 Unless the appointing authority elects to follow one of the
6 alternative [provisions of section five hundred one] procedures
7 provided for in this act, or unless there is in existence a
8 labor agreement covering promotions [in permanent positions] in
9 the classified service, in which case the terms and procedures
10 of such labor agreement relative to the procedures for
11 promotions shall be controlling, the director shall [thereupon]
12 certify to the appointing authority the names of the three
13 eligibles [willing to accept appointment] who are highest on the
14 appropriate promotion list or employment list, whichever is in
15 existence, or from the one, which under the rules of the
16 commission, has priority. If the appropriate [list] employment
17 or promotion certification of eligibles contains [less] fewer
18 than three eligibles who are willing to accept appointment, [the
19 names certified may be taken from the other appropriate list to
20 make a certification of at least three eligibles. If there are
21 [less] fewer than three eligibles on appropriate eligible lists
22 who are willing to accept appointment, the director shall
23 certify all the names on these lists. If] or, if there is no
24 appropriate eligible list, the appointing authority may appoint
25 an available eligible from the approved list or request the
26 director [may] to certify from such other list or lists as [he]
27 the director deems the next most nearly appropriate. If
28 operational conditions of the appointing authority so dictate
29 and it is found to be in the interest of the service to the
30 Commonwealth, the commission may authorize selective

1 certifications based on standards to be prescribed by the
2 commission. [If upon inquiry by the director any] Any person on
3 any promotion or employment list [is found to be not available]
4 who waives consideration for promotion or appointment[, his name
5 shall not for the time being] need not be considered among the
6 names from which a promotion or appointment is to be made.

7 Section 9. Section 602 of the act, amended October 7, 1974
8 (P.L.676, No.226), is amended to read:

9 Section 602. Selection and Appointment of Eligibles.--
10 [Unless it is found to be in the interest of the service of the
11 Commonwealth not to fill a vacant position, or unless the terms
12 of a collective bargaining agreement in existence provide
13 alternative promotion filling procedures, in which case the
14 terms of such labor agreement shall be controlling, the
15 appointing authority, within thirty days, shall appoint the
16 person whose name is, or one of the persons whose names are,
17 certified by the director. If the vacant position is to be
18 filled from among the names of employes on the appropriate
19 promotion list which have been submitted to the appointing
20 authority, he shall select a person, provided he is among the
21 three highest ranking persons on such list or that his final
22 mark or grade is not more than one point below the mark or grade
23 of the person ranking highest on such list unless there is in
24 existence a labor agreement covering promotions in which case
25 the terms of such labor agreement shall be controlling. In
26 making the second, third and any additional promotion in the
27 same class of position, the appointing authority in like manner
28 shall select a person from among the three highest ranking
29 persons remaining on such list, or he shall select a person
30 whose final mark or grade is not more than one point below the

1 mark or grade of the highest ranking person remaining on such
2 list, except where the terms of a collective bargaining
3 agreement in existence provide otherwise, in which case the
4 terms of the collective bargaining agreement shall be
5 controlling. If the vacant position is to be filled from among
6 the names of persons certified from the employment list by the
7 director to the appointing authority, he shall select a person
8 from among the three highest ranking persons for the class of
9 position to be filled, unless there is in existence a labor
10 agreement covering promotions in which case the terms of such
11 labor agreement shall be controlling. For the second, third, and
12 any additional vacancy in the same class of position the
13 appointing authority shall make selection from among the three
14 highest ranking persons remaining on such list who have not been
15 within his reach for three separate vacancies.] If a vacant
16 position is to be filled, an appointing authority may request
17 the director to issue an appropriate certification of eligibles
18 unless a labor agreement contains promotion procedures which are
19 inconsistent with this act, in which case the terms of such
20 labor agreement shall be controlling. The certification of
21 eligibles shall be valid for sixty work days. If the vacant
22 position is to be filled from an employment or promotion list,
23 the appointing authority shall select a person who is among the
24 three highest ranking available persons on the certification of
25 eligibles. In making the second, third or any additional
26 selection from the eligibles on an employment or promotional
27 certification, each selection shall be from among the three
28 highest scoring available persons remaining on such
29 certification of eligibles. After a [name] person has been
30 rejected three times by an appointing authority in favor of

1 others on the same eligible list, such [name] person shall not
2 again be certified to that appointing authority, except upon
3 written request from the appointing authority. Appointing
4 authorities shall promptly report to the director the [selection
5 and] appointment of eligibles [whose names] who have been
6 certified. If [an] a certified eligible [whose name has been
7 certified shall refuse] refuses to accept an [appointment
8 offered to him,] offer of employment, such refusal shall be
9 promptly investigated by the director and, if it be found that
10 the refusal has been made for improper or insufficient reasons,
11 the director shall after giving ten days' notice to such person
12 remove [his name] the eligible from the list.

13 Section 10. Sections 603 and 605 of the act, amended June
14 26, 1989 (P.L.47, No.10), are amended to read:

15 Section 603. Probationary Period.--(a) No appointment to a
16 position in the classified service shall be deemed complete
17 until after the expiration of a probationary period. The
18 probationary period for each class of position shall be
19 prescribed in the rules of the commission and, except for
20 trainee classes, shall in no case be less than six months or
21 more than eighteen months. The probationary period for a trainee
22 class shall be combined with that of the class for which the
23 trainee is being trained. This combined probationary period
24 shall be the same as the training period[, subject to limits of
25 three months] and shall not exceed twenty-four months. [At such
26 times during the probationary period, and in such manner as the
27 director may require, the appointing authority shall report to
28 the director an observation of the work of the employee and a
29 judgment as to the willingness and ability of the employee to
30 perform the duties satisfactorily and as to the employee's

1 dependability.] At any time during the probationary period, the
2 appointing authority may remove an employee if in the opinion of
3 the appointing authority the probation indicates that such
4 employee is unable or unwilling to perform the duties
5 satisfactorily or that the employee's dependability does not
6 merit continuance in the service. Upon such removal, the
7 appointing authority shall [forthwith report this action to the
8 director and to] notify the employee [so removed. No more than
9 three employees shall be removed successively from the same
10 position during their probationary periods without the approval
11 of the director. The director, with the approval of the
12 commission, shall remove an employee during the probationary
13 period if it is found after the employee has been given notice
14 and an opportunity to be heard that the employee was appointed as
15 a result of fraud.] in a manner prescribed by the rules of the
16 commission.

17 (b) [Ten working days prior to the expiration of an
18 employee's probationary period the appointing authority shall
19 notify the employee in writing whether the services of the
20 employee have been satisfactory. A copy of such notice shall be
21 given to the director. If the employee's work has been
22 satisfactory, the employee shall at the completion of the
23 probationary period become a classified service employee under
24 the provisions hereof and continue in that position unless
25 separated therefrom as herein provided.] If the employee's work
26 has been satisfactory, the employee shall be notified by the
27 appointing authority in writing prior to the completion of the
28 probationary period that the employee has attained regular status
29 in the classified service.

30 (c) If any employee is removed from a position during or at

1 the end of the probationary period, and the director determines
2 that the employee is suitable for appointment to another
3 position, the employee's name may be restored to the list from
4 which it was certified.

5 Section 605. Temporary Appointments to Extra Positions.--
6 When from pressure of work an extra position in the classified
7 service must be established for a period of [less than] twelve
8 months or less, the appointing authority shall request the
9 director [in writing] to certify the name of a qualified person
10 from an appropriate list of eligibles or by other means
11 authorized by this act. In such request the appointing authority
12 shall state the cause of the extra work, the probable length of
13 employment and the duties which the appointee is to perform.

14 Section 11. Sections 607, 701 and 702 of the act are
15 repealed.

16 Section 12. Section 704 of the act, amended June 21, 1947
17 (P.L.835, No.348), is amended to read:

18 Section 704. [Service Standards and Ratings.--In cooperation
19 with appointing authorities the director shall establish and may
20 from time to time amend standards of performance and output for
21 employees in each class of positions in the classified service or
22 for groups of classes and a system of service ratings based upon
23 such standards. Service ratings] Performance Ratings.--(a)
24 Performance evaluations shall be considered for such purposes as
25 the rules of the commission shall provide.

26 (b) Agencies shall evaluate the performance of their
27 employees during their probationary period and at least once a
28 year thereafter.

29 (c) Performance evaluation forms and procedures shall be
30 reviewed and approved by the director prior to utilization.

1 Section 13. Section 705 of the act, amended June 26, 1989
2 (P.L.47, No. 10), is amended to read:

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

28 (b) An appointing authority may at any time reassign a
29 classified service employe under its jurisdiction from one
30 position to another in the same class, or in a similar class at

1 the same pay range for which the employe qualifies.

2 (c) Transfers and reassignments shall be accomplished in a
3 manner prescribed in the rules of the commission.

4 (d) Any transfer or reassignment of an employe from a
5 position in one class to a position in a class for which a
6 higher maximum salary is prescribed shall be deemed a promotion
7 and may be accomplished only in the manner provided for in this
8 act.

9 (e) No person shall be transferred or reassigned from a
10 position in the unclassified service unless appointed to such
11 latter position after certification of the person's name from an
12 eligible list in accordance with the provisions of this act.

13 Section 14. Section 705.1 of the act is repealed.

14 Section 15. Section 706 of the act, amended August 27, 1963
15 (P.L.1257, No.520), is amended to read:

16 Section 706. Demotions.--(a) An appointing authority may
17 demote to a vacant position in a lower class any employe in the
18 classified service who does not satisfactorily perform the
19 duties of the position to which [he] the employe was appointed
20 or promoted and who is able to perform the duties of the lower
21 class. In case of such demotion the employe shall have all
22 rights of appeal as provided in this act. No employe shall be
23 demoted because of [his] the employe's race, gender, religion or
24 political, partisan or labor union affiliation. [A demotion may
25 also be made by an appointing authority with the approval of the
26 director upon the written petition of the employe stating the
27 reasons therefor and supported by such evidence as the director
28 may require to show that the employe is able to perform the
29 duties of the class of position to which he petitions that he be
30 demoted.]

1 (b) A voluntary demotion may be made by an appointing
2 authority upon written request of the employe and with the
3 approval of the director.

4 Section 16. Sections 803 and 804.1 of the act, amended June
5 26, 1989 (P.L.47, No.10), are amended to read:

6 Section 803. Suspension.--An appointing authority may for
7 good cause suspend without pay for disciplinary purposes an
8 employe holding a position in the classified service. [Such
9 suspension shall not exceed in the aggregate thirty working days
10 in one calendar year.] Suspensions, including suspensions
11 pending internal investigation, shall not exceed sixty working
12 days in one calendar year; however, suspensions pending
13 investigation by external agencies, such as Inspector General,
14 Attorney General, district attorney or Pennsylvania State
15 Police, may be maintained up to thirty working days after
16 conclusion of the external investigation. No person shall be
17 suspended because of race, gender, religion or political,
18 partisan or labor union affiliation. What shall constitute good
19 cause for suspension may be stated in the rules. An appointing
20 authority shall forthwith report to the director in writing
21 every suspension, together with the reason or reasons therefor,
22 and shall send a copy of such report to the suspended employe.
23 Such report shall be made a part of the commission's public
24 records.

25 Section 804.1. Rights of Promoted Employe During
26 Probationary Period.--[If the probationary period has resulted
27 from a promotion, such removal shall not be from the classified
28 service except for just cause. A classified employe during a
29 probationary period resulting from promotion, shall, if the
30 employe's performance is satisfactory, be returned to the

1 position or class held immediately prior to such promotion
2 without necessity of appeal or hearing.](a) An employe serving
3 a probationary period which has resulted from a promotion, may
4 be removed from the classified service only for just cause.

5 (b) During the first three months of the probationary
6 period, the employe has the option to return to the position
7 previously held. At any time after the first three months, an
8 employe in probationary status may return to the previous
9 position or classification with written consent of the
10 appointing authorities.

11 (c) If the employe's performance during the probationary
12 period is not satisfactory to the appointing authority, the
13 employe shall be returned to the position or class held
14 immediately prior to such promotion without necessity of appeal
15 or hearing.

16 Section 17. Sections 805 and 901 of the act are repealed.

17 Section 18. Sections 902, 905.2(f) and 906 of the act,
18 amended or added June 26, 1989 (P.L.47, No.10), are amended to
19 read:

20 Section 902. False Statements Made under Oath Constitute
21 Perjury.--Any false statement made under oath, either orally or
22 in writing, in any application or other paper filed with the
23 commission or in any proceeding before the commission or in any
24 investigation conducted by or under the direction of the
25 commission or by the director or in any proceedings arising
26 under this act shall be perjury and punishable as such. Any
27 person intentionally failing to disclose a material fact or in
28 any manner concealing any information in order to obtain
29 employment or promotion under this act shall, in addition to any
30 other penalty herein provided, be removed from all eligible

1 lists for a period of time to be determined by the commissioners
2 and, if appointed or promoted, [he shall] be summarily removed.

3 Section 905.2. Political Activity.--* * *

4 (f) A person in the classified service who violates this
5 section shall be removed from employment and funds appropriated
6 for the position from which removed thereafter may not be used
7 to pay the employe or individual: Provided, That, the commission
8 at its discretion may impose a penalty of suspension without pay
9 [for at least thirty days, but] of not more than one hundred
10 twenty working days, if it finds that the violation does not
11 warrant termination.

12 * * *

13 Section 906. Removal and Disqualification of Officers and
14 Employes.--Except as otherwise provided in section 905.2, any
15 person holding a position in the classified service who
16 intentionally violates any of the provisions of this act or of
17 the rules made thereunder shall be immediately separated from
18 the service. It shall be the duty of the appointing authority of
19 the State Agency in which the offending person is employed to
20 remove him at once in accordance with the provisions of this
21 act. Any person removed under this section shall [for a period
22 of one year] be ineligible for reappointment to any position in
23 the classified service for a period of time to be determined by
24 the commissioners.

25 Section 19. Section 950 of the act, added August 27, 1963
26 (P.L.1257, No.520), is amended to read:

27 Section 950. Notice.--[Every person in the classified
28 service shall be furnished with written] Written notice of any
29 personnel action taken [with respect to him] pursuant to the
30 provisions of this act shall be provided to the affected

1 employee. Such notice[, a copy of which shall be submitted to the
2 commission,] shall be furnished within time limits prescribed by
3 the rules of the commission. Copies of such notices shall be
4 provided to the director upon request. The notice shall in the
5 case of the permanent separation, suspension for cause, or
6 involuntary demotion of a regular employee set forth the reason
7 or reasons for the action.

8 Section 20. This act shall take effect in 60 days.