
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 192 Session of
2015

INTRODUCED BY GILLEN, READSHAW, BARRAR, BAKER, JAMES, BOBACK,
D. COSTA, COX, A. HARRIS, COHEN, MILLARD, METCALFE, DUSH,
MURT, EVERETT, DeLUCA, GABLER, R. BROWN, KORTZ, DAVIS AND
WATERS, JANUARY 23, 2015

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 25, 2016

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 employes 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~~ IN CIVIL <--
14 SERVICE COMMISSION AND EXECUTIVE DIRECTOR AND THEIR POWERS,
15 FURTHER PROVIDING FOR CIVIL SERVICE COMMISSION, for powers
16 and duties of director- AND FOR SERVICE TO STATE DEPARTMENTS, <--
17 BOARDS AND COMMISSIONS OR AGENCIES AND POLITICAL SUBDIVISIONS
18 AND COOPERATION WITH OTHER CIVIL SERVICE AGENCIES; AND, IN
19 SELECTION OF EMPLOYEES FOR ENTRANCE TO OR PROMOTION IN THE
20 CLASSIFIED SERVICE, FURTHER PROVIDING FOR NATURE OF
21 EXAMINATIONS.

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

24 ~~Section 1. Section 206 of the act of August 5, 1941~~ <--
25 ~~(P.L.752, No.286), known as the Civil Service Act, is amended by~~
26 ~~adding a paragraph to read:~~

1 SECTION 1. SECTION 201 OF THE ACT OF AUGUST 5, 1941
2 (P.L.752, NO.286), KNOWN AS THE CIVIL SERVICE ACT, AMENDED
3 OCTOBER 5, 2011 (P.L.310, NO.76), IS AMENDED TO READ:

4 SECTION 201. STATE CIVIL SERVICE COMMISSION.--(A) THE STATE
5 CIVIL SERVICE COMMISSION SHALL CONSIST OF THREE FULL-TIME
6 MEMBERS, NOT MORE THAN TWO OF WHOM SHALL BE OF THE SAME
7 POLITICAL AFFILIATION, APPOINTED BY THE GOVERNOR, WITH THE
8 ADVICE AND CONSENT OF A MAJORITY OF THE MEMBERS ELECTED TO THE
9 SENATE. EACH APPOINTMENT SHALL BE FOR A TERM OF SIX YEARS OR
10 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIED. THE MEMBERS OF THE
11 COMMISSION SHALL HOLD NO OTHER PUBLIC POSITION TO WHICH A SALARY
12 IS ATTACHED. THE GOVERNOR SHALL DESIGNATE ONE OF THE MEMBERS AS
13 CHAIRMAN. NO COMMISSION MEMBER SHALL HOLD ANY OFFICE OR
14 POSITION, THE DUTIES OF WHICH ARE INCOMPATIBLE WITH HIS OFFICIAL
15 DUTIES. AT LEAST ONE MEMBER OF THE COMMISSION MUST BE A VETERAN.

16 (B) THE CHAIRMAN OF THE COMMISSION SHALL RECEIVE A SALARY OF
17 SIXTY-FIVE THOUSAND DOLLARS (\$65,000.00) PER ANNUM. EACH OTHER
18 MEMBER OF THE COMMISSION SHALL RECEIVE A SALARY OF SIXTY-TWO
19 THOUSAND FIVE HUNDRED DOLLARS (\$62,500.00) PER ANNUM.

20 (B.1) THE COMMISSIONERS SHALL RECEIVE ANNUAL COST-OF-LIVING
21 INCREASES UNDER SECTION 3(E) OF THE ACT OF SEPTEMBER 30, 1983
22 (P.L.160, NO.39), KNOWN AS THE "PUBLIC OFFICIAL COMPENSATION
23 LAW." EACH COMMISSIONER SHALL BE ENTITLED TO RECEIVE ACTUAL
24 TRAVELING EXPENSES.

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] HOLDS OR

1 CAMPAIGNS FOR ANY OTHER PUBLIC OFFICE, HOLDS OFFICE IN A
2 POLITICAL PARTY OR POLITICAL COMMITTEE, ACTIVELY PARTICIPATES IN
3 OR CONTRIBUTES TO A POLITICAL CAMPAIGN, DIRECTLY OR INDIRECTLY
4 ATTEMPTS TO INFLUENCE A DECISION BY A GOVERNMENTAL BODY OTHER
5 THAN A COURT OF LAW OR AS A REPRESENTATIVE OF THE COMMISSION ON
6 A MATTER WITHIN THE JURISDICTION OF THE COMMISSION OR IS
7 EMPLOYED BY THE COMMONWEALTH OR A POLITICAL SUBDIVISION IN ANY
8 OTHER CAPACITY, WHETHER OR NOT FOR COMPENSATION, SHALL BE
9 ELIGIBLE TO SERVE AS A COMMISSIONER. THE GOVERNOR MAY REMOVE ANY
10 MEMBER OF THE COMMISSION, BUT ONLY FOR INCOMPETENCE,
11 INEFFICIENCY, NEGLECT OF DUTY, MALFEASANCE OR MISFEASANCE IN
12 OFFICE BY GIVING SUCH MEMBER A STATEMENT IN WRITING OF THE
13 CHARGES AGAINST HIM AND AFFORDING HIM, AFTER NOTICE OF NOT LESS
14 THAN TEN DAYS, AN OPPORTUNITY OF MAKING WRITTEN ANSWER AND, UPON
15 REQUEST, BEING PUBLICLY HEARD IN PERSON AND BY COUNSEL. A COPY
16 OF THE CHARGES AND ANSWER OF THE GOVERNOR'S FINDINGS AND A
17 TRANSCRIPT OF THE RECORD SHALL BE FILED WITH THE SECRETARY OF
18 THE COMMISSION.

19 SECTION 2. SECTION 206 OF THE ACT IS AMENDED BY ADDING A
20 PARAGRAPH TO READ:

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

26 * * *

27 (11) To advertise, on the commission's publicly accessible
28 Internet website and in all commission announcements,
29 advertisements and examination materials, that veterans'
30 preference is the law of this Commonwealth and that, to

1 determine standing on all certified eligibility lists, an
2 additional ten points will be applied to the final examination
3 score obtained by a veteran, in accordance with 51 Pa.C.S. §
4 7103 (relating to additional points in grading civil service
5 examinations), and by a qualified surviving spouse of a deceased <--
6 veteran and a qualified spouse of a veteran who is disabled <--
7 SAME PREFERENTIAL RATING GIVEN TO VETERANS UNDER THIS CHAPTER
8 SHALL BE EXTENDED TO INCLUDE SPOUSES, in accordance with 51
9 Pa.C.S. § 7108 (relating to preference of spouses).

10 SECTION 3. SECTION 212(D) OF THE ACT, AMENDED MAY 21, 1943 <--
11 (P.L.516, NO.231), IS AMENDED TO READ:

12 SECTION 212. SERVICE TO STATE DEPARTMENTS, BOARDS AND
13 COMMISSIONS OR AGENCIES AND POLITICAL SUBDIVISIONS; COOPERATION
14 WITH OTHER CIVIL SERVICE AGENCIES.--* * *

15 (D) THE COMMISSION SHALL HAVE POWER FROM TIME TO TIME TO
16 ENTER INTO AGREEMENTS WITH OTHER PUBLIC PERSONNEL AGENCIES IN
17 THIS OR ANY OTHER STATE AND WITH AGENCIES OF THE FEDERAL
18 GOVERNMENT FOR THE PURPOSE OF USING AND EXCHANGING INFORMATION
19 AND SERVICES. THE COMMISSION SHALL ENTER INTO AN AGREEMENT TO
20 UTILIZE THE FORM AND METHOD OF AN EMPLOYMENT APPLICATION THAT IS
21 STANDARD ACROSS DEPARTMENTS AND AGENCIES THAT ARE UNDER THE
22 GOVERNOR'S JURISDICTION FOR THE PURPOSE OF ENTRANCE TO, OR
23 PROMOTION IN, THE CLASSIFIED SERVICE. THE COMMISSION SHALL HAVE
24 POWER TO BECOME A MEMBER OF OR SUBSCRIBE TO ANY ASSOCIATION OR
25 SERVICE HAVING AS ITS PURPOSE THE INTERCHANGE OF INFORMATION
26 RELATING TO THE TECHNIQUE OF PERSONNEL ADMINISTRATION.

27 SECTION 4. SECTION 502 OF THE ACT, AMENDED NOVEMBER 27, 2002
28 (P.L.1129, NO.140), IS AMENDED TO READ:

29 SECTION 502. NATURE OF EXAMINATIONS.--[THE DIRECTOR SHALL
30 GIVE EXAMINATIONS] EXAMINATIONS SHALL BE CONDUCTED TO ESTABLISH

1 EMPLOYMENT AND PROMOTION LISTS. SUCH EXAMINATIONS MAY BE WRITTEN
2 OR ORAL, OR A DEMONSTRATION OF SKILL, OR AN EVALUATION OF
3 EXPERIENCE AND EDUCATION, OR A COMBINATION OF THESE, WHICH SHALL
4 FAIRLY APPRAISE THE FITNESS AND ABILITY OF COMPETITORS. THE
5 APPOINTING AUTHORITY SHALL SELECT THE METHOD OF EXAMINATION THAT
6 SHALL BE USED FOR THE INDIVIDUAL POSITION OR THE CLASS OF
7 POSITIONS FOR WHICH THE EMPLOYMENT OR PROMOTION LIST IS BEING
8 ESTABLISHED. SUCH EXAMINATIONS SHALL BE PRACTICAL IN CHARACTER
9 AND SHALL RELATE TO THE DUTIES AND RESPONSIBILITIES OF THE
10 POSITION FOR WHICH THE APPLICANT IS BEING EXAMINED AND SHALL
11 FAIRLY TEST THE RELATIVE CAPACITY AND FITNESS OF PERSONS
12 EXAMINED TO PERFORM THE DUTIES OF THE CLASS OF POSITIONS TO
13 WHICH THEY SEEK TO BE APPOINTED OR PROMOTED. AN APPLICANT MAY BE
14 REQUIRED TO POSSESS SCHOLASTIC EDUCATION QUALIFICATIONS ONLY IF
15 THE POSITION FOR WHICH THE APPLICANT IS BEING EXAMINED REQUIRES
16 PROFESSIONAL OR TECHNICAL KNOWLEDGES, SKILLS AND ABILITIES OR IF
17 SUCH SCHOLASTIC QUALIFICATIONS ARE REQUIRED TO ASSURE THE
18 CONTINUED ELIGIBILITY OF THE COMMONWEALTH FOR FEDERAL GRANTS-IN-
19 AID. NO GREATER CREDIT FOR EXPERIENCE GAINED DURING A
20 PROVISIONAL, EMERGENCY OR TEMPORARY APPOINTMENT UNDER THIS ACT
21 OR ACTS REPEALED HEREBY SHALL BE GIVEN TO ANY PERSON IN ANY
22 EXAMINATION THAN IS GIVEN IN SUCH EXAMINATION FOR EXPERIENCE IN
23 THE SAME TYPE OF WORK PERFORMED IN A SIMILAR POSITION NOT UNDER
24 THE PROVISIONS OF THIS ACT OR ACTS REPEALED HEREBY. IN
25 EVALUATING EXPERIENCE IN ORDER TO COMPUTE THE FINAL RATING IN
26 ANY EXAMINATION TO ESTABLISH EMPLOYMENT AND PROMOTION LISTS,
27 PERSONS DISCHARGED OTHER THAN DISHONORABLY, AFTER ACTIVE SERVICE
28 DURING ANY WAR OR ARMED CONFLICT IN WHICH THE UNITED STATES
29 ENGAGED, FROM ANY BRANCH OF THE ARMED SERVICE OF THE UNITED
30 STATES, OR FROM ANY WOMEN'S UNIFORMED SERVICE DIRECTLY CONNECTED

1 THEREWITH, SHALL NOT BE GIVEN LESS CREDIT FOR EXPERIENCE THAN
2 WOULD BE GIVEN FOR CONTINUED EXPERIENCE IN THE POSITION HELD AT
3 THE TIME OF INDUCTION IN THE SERVICE. NO QUESTION IN ANY
4 EXAMINATION SHALL RELATE TO THE RACE, GENDER, RELIGION OR
5 POLITICAL OR LABOR UNION AFFILIATION OF THE CANDIDATE.

6 Section 2 5. This act shall take effect ~~in 60 days~~
7 IMMEDIATELY.

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