

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1037 Session of 2018

INTRODUCED BY FOLMER, VULAKOVICH, EICHELBERGER, BARTOLOTTA, RESCHENTHALER, FONTANA, YUDICHAK, ARGALL, WILLIAMS, SCHWANK, LANGERHOLC, WARD, AUMENT, RAFFERTY, SCARNATI, DINNIMAN, BAKER, BOSCOLA, BLAKE, STEFANO, WHITE, KILLION, LEACH, LAUGHLIN, ALLOWAY, MARTIN, STREET, YAW, MENSCH AND TARTAGLIONE, FEBRUARY 9, 2018

SENATOR FOLMER, STATE GOVERNMENT, AS AMENDED, MAY 22, 2018

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, consolidating the Civil Service Act;
3 providing for civil service reform in the areas of merit-
4 based hiring, civil service applications, certification,
5 examinations and promotions; and making related repeals.

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

8 Section 1. Title 71 of the Pennsylvania Consolidated
9 Statutes is amended by adding a part to read:

10 PART III

11 CIVIL SERVICE REFORM

12 Chapter

13 21. General Provisions

14 22. Merit System Employment

15 23. Selection of Employees for Entrance to or Promotion in

16 Classified Service

17 24. Appointment and Promotion of Employees in Classified



1 "Appointing authority." The officers, board, commission,  
2 individual or group of individuals having power by law to make  
3 appointments in the classified service.

4 "Board." The Executive Board of the Commonwealth.

5 "Civil Service Act." The former act of August 5, 1941  
6 (P.L.752, No.286), known as the Civil Service Act.

7 "Classified service." As follows:

8 (1) A position filled under the merit system of  
9 employment, including:

10 (i) Each position existing on or created after  
11 August 5, 1941, in the Department of Human Services,  
12 including the county boards of assistance, except for a  
13 student worker in institutions operated by the Office of  
14 Children, Youth and Families.

15 (ii) The following:

16 (A) Each position existing on or created after  
17 August 5, 1941, in the Department of Labor and  
18 Industry which is charged with the administration of  
19 the act of December 5, 1936 (2nd Sp.Sess., 1937  
20 P.L.2897, No.1), known as the Unemployment  
21 Compensation Law.

22 (B) Each position which is charged with the  
23 administration of the act of June 2, 1915 (P.L.736,  
24 No.338), known as the Workers' Compensation Act, and  
25 the act of July 26, 1913 (P.L.1363, No.851), referred  
26 to as the Occupational Disease Prevention Law,  
27 including the positions of workers' compensation  
28 judges. The term shall not include the positions of  
29 members of the Workers' Compensation Appeal Board and  
30 members and employees of the State Workers' Insurance

1 Board and the State Workers' Insurance Fund.

2 (iii) Each position existing on or created after  
3 August 5, 1941, in the Pennsylvania Liquor Control Board.

4 (iv) Each position existing on or created after  
5 August 5, 1941, in the commission.

6 (v) Each position existing on or created after  
7 August 5, 1941, in the Pennsylvania Board of Probation  
8 and Parole.

9 (vi) Each position existing on or created after  
10 August 5, 1941, in the Department of Education. The term  
11 shall not include the presidents, faculty members and  
12 student employees of the State colleges, the heads and  
13 faculty members of the Department of Education's other  
14 educational institutions and county superintendents,  
15 assistant county superintendents and supervisors of  
16 special education.

17 (vii) Each position existing on or created after  
18 August 5, 1941, in the Department of Health. The term  
19 shall not include patient employees at institutions  
20 operated by the Department of Health.

21 (viii) Each position existing on or created after  
22 August 5, 1941, in the Department of Banking and  
23 Securities.

24 (ix) Each position existing on or created after  
25 August 5, 1941, in the Insurance Department.

26 (x) Each position existing on or created after  
27 August 5, 1941, in the State Employes' Retirement Board  
28 and under the professional licensing boards in the  
29 Department of State.

30 (xi) Each position existing on or created after

1 August 5, 1941, in a department or agency under the  
2 Governor's jurisdiction which:

3 (A) Is required to be under a merit system in  
4 order to qualify the agency or department for the  
5 receipt of money from the Federal Government or an  
6 agency or instrumentality of the Federal Government.

7 (B) Was designated as professional or technical  
8 by the board on or before October 1, 1962.

9 (C) Was covered by civil service under the terms  
10 of an agreement entered into between the department  
11 or agency and the commission after October 1, 1962,  
12 other than agreements arising out of the board  
13 resolution of September 10, 1956, as amended and  
14 supplemented.

15 (xii) The positions of engineer, geologist, chemist,  
16 planning specialist, statistician, economist,  
17 photogrammetrist, architect, landscape architect,  
18 cartographer, draftsmen and surveyor in the Department of  
19 Transportation.

20 (xiii) Each position in a local civil defense  
21 organization which a political subdivision may bring  
22 under the provisions of 35 Pa.C.S. § 7312(f) (relating to  
23 organization), upon the exercise of the authority.

24 (xiv) Each position existing on or created after  
25 December 3, 1975, in the Pennsylvania Labor Relations  
26 Board. The term shall not include an executive director,  
27 secretary, regional director, attorney and attorney  
28 examiner.

29 (2) The term shall not include a position included in  
30 the unclassified service.

1 "Commission." The State Civil Service Commission.

2 "Demotion." The voluntary or involuntary movement of an  
3 employee to a class assigned to a pay range with a lower maximum  
4 salary.

5 "Director." The Executive Director of the State Civil  
6 Service Commission.

7 "Eligible." An individual whose name is on an eligible list.

8 "Eligible list." An employment list, promotion list or  
9 reemployment list.

10 "Employee." Except as provided in section 2705(g) (relating  
11 to political activity), an individual legally occupying a  
12 position in the classified service.

13 "Employment list." A list of individuals who have been found  
14 qualified by an entrance examination for appointment to a  
15 position in a particular class.

16 "Entrance examination." An examination for a position in a  
17 particular class, admission to which is not limited to an  
18 individual employed in the classified service.

19 "Furlough." The termination of employment because of lack of  
20 work or lack of funds.

21 "Job," "job title," "class" or "class of positions." A group  
22 of positions in the classified service which are sufficiently  
23 similar in respect to the duties and responsibilities of the  
24 positions that the same:

25 (1) descriptive title may be used for each position;

26 (2) requirements as to experience, knowledge and ability  
27 are demanded of incumbents;

28 (3) assessments may be used to choose qualified  
29 appointees; and

30 (4) schedule of compensation may be made to apply with

1 fairness under like working conditions.

2 "Permanent position." A position in the classified service  
3 which does not have an expiration date.

4 "Position." A group of current duties and responsibilities  
5 assigned or delegated by competent authority requiring the full-  
6 time or part-time employment of one individual.

7 "Probationary period." A preliminary period of employment,  
8 the purpose of which is to determine the fitness of an employee  
9 for regular status.

10 "Promotion." The movement of an employee to another class in  
11 a pay range with a higher maximum salary.

12 "Promotion examination." An examination for a position in a  
13 particular class, admission to which is limited to an employee  
14 in the classified service who has held a position in another  
15 class.

16 "Promotion list." A list of individuals determined to be  
17 qualified by a promotion examination for appointment to a  
18 position in a particular class.

19 "Regular employee." An employee who has been appointed to a  
20 position in the classified service in accordance with this part  
21 after completion of the employee's probationary period.

22 "Removal." The permanent separation from the classified  
23 service of an employee who has been permanently appointed.

24 "Temporary position." A position in the classified service  
25 resulting from temporary pressure of extra work which is likely  
26 to continue for a period of 12 months or less.

27 "Unclassified service." Each position existing on or created  
28 after August 5, 1941, in a department and agency included in the  
29 definition of classified service which are held by any of the  
30 following:





1 2202. Duties of Office of Administration.

2 2203. Regulations.

3 2204. Federal standards.

4 2205. Legislative representation for collective bargaining.

5 § 2201. Transfer of duties.

6 Beginning on the effective date of this section, the Office  
7 of Administration shall perform the duties conducted by the  
8 commission and the director under the Civil Service Act, except  
9 sections 950 and 951(a), (b) and (c) of the Civil Service Act.

10 § 2202. Duties of Office of Administration.

11 (a) Duties.--The Office of Administration shall have the  
12 power and duty to implement and administer this part as follows:

13 (1) Perform the duties conducted, prior to the effective  
14 date of this section, by the commission and the director  
15 under section 2201 (relating to transfer of duties).

16 (2) Direct and supervise the administrative work of  
17 merit system employment.

18 (3) Appoint staff to classified service positions  
19 necessary to carry out the provisions of this part.

20 (4) Provide merit system employment for the Commonwealth  
21 in accordance with this part.

22 (5) Advertise, on the Office of Administration's  
23 publicly accessible Internet website and in each Office of  
24 Administration announcement and advertisement, that:

25 (i) veterans' preference is the law of this  
26 Commonwealth;

27 (ii) to determine standing on each certified  
28 eligibility list, an additional 10 points shall be  
29 applied to the final examination score obtained by a  
30 veteran, in accordance with 51 Pa.C.S. § 7103 (relating

1 to additional points in grading civil service  
2 examinations); and

3 (iii) the same preferential rating given to veterans  
4 under this chapter shall be extended to include spouses  
5 of deceased or disabled veterans, in accordance with 51  
6 Pa.C.S. § 7108 (relating to preference of spouses).

7 (6) Administer this part, except for Chapters 30  
8 (relating to State Civil Service Commission and Director) and  
9 31 (relating to hearings and records).

10 (7) Request assistance from State departments, agencies,  
11 boards or commissions, if necessary.

12 (8) Cooperate with other civil service agencies.

13 (9) Investigate as requested by the Governor or the  
14 General Assembly and to report on the investigation.

15 (10) Investigate, notwithstanding any other provision of  
16 this part, personnel action taken under this part and hold  
17 public hearings, record findings and conclusions and order  
18 action to assure observance of this part.

19 (11) Administer oaths and require testimony and the  
20 production of documents and records.

21 (12) APPOINT A SPECIAL ADVISOR FOR VETERANS' PROGRAMS <--  
22 WHO SHALL BE A VETERAN AND WHO WILL:

23 (I) ENSURE COMPLIANCE UNDER THIS PART WITH THE  
24 PROVISIONS OF 51 PA.C.S. PT. V (RELATING TO EMPLOYMENT  
25 PREFERENCES AND PENSIONS); AND

26 (II) PROMOTE AND IMPLEMENT POLICIES TO INCREASE THE  
27 AWARENESS AND UNDERSTANDING OF THE VALUE OF RECRUITING,  
28 HIRING AND RETAINING VETERANS FOR THE COMMONWEALTH  
29 WORKFORCE UNDER THIS PART.

30 (b) Oaths, testimony and documents.--The following shall

1 apply:

2 (1) The Secretary of Administration and any other  
3 employee or agency authorized by the secretary shall have the  
4 power to administer oaths in matters pertaining to the work  
5 of the Office of Administration under this part.

6 (2) The Office of Administration shall have the power to  
7 secure by subpoena the attendance and testimony of witnesses  
8 and the production of documents and records.

9 (c) Authority of court.--A judge of a court of record shall,  
10 upon proper application of the Office of Administration, compel  
11 the attendance of witnesses, the production of documents and  
12 records and the giving of testimony before the Office of  
13 Administration in the same manner as the production of evidence  
14 may be compelled before the court.

15 § 2203. Regulations.

16 (a) Authority.--The Office of Administration may promulgate  
17 regulations necessary to carry out the provisions of this part.

18 (b) Temporary regulations.--

19 (1) In order to facilitate the prompt implementation of  
20 this part, the Office of Administration may promulgate  
21 temporary regulations which shall expire no later than three  
22 years following the publication of the temporary regulations.

23 The Office of Administration may promulgate temporary  
24 regulations not subject to:

25 (i) Sections 201, 202, 203, 204 and 205 of the act  
26 of July 31, 1968 (P.L.769, No.240), referred to as the  
27 Commonwealth Documents Law.

28 (ii) Section 204(b) of the act of October 15, 1980  
29 (P.L.950, No.164), known as the Commonwealth Attorneys  
30 Act.

1           (iii) The act of June 25, 1982 (P.L.633, No.181),  
2           known as the Regulatory Review Act.

3           (2) The authority provided to the Office of  
4           Administration to adopt temporary regulations under paragraph  
5           (1) shall expire three years following the publication of the  
6           temporary regulations. Regulations adopted after this period  
7           shall be promulgated as provided by law.

8 § 2204. Federal standards.

9           (a) Duty.--Notwithstanding any other provision of this part,  
10          the Commonwealth and its political subdivisions shall take  
11          action with respect to matters involving personnel  
12          administration as necessary to ensure the continued eligibility  
13          of the Commonwealth and its political subdivisions for Federal  
14          grants-in-aid.

15          (b) Prohibition.--Notwithstanding any other provision of  
16          this part, a State program which is required to have the State  
17          program's positions under a merit system because of the receipt  
18          of Federal grants-in-aid may not have more positions in the  
19          unclassified service than are allowed by Federal merit system  
20          standards.

21 § 2205. Legislative representation for collective bargaining.

22          The President pro tempore of the Senate and the Speaker of  
23          the House of Representatives may jointly appoint a competent  
24          industrial relations specialist, who may not be a member of the  
25          General Assembly, to represent the General Assembly at  
26          collective bargaining negotiations relating to individuals in  
27          the classified service by observing the proceedings and  
28          submitting reports of the proceedings to the President pro  
29          tempore of the Senate and the Speaker of the House of  
30          Representatives.



1           for that position.

2           (iv) The individual satisfactorily completes a six-  
3           month probationary period in the classified position.

4           (2) If no individuals in the unskilled positions meet  
5           the requirements under paragraph (1), the vacant position may  
6           be filled under this chapter.

7           (b) Requirements.--The following apply:

8           (1) An individual applying for a position or promotion  
9           in the classified service shall be a resident of this  
10           Commonwealth or former resident of this Commonwealth who  
11           meets the requirements of this subsection and, if applicable,  
12           of the district.

13           (2) A former resident of this Commonwealth shall be  
14           eligible if the individual:

15           (i) relocated out of State for academic or  
16           employment purposes;

17           (ii) plans to establish Commonwealth residency  
18           within six months of beginning employment in the  
19           classified service; and

20           (iii) has done one of the following:

21           (A) Graduated from a public, private or  
22           nonpublic secondary school in this Commonwealth or  
23           satisfied the requirements of sections 1327 and  
24           1327.1 of the act of March 10, 1949 (P.L.30, No.14),  
25           known as the Public School Code of 1949, within five  
26           years of applying for a position in the classified  
27           service.

28           (B) Satisfied the requirements of sections 1327  
29           and 1327.1 of the Public School Code of 1949 or  
30           attended a public, private or nonpublic school in the

1 Commonwealth at least 80% of the time while enrolled  
2 in grades one through twelve and attended the school  
3 within five years of applying for a position in the  
4 classified service.

5 (C) Graduated or attended a public, private or  
6 nonpublic secondary school in the Commonwealth or  
7 satisfied the requirements of sections 1327 and  
8 1327.1 of the Public School Code of 1949 and  
9 graduated from a postsecondary institution in the  
10 Commonwealth within five years of applying for a  
11 position in the classified service.

12 (3) Notwithstanding any other provision of this chapter,  
13 if an appointing authority finds a lack of qualified  
14 individuals available for appointment to a particular class  
15 or classes of position, the appointing authority may present  
16 evidence of the lack of qualified personnel to the Office of  
17 Administration, which may waive the residence requirements  
18 for the class or classes of position.

19 (c) Eligible lists.--The Office of Administration shall  
20 prepare the proper State and district eligible lists. If, after  
21 an examination has been conducted for a class of position, there  
22 is no individual with legal residence in a district remaining on  
23 the register, the Office of Administration shall certify and the  
24 appointing authority may make the appointment or promotion from  
25 the names of individuals on an appropriate eligible list for the  
26 same class of positions of other districts. Qualifications as  
27 permitted by law may be specified in the regulations and in the  
28 announcements of the examinations. All applications for  
29 positions in the classified service shall be subject to the  
30 penalties of 18 Pa.C.S. § 4904 (relating to unsworn

1 falsification to authorities).

2 (d) Limitation of competition.--The Office of Administration  
3 may limit competition in promotion examinations to employees in  
4 the classified service who have completed a probationary period  
5 in a class or classes designated in the public notice of the  
6 examinations and may permit promotions to be accomplished by any  
7 one of the following plans:

8 (1) Appointment from open competitive lists.

9 (2) Achieving a place on an eligible list after a  
10 promotional examination given at the request of the  
11 appointing authority.

12 (3) Promotion based upon meritorious service and  
13 seniority to be accomplished by appointment without  
14 examination if the individual has completed the probationary  
15 period in the next lower position and meets the minimum  
16 requirements for the higher position.

17 (e) Preference.--To the extent permitted by law, when all  
18 applicants for appointment and promotion to a position in the  
19 classified service are equally qualified, preference shall be  
20 shown to applicants who are United States citizens over those  
21 who are not United States citizens.

22 § 2302. Nature of examinations.

23 (a) General rule.--Examinations shall be conducted to  
24 establish employment and promotion lists. Examinations may be:

25 (1) Written or oral.

26 (2) A demonstration of skill.

27 (3) An evaluation of experience and education.

28 (4) A combination of paragraphs (1), (2) and (3) which  
29 fairly appraise the fitness and ability of competitors.

30 (b) Method of examination.--The appointing authority shall



1 select the method of examination that will be used for the  
2 individual position or the class of positions for which the  
3 employment or promotion list is being established. The  
4 examinations shall:

5 (1) Be practical in nature.

6 (2) Relate to the duties and responsibilities of the  
7 position for which the applicant is being examined.

8 (3) Fairly test the relative capacity and fitness of  
9 individuals examined to perform the duties of the position or  
10 class of positions to which the individuals seek to be  
11 appointed or promoted.

12 (c) Qualifications.--An applicant may be required to possess  
13 scholastic education qualifications only if the position for  
14 which the applicant is being examined requires professional or  
15 technical knowledge, skills and abilities or if the scholastic  
16 qualifications are required to ensure the continued eligibility  
17 of the Commonwealth for Federal grants-in-aid. No greater credit  
18 for experience gained during a provisional, emergency or  
19 temporary appointment under this chapter shall be given to an  
20 individual in an examination than is given for experience in the  
21 same type of work performed in a similar position not under the  
22 provisions of this chapter.

23 (d) Military service.--In evaluating experience in order to  
24 compute the final rating in an examination to establish eligible  
25 lists, an individual discharged other than dishonorably after  
26 active service during a war or armed conflict in which the  
27 United States engaged, from a branch of the armed forces of the  
28 United States or from a women's uniformed service directly  
29 connected with the armed forces of the United States, may not be  
30 given less credit for experience than would be given for

1 continued experience in the position held at the time of  
2 induction into the service.

3 (e) Discriminatory questions prohibited.--No question in an  
4 examination shall relate to the race, gender, religion, <--  
5 DISABILITY or political or labor union affiliation of the  
6 candidate.

7 § 2303. Holding examinations and rating competitors.

8 The Office of Administration shall prepare and hold  
9 examinations rating the work of competitors and prepare the  
10 resulting eligible lists. Individuals not on the regular staff  
11 of the Office of Administration may be called on for assistance.

12 § 2304. Public notice of examinations.

13 The Office of Administration shall give public notice of all  
14 examinations for positions or promotions in the classified  
15 service at least two weeks in advance of the final date for  
16 filing applications.

17 § 2305. Ratings of competitors.

18 (a) Computation of rating.--The final earned rating of an  
19 individual competing in an examination shall be attained by  
20 computing the ratings for each part or parts of the examination,  
21 the qualifying point for which is set by the Office of  
22 Administration, according to weights for each test.

23 (b) Notification.--The Office of Administration shall  
24 provide notice by e-mail or other communication or method, if  
25 available, or, alternatively, by United States mail, to all  
26 competitors informing them whether they have attained a place on  
27 the eligible list and informing those who have attained a place  
28 on the eligible list of the number of individuals who took the  
29 examination, the number of individuals on the eligible list and  
30 the individual's relative standing on the eligible list.

1 § 2306. Establishment of eligible lists.

2 The Office of Administration shall establish and maintain  
3 eligible lists as are necessary or desirable to meet the needs  
4 of the service. The eligible lists shall contain the names of  
5 each individual who has qualified for and successfully passed  
6 the examination. The eligible list shall be arranged in the  
7 order of final earned ratings.

8 § 2307. Duration of eligible lists.

9 (a) Duration.--The duration of an eligible list shall be  
10 fixed by the Office of Administration. An existing eligible list  
11 shall terminate upon the establishment of an appropriate, new,  
12 eligible list unless otherwise prescribed by the Office of  
13 Administration.

14 (b) Utilization of current eligible lists.--Appointing  
15 authorities shall utilize eligible lists from the date of the  
16 establishment of the eligible list until exhausted, canceled by  
17 the Office of Administration or replaced by more recently  
18 prepared eligible lists.

19 (c) Correction and revision.--The Office of Administration  
20 may correct clerical errors occurring in connection with the  
21 preparation of an eligible list and revise the eligible list  
22 accordingly. No individual who has been appointed as the result  
23 of certification from the eligible list shall be displaced by  
24 the action.

25 (d) Cancellation.--The Office of Administration shall have  
26 the power, after giving notice as required in this part and  
27 after a public hearing, to cancel the whole or a part of an  
28 eligible list on account of illegality or fraud in connection  
29 with the eligible list.

30 CHAPTER 24

1                   APPOINTMENT AND PROMOTION OF EMPLOYEES

2                               IN CLASSIFIED SERVICE

3 Sec.

4 2401. Certification.

5 2402. Selection and appointment of eligibles.

6 2403. Substitution during military leave.

7 2404. Probationary period.

8 2405. Provisional appointments.

9 2406. Temporary appointments to extra positions.

10 2407. Emergency appointments.

11 § 2401. Certification.

12       (a) Statement of vacancy.--If a vacancy is likely to occur  
13 or is to be filled in the classified service, the appointing  
14 authority shall submit to the Office of Administration a  
15 statement indicating the position to be filled.

16       (b) Certification of available individuals.--

17               (1) The Office of Administration shall certify to the  
18 appointing authority the names of the three highest-ranking  
19 available individuals on the certification of eligibles,  
20 except if any of the following apply:

21                   (i) The appointing authority elects to follow an  
22 alternative selection procedure under section 2402(a)  
23 (relating to selection and appointment of eligibles).

24                   (ii) A labor agreement covering promotions in the  
25 classified service exists.

26                   (iii) The Office of Administration has specified,  
27 prior to testing the eligibles on the eligible list, that  
28 either all available individuals, regardless of ranking,  
29 or a specified alternative number other than three of the  
30 highest-ranking available individuals shall be used in

1 making selections for the classification.

2 (2) If a labor agreement covering promotions in the  
3 classified service exists, the terms and procedures of the  
4 labor agreement relative to the procedures for promotions  
5 shall control.

6 (c) Lack of eligibles.--If the appropriate employment or  
7 promotion certification of eligibles contains fewer than three  
8 eligibles who are willing to accept appointment or if there is  
9 no appropriate eligible list, the appointing authority may  
10 appoint an available eligible from the approved eligible list or  
11 request the Office of Administration to certify from another  
12 eligible list deemed the next most appropriate.

13 (d) Selective certifications.--If operational conditions of  
14 the appointing authority dictate and it is in the interest of  
15 the service to the Commonwealth, the Office of Administration  
16 may authorize selective certifications based on merit-related  
17 criteria.

18 (e) Waiver of consideration.--An individual on a promotion  
19 or employment list who waives consideration for promotion or  
20 appointment may not be considered among the names from which a  
21 promotion or appointment is to be made.

22 § 2402. Selection and appointment of eligibles.

23 (a) Alternative selection procedure.--Unless a labor  
24 agreement contains promotion procedures which are inconsistent  
25 with this chapter, in which case the terms of the labor  
26 agreement shall be controlling, if a vacant position is to be  
27 filled, an appointing authority may:

28 (1) request that the Office of Administration issue an  
29 appropriate certification of previously tested and active  
30 eligibles; or

1       (2) request that the Office of Administration create and  
2 issue a certification of eligibles consisting only of the  
3 names of those candidates who responded by applying for the  
4 vacancy after receipt of notice of the vacancy from the  
5 Office of Administration. The failure of a candidate to apply  
6 for the vacancy shall be considered a waiver under section  
7 2401 (relating to certification).

8       (b) Selection of certified eligibles.--The following apply:

9       (1) The certification of eligibles created and issued  
10 under this section shall be valid for 90 business days.

11       (2) If the vacant position is to be filled from an  
12 eligible list, the appointing authority shall select an  
13 individual who is among the three highest-ranking available  
14 individuals on the certification of eligibles, unless the  
15 Office of Administration has specified prior to testing the  
16 eligibles on the eligible list that either all available  
17 individuals regardless of ranking or a specified alternative  
18 number other than three of the highest-ranking available  
19 individuals shall be used in making selections for the  
20 classification.

21       (3) In making the second or subsequent selection from  
22 the eligibles on an employment or promotional certification,  
23 each selection shall be from among the similarly ranked  
24 available individuals remaining on the certification of  
25 eligibles.

26       (4) After an individual has been rejected three times by  
27 an appointing authority in favor of others on the same  
28 eligible list, the individual may not be certified to that  
29 appointing authority, except upon written request from the  
30 appointing authority.

1           (5) Appointing authorities shall promptly report to the  
2 Office of Administration the appointment of eligibles who  
3 have been certified.

4           (6) If a certified eligible refuses to accept an offer  
5 of employment, the refusal shall be promptly investigated by  
6 the Office of Administration and, if found that the refusal  
7 has been made for improper or insufficient reasons, the  
8 Office of Administration shall, after giving 10 days' notice  
9 to the individual, remove the eligible from the eligible  
10 list.

11 § 2403. Substitution during military leave.

12           (a) Substitution for military leave.--When an employee in  
13 the classified service is granted military leave, the position  
14 vacated shall be filled only by substitute appointment or  
15 promotion and the employee appointed or promoted shall vacate  
16 the position upon return of the employee from military leave. A  
17 substitute employee, when required to vacate a position upon the  
18 return of the regular employee, shall have the right to return  
19 to the substitute employee's previous civil service position and  
20 status.

21           (b) Substitute lists.--The substitute appointment or  
22 promotion shall be made from lists certified by the Office of  
23 Administration under this chapter.

24 § 2404. Probationary period.

25           (a) Completion and duration.--

26           (1) No appointment to a position in the classified  
27 service shall be deemed complete until after the expiration  
28 of a probationary period.

29           (2) The probationary period for each class of position  
30 shall be prescribed by the Office of Administration and,

1 except for trainee classes, shall in no case be less than 6  
2 months nor more than 18 months. The probationary period for a  
3 trainee class shall be combined with that of the class for  
4 which the trainee is being trained. The combined probationary  
5 period shall be the same as the training period and shall not  
6 exceed 24 months.

7 (3) The appointing authority may remove an employee  
8 during the probationary period if, in the opinion of the  
9 appointing authority, the probation indicates that the  
10 employee is unable or unwilling to perform the duties  
11 satisfactorily or that the employee's dependability does not  
12 merit continuance in the service. Upon removal, the  
13 appointing authority shall notify the employee in a manner  
14 prescribed by the Office of Administration.

15 (b) Notification of permanent status.--If the employee's  
16 work has been satisfactory, the appointing authority shall  
17 notify the employee in writing prior to the completion of the  
18 probationary period that the employee shall attain regular  
19 status in the classified service upon completion of the  
20 probationary period.

21 (c) Further appointment.--If an employee is removed from a  
22 position during or at the end of the probationary period and the  
23 Office of Administration determines that the employee is  
24 suitable for appointment to another position, the employee's  
25 name may be restored to the eligible list from which the name  
26 was certified.

27 § 2405. Provisional appointments.

28 (a) Accelerated examination program.--The Office of  
29 Administration may authorize an accelerated examination program  
30 for the position to be filled if:



1           (1) there is a great and urgent public need to fill a  
2 vacancy in a position in the classified service;

3           (2) the Office of Administration is unable to certify an  
4 eligible for the vacancy from an eligible list or arrange for  
5 a reassignment, transfer, promotion or other means of filling  
6 the vacancy with a qualified employee; and

7           (3) there is no regular examination immediately  
8 available.

9           (b) Elements of program.--The accelerated examination  
10 program shall include:

11           (1) Abbreviated, localized advertising for the position  
12 to ensure open competition.

13           (2) Rapid processing and evaluation of the  
14 qualifications of applicants, ranking the applicants as well  
15 qualified, qualified and not qualified.

16           (3) Certification of applicants determined to be well-  
17 qualified and qualified for the position.

18           (c) Appointment.--The appointing authority shall appoint  
19 applicants determined to be well qualified. If insufficient  
20 well-qualified applicants are available, the appointment shall  
21 be made from the qualified group.

22           (d) Test period.--The appointee shall serve a six-month  
23 working test period upon successful completion of which the  
24 appointee shall be granted probationary status. Failure to  
25 successfully complete the working test period shall result in  
26 termination.

27           (e) Successive appointments prohibited.--Successive  
28 provisional appointments of the same individual may not be made  
29 to the same position or classification.

30           (f) Rights of provisional status.--The acceptance of a

1 provisional appointment shall not confer upon the appointee  
2 rights of promotion, reinstatement or reassignment to another  
3 classification while in provisional status.

4 § 2406. Temporary appointments to extra positions.

5 If, from pressure of work, an extra position in the  
6 classified service must be established for a period of 12 months  
7 or less, the appointing authority shall request the Office of  
8 Administration to certify the name of a qualified individual  
9 from an appropriate eligible list or by other means authorized  
10 by this part. In the request, the appointing authority shall  
11 state the cause of the extra work, the probable length of  
12 employment and the duties that the appointee is to perform.

13 § 2407. Emergency appointments.

14 (a) Appointment during emergency period.--An appointing  
15 authority or a subordinate authorized by the appointing  
16 authority may, to prevent serious impairment of the public  
17 business when an emergency arises and time may not permit  
18 securing authorization from the Office of Administration for the  
19 appointment of a certified eligible, appoint a qualified  
20 individual during the emergency for a period not exceeding 30  
21 days and, with the approval of the Office of Administration,  
22 extend the appointment for a further period not to exceed 30  
23 days.

24 (b) Parameters.--The following shall not be considered an  
25 emergency:

26 (1) a vacancy of which the appointing authority had  
27 reasonable notice; or

28 (2) employment conditions of which the appointing  
29 authority had previous knowledge.

30 (c) Nomenclature.--Individuals appointed under subsection

1 (a) shall be known as emergency employees.

2 (d) Report to Office of Administration.--Appointing  
3 authorities shall immediately report to the Office of  
4 Administration all emergency appointments.

5 (e) Nonrenewal.--Appointments made under subsection (a) may  
6 not be renewed.

7 CHAPTER 25

8 REGULATION OF EMPLOYEES IN CLASSIFIED SERVICE

9 Sec.

10 2501. Performance ratings.

11 2502. Transfers and reassignments.

12 2503. Demotions.

13 2504. Classification and compensation.

14 2505. Effect of reclassifications.

15 2506. Other personnel standards and rules.

16 § 2501. Performance ratings.

17 (a) Evaluations.--Performance evaluations shall be  
18 considered for purposes prescribed by the Office of  
19 Administration.

20 (b) Frequency of evaluations.--Agencies shall evaluate the  
21 performance of agency employees during the employees'  
22 probationary periods and at least once a year thereafter.

23 (c) Forms and procedure.--Performance evaluation forms and  
24 procedures shall be reviewed and approved by the Office of  
25 Administration prior to utilization.

26 § 2502. Transfers and reassignments.

27 (a) Transfers.--The transfer of a classified service  
28 employee from a position under the jurisdiction of one  
29 appointing authority to a position in the same class under the  
30 jurisdiction of another appointing authority may be made with

1 the approval of the Office of Administration and both appointing  
2 authorities.

3 (b) Reassignments.--An appointing authority may reassign a  
4 classified service employee under the appointing authority's  
5 jurisdiction from one position to another in the same class or  
6 in a similar class at the same pay range for which the employee  
7 qualifies.

8 (c) Manner of transfers and reassignments.--Transfers and  
9 reassignments shall be accomplished in a manner prescribed by  
10 the Office of Administration.

11 (d) Promotion.--A transfer or reassignment of an employee  
12 from a position in one class to a position in a class for which  
13 a higher maximum salary is prescribed shall be deemed a  
14 promotion and may be accomplished only in the manner provided  
15 for in this part.

16 (e) Appointment after certification.--No individual may be  
17 transferred or reassigned from a position in the unclassified  
18 service to a position in the classified service unless appointed  
19 to the classified service position after certification of the  
20 individual's name from an eligible list in accordance with the  
21 provisions of this part.

22 § 2503. Demotions.

23 (a) Employees subject to demotion and rights.--The following  
24 apply:

25 (1) An appointing authority may demote to a vacant  
26 position in a lower class an employee in the classified  
27 service who does not satisfactorily perform the duties of the  
28 position to which the employee was appointed or promoted and  
29 who is able to perform the duties of the lower class  
30 position.

1       (2) In case of a demotion, the employee shall have all  
2       rights of appeal as provided in this part.

3       (3) No employee may be demoted because of the employee's  
4       race, gender, religion, DISABILITY or political, partisan or <--  
5       labor union affiliation or other nonmerit factor.

6       (b) Voluntary demotion.--A voluntary demotion may be made by  
7       an appointing authority upon written request of the employee  
8       with the approval of the Office of Administration.

9       § 2504. Classification and compensation.

10       The classification of positions and the compensation of  
11       employees in the classified service shall conform to standards  
12       and rules adopted by the board.

13       § 2505. Effect of reclassifications.

14       (a) Reclassification.--When an employee's job changes or the  
15       board changes a classification and a reallocation of the  
16       position becomes necessary, the employee shall be reclassified  
17       to the new classification, provided the employee meets the  
18       established requirements for the new classification.

19       (b) Reclassification to lower level.--Reclassification to a  
20       lower level shall not be construed as a demotion.

21       § 2506. Other personnel standards and rules.

22       With respect to other personnel management matters, including  
23       hours of work, paid holidays, vacations, sick leave and employee  
24       training, employees in the classified service shall conform to  
25       standards and rules established by the Governor and the board  
26       for Commonwealth employees generally.

27                       CHAPTER 26

28                       SEPARATION OF EMPLOYEES FROM CLASSIFIED SERVICE

29       Sec.

30       2601. Temporary and permanent separations.

- 1 2602. Furlough.
- 2 2603. Suspension.
- 3 2604. Removal during probationary period.
- 4 2605. Rights of promoted employee during probationary period.
- 5 2606. Resignation.
- 6 2607. Removal.
- 7 2608. Leave of absence.
- 8 2609. Seniority.
- 9 § 2601. Temporary and permanent separations.

10 An employee may be:

- 11 (1) Temporarily separated from the classified service
- 12 through furlough, leave of absence or suspension.
- 13 (2) Permanently separated through rejection on
- 14 probation, retirement, resignation or removal.

15 § 2602. Furlough.

16 (a) General rule.--

17 (1) If a reduction in force is necessary in the

18 classified service:

19 (i) no employee may be furloughed while a

20 probationary or provisional employee is employed in the

21 same class in the same department or agency; and

22 (ii) no probationary employee may be furloughed

23 while a provisional employee is employed in the same

24 class in the same department or agency.

25 (2) The following apply:

26 (i) An employee shall be furloughed only if, at the

27 time of furlough, the employee is within the lowest

28 quarter among all employees of the employer in the same

29 class on the basis of the employee's last regular service

30 ratings. Within the quarter, the employee shall be

1 furloughed in the order of seniority, unless a labor  
2 agreement covering the employees to be furloughed exists  
3 in which case the terms of the labor agreement regarding  
4 a furlough procedure shall be controlling.

5 (ii) The appointing authority may limit the  
6 application of this subparagraph in any particular  
7 instance to employees who are in:

8 (A) the same class, classification series or  
9 other grouping of employees as referred to in an  
10 applicable labor agreement; and

11 (B) the same department or agency within the  
12 same bureau or division with headquarters at a  
13 particular municipality, county or district of the  
14 Commonwealth.

15 (b) Rights of furloughed employees.--

16 (1) A furloughed employee shall have the right of return  
17 to a class and civil service status which was held prior to  
18 the furlough, provided the class is contained in the current  
19 classification plan of the agency.

20 (2) A furloughed employee shall have the right of return  
21 to a class and civil service status in the same or lower  
22 grade held prior to the furlough, provided the employee meets  
23 the minimum qualifications given in the classification plan  
24 of the agency.

25 (c) Report of furloughed employees.--The following apply:

26 (1) The appointing authority shall promptly report to  
27 the Office of Administration the names of employees  
28 furloughed, together with the date the furlough of each  
29 employee is effective, and the character of the employee's  
30 service.

1       (2) A regular employee furloughed shall, for a period of  
2 one year, be given preference for reemployment in the same  
3 class of position from which furloughed and shall be eligible  
4 for appointment to a position of a similar class in other  
5 agencies under this part unless the terms of an existing  
6 labor agreement preclude the employee from receiving the  
7 preferential treatment contained in this paragraph, in which  
8 event the terms of the labor agreement shall control.

9 § 2603. Suspension.

10 (a) Right to suspend.--The following apply:

11       (1) An appointing authority may, for disciplinary  
12 purposes, suspend without pay an employee holding a position  
13 in the classified service.

14       (2) Suspensions, including suspensions pending internal  
15 investigation, may not exceed 60 working days in one calendar  
16 year.

17       (3) Suspensions pending investigation by external  
18 agencies may be maintained up to 30 working days after  
19 conclusion of the external investigation.

20 (b) Discrimination prohibited.--No individual may be  
21 suspended because of race, gender, religion, DISABILITY or <--  
22 political, partisan or labor union affiliation or any other  
23 nonmerit factor.

24 (c) Good cause.--Employees may only be suspended for good  
25 cause.

26 (d) Report of suspension.--An appointing authority shall  
27 immediately report in writing to the Office of Administration a  
28 suspension, together with the reason or reasons for the  
29 suspension, and shall send a copy of the report to the suspended  
30 employee.



1 § 2604. Removal during probationary period.

2 (a) General rule.--The appointing authority may remove an  
3 employee from the classified service before the expiration of  
4 the probationary period.

5 (b) Permanent separation.--An individual removed shall be  
6 considered permanently separated from the individual's position.  
7 The Office of Administration may, if the action is appropriate,  
8 place the name of the individual removed on the employment list  
9 of the appropriate class for future certification to other  
10 appointing authorities.

11 § 2605. Rights of promoted employee during probationary period.

12 (a) General rule.--An employee serving a probationary period  
13 which has resulted from a promotion may be removed from the  
14 classified service only for just cause.

15 (b) Voluntary return to previous position.--

16 (1) During the first three months of the probationary  
17 period, the employee has the option to return to the position  
18 previously held.

19 (2) After three months, an employee in probationary  
20 status may return to the previous position or classification  
21 with written consent of the appointing authorities.

22 (c) Appointment to previous position.--If the employee's  
23 performance during the probationary period is not determined to  
24 be satisfactory by the appointing authority, the employee shall  
25 be returned to the position or class held immediately prior to  
26 the promotion without necessity of appeal or hearing.

27 § 2606. Resignation.

28 (a) Form and reinstatement.--

29 (1) An employee may resign from the classified service  
30 either verbally or in writing.

1           (2) Upon the request of an appointing authority, an  
2           employee may be reinstated in the classification from which  
3           the employee resigned.

4           (b) Acceptance of resignation.--Resignation of an individual  
5           in the classified service shall not be effective unless accepted  
6           by the appointing authority in writing within 15 calendar days  
7           after the date the individual tenders resignation.

8           (c) Resignation prohibited.--No individual about to be  
9           appointed to a position in the classified service shall, in  
10           advance of or at the time of the appointment, sign or execute a  
11           resignation, whether dated or undated.

12           § 2607. Removal.

13           No regular employee in the classified service may be removed,  
14           except for just cause.

15           § 2608. Leave of absence.

16           (a) Right of return.--If there is a vacancy with the same  
17           appointing authority, an employee who has been granted a leave  
18           of absence at the discretion of an appointing authority shall,  
19           upon expiration of the leave of absence, have the right of  
20           return to any of the following:

21                   (1) the class and civil service status from which leave  
22                   was granted;

23                   (2) a class and civil service status that the employee  
24                   previously held, if the class is contained in the current  
25                   class plan of the agency; or

26                   (3) a class and civil service status in the same or  
27                   lower grade, if the employee meets the minimum qualifications  
28                   given in the classification plan of the agency.

29           (b) No vacancy upon return.--If there is no vacancy to which  
30           the employee on leave can be returned, the employee shall retain

1 priority of return to the class from which the leave of absence  
2 was granted for a period of one year following the date of  
3 expiration of the leave, and, during that time period, the  
4 employee shall have precedence for employment over employees  
5 furloughed from the same class.

6 § 2609. Seniority.

7 (a) General rule.--Seniority is established for the  
8 classified service, classification series and for each class,  
9 unless there is in existence a labor agreement covering the  
10 position in the classified service, in which case the definition  
11 of seniority in the labor agreement shall control.

12 (b) Calculation of seniority.--

13 (1) Seniority for the classified service begins with the  
14 date of first civil service employment in a civil service  
15 class and includes periods of subsequent employment in any  
16 civil service class, providing the employment has been on a  
17 continuous basis.

18 (2) Seniority for a classification series begins with  
19 the date of first civil service employment in the class  
20 series and includes periods of employment in classes within  
21 the series during any period while employed on a continuous  
22 basis in the classified service.

23 (3) Seniority in each class begins with the date of  
24 first civil service employment in that class and includes  
25 periods of subsequent employment in that class during any  
26 period while employed on a continuous basis in the classified  
27 service.

28 (c) Consideration of furlough and leave of absence.--Periods  
29 of furlough and approved leave of absence without pay shall be  
30 deemed continuous employment for seniority purposes, except that

1 the period of furlough or leave of absence without pay shall not  
2 be counted toward seniority.

3 CHAPTER 27

4 PROHIBITIONS, PENALTIES AND ENFORCEMENT

5 Sec.

6 2701. Periodic audits of employees by Office of Administration.

7 2702. False statements made under oath and concealing  
8 information.

9 2703. Misdemeanors.

10 2704. Prohibition of discrimination.

11 2705. Political activity.

12 2706. Removal and disqualification of officers and employees.

13 § 2701. Periodic audits of employees by Office of  
14 Administration.

15 The Office of Administration ~~may~~ SHALL conduct audits of <--  
16 changes in employment and promotions of employees in the  
17 departments, bureaus and agencies under its jurisdiction to  
18 ensure strict compliance with this part.

19 § 2702. False statements made under oath and concealing  
20 information.

21 (a) Perjury.--An individual who makes a false statement  
22 under oath on an application or other paper filed with the  
23 Office of Administration, in an investigation conducted by or  
24 under the direction of the Office of Administration or in  
25 proceedings arising under this chapter, commits perjury and  
26 shall be punished under the provisions of 18 Pa.C.S. Ch. 49  
27 (relating to falsification and intimidation).

28 (b) Concealing information.--An individual who intentionally  
29 fails to disclose a material fact or in any manner conceals  
30 information in order to obtain employment or promotion under

1 this part shall, in addition to any other penalty provided by  
2 law, be removed from all eligible lists for a period of time to  
3 be determined by the Office of Administration and, if appointed  
4 or promoted, be summarily removed.

5 § 2703. Misdemeanors.

6 An individual who, alone or in collusion with one or more  
7 other individuals, willfully performs any of the following  
8 commits a misdemeanor and shall, upon conviction, be sentenced  
9 to pay a fine of not less than \$100 nor more than \$3,000 for  
10 each offense or to imprisonment for not more than three years,  
11 or both:

12 (1) Defeats, deceives or obstructs an individual with  
13 respect to the individual's right of examination, appointment  
14 or employment in accordance with this part.

15 (2) Corruptly or falsely marks, rates, grades, estimates  
16 or reports upon the tests or proper standing of an individual  
17 tested or certified under this part, or aids in doing so.

18 (3) Willfully makes false representations concerning  
19 tests, standings or individuals tested.

20 (4) Willfully furnishes to an individual special or  
21 secret information for the purpose of improving or injuring  
22 the prospects or chances of an individual examined or  
23 certified or of an individual who will be examined or  
24 certified.

25 (5) Impersonates an individual or permits or aids in any  
26 manner another individual to impersonate him or her in  
27 connection with an examination or request to be examined,  
28 certified or appointed.

29 (6) Furnishes false information about the individual or  
30 another individual in connection with a request to be

1 examined, certified or appointed.

2 (7) Makes an appointment to office or selects an  
3 individual for employment contrary to this part.

4 (8) Refuses to comply with the provisions of this part.

5 (9) Willfully or through culpable negligence violates  
6 the provisions of this part or rules made under this part.

7 § 2704. Prohibition of discrimination.

8 An officer or employee of the Commonwealth may not  
9 discriminate against an individual in recruitment, examination,  
10 appointment, training, promotion, retention or any other  
11 personnel action with respect to the classified service because  
12 of race, gender, ~~religious~~ RELIGION, DISABILITY or political, <--  
13 partisan or labor union affiliation or other nonmerit factors.

14 § 2705. Political activity.

15 (a) General rule.--An individual in the classified service  
16 may not use the individual's official authority or influence for  
17 the purpose of interfering with or affecting the result of an  
18 election.

19 (b) Political activities prohibited.--An individual in the  
20 classified service may not take an active part in political  
21 management or in a political campaign. Activities prohibited by  
22 this subsection include the following:

23 (1) Serving as an officer of a political party, a member  
24 of a national, State or local committee of a political party  
25 or an officer or member of a committee of a partisan  
26 political club, or being a candidate for any of these  
27 positions.

28 (2) Organizing or reorganizing a political party  
29 organization or political club.

30 (3) Directly or indirectly soliciting, receiving,

1 collecting, handling, disbursing or accounting for  
2 assessments, contributions or other money for a partisan  
3 political purpose.

4 (4) Organizing, selling tickets to, promoting or  
5 actively participating in a fundraising activity of a  
6 candidate in a partisan election or a political party or  
7 political club.

8 (5) Taking an active part in managing the political  
9 campaign of a candidate for public office in a partisan  
10 election or a candidate for political party office.

11 (6) Becoming a candidate or campaigning for an elective  
12 public office in a partisan election.

13 (7) Soliciting votes in support of or in opposition to a  
14 candidate for public office in a partisan election or a  
15 candidate for political party office.

16 (8) Acting as recorder, watcher, challenger or similar  
17 officer at the polls on behalf of a political party or a  
18 candidate in a partisan election.

19 (9) Driving voters to the polls on behalf of a political  
20 party or a candidate in a partisan election.

21 (10) Endorsing or opposing a candidate for public office  
22 in a partisan election or a candidate for political party  
23 office in a political advertisement, broadcast, campaign,  
24 literature or similar material.

25 (11) Serving as a delegate, alternate or proxy to a  
26 political party convention.

27 (12) Addressing a convention, caucus, rally or similar  
28 gathering of a political party in support of or in opposition  
29 to a partisan candidate for public office or political party  
30 office.

1           (13) Initiating or circulating a partisan nominating  
2 petition.

3           (14) Soliciting, paying, collecting or receiving a  
4 contribution at or in the workplace from an employee for a  
5 political party, political fund or other partisan recipient.

6           (15) Paying a contribution in the workplace to an  
7 employee who is the employer or employing authority of the  
8 individual making the contribution for a political party,  
9 political fund or other partisan recipient.

10       (c) Rights.--An employee or individual to whom subsection  
11 (a) or (b) applies shall retain the right to and may engage in  
12 the following activities:

13           (1) Register and vote in an election.

14           (2) Express an opinion as an individual privately and  
15 publicly on political subjects and candidates.

16           (3) Display a political picture, sticker, badge or  
17 button when not on duty and at locations other than the  
18 workplace.

19           (4) Participate in the nonpartisan activities of a  
20 civic, community, social, labor or professional organization,  
21 or a similar organization.

22           (5) Be a member of a political party or other political  
23 organization or club and participate in the organization's or  
24 club's activities to the extent consistent with this section.

25           (6) Attend a political convention, rally, fundraising  
26 function or other political gathering.

27           (7) Sign a political petition as an individual.

28           (8) Make a financial contribution to a political party  
29 or organization.

30           (9) Be politically active in connection with a question



1 that is not specifically identified with a political party,  
2 such as a constitutional amendment, referendum, approval of a  
3 municipal ordinance or other question or issue of similar  
4 character.

5 (10) Otherwise participate fully in public affairs,  
6 except as prohibited by law, in a manner that does not  
7 materially compromise efficiency or integrity as an employee  
8 or the neutrality, efficiency or integrity of a Commonwealth  
9 agency.

10 (d) School director.--Notwithstanding any provision of this  
11 section or any other law to the contrary, no individual may be  
12 deemed ineligible for the office of school director solely on  
13 the basis that the individual is a member of the classified  
14 service under this part.

15 (e) Further prohibition or limitation.--The provisions of  
16 subsection (c) do not authorize an employee to engage in  
17 political activity while on duty or while in a uniform which  
18 identifies the individual as an employee. The head of an agency  
19 may prohibit or limit the participation of an employee or class  
20 of employees of the agency in an activity permitted under  
21 subsection (c) if participation in the activity will interfere  
22 with the efficient performance of official duties or create a  
23 conflict or apparent conflict of interests.

24 (f) Penalty.--An individual in the classified service who  
25 violates this section shall be removed from employment and money  
26 appropriated for the position from which the employee was  
27 removed may not be used to pay the employee or individual,  
28 provided the Office of Administration may impose a penalty of  
29 suspension without pay for not more than 120 working days if the  
30 Office of Administration finds that the violation does not

1 warrant termination.

2 (g) Definitions.--As used in this section, the following  
3 words and phrases shall have the meanings given to them in this  
4 subsection unless the context clearly indicates otherwise:

5 "Agency." An agency employing individuals in the classified  
6 service.

7 "Contribution." A gift, subscription, loan, advance, deposit  
8 of money, allotment of money or anything of value given or  
9 transferred by one individual to another, including cash, check,  
10 draft, payroll deduction, allotment plan or by pledge or  
11 promise, whether or not enforceable.

12 "Election." A primary, municipal, special and general  
13 election.

14 "Employee." An individual in the classified service.

15 "Employer" or "employing authority." The immediate employing  
16 agency head, agency principals or an employee's supervisor.

17 "Partisan." When used as an adjective, the term refers to a  
18 political party.

19 "Political fund." A fund, organization, political action  
20 committee or other entity that, for purposes of influencing the  
21 outcome of a partisan election, receives or expends money or  
22 anything of value, or transfers money or anything of value to  
23 another fund, political party, candidate, organization,  
24 political action committee or any other entity.

25 § 2706. Removal and disqualification of officers and employees.

26 (a) General rule.--Except as otherwise provided in section  
27 2705 (relating to political activity), an individual holding a  
28 position in the classified service who intentionally violates  
29 the provisions of this chapter shall be immediately separated  
30 from the service.

1 (b) Duty of appointing authority.--The appointing authority  
2 of the State agency in which the offending individual is  
3 employed shall remove the individual at once in accordance with  
4 the provisions of this part.

5 (c) Ineligibility after removal.--An individual removed  
6 under this section shall be ineligible for reappointment to a  
7 position in the classified service for a period of time to be  
8 determined by the Office of Administration.

9 CHAPTER 28

10 NOTICE OF PERSONNEL ACTIONS

11 Sec.

12 2801. Notice.

13 § 2801. Notice.

14 (a) Notice.--Written notice of a personnel action taken  
15 under this part shall be provided to the affected employee.

16 (b) Time limit for notice.--The notice shall be furnished  
17 within the time limit prescribed by the Office of  
18 Administration. Copies of the notice shall be provided to the  
19 Office of Administration upon request.

20 (c) Contents of notice.--The notice shall, in the case of  
21 permanent separation, suspension for cause or involuntary  
22 demotion of a regular employee, set forth the reasons for the  
23 action. The notice shall also provide the affected employee  
24 information on the employee's right to appeal the personnel  
25 action to the commission.

26 CHAPTER 29

27 SERVICES AVAILABLE, COSTS AND FUNDING

28 Sec.

29 2901. Service and cooperation.

30 2902. Receiving money and allocating or apportioning costs.

1 2903. EXISTING APPROVED COUNTIES.

2 § 2901. Service and cooperation.

3 (a) General rule.--The services and facilities utilized by  
4 the Office of Administration and its staff to implement this  
5 chapter shall be available to departments, boards, commissions,  
6 agencies and political subdivisions of this Commonwealth.

7 (b) Costs.--The following shall apply:

8 (1) The cost of the services and facilities made  
9 available by the Office of Administration under subsection  
10 (a) shall be paid proportionally by the department, board,  
11 commission, agency or political subdivision to which the  
12 services and facilities are made available.

13 (2) The Office of Administration shall prepare and issue  
14 semiannual statements of costs under this section, setting  
15 forth the total cost and the share attributable to each  
16 department, board, commission, agency or political  
17 subdivision to which services or facilities are made  
18 available. Upon receipt of a statement, each department,  
19 board, commission, agency and political subdivision shall pay  
20 its share of the cost to the Office of Administration.

21 (c) Obligation.--The following shall apply:

22 (1) Money payable to the Office of Administration under  
23 subsection (b) shall be:

24 (i) deposited into the General Fund;

25 (ii) credited to the annual appropriation made to  
26 the Office of Administration out of the General Fund for  
27 the proper conduct of its work under this chapter; and

28 (iii) made available for the same purposes for which  
29 an appropriation is available.

30 (2) If a department, board, commission or agency of this

1 Commonwealth that is supported with money from the General  
2 Fund becomes liable to the Office of Administration under  
3 this section, the liability shall be reimbursed out of the  
4 current appropriation to the department, board, commission or  
5 agency, and an appropriation is appropriated for that  
6 purpose.

7 (3) As much money as may be necessary is appropriated to  
8 the Office of Administration from:

9 (i) The State Stores Fund to meet the cost of the  
10 services and facilities of the Office of Administration  
11 as may be attributable to the work of the Office of  
12 Administration with respect to the Pennsylvania Liquor  
13 Control Board; and

14 (ii) the Administration Fund to meet the cost of  
15 services and facilities of the Office of Administration  
16 as may be attributable to the work of the Office of  
17 Administration with respect to the work of the Department  
18 of Labor and Industry under the act of December 5, 1936  
19 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the  
20 Unemployment Compensation Law.

21 (4) In the event any other department, board, commission  
22 or agency of the Commonwealth that is supported out of a  
23 special fund becomes obligated to the Office of  
24 Administration under the provisions of this section, as much  
25 money as may be necessary is appropriated out of the special  
26 fund to meet the cost of services and facilities of the  
27 Office of Administration as may be attributable to the work  
28 of the administrative department, board, commission or  
29 agency. The amounts that are appropriated out of the special  
30 funds shall be transferred from the funds to the General

1 Fund, shall be credited to the current appropriation made to  
2 the Office of Administration out of the General Fund and are  
3 appropriated to the Office of Administration for the same  
4 purposes as the appropriation out of the General Fund is  
5 appropriated under this section.

6 § 2902. Receiving money and allocating or apportioning costs.

7 The Office of Administration shall have the authority to  
8 receive money from the Federal Government, an agency of the  
9 Federal Government or any other source for the administration of  
10 this part. The Office of Administration and the Secretary of the  
11 Budget shall have the power to allocate among the departments  
12 and agencies the cost of administering this part.

13 § 2903. EXISTING APPROVED COUNTIES.

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14 COUNTIES THAT HAVE BEEN APPROVED FOR A COUNTY-DEVELOPED AND  
15 ADMINISTERED MERIT-BASED SYSTEM OF EMPLOYMENT AND PERSONNEL  
16 ADMINISTRATION BY ONE OR MORE STATE AGENCIES MAY CONTINUE TO  
17 UTILIZE THE APPROVED SYSTEM.

18 CHAPTER 30

19 STATE CIVIL SERVICE COMMISSION AND DIRECTOR

20 Sec.

21 3001. State Civil Service Commission.

22 3002. Meetings of commission.

23 3003. Duties of commission.

24 3004. Legal counsel.

25 3005. Qualifications, appointment and compensation of director.

26 3006. Powers and duties of director.

27 3007. Cooperation by officers and employees of the

28 Commonwealth.

29 3008. Periodic audits of employees by commission.

30 § 3001. State Civil Service Commission.

1 (a) Organization of commission.--The commission shall  
2 consist of three full-time members, not more than two of whom  
3 shall be of the same political affiliation, appointed by the  
4 Governor with the advice and consent of a majority of the  
5 members elected to the Senate.

6 (b) Term.--Each appointment shall be for a term of six  
7 years. The members of the commission shall hold no other public  
8 position to which a salary is attached.

9 (c) Chair.--The Governor shall designate one of the members  
10 of the commission as chair.

11 (d) Prohibitions.--Commission members shall not hold an  
12 office or position if the duties of the office or position are  
13 incompatible with the member's official duties.

14 (e) Veteran requirement.--At least one member of the  
15 commission shall be a veteran.

16 (f) Salary.--The chair of the commission shall receive an  
17 annual salary of \$89,000. Every other commissioner shall receive  
18 a salary of \$85,000 per annum.

19 (g) Increases and expenses.--The commissioners shall receive  
20 annual cost-of-living increases under section 3(e) of the act of  
21 September 30, 1983 (P.L.160, No.39), known as the Public  
22 Official Compensation Law. Each commissioner shall be entitled  
23 to receive actual traveling expenses.

24 (h) Eligibility.--The following shall apply:

25 (1) An individual appointed as a member of the  
26 commission shall be:

27 (i) A citizen and legal resident of this  
28 Commonwealth for a period of not less than one year.

29 (ii) Familiar with modern personnel methods and the  
30 application of merit principles to public employment.

1       (2) An individual who does any of the following shall  
2 not be eligible to serve as a commissioner:

3       (i) holds or campaigns for any other public office;

4       (ii) holds office in a political party or political  
5 committee;

6       (iii) actively participates in or contributes to a  
7 political campaign;

8       (iv) directly or indirectly attempts to influence a  
9 decision by a governmental body other than a court of law  
10 or as a representative of the commission on a matter  
11 within the jurisdiction of the commission; or

12       (v) is employed by the Commonwealth or a political  
13 subdivision in any other capacity whether or not for  
14 compensation.

15       (3) The Governor may remove a member of the commission  
16 for incompetence, inefficiency, neglect of duty, malfeasance  
17 or misfeasance in office by giving the member a statement in  
18 writing of the charges against the member and affording the  
19 member, after notice of not less than 10 days, an opportunity  
20 to make a written answer and, upon request, to be publicly  
21 heard in person and by counsel. A copy of the charges and  
22 answer of the Governor's findings and a transcript of the  
23 record shall be filed with the director.

24 § 3002. Meetings of commission.

25       (a) Meetings.--The commission shall meet at least once each  
26 month. Meetings may be canceled with appropriate public notice.

27       (b) Notice of meetings.--The chair of the commission shall  
28 cause reasonable notice to be given to each member of the  
29 commission and to the director of the time and place of each  
30 meeting.



1 (c) Call to meeting.--Meetings shall be held at the call of  
2 the chair, the Governor or any member of the commission.

3 (d) Quorum.--Two members of the commission shall constitute  
4 a quorum at a meeting.

5 § 3003. Duties of commission.

6 It shall be the duty of the commission:

7 (1) After public hearing, as specified under this  
8 chapter, to promulgate regulations either on the motion of  
9 the commission or upon recommendation of the director for  
10 effectuating the provisions of this chapter.

11 (2) Upon request or on the motion of the commission as  
12 provided under this section, in cases of demotion, furlough,  
13 suspension and removal, to hold public hearings, render  
14 decisions on appeals and record the commission's findings and  
15 conclusions.

16 (3) To make investigations as may be requested by the  
17 Governor or the General Assembly and to report on the  
18 investigations.

19 (4) To report by June 1 of each year to the General  
20 Assembly on all complaints, grievances and cases arising from  
21 questions by veterans about the application of and the  
22 results attained by use of the veterans' preference  
23 provisions of this chapter with regard to hiring, promotion  
24 and firing of employees covered by this chapter.

25 (5) Upon its own motion and subject to the specific  
26 terms and conditions imposed under this part, to delegate  
27 authority to the director to promote the efficient and  
28 effective performance of the administrative duties of the  
29 commission.

30 (6) From money appropriated for the operation of the

1 commission, to enter into cooperative agreements with  
2 departments, boards, commissions and other agencies of the  
3 Commonwealth to provide services, including budget  
4 preparation, fiscal oversight, human resources and personnel  
5 services, technology services, procurement, courier and  
6 mailing and other services. Notwithstanding 62 Pa.C.S.  
7 (relating to procurement), the commission may use the  
8 Department of General Services as its purchasing agency. The  
9 commission shall retain authority over commission work under  
10 the cooperative agreement.

11 (7) To conduct hearings as follows:

12 (i) A regular employee in the classified service  
13 may, within 20 calendar days of receipt of notice from  
14 the appointing authority, appeal in writing to the  
15 commission a permanent separation, suspension for cause,  
16 furlough or demotion on the grounds that the action has  
17 been taken in the employee's case in violation of the  
18 provisions of this part. Upon receipt of the notice of  
19 appeal, the commission shall promptly schedule and hold a  
20 public hearing.

21 (ii) A person who is aggrieved by an alleged  
22 violation of section 2704 (relating to prohibition of  
23 discrimination) may appeal in writing to the commission  
24 within 20 calendar days of the alleged violation. Upon  
25 receipt of the notice of appeal, the commission shall  
26 promptly schedule and hold a public hearing.

27 (iii) Final decisions of the commission shall be  
28 reviewable in accordance with the laws of this  
29 Commonwealth.

30 (8) To provide remedies as follows:

1           (i) Within 90 days after the conclusion of the  
2 hearing described under section 3003(d)(7), the  
3 commission shall report the commission's findings and  
4 conclusions to the parties directly involved in the  
5 action.

6           (ii) If the decision is in favor of the employee or  
7 the aggrieved person, the commission shall make an order  
8 as the commission deems appropriate to assure the rights  
9 accorded the individual under this part.

10           (iii) If an employee is removed, furloughed,  
11 suspended or demoted, the commission may modify or set  
12 aside the action of the appointing authority. If  
13 appropriate, the commission may order reinstatement, with  
14 the payment of the portion of the salary or wages lost,  
15 including employee benefits, as the commission may in its  
16 discretion award.

17 § 3004. Legal counsel.

18           In accordance with the act of October 15, 1980 (P.L.950,  
19 No.164), known as the Commonwealth Attorneys Act, the commission  
20 shall appoint and direct attorneys as needed in the performance  
21 of the commission's duties required under this part.

22 § 3005. Qualifications, appointment and compensation of  
23 director.

24           (a) General rule.--The director shall be an individual who  
25 is familiar with the principles and methods of personnel  
26 administration and the application of merit principles and  
27 scientific methods to public employment.

28           (b) Appointment.--The director shall be appointed by the  
29 commission and serve at the pleasure of the commissioners.

30           (c) Salary.--The director's salary shall be fixed by the

1 commission with the approval of the Governor. The director shall  
2 hold no other paid public position.

3 § 3006. Powers and duties of director.

4 Under the direction and supervision of the commission, the  
5 director, except as otherwise provided in this part, shall  
6 direct and supervise the administrative work of the commission.  
7 The director shall have the power and duty to:

8 (1) Appoint staff to classified service positions as may  
9 be necessary to carry out this chapter and Chapter 31  
10 (relating to hearings and records) and to supervise and  
11 direct this work.

12 (2) Attend the meetings of the commission.

13 (3) Prepare and recommend to the commission regulations  
14 and amendments to regulations.

15 (4) Administer the provisions of this chapter and  
16 Chapter 31 and of the regulations made under this chapter and  
17 Chapter 31.

18 (5) Investigate the effect of the administration of this  
19 chapter and Chapter 31 and of the regulations made under this  
20 chapter and Chapter 31 and to report the findings and  
21 recommendations to the commission.

22 (6) Make a report in writing, not later than November 1  
23 of each year, concerning the administrative and legal work  
24 performed by the commission during the preceding fiscal year.

25 (7) Perform an act required under this chapter and  
26 Chapter 31 or regulations made under this chapter and Chapter  
27 31 or directed by the commission.

28 (8) Request assistance from the attorneys appointed  
29 under section 3004 (relating to legal counsel) as may be  
30 necessary in the performance of the director's administrative

1 duties.

2 (9) Advertise on the commission's publicly accessible  
3 Internet website and in all commission announcements and  
4 advertisements that veterans' preference is the law of this  
5 Commonwealth and that, to determine standing on all certified  
6 eligible lists, an additional 10 points shall be applied to  
7 the final examination score obtained by a veteran in  
8 accordance with 51 Pa.C.S. § 7103 (relating to additional  
9 points in grading civil service examinations), and the same  
10 preferential rating given to veterans under this part shall  
11 be extended to include spouses in accordance with 51 Pa.C.S.  
12 § 7108 (relating to preference of spouses).

13 § 3007. Cooperation by officers and employees of the  
14 Commonwealth.

15 Upon the written request of the director, all officers and  
16 employees in the service of the Commonwealth shall, during usual  
17 business hours, furnish to the commission the facilities,  
18 assistance and information as the commission may require in  
19 carrying out its functions.

20 § 3008. Periodic audits of employees by commission.

21 The commission shall conduct audits of APPOINTMENTS, changes <--  
22 in employment and promotions of employees in the classified  
23 service to ensure strict compliance with this part and  
24 regulations promulgated BY THE OFFICE OF ADMINISTRATION under <--  
25 this part.

26 CHAPTER 31

27 HEARINGS AND RECORDS

28 Sec.

29 3101. Public hearings.

30 3102. Oaths, testimony and production of papers.

1 3103. Records open to public.

2 3104. False statements made under oath constitute perjury.

3 § 3101. Public hearings.

4 (a) Public hearing.--The commission shall hold a public  
5 hearing at which any citizen shall have the right to appear and  
6 be heard before submitting proposed regulations under the act of  
7 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review  
8 Act, or adopting or amending the rules of the commission.

9 (b) Notice of hearing.--Public notice of the public hearing  
10 shall be given in accordance with 65 Pa.C.S. Ch. 7 (relating to  
11 open meetings) and, at least seven days in advance of the  
12 hearing, by posting on a bulletin board maintained in or near  
13 the commission's principal office, in a place accessible to the  
14 public during business hours, a statement of the time and place  
15 of the hearing and of the matter to be considered. The  
16 commission shall also furnish at least 20 copies of the notice  
17 to the newspaper correspondents' office in the State Capitol and  
18 one copy of the notice to the Governor, each appointing  
19 authority and each member of the General Assembly. The  
20 commission may give further public notice of the hearings as it  
21 deems advisable.

22 § 3102. Oaths, testimony and production of papers.

23 (a) Administration of oaths.--Each member of the commission,  
24 the director and any other employee or agent authorized by the  
25 commission shall have the power to administer oaths in matters  
26 pertaining to the work of the commission.

27 (b) Subpoenas.--The commission shall have the power to  
28 secure by subpoena the attendance and testimony of witnesses and  
29 the production of books and papers.

30 (c) Authority of court.--A judge of a court of record shall,

1 upon proper application of the commission, compel the attendance  
2 of witnesses, the production of books and papers and the giving  
3 of testimony before the commission by attachment for contempt,  
4 or otherwise, in the same manner as the production of evidence  
5 may be compelled before the court.

6 § 3103. Records open to public.

7 (a) General rule.--The minutes of the commission shall be  
8 preserved as permanent records. Correspondence, other papers and  
9 records of the commission shall be maintained for periods  
10 established in the commission's records retention schedule,  
11 which may, upon publication of notice in the Pennsylvania  
12 Bulletin, be changed at the discretion of the commission to meet  
13 the criteria and needs of the commission.

14 (b) Electronic records.--The commission and the director, in  
15 their deliberations, may rely on computerized or electronically  
16 or mechanically reproduced records.

17 (c) Records to be public.--On written request, supported by  
18 justification acceptable to the director and subject to  
19 reasonable regulation, all records of the commission shall be  
20 open to public inspection during ordinary business hours except  
21 as otherwise provided for under this chapter.

22 § 3104. False statements made under oath constitute perjury.

23 (a) Offense defined.--A false statement made under oath in  
24 an application or other paper filed with the commission, in an  
25 investigation conducted by or under the direction of the  
26 commission or in proceedings arising under this part, shall be  
27 perjury and punishable under the provisions of 18 Pa.C.S. Ch. 49  
28 (relating to falsification and intimidation).

29 (b) Penalty.--An individual intentionally failing to  
30 disclose a material fact or in any manner concealing information

1 in order to obtain employment or promotion under this part  
2 shall, in addition to any other penalty provided in this  
3 chapter, be removed from all eligible lists for a period of time  
4 to be determined by the Office of Administration and, if  
5 appointed or promoted, be summarily removed.

6 CHAPTER 32

7 COMMISSION FUNDS, COSTS AND SERVICE

8 Sec.

9 3201. Receiving money and allocating or apportioning costs.

10 3202. Service and cooperation.

11 § 3201. Receiving money and allocating or apportioning costs.

12 (a) Receipt.--The commission may receive money from the  
13 Federal Government or an agency of the Federal Government or  
14 from any other source for the administration of this part. The  
15 commission and the Secretary of the Budget shall allocate among  
16 the departments and agencies under this part the cost of  
17 administering this part.

18 (b) Transfer.--On the effective date of this section, the  
19 Secretary of the Budget shall, if necessary, transfer money to  
20 the Office of Administration in the amount necessary to support  
21 the transfer of duties.

22 § 3202. Service and cooperation.

23 (a) General rule.--The services and facilities of the  
24 commission and its staff shall be available to departments,  
25 boards, commissions, agencies and political subdivisions of this  
26 Commonwealth.

27 (b) Costs.--

28 (1) The cost of the services and facilities made  
29 available by the commission shall be paid by the department,  
30 board, commission, agency and political subdivision to which



1 the services and facilities are made available, in the  
2 proportion that the cost of the services and facilities bears  
3 to the total cost of the services and facilities.

4 (2) The commission shall prepare and issue semiannual  
5 statements of the cost, which shall be reviewed and approved  
6 by the Office of the Budget, providing the total cost and the  
7 share attributable to each department, board, commission,  
8 agency and political subdivision to which services or  
9 facilities are made available. Upon receipt of the  
10 statements, each department, board, commission, agency and  
11 political subdivision shall pay its share of the cost to the  
12 commission.

13 (c) Obligation.--

14 (1) Money payable to the commission, by way of  
15 reimbursement, shall be paid into the General Fund, shall be  
16 credited to the annual appropriation made to the commission  
17 out of the General Fund for the proper conduct of its work  
18 under this part and shall be available for the same purposes  
19 for which an appropriation is available.

20 (2) If a department, board, commission or agency which  
21 is supported out of the General Fund becomes liable to the  
22 commission under the provisions of this section, the  
23 liability shall be defrayed out of the current appropriation  
24 to the department, board, commission or agency for the proper  
25 conduct of its work, and an appropriation is appropriated for  
26 that purpose.

27 (3) As much money as may be necessary is appropriated to  
28 the commission from the State Stores Fund to meet the cost of  
29 the services and facilities of the commission as may be  
30 attributable to the work of the commission, with respect to

1 the Pennsylvania Liquor Control Board.

2 (4) As much money as may be necessary is appropriated to  
3 the commission from the Administrative Fund to meet the cost  
4 of services and facilities of the commission as may be  
5 attributable to the work of the commission with respect to  
6 the work of the Department of Labor and Industry under the  
7 act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1),  
8 known as the Unemployment Compensation Law.

9 (5) In the event any other department, board, commission  
10 or agency, which is supported out of a special fund, becomes  
11 obligated to the commission under the provisions of this  
12 section, as much money as may be necessary is appropriated  
13 out of the special fund to meet the cost of services and  
14 facilities of the commission as may be attributable to the  
15 work of the department, board, commission or agency. The  
16 amounts that are appropriated out of the special funds shall  
17 be transferred from the funds to the General Fund, shall be  
18 credited to the current appropriation made to the commission  
19 out of the General Fund for the proper conduct of its work  
20 and are appropriated to the commission for the same purposes  
21 as the appropriation out of the General Fund is appropriated  
22 under this section.

23 CHAPTER 33

24 RECORDS, STATUS AND APPROPRIATIONS

25 Sec.

26 3301. Transfer of records.

27 3302. Status of certain employees.

28 3303. Veterans' preference.

29 3304. AUDITS OF APPLICATION OF VETERANS' PREFERENCE.

30 § 3301. Transfer of records.

<--

1 (a) Transfer.--The following, which are in effect on the  
2 effective date of this section, shall be transferred from the  
3 commission to the Office of Administration on the effective date  
4 of this section:

5 (1) Each eligible list previously established or  
6 certified.

7 (2) All books, records and documents in paper and  
8 electronic form and format.

9 (3) All supplies, materials, equipment and computer  
10 hardware and software relating to or used in connection with  
11 a merit system in the service of the Commonwealth.

12 (b) Eligible list.--

13 (1) Each eligible list shall be used for appointments by  
14 the Office of Administration in the same manner as provided  
15 in this part until examinations have been selected or  
16 conducted by the Office of Administration and new eligible  
17 lists have been prepared.

18 (2) Individuals whose names remain on an existing  
19 eligible list shall be retained on the eligible list for at  
20 least 180 days from the date the eligible list was  
21 established until the eligible list is replaced by a more  
22 recently prepared eligible list.

23 (3) If applications have been filed for examinations or  
24 examinations have been held, but no eligible list established  
25 in connection with a merit system in the service of the  
26 Commonwealth is in effect on the effective date of this  
27 section, the applications and examinations transferred to the  
28 Office of Administration shall have the same force and effect  
29 as if the applications had been filed or the examinations had  
30 been held by the Office of Administration.

1 § 3302. Status of certain employees.

2 An individual occupying a position in the classified service  
3 which, on the day preceding the effective date of this section,  
4 was under a type of merit system, including a merit system by  
5 virtue of the Civil Service Act, shall be accorded the status  
6 the individual held on that date. Nothing in this part shall be  
7 construed to remove from the classified service any position  
8 which was in the classified service in the service of this  
9 Commonwealth immediately prior to the effective date of this  
10 section.

11 § 3303. Veterans' preference.

12 Nothing in this part shall be construed to repeal or  
13 supersede the provisions of 51 Pa.C.S. Pt. V (relating to  
14 employment preferences and pensions).

15 § 3304. AUDITS OF APPLICATION OF VETERANS' PREFERENCE.

<--

16 THE COMMISSION SHALL CONDUCT AUDITS OF APPOINTMENTS AND  
17 CHANGES IN EMPLOYMENT IN THE CLASSIFIED SERVICE TO ENSURE STRICT  
18 COMPLIANCE WITH 51 PA.C.S. PT. V (RELATING TO EMPLOYMENT  
19 PREFERENCES AND PENSIONS).

20 Section 2. Repeals are as follows:

21 (1) The General Assembly declares that the repeals under  
22 paragraphs (2) and (3) are necessary to effectuate the  
23 addition of 71 Pa.C.S. Pt. III.

24 (2) Section 1312(a) of the act of April 9, 1929  
25 (P.L.177, No.175), known as The Administrative Code of 1929,  
26 is repealed.

27 (3) The act of August 5, 1941 (P.L.752, No.286), known  
28 as the Civil Service Act, is repealed.

29 (4) All acts and parts of acts are repealed insofar as  
30 they are inconsistent with this part.

1 Section 3. The addition of 71 Pa.C.S. Pt. III is a  
2 continuation of the act of August 5, 1941 (P.L.752, No.286),  
3 known as the Civil Service Act. The following apply:

4 (1) Except as otherwise provided in 71 Pa.C.S. Pt. III,  
5 all activities initiated under the act of August 5, 1941  
6 (P.L.752, No.286), known as the Civil Service Act, shall  
7 continue and remain in full force and effect and may be  
8 completed under 71 Pa.C.S. Pt. III. Orders, regulations,  
9 rules and decisions which were made under the Civil Service  
10 Act and which are in effect on the effective date of section  
11 2(3) of this act shall remain in full force and effect until  
12 revoked, vacated or modified under 71 Pa.C.S. Pt. III.  
13 Contracts, obligations and collective bargaining agreements  
14 entered into under the Civil Service Act are not affected nor  
15 impaired by the repeal of the Civil Service Act.

16 (1.1) Each position given civil service status under the  
17 Civil Service Act or any other act shall not be affected nor  
18 impaired by the repeal of the Civil Service Act and the  
19 addition of 71 Pa.C.S. Pt. III.

20 (2) Except as set forth in paragraph (3), any difference  
21 in language between 71 Pa.C.S. Pt. III and the Civil Service  
22 Act is intended only to conform to the style of the  
23 Pennsylvania Consolidated Statutes and is not intended to  
24 change or affect the legislative intent, judicial  
25 construction or administration and implementation of the  
26 Civil Service Act.

27 (3) Paragraph (2) does not apply to the addition of the  
28 following:

29 (i) The addition of the definitions of "job," "job  
30 title" and "board" under 71 Pa.C.S. § 2103.

1           (ii) The authority of the Office of Administration  
2 to issue regulations, including temporary regulations,  
3 under 71 Pa.C.S. § 2203.

4           (iii) The administration of merit system employment  
5 by the Office of Administration under 71 Pa.C.S. Chs. 22,  
6 23, 24, 25, 26, 27, 28 and 29.

7           (iv) 71 Pa.C.S. Chs. 32 and 33.

8           (v) The transfer of records under 71 Pa.C.S. § 3301.

9 Section 4. This act shall take effect as follows:

10           (1) The following provisions shall take effect  
11 immediately:

12           (i) This section.

13           (ii) The addition of 71 Pa.C.S. §§ 2203(b) and 3301.

14           (2) The remainder of this act shall take effect in nine  
15 months.