
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 114 Session of
2021

INTRODUCED BY D. MILLER, GALLOWAY, LEE, HILL-EVANS, DELLOSO,
SANCHEZ, HOHENSTEIN, DRISCOLL, O'MARA, DEASY AND SCHWEYER,
JANUARY 11, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JANUARY 11, 2021

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, in civil service reform, providing for
3 excepted service hiring and promotion authority; and imposing
4 duties on the Office of Vocational Rehabilitation.

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

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

9 CHAPTER 34

10 EXCEPTED SERVICE HIRING AND

11 PROMOTION AUTHORITY

12 Sec.

13 3401. Scope of chapter.

14 3402. Purpose.

15 3403. Definitions.

16 3404. Eligibility, documentation and certification generally.

17 3405. Hiring and promotion.

18 3406. Conversion.

1 3407. Customized employment job classification.

2 3408. Administrative support.

3 § 3401. Scope of chapter.

4 This chapter relates to excepted service hiring and promotion
5 authority for individuals with disabilities.

6 § 3402. Purpose.

7 The purpose of this chapter is to establish an excepted
8 service hiring and promotion authority that enables an
9 appointing authority to more effectively and efficiently hire
10 and promote qualified, working-age adults, whose physical or
11 mental impairments impact their ability to participate in the
12 competitive hiring and promotion process within this
13 Commonwealth's workforce.

14 § 3403. Definitions.

15 The following words and phrases when used in this chapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Customized employment." The development of job descriptions
19 based on a flexible process that:

20 (1) Is designed to personalize the employment
21 relationship between a job candidate and an employer in a way
22 that meets the needs of both.

23 (2) Is based on an individualized match between the
24 strengths, conditions and interests of a job candidate and
25 the identified needs of an employer.

26 (3) May take the form of any of the following:

27 (i) Task reassignment, which involves some of the
28 job tasks of incumbent workers being reassigned to a new
29 employee. The reassignment shall:

30 (A) allow the incumbent worker to focus on the

1 critical functions of the incumbent worker's job, in
2 the nature of primary job responsibilities and to
3 complete more of the central work of the job; and

4 (B) typically take the form of job creation,
5 whereby a new job description is negotiated based on
6 current and unmet workplace needs.

7 (ii) Job carving, which involves an existing job
8 description being modified so that one or more, but not
9 all, of the tasks are changed from the original job
10 description.

11 (iii) Job sharing, which involves two or more
12 individuals sharing the tasks and responsibilities of a
13 job based on the strengths of each individual.

14 "Working-age adult with a significant disability." An
15 individual who is a resident of this Commonwealth, is at least
16 18 years of age, has not reached 65 years of age and meets any
17 of the following conditions:

18 (1) Is or was a client of, or has a current eligibility
19 determination for vocational rehabilitation services by, the
20 Office of Vocational Rehabilitation.

21 (2) Has been determined to be eligible to receive Social
22 Security disability benefits or Supplemental Security income
23 benefits on the basis of disability, including an individual
24 who is eligible to participate in the Ticket to Work program
25 authorized under the Social Security Act (49 Stat. 620, 42
26 U.S.C. § 301 et seq.).

27 (3) Is eligible for appointment under Schedule A of 5
28 CFR Pt. 213 Subpt. C (relating to excepted schedules) on the
29 basis of disability.

30 (4) Has been determined to be eligible for services,

1 supports or benefits under programs administered by the
2 Department of Human Services through the Office of
3 Developmental Programs, the Office of Long Term Living or the
4 Office of Mental Health and Substance Abuse Services.

5 (5) Has been determined to be eligible for services,
6 supports or benefits under a program for disabled veterans
7 administered by the United States Department of Veterans
8 Affairs or the Department of Military and Veterans Affairs of
9 the Commonwealth.

10 (6) Has relocated to this Commonwealth and had at the
11 time of relocation an eligibility determination in good
12 standing from a vocational rehabilitation office governed by
13 the Rehabilitation Services Administration located in another
14 state or territory of the United States.

15 (7) Is eligible to receive services, supports or
16 benefits under a program administered by an agency of the
17 Commonwealth that has been determined by the agency head to
18 be comparable to a program described under paragraph (1),
19 (2), (3), (4), (5) or (6).

20 § 3404. Eligibility, documentation and certification generally.

21 (a) Appointment.--An appointing authority may
22 noncompetitively appoint a working-age adult with a significant
23 disability to a temporary position or permanent position in
24 accordance with this chapter.

25 (b) Proof of disability.--

26 (1) An appointing authority shall require proof of an
27 applicant's significant disability prior to making a
28 noncompetitive appointment under this section.

29 (2) The appointing authority shall accept as proof of a
30 significant disability a letter or other official

1 certification from the Office of Vocational Rehabilitation.

2 § 3405. Hiring and promotion.

3 (a) Temporary appointment.--An appointing authority may
4 noncompetitively appoint a working-age adult with a significant
5 disability to a temporary position if the appointing authority
6 determines the following:

7 (1) The Office of Vocational Rehabilitation has
8 certified the working-age adult as eligible for
9 noncompetitive appointment under this chapter.

10 (2) It is necessary to observe the working-age adult on
11 the job to establish that the working-age adult is able or
12 ready to perform the duties of the position.

13 (b) Permanent appointment.--Subject to subsection (c), an
14 appointing authority may noncompetitively appoint a working-age
15 adult with a significant disability to a permanent position if
16 the appointing authority determines that the working-age adult:

17 (1) provided a copy of a document from the Office of
18 Vocational Rehabilitation certifying that the working-age
19 adult is eligible for noncompetitive appointment under this
20 chapter; and

21 (2) is likely to succeed in the performance of the
22 duties of the position for which the working-age adult is
23 applying. In determining whether the working-age adult is
24 likely to succeed in the performance of the duties of the
25 position, the appointing authority may rely upon the working-
26 age adult's employment, educational or other relevant
27 experience, including service under classified service or
28 unclassified service.

29 (c) Probationary periods.--Appointment to a noncompetitive
30 permanent position shall be subject to the probationary periods

1 described in section 2404 (relating to probationary period).

2 § 3406. Conversion.

3 (a) Satisfactory performance of duties.--When an appointing
4 authority makes an appointment of a working-age adult with a
5 significant disability to a temporary position under section
6 3405(a) (relating to hiring and promotion) in order to determine
7 the working-age adult's job readiness, the appointing authority
8 may convert the working-age adult with a significant disability
9 to a permanent position under section 3405(b) if the appointing
10 authority determines that the working-age adult is able to
11 perform the duties of the position. Time spent in a temporary
12 position shall not count toward the completion of the
13 probationary period described in section 2404 (relating to
14 probationary period).

15 (b) Classified service.--When an appointing authority makes
16 an appointment of a working-age adult with a significant
17 disability to a permanent position under section 3405(b), the
18 appointing authority shall convert the working-age adult to
19 classified service upon completion of the probationary period
20 consistent with section 2404 if the appointing authority
21 determines that the working-age adult's work has been
22 satisfactory. Prior to the completion of the probationary
23 period, the appointing authority shall notify the working-age
24 adult in writing whether the working-age adult's work has been
25 satisfactory.

26 § 3407. Customized employment job classification.

27 (a) Development and implementation.--The appointing
28 authority shall develop and implement a customized employment
29 job classification.

30 (b) Limitation.--Eligibility for placement into a position

1 under a customized employment job classification shall be
2 limited to individuals who have been determined eligible for
3 vocational rehabilitation services by the Office of Vocational
4 Rehabilitation.

5 § 3408. Administrative support.

6 The Office of Vocational Rehabilitation shall, with its
7 appropriation, provide all necessary supports, including the
8 following:

9 (1) Identifying State agencies that will hire a working-
10 age adult with a significant disability under this chapter.

11 (2) Identifying eligible candidates for work under this
12 chapter.

13 (3) Developing customized employment job
14 classifications.

15 (4) Providing or arranging job coaching or other needed
16 services as necessary under this chapter.

17 (5) Providing or arranging another service for a
18 working-age adult that is customarily provided by the Office
19 of Vocational Rehabilitation to similarly situated customers
20 of the Office of Vocational Rehabilitation.

21 Section 2. This act shall take effect in 60 days.