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PART I. GOVERNOR’S OFFICE

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Authority

The provisions of this Part I issued under Article IV of the Constitution of Pennsylvania, unless otherwise noted.

Note

Filing with the Legislative Reference Bureau and publication in the *Pennsylvania Code* is ordinarily not a prerequisite to the general validity of Executive Orders, Executive Directives and Proclamations, since section 208 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1208) applies only to “administrative regulations,” a term which under CDL § 102 (45 P. S. § 1102) excludes “a proclamation, executive order, executive directive or other similar document promulgated by the Governor.” However, under 1 Pa. Code § 3.1(a)(1) and (2) (relating to contents *Pennsylvania Code*) all Executive Orders and Proclamations which are general and permanent in nature and all gubernatorial regulations are required to be published in the *Pennsylvania Code*. Under 45 Pa.C.S. § 903(a) (relating to effective date of documents) no such gubernatorial document shall be valid as against any person who has not had actual knowledge thereof until such publication has been effected (or waived, e.g. under 1 Pa. Code § 3.41(b) (relating to emergency conditions); see also 1 Pa. Code § 13.74 (relating to effectiveness prior to publication)). The foregoing requirement for publication of gubernatorial documents took effect with respect to documents adopted on or after August 4, 1970. All prior gubernatorial documents have been either readopted or republished since that date or rescinded. See Executive Order 1978-13, 8 Pa.B. 2870.

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Subchapter A. DIRECTIVES MANAGEMENT SYSTEM

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1.1.	Establishment.
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1.5.	Office hours.

Source

The provisions of this Subchapter A adopted October 22, 1976, 6 Pa.B. 2640, unless otherwise noted.

Cross References

This subchapter cited in 1 Pa. Code § 13.5 (relating to deposit of management directives); and 25 Pa. Code § 269a.132 (relating to local government representatives).

§ 1.1. Establishment.

The Directives Management System, established in 1972, is designed to provide comprehensive statements of policy and procedure on matters that affect agencies and employees under the Governor's jurisdiction.

Source

The provisions of this § 1.1 amended by Executive Order No. 2001-1, dated February 13, 2001, 31 Pa.B. 1455. Immediately preceding text appears at serial page (268055).

Notes of Decisions

A management directive is not an administrative regulation with the force and effect of law. *Cutler v. State Civil Service*, 924 A.2d 706, 711 (Pa. Cmwlth. 2007).

Pursuant to the Management Directive issued by the Governor's Office in 1980, the dismissed employee's position was designated as a major nontenured policy making or advisory position; thus, the employee was not entitled to unemployment compensation benefits. *Zerbe, Jr. v. Unemployment Compensation Board of Review*, 681 A.2d 740 (Pa. 1996).

§ 1.2. Policy.

All issuances from the Governor's Office and from agencies under the Governor's jurisdiction, except proclamations and press releases, that are intended for distribution to two or more agencies are to be issued through the Directives Management System in one of four types of publications.

(1) Executive Orders, signed by the Governor, announce broad policies, programs, and responsibilities that are relatively permanent.

(2) Management Directives announce detailed policies, programs, responsibilities, and procedures that are relatively permanent. Management Directives are to be signed by the Governor, Lieutenant Governor, Secretary of the Budget, Secretary of Administration, or the head of any department or independent board, commission or council under the Governor's jurisdiction.

(3) Administrative Circulars contain either informational material or instructions that are one-time or temporary in nature. Administrative Circulars are to be signed the same as Management Directives.

(4) Procedural issuances contain detailed information and guidelines for relatively restricted, well-defined operations or sets of operations. Procedural issuances may be manuals, handbooks, catalogs, guides or similar publications. Manuals are to be signed the same as Management Directives.

Source

The provisions of this § 1.2 amended by Executive Order No. 2001-1, dated February 13, 2001, 31 Pa.B. 1455. Immediately preceding text appears at serial pages (268055) and (200839).

Notes of Decisions*General*

A management directive is not an administrative regulation with the force and effect of law. *Cutler v. State Civil Service*, 924 A.2d 706, 711 (Pa. Cmwlth. 2007)

A management directive is a tool for managing people in the executive branch of state government. *Cutler v. State Civil Service*, 924 A.2d 706, 711 (Pa. Cmwlth. 2007)

A directive issued under this section satisfies the official designation requirements of 43 P. S. § 892(11) because it was issued under a "Statute, regulation, executive order or the like." *Bowe v. Unemployment Compensation Board of Review*, 477 A.2d 587 (Pa. Cmwlth. 1984).

Where the designation of claimant's position as advisory was issued under this section, such designation applied to claimant's unemployment compensation claim even though claimant began employment before the designation was made. *Ging v. Unemployment Compensation Board of Review*, 479 A.2d 37 (Pa. Cmwlth. 1984).

Cross References

This section cited in 4 Pa. Code § 1.4 (relating to index of issuances).

§ 1.3. Responsibility.

(a) The Secretary of Administration is responsible for operating the Directives Management System. Those responsibilities include the issuance of detailed instructions for operation of the system, ensuring that communications are reviewed for completeness and for their impact on other agencies and procedures, assuring consistency between publications, editing, maintenance of a distribution scheme, periodic publication of an index to current issuances and maintenance of back-up files on items issued.

(b) Originating offices are responsible for the technical content and propriety of all documents issued through the Directives Management System.

Source

The provisions of this § 1.3 amended by Executive Order No. 2001-1, dated February 13, 2001, 31 Pa.B. 1455. Immediately preceding text appears at serial page (200839).

§ 1.3a. Rescission.

Executive Order 1974-7, published at 6 Pa.B. 2640 (October 23, 1976), is rescinded.

Source

The provisions of this § 1.3a adopted by Executive Order No. 2001-1, dated February 13, 2001, 31 Pa.B. 1455.

§ 1.4. Index of issuances.

(a) Section 1.2 (relating to policy) specifies that "Issuances from the Governor's Office and from agencies under the Governor's jurisdiction, except proclamations and press releases, that are intended for distribution to two or more agencies are to be issued through the Directives Management System in one of four types of publications:

(1) Numbered Executive Orders, signed by the Governor, announcing broad policies, programs, and responsibilities that are relatively permanent.

(2) Numbered Management Directives announcing detailed policies, programs, responsibilities, and procedures that are relatively permanent. Management Directives are to be signed by the Governor, Lieutenant Governor, Secretary of Administration, Budget Secretary, or the head of a department or independent board, commission, or council under the Governor's jurisdiction.

(3) Numbered Administrative Circulars containing either informational material or instructions that are one-time or temporary in nature. Administrative Circulars are to be signed the same as Management Directives.

(4) Numbered procedural issuances containing detailed information and guidelines for relatively restricted, well-defined operations, or sets of operations. Procedural issuances may be manuals, handbooks, catalogs, guides, or similar publications. Manuals are to be signed the same as Management Directives.”

(b) Management Directives and Manuals are numbered in sequence by category (e.g., Financial Management) and subcategory (e.g., Payroll).

(c) Changes to Executive Orders, Management Directives, and Manuals (catalogs, handbooks, bulletins, etc.) may be issued in the form of amendments. Amendments are complete documents incorporating all changes since the last complete issuance. Dots are placed in the margins to show the new or revised text. Some older documents have revisions, which are generally pen and ink changes or replacement pages and affect only those parts of an issuance being changed. (Revisions are no longer being issued; changes are now made in the document and it is reissued as an Amended version of the document.) Additionally, when a document has been amended, the previous document should be removed from the file and recycled.

(d) For any questions regarding Directives Management, contact ra-ebdms@state.pa.us or 717/783-5055.

Executive Orders.	Date of Original or Latest Amendment	Current Revisions
1973-9 Environmental Protection By State Agencies	7/13/1973	
1974-7 Directives Management System.	Rescinded by EO2001-1—2/13/2001	
1974-11 Governor’s Interdepartmental Council on Seasonal Farmworkers	11/2/1978	
1975-3 Establishment of the Pennsylvania Commission for Women.	Rescinded by EO1997-3—6/25/1997	
1975-5 Commitment Toward Equal Rights	9/19/1978	
1975-6 Preservation of Historic Resources	5/6/1975	
1977-4 Compliance with <i>Section 504 of the Rehabilitation Act of 1973</i> (P. L. 93-112)	8/3/1977	
1977-5 Implementation of <i>Act No. 1976-101</i>	9/27/1977	
1978-4 Flood Plain Management	3/1/1978	
1978-9 Public Information Policies and Practices	5/23/1978	

Executive Orders.	Date of Original or Latest Amendment	Current Revisions
1978-19 Access by Handicapped Individuals to Meeting Locations	12/19/1978	
1979-10 Commonwealth Child Development Committee.	7/25/1979	
1979-13 Governor's Office of Policy and Planning	9/18/1979	
1980-3 Life Cycle Costing	2/8/1980	
1980-4 Golden Keystone Discount Card Program	2/27/1980	
1980-5 Task Force on Employment Services to Displaced Homemakers	2/28/1980	
1980-7 Small Business Service Center	2/29/1980	
1980-13 Contract Management.	Rescinded by EO1999-5—12/9/1999	
1980-18 Code of Conduct.	5/16/1984 1—3 (-4 Rescinded)	
1980-20 Pennsylvania Coastal Zone Management Program.	9/22/1980	
1981-3 Scheduling of Bond and Note Issue Sales	1/30/1981	
1981-4 Federal Program Coordination.	2/9/1981	
1981-6 Pennsylvania Department of Health Advisory Board of Arthritis.	5/22/1981	
1981-13 Governor's Committee on Employment of the Handicapped	10/19/1981	
1983-1 Transfer of Cresson Center to the Bureau of Correction.	1/4/1983	
1983-4 Coordination of State Employment and Training Programs	Rescinded by EO1997-7—6/30/1998	
1984-3 Accounting and Financial Reporting.	10/11/1984	
1985-1 State Employee Combined Appeal	Rescinded by EO2001-2—2/14/2001	
1986-1 Commonwealth Single Audit Coordinator.	2/24/1986	
1986-2 Task Force on Special Supplemental Food Program for Women, Infants, and Children (WIC).	4/22/1986	
1986-5 Standby Allocations of the Volume Cap Under the <i>Tax Reform Act of 1986</i>	10/2/1986	

Executive Orders.	Date of Original or Latest Amendment	Current Revisions
1986-7	Liquor Control Board Sunset: Privatization of State Liquor Monopoly; Transfer of Liquor Control Board Functions	12/1/1986
1987-1	1987 Allocations of the Unified Volume Cap Under the <i>Tax Reform Act of 1986</i>	1/7/1987
1987-2	Permanent Transfer of Retreat State Hospital to the Department of Corrections	1/16/1987
1987-3	Transfer of Waynesburg Youth Development Center to the Department of Corrections	1/16/1987
1987-4	Economic Development Partnership (EDP)	Rescinded by EO2001-4—6/5/2001
1987-7	State Inspector General	4/6/1987
1987-8	Pennsylvania Emergency Response Commission	4/20/1987
1987-9	Allocation of State Low-Income Housing Credit Authority Under the Internal Revenue Code of 1986.	4/22/1987
1987-10	Highway Safety	11/25/1992
1987-12	Cultural Advisor to the Governor	5/27/1987
1987-19	Delegation to Department of Environmental Resources in Compliance with Federal <i>Low-Level Radioactive Waste Policy Amendments Act</i>	12/21/1987
1988-4	Coordination of Food and Nutrition Programs; Appointment of the Advisor to the Governor on Food and Nutrition Programs and the Inter-Agency Council on Food and Nutrition	4/7/1988 1
1988-5	Pennsylvania Department of Health Diabetes Task Force	Terminated 12/31/1994
1988-8	Pennsylvania State Data Center.	7/12/1988
1988-9	Small Business Advisory Council	Terminated 12/31/1994

Executive Orders.	Date of Original or Latest Amendment	Current Revisions
1988-10 Management of Automated Technology . . .	Rescinded by EO2002-12—9/25/2002	
1988-11 Motor Carrier Advisory Committee.	11/18/1988	1-2-3
1989-2 Upper Delaware Federal Scenic River . . .	Rescinded by EO2003-5—6/22/2003	
1989-3 Master Leasing Program	3/2/1989	
1989-4 Developmental Disabilities Planning Council	Rescinded by EO1997-2—5/30/1997	
1989-8 Municipal Waste Reduction and Planning Program.	10/17/1989	
1990-1 Municipal Waste Transportation Enforcement Program.	3/14/1990	
1990-2 Bureau of Women's Business Development.	Terminated 6/30/1995	
1990-3 Contractor Responsibility Program	6/29/1990	
1990-4 UNITED STATES BRIG NIAGARA— "Flagship of Pennsylvania".	8/17/1990	
1990-7 Interagency River Island Task Force.	10/17/1990	1
1991-2 Utilization of Commonwealth Owned and Leased Space	Rescinded by EO2004-2—2/18/2004	
1991-3 Use of Permanently-Assigned Commonwealth-Registered Vehicles . . .	2/27/1991	
1991-4 Governor's Council on Physical Fitness and Sports	Rescinded by EO1997-5—9/24/1997	
1991-5 Environmental Training Partnership	4/22/1991	
1991-8 Pennsylvania Heritage Affairs Commission	Terminated 12/31/1994	
1992-1 Records Management.	1/8/1992	
1992-2 Housing and Supportive Services Task Force	Terminated 1/31/1995	
1993-2 Civil Disorder and Emergency.	4/9/1993	
1999-3 State Land Use Planning—Goals and Objectives for Commonwealth Agencies	8/31/1993	

Executive Orders.	Date of Original or Latest Amendment	Current Revisions
1993-4 State Center for Health Statistics and Research	10/13/1993	
1994-1 State Commission on National and Community Service	1/28/1994	
1994-2 Governor's Office of PennPORTS.	3/29/1994	
1994-3 Agricultural Land Preservation Policy.	Rescinded by EO1997-6—10/14/1997	
1994-4 Governor's Committee on Education Standards and Assessment	5/18/1994	
1994-5 Nursing Home Loan Agency's Authorization to Sell Loans	11/4/1994	
1995-1 Judicial Appointments	2/27/1995	
1995-2 Drug Policy Planning Coordination.	12/19/1997	
1995-3 Pennsylvania Energy Development Authority	Rescinded by EO2004-5—4/8/2004	
1995-4 Monitoring Supplies of Petroleum Products.	7/10/1995	
1995-5 Money-Back Guarantee Permit Review Program for the Department Environmental Protection.	8/23/1995	
1995-6 Governor's Community Partnership for Safe Children	9/14/1995	
1995-7 Governor's Executive Council on Recycling Development and Waste Reduction	10/11/1995	
1995-8 Governor's Advisory Commission on Public School Finance	10/11/1995	
1995-9 Governor's Sportsmen's Advisory Council	Rescinded by EO2001-5—9/17/2001	
1995-10 Governor's Sports and Exposition Facilities Task Force.	10/27/1995	
1996-1 Regulatory Review and Promulgation.	2/6/1996	
1996-2 Implementation of the IMPACCT Commission Recommendations	4/19/1996	

Executive Orders.	Date of Original or Latest Amendment	Current Revisions
1996-3 Governor's Advisory Commission on African American Affairs	Rescinded by EO2003-76—7/22/2003	
1996-4 Governor's Advisory Commission on Latino Affairs	Rescinded by EO2003-9—7/1/2003	
1996-5 Municipal Waste Facilities Review Program	8/29/1996	
1996-6 Governor's Advisory Commission on Academic Standards	9/30/1996	
1996-7 Pennsylvania Center for Environmental Education	12/20/1996	
1996-8 Minority and Women Business Enterprise and Contract Compliance Programs . . .	Rescinded by EO2004-6—4/15/2004	
1996-9 Equal Employment Opportunity	Rescinded by EO2002-3—5/3/2002	
1996-10 State Employee Assistance Program	12/20/1996	
1996-11 Disability-Related Policy	Rescinded by EO2002-5—5/3/2002	
1996-12 Workplace Policy for HIV/AIDS	Rescinded by EO2003-4—5/5/2003	
1996-13 Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace .	12/20/1996	
1996-14 Prohibition of Sexual Harassment in the Commonwealth	Rescinded by EO1999-3—5/13/1999	
1997-1 Governor's Travel and Tourism Council . .	3/17/1997	
1997-2 Developmental Disabilities Council	5/30/1997	
1997-3 Pennsylvania Commission for Women . . .	Rescinded by EO2003-6—6/22/2003	
1997-4 The 21st Century Environment Commission	7/1/1997 1	
1997-5 Governor's Advisory Council on Physical Fitness and Sports	9/24/1997	
1997-6 Agricultural Land Preservation Policy . . .	Rescinded by EO2003-2—3/20/2003	

Executive Orders.	Date of Original or Latest Amendment	Current Revisions
1997-7 Pennsylvania Human Resources Investment Council	Rescinded by EO2000-2—2/14/2000	
1998-1 Governor's Green Government Council . . .	3/25/1998	
1998-2 Governor's Census 2000 Advisory Panel .	Terminated 3/1/2001	
1998-3 The Pennsylvania Greenways Partnership Commission	8/16/2001	
1998-4 Interagency Committee to Coordinate Services Provided to Individuals with Disabilities	Terminated 12/31/1999	
1999-1 Land Use Planning	1/7/99	
1999-2 Pennsylvania Rural Development Council	Rescinded by EO2007-09—10/2/2007	
1999-3 Prohibition of Sexual Harassment in the Commonwealth	Rescinded by EO2002-4—5/3/2002	
1999-4 Pennsylvania Justice Network (JNET) Governance Structure	6/8/1999	
1999-5 Rescission of <i>Executive Order 1980-13</i> . .	12/9/1999	
2000-1 Extension of Filing Deadline for Nomination Petitions	Terminated 1/26/2000	
2000-2 Pennsylvania Workforce Investment Board	2/14/2000	
2001-1 Directives Management System	2/13/2001	
2001-2 State Employee Combined Appeal	2/14/2001	
2001-3 The Voting Modernization Task Force . . .	Terminated 12/31/2001	
2001-4 Economic and Community Development Partnership	6/5/2001	
2001-5 Governor's Sportsmen's Advisor, Governor's Sportsmen's Advisory Council, and the Governor's Youth Sportsmen's Advisory Council	Rescinded by EO2003-13—9/22/2003	
2001-6 Governor's Task Force on Security	Rescinded by EO2002-11—9/12/2002	

Executive Orders.	Date of Original or Latest Amendment	Current Revisions
2002-1 Commonwealth Internal Operations Emergency Preparedness Steering Committee	Rescinded by EO2006-1—1/10/2006	
2002-2 Governor's Task Force on Early Childhood Care and Education	7/15/2002	
2002-3 Equal Employment Opportunity	Rescinded by EO2003-10—7/28/2003	
2002-4 Prohibition of Sexual Harassment in the Commonwealth	5/3/2002	
2002-5 Disability-Related Policy	5/3/2002	
2002-6 PA Open for Business	6/6/2002	
2002-7 Integrating Mediation Into State Government	6/14/2002	
2002-8 Governor's Interagency Task Force on Energy	7/18/2002	
2002-9 Governor's Fire and Emergency Services Task Force	Terminated 10/1/2002	
2002-10 Governor's Commission and Abandoned Mine Voids and Mine Safety	Terminated 11/15/2002	
2002-11 Pennsylvania Homeland Security Organizational Structure	Rescinded by EO2006-05—6/26/06	
2002-12 Rescission of Executive Order 1988-10 . .	Terminated 10/15/2002	
2002-13 Proposed Keystone Opportunity Improvement Sub-zones	12/31/2002	
2003-1 Commonwealth's Health Care Reform Agenda	1/21/2003	
2003-2 Agricultural Land Preservation Policy . . .	3/20/2003	
2003-3 Management and Productivity Improvement Initiative	4/30/2003	
2003-4 Workplace Policy for HIV/AIDS	5/5/2003	
2003-5 Upper Delaware Federal Scenic River . .	6/22/2003	
2003-6 Pennsylvania Commission for Women . .	4/28/2008	
2003-7 Governor's Advisory Commission on African American Affairs	6/22/2003	
2003-8 Governor's Advisory Commission on Asian American Affairs	6/22/2003	

Executive Orders.	Date of Original or Latest Amendment	Current Revisions
2003-9 Governor's Advisory Commission on Latino Affairs	9/15/2005	
2003-10 Equal Employment Opportunity	7/28/2003	
2003-11 Governor's Office of Housing and Community Revitalization	9/10/2003	
2003-12 Governor's Cabinet on Children and Families.	9/18/2003	
2003-13 Governor's Advisor for Hunting, Fishing and Conservation; Governor's Advisory Council for Hunting, Fishing and Conservation; Governor's Youth Council for Hunting, Fishing and Conservation	9/22/2003	1
2004-1 Governor's Invasive Species Council	9/18/2006	
2004-2 Utilization of Commonwealth-Owned and Leased Space	2/18/2004	
2004-3 Pennsylvania Business Tax Reform Commission	3/4/2004	1
2004-4 Anti-Sweatshop Procurement Policy	3/18/2004	
2004-5 Pennsylvania Energy Development Authority	4/8/2004	
2004-6 Minority and Women-Owned Business Opportunities.	4/15/2004	
2004-7 Financial Education and Literacy	4/29/2004	
2004-8 Enterprise Information Technology Governance Board	5/9/2007	
2004-9 Economic Development Committee of the Cabinet	6/15/2004	
2004-10 Proposed Economic Development District.	Rescinded by EO2005-3—5/18/2005	
2004-11 Pennsylvania Election Reform Task Force	12/13/2004	
2004-12 Energy Management and Conservation in Commonwealth Facilities.	12/15/2004	
2005-1 Transportation Funding and Reform Commission	2/28/2005	

Executive Orders.	Date of Original or Latest Amendment	Current Revisions
2005-2	Commission to Address Gun Violence . . .	4/22/2005 1
2005-3	Proposed Economic Development District.	Rescinded by EO2005-4—7/14/2005
2005-4	Proposed Economic Development District.	7/14/2005
2005-5	Training America's Teachers Commission	11/2/2005
2005-6	Commission on College and Career Success	8/10/2005
2005-7	Fuel Conservation Program	12/30/2005 . Terminated 3/31/2006
2005-8	Governor's Renewable Agricultural Energy Council.	9/20/2005
2006-1	Commonwealth Continuity of Government Steering Committee.	1/10/2006
2006-2	Contract Compliance	1/31/2006
2006-3	Commonwealth Business License Information Exchange Program	4/12/2006
2006-4	Pennsylvania 2020 Vision Project	6/16/2006
2006-5	Pennsylvania Homeland Security and Emergency Preparedness Organization tructure	Rescinded by EO2007-10—12/4/2007
2006-6	The Pennsylvania Abraham Lincoln Bicentennial Commission.	6/30/2006
2006-7	Governor's Pandemic Advisory Council . .	7/27/2006
2006-8	Contractor Social Responsibility and Offshore Services	9/14/2006
2006-9	Governor's Cabinet for People with Disabilities—Governor's Advisory Committee for People with Disabilities. .	11/21/2006
2006-10	Strategic Development Areas.	12/22/2006
2006-11	Governor's Dog Law Advice Group	12/22/2006
2007-01	Strategic Development Area, Butler County.	4/24/2007
2007-02	Strategic Development Area, Westmoreland County	4/30/2007

Executive Orders.	Date of Original or Latest Amendment	Current Revisions
2007-03 Commonwealth Automotive Fleet Efficiency Initiative	5/9/2007	
2007-04 Office of Health Equity	5/21/2007	
2007-05 Chronic Care Management, Reimbursement and Cost Reduction Commission	5/21/2007	
2007-06 Registered Family Child Care Providers	6/14/2007	
2007-07 Subsidized Child Care Providers Exempt From Certification Or Regulation	6/14/2007	
2007-08 Strategic Development Area, Lehigh County	9/6/2007	
2007-09 Governor's Advisory Council On Rural Affairs	10/2/2007	
2007-10 Pennsylvania Homeland Security and Emergency Preparedness Organizational Structure	12/4/2007	
2008-01 Extension of Filing Deadline for Nomination Petitions	2/12/2008	
2008-02 Sustainable Water Infrastructure Task Force	4/28/2008	
2008-03 Pennsylvania Health Information Exchange (PHIX) Governance Structure	3/26/2008	
2008-04 Pennsylvania All-Hazard Incident Management (PA-IMT3)	5/13/2008	
2008-05 Transition Period for the Pennsylvania Health Care Cost Containment Council	7/8/2008	1
2008-06 Office of Diversity Management	7/29/2008	
2008-07 Early Learning Council	9/11/2008	
2008-08 Early Learning Investment Commission	9/11/2008	
2008-09 Governor's Food Safety Council	12/17/2008	
2009-01 Pennsylvania Stimulus Oversight Commission	3/27/2009	

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BUDGET		
General		
105.1	Allocation and Allotment of Funds for ICS Transactions	10/22/1984
105.2	Contingent Commitments	7/2/1985
105.3	Block Grants	Rescinded/Obsolete 2/10/2006
105.4	Allocation and Allotment of Funds for Non-ICS Transactions	10/22/1984
105.5	Use of the Determination of Tax-Exempt Category for Capital Projects Form	9/12/1991
Budget Preparation		
110.2	Request for Approval of Federal Funds	1/14/1985
110.3	Budgeting and Accounting for Federal Appropriations	5/29/1985
Manuals.		
M110.1	2009-10 Budget Instructions	8/15/2008
M110.2	2004-05 Rebudget Instructions	Rescinded/Obsolete 2/10/2006
MANAGEMENT/ADMINISTRATIVE SUPPORT		
General		
205.2	Powers and Duties of Policing Forces	2/9/1977
205.4	Delegation of Authority to Sign and Delegation to Authorize SAP Payments	5/11/2009
205.6	Defense of Suits Against Commonwealth Employees	9/30/1986
205.9	Implementation of Financial Disclosure Provisions of the Governor's Code of Conduct	4/17/2007
205.10	Financial Disclosures Required by the <i>Public Official and Employee Ethics</i> <i>Act, 65 Pa.C.S. §§ 1101—1113</i>	4/17/2007
205- 10AB	Abridged Version of MD205.10	4/17/2007

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205.12 Financial Disclosures Required of Former Employees by the <i>Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1101—1113</i>	4/17/2007	
205.14 Prohibition of Activities Not Specifically or Directly Connected With the Official Business of the Commonwealth on Commonwealth Property	2/2/1988	
205.15 Memberships in Associations, Organizations, or Societies.	2/9/2006	
205.16 Compliance With the <i>Whistleblower Law, Act 1986-169</i>	11/22/1995	
205.17 1987 Chesapeake Bay Agreement	Rescinded/Obsolete 5/9/2007	
General		
205.18 Ballot Question Advocacy by Executive Branch Employees, Appointees and Officials.	4/11/1988	
205.19 Smoking in Commonwealth Buildings and Facilities.	7/1/1997	
205.20 Documents and Evidence Relating to Asbestos in Commonwealth Buildings .	6/7/1989	
205.21 Commonwealth Child Care Program.	9/12/2001	1
205.22 Recycling, Waste Reduction and Procurement of Environmentally Preferable Products.	8/29/2007	
205.23 Submission of Commonwealth Publications to the State Library for Distribution to Other Designated Libraries	12/6/2005	
205.24 Display of Flags on Commonwealth Grounds and Buildings and Other Locations within the Commonwealth . .	3/24/2008	
205.25 Disability-Related Employment Policy . . .	2/13/2009	

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205.26 The <i>Americans With Disabilities Act of 1990, Title II, Subtitle A, Nondiscrimination in State and Local Government Services</i>	7/22/1992	
205.27 Implementation of <i>Act 194-1990, Asbestos Occupations Accreditation and Certification Act</i>	12/2/2008	
205.28 Purchase of Recycled Content Products by State Agencies	Rescinded by MD205.22—8/29/2007	
205.29 Commonwealth Internet Access	Rescinded/Obsolete 8/21/2007	
205.30 Personal Use of Promotions and Offers	10/23/1997	
205.31 Pro Bono Publico Legal Services	2/11/1999	
205.32 Hiring Sign Language Interpreters/ Transliterators	6/16/1999 1	
205.33 Workplace Violence	6/22/1999	
205.34 Commonwealth of Pennsylvania Information Technology Acceptable Use Policy	3/28/2007	
205.35 Information Reporting From the Commonwealth's Enterprise SAP Business Information Warehouse System	7/5/2002	
205.36 <i>Right-to-Know Law</i>	11/20/2008	
205.37 Role Assignment, Security, and Internal Control Maintenance	6/13/2005	
205.38 Procedures for Safe Assembly of Commonwealth Employees During Emergency Evacuation of Commonwealth Facilities	7/5/2007	
205.39 Street Addresses for Department of General Services Owned or Administered Buildings	3/10/2009	
Manual.		
M205.2 Meeting Room Facilities	Rescinded by M210.3—3/18/2005	

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
Management Programs		
210.1	Directives Management System.	3/31/2003
210.4	Central Microfilm Management.	11/18/2002
210.5	The Commonwealth's Enterprise Records Management Program.	12/30/2008
210.6	Selection, Acquisition and Use of Filing Equipment.	9/16/2002
210.8	Micrographics Procedures to be Used in Conjunction With Central Microfilm Management	11/18/2002
210.9	Electronic Imaging Systems Procedures Relating to the Management of Records	Rescinded by MD210.5—5/22/2006
210.10	Electronic Records Management	Rescinded by MD210.5—5/22/2006
210.11	Acceptance of Imaged Documents	6/16/1997
210.12	Electronic Commerce Initiatives and Security	2/14/2000
210.13	Retention and Disposition of Records Created on Electronic Mail (E-mail) Systems	Rescinded by MD210.5—12/30/2008
210.14	Retention and Disposition of Records Upon Departure of Senior Management Employees.	Rescinded by MD210.5—12/30/2008
210.15	Instant Messaging.	11/29/2004
Manuals.		
M210.1	Guide to Efficient Filing	7/21/1976
M210.3	Index of Issuances	7/21/2009
M210.4	Forms Management	8/16/1983 1-2
M210.5	Standard (STD) Forms Management.	9/15/1998
M210.6	Publications Management.	8/1/1984 1
M210.7	State Records Management Manual	6/8/2004
M210.8	Vital Records Disaster Planning	5/9/1995

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
M210.9 General Administrative Records Retention and Disposition Schedule for Records Common to Most Agencies	2/27/2008	
Contracts Management		
215.6 Contract Management	Rescinded by M215.3—8/20/99	
215.7 Affirmative Action/Contract Compliance Program	Rescinded by M210.3—4/8/1997	
215.8 Contractor Integrity Provisions for Commonwealth Contracts	12/20/1991	
215.9 Contractor Responsibility Program	4/16/1999	
215.10 Offset Provision for Commonwealth Contracts	Rescinded MD215.9—4/16/1999	
215.11 Contractor Responsibility Provisions for Commonwealth Contracts	Rescinded by MD215.9—4/16/1999	
215.12 Provisions for Commonwealth Contracts Concerning <i>The Americans With Disabilities Act</i>	1/16/2001	
215.13 Contract Provision for Donation of Excess Prepared Food	6/21/1994	
Contracts Management		
215.14 Recycled Content Products Provision for Commonwealth Contracts for Services	Rescinded by M215.3—8/20/1999	
215.15 Statewide Contracts for the Purchase of Services	Rescinded by M215.3—8/20/1999	
215.16 Contract Compliance Program	6/30/1999	
Manuals.		
M215.1 Contracting for Services	Rescinded by M215.3—8/20/1999	
M215.2 Commonwealth Contract Compliance Program Guidelines	Rescinded by M210.3—4/8/1997	

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
M215.3 Field Procurement Handbook. (Current publication available at: http:// www.portal.state.pa.us/portal/server.pt/ community/procurement_ handbook/1277)		
Central Services		
220.1 Commonwealth Media Services.	1/14/2008	
220.3 Mail Delivery Between Harrisburg and the Philadelphia and Pittsburgh State Office Buildings	1/10/2006	
220.5 Payment of Interagency Billings for Centralized Services	Rescinded by MD310.25—12/5/2002	
220.9 Graphic Design, Typesetting, Reproduction, and Printing Services . . .	6/4/1987	
220.10 Processing Automated Mail	Rescinded/Obsolete 5/8/2006	
220.11 Preservation of Commonwealth Deeds . . .	5/3/2006	
Manual.		
M220.3 Computer Printing	Rescinded/Obsolete 5/25/2005	
Travel and Expenses		
230.6 Travel Expenses of Job Applicants	4/30/1997	
230.7 Remittance of Witness Fees	5/24/2007	
230.9 Acquisition and Payment of Travel Services	Rescinded by MD230.10—7/1/2009	
230.10 Travel and Subsistence Allowances	6/17/2009—Effective 7/1/2009	
230.11 Use of Pittsburgh and Erie Convention Centers by State Agencies	Rescinded/Obsolete 2/10/2006	
230.13 Commonwealth Corporate Card Program .	Rescinded by MD230.10—7/1/2009	
230.14 Foreign Areas Subsistence Allowances . . .	Rescinded by MD230.10—7/1/2009	

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
230.15 Continental United States High Cost Subsistence Allowances	Rescinded by MD230.10—7/1/2009	
230.16 Using E-ZPass in Commonwealth Vehicles	Rescinded/Obsolete 2/10/2006	
230.17 Commonwealth Office of Travel Operations	3/28/2007	
Manual.		
M230.1 Commonwealth Travel Procedures Manual	6/17/2009—Effective 7/1/2009	
Information Technology Management		
240.7 Submission of Changes to the Commonwealth Telephone Directory . .	8/18/2008	
240.11 Commonwealth Wireless Communication Policy	10/8/2004	
240.12 Commonwealth of Pennsylvania Mobile Devices Security Policy	12/29/2008	
245.12 Implementation of the Data Center Project Plan	7/1/1997	
245.13 Strategic Direction for Information Technology Investments	2/8/2006	
245.14 Wireless Antenna Tower Management . .	3/8/2006	
245.15 Statewide Public Safety Radio System . .	3/7/2006	
245.16 Pennsylvania Justice Network (JNET) Governance Structure	3/7/2006	
245.17 Commonwealth of Pennsylvania Public Safety Communications Council	12/19/2006	
245.18 IT Administrator Acceptable Use, Auditing and Monitoring, Incident Notification, and Response Policies and Procedures	2/7/2006	
245.19 Enterprise Technology Security Council . .	5/3/2006	

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Manuals.

- | | | |
|--------|---|----------------------------------|
| M245.2 | State Computer Maintenance Contract for
Terminals, Microcomputers Printers,
and Other Related Peripheral
Equipment | Rescinded/Obsolete
10/18/2005 |
| M245.4 | Policy for Personal Computers and
Networks (PCs/LANs) | Rescinded/Obsolete
11/2/2005 |

Public Information Programs

- | | | |
|-------|--|---|
| 250.1 | The Sunshine Act Meeting Notices | 9/22/1995 |
| 250.3 | State Contracts Information Document | Rescinded by M215.3
Rev. 2—10/5/2001 |

Organization and Space Management

- | | | |
|-------|---|------------|
| 260.1 | Organization Requests | 10/17/2005 |
| 260.2 | Reorganization Plans for Transfers of
Functions Between Agencies | 11/16/1987 |

Manual.

- | | | |
|--------|--|-----------|
| M260.1 | Manual For Space Utilization | 3/11/2004 |
|--------|--|-----------|

FINANCIAL MANAGEMENT

General

- | | | |
|-------|---|------------------------------------|
| 305.2 | Standard Check Endorsement Procedure | 5/22/2009 |
| 305.3 | Responsibilities of Comptroller
Operations | 3/19/1997 |
| 305.4 | Payments to Counties | 5/24/2000 |
| 305.5 | Cash Management | 5/22/2009 |
| 305.6 | Withholding Payments to Municipalities
(Act No. 166 of 1978) | 5/1/1997 |
| 305.7 | Interest Penalties for Late Payments | 5/11/2009 |
| 305.8 | Commonwealth Bank Accounts and
Special Banking Services | 6/11/1997 |
| 305.9 | Use of Forms STD-419/419L, Refund of
Expenditures, and STD-420/C420/
420L, Transmittal of Revenue, When
Unaccompanied by Remittances | Rescinded by
MD305.11—5/22/2009 |

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
305.10 Receipt of Federal Funds by Wire Transfer	1/23/1989	
305.11 Depositing Checks, Money Orders and Cash.	5/22/2009	
305.12 Accounting, Reporting, and Cash Management of Federal Grants and Contracts	1/25/1999	
305.13 Use of Forms STD-419/419L, Refund of Expenditures, and STD-420/C420/ 420L, Transmittal of Revenue, When Accompanied by Remittances	Rescinded by MD305.11—5/22/2009	
305.14 Identifying Payments to Local Governments and Other Subrecipients .	Rescinded by MD305.21—6/13/2003	
305.15 Processing and Distributing Returned Checks.	8/30/1989	
305.16 Lobbying Certification and Disclosure . .	7/3/2003	
305.17 Preparation and Use of Form STD-417, Adjustment Memorandum From Department of Revenue to Treasury Department	Rescinded by MD305.11—5/22/2009	
305.18 Obtaining Authority for Electronic Approval of Commonwealth Voucher Transmittals.	Rescinded/Obsolete— 8/24/2006	
305.19 Identification of Boards, Commissions, and Councils	8/15/1997	
305.20 Grant Administration	5/26/2000	
305.21 Payments to Local Governments and Other Subrecipients	9/23/2005	
305.22 Commonwealth Business License Information Exchange Program	4/13/2006	

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Accounting		
310.1	Fiscal Guidelines for Federal Reimbursement of Disaster Related Expenditures	1/5/1983
310.3	Encumbering and Lapsing of Appropriations	5/4/1998 1
310.7	Report of Lapse (STD-292)	Rescinded/Obsolete 2/10/2006
310.8	Postage Due Procedures	1/8/1987
310.9	Purpose and Use of Restricted Receipt and Restricted Revenue Accounts	11/20/1978
310.10	Collection, Requests for Compromise, and Write-Off of Delinquent Claims	8/29/1996
310.11	Payment and Financial Reporting Requirements for Non-Preferred Appropriations	1/19/1982 1
310.12	Refunding Erroneously Collected Fees and Charges	4/30/1982
310.13	Generally Accepted Accounting Principles (GAAP)	6/13/1995
310.14	Fixed Asset Accounting and Reporting	Rescinded/Obsolete 2/10/2006
310.14	General Capital Asset and Other Fixed Asset Accounting and Reporting in SAP	2/3/2003
310.15	Agency Federal ID Numbers	6/7/1996
310.16	Advancement Account Balances	8/21/1987
310.17	Accounting for Payments of Federal Funds to Subrecipients	Rescinded by MD305.21—6/13/2003
310.18	Reporting of Pending or Threatened Claims	Rev. 1—5/27/1999

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
310.19 Accounting for Disbursement of Funds for Interagency Agreements, Memorandums of Understanding, and Notifications of Subgrant; Accounting for the Subgranting of Federal, Federal Matching Funds, or State Funds Between Commonwealth Agencies	9/4/1997	
310.20 Charging Equipment Expenditures to Federal Programs	8/31/1994	
310.21 Master Lease Tracking System	4/21/1995	
310.22 Central Vendor Information System	Rescinded/Obsolete 6/17/2006	
310.23 Commonwealth Purchasing Card Program.	5/11/2009	
310.24 Accepting Debit/Credit Cards for Commonwealth Revenues	9/3/2008	
310.25 Transfers of Revenue or Expenses in SAP.	12/5/2002	
310.26 Central Vendor Management Unit (CVMU)	2/9/2004	
310.27 Month-End Closing Processes	12/14/2005	
310.28 Use of One-Time Vendor Records in SAP.	6/16/2006	
310.29 Using Value (Service) Date in SAP.	6/10/2009	
310.30 Pennsylvania Electronic Payment Program (PEPP).	5/22/2009	
310.31 Purchase Order Receiving, Invoice Processing and Invoice Reconciliation Processes.	5/11/2009	
Manuals.		
M310.1 Agency Operated Advancement Accounts.	8/11/1999	
M310.2 Definitions of Major and Minor Objects of Expenditures.	8/26/1998	1
M310.3 Manual of Accounting	7/17/1996	
M310.4 Fixed Asset Accounting System.	Rescinded/Obsolete 2/10/2006	

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
M310.10 Revenue and Receipts Accounting Subsystem	Rescinded/Obsolete 2/10/2006	
M310.11 Budget Control Subsystem	Rescinded/Obsolete 2/10/2006	
M310.12 General Ledger Subsystem	Rescinded/Obsolete 2/10/2006	
M310.13 Project Accounting Subsystem	Rescinded/Obsolete 2/10/2006	
M310.14 Grant Accounting Subsystem	Rescinded/Obsolete 2/10/2006	
M310.15 Commitment and Expenditure Control Subsystem	Rescinded/Obsolete 2/10/2006	
M310.16 ICS Information System (IIS) Terminal Operators Manual	Rescinded/Obsolete 2/10/2006	
Payroll		
315.1 Calculation and Payment of Statutory Salaries	1/9/2009	
315.6 Employees' Requests for Additional State or Federal Income Tax Withholding . . .	1/6/1981	
315.7 Employee Payroll Deductions for Credit Unions	6/1/1989	1-2-3
315.8 Restitution of Overpayments	10/1/1997	
315.9 Withholding of Delinquent Local Taxes from Employees' Paychecks	11/4/1996	
315.10 Recording and Reporting of Wage, Overtime, Shift Differential, and Short-Term Leave Without Pay	Rescinded/Obsolete 2/10/2006	
315.11 Distribution and Retention of Payroll Deduction Authorization Documents . . .	4/24/1980	
315.13 Payments of Wages, Salary, Benefits, and Travel Expenses to Survivors of Deceased Employees	8/19/1996	
315.14 Charges for State Employees Residing or Subsisting in Commonwealth Facilities.	5/29/1997	

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315.15 Withholding of Pennsylvania Higher Education Assistance Agency Loans from Employee Paychecks	8/28/2008	
315.16 Payment of Annuitant Medical and Hospital Benefits	9/10/1997	
315.17 Direct Deposit of Pay Program	10/20/2000	1
315.18 Delivery of Payroll Checks to Employees	11/28/1990	
315.19 Check Distribution Codes	9/20/1993	
315.20 Taxability of the Use of State-Provided Vehicles	11/17/2008	
315.21 Deductions for U.S. Savings Bonds	11/7/1985	
315.22 Preparation and Filing of Federal Forms 1099 and 1096	1/3/1995	
315.23 Processing Employee's Withholding Allowance Certificate (W-4)	2/9/1988	
315.25 Pennsylvania Personal Income Tax	9/12/1988	
315.26 Backup Withholding on Missing and/or Incorrect Taxpayer Identification Numbers	1/24/1994	1
315.27 Recoupment of Conversion Pay Amounts	5/4/1992	
315.28 Taxability of State-Provided Parking	6/18/2008	
315.29 Mailing SAP-Generated Checks	12/5/2002	
Manual.		
M315.1 Municipal Tax Rate Schedules	Rescinded by Rev. 3—4/1/2002	

Audits

325.2 Audit Inquiry Relative to Agency Litigation, Claims, and Assessments . . .	9/12/2008	
325.3 Performance of Audit Responsibilities . . .	9/14/1994	
325.4 Agency Annual Audit Plan	6/11/2001	
325.5 Single Audit Costs—State Level	9/27/2000	
325.6 Auditing Computer Based Systems	6/12/1987	
325.7 Implementation of the Commonwealth's State Level Single Audit	7/13/1998	
325.8 Remedies for Recipient Noncompliance with Audit Requirements	6/11/1999	

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
325.9 Processing Audits of Federal Pass-Through Funds	8/26/2008	
325.10 Review of Auditor General, Treasury, and Legislative Budget and Finance Committee Audit Reports	8/31/1994	
EQUAL EMPLOYMENT OPPORTUNITY (EEO)		
Equal Employment Opportunity Programs		
410.5 Affirmative Action Program	Rescinded by M210.3—4/8/1997	
410.9 Personnel Procedures for Affirmative Action Analysts, Affirmative Action Directors, and Compliance Specialists	Rescinded by M210.3—4/8/1997	
410.10 Guidelines for Investigating and Resolving Internal Discrimination Complaints	2/21/2008	
410.11 Commonwealth’s Equal Employment, Outreach, and Employment Counseling Program	5/8/1997	
Manual.		
M410.3 Guidelines for Equal Employment Opportunity Plans and Programs	12/18/2007	
EMPLOYEE DEVELOPMENT AND UTILIZATION		
General		
505.1 Employee Furlough Policy	2/16/2006	
505.2 Salaried Complement Management System	12/1/2006	
505.4 Salaried Complement Control	2/18/1982	1
505.7 Personnel Rules	10/9/2008	
505.8 Transmittal of Personnel Action Notifications	4/2/1998	
505.9 Standard Abbreviations for Use With the Compensation Plan and SAP R/3 System	3/11/2004	
505.11 Emergency Assignments of Employees During Emergencies	6/17/1998	
505.12 Annual List of Employees	6/26/2001	

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
505.15 Employee Mobility Information Program .	10/3/2007	
505.17 Furlough of Employees on Work-Related Disability Leave	Rescinded/Obsolete 2/1/2008	
505.18 Maintenance, Access, and Release of Employee Information	2/14/2003	
505.20 Wage Complement Management and Control	11/10/1999	
505.21 Office Hours	1/19/2000	
505.22 State Employee Assistance Program	4/2/2003	
505.23 Employee Recognition Program	1/23/2007	
505.25 Substance Abuse in the Workplace	11/29/2004	
505.26 HIV/AIDS and Other Bloodborne Infections/Diseases in the Workplace . .	3/18/2005	
505.27 <i>The Worker and Community Right to Know Act (P. L. 734, No. 159)</i>	8/3/1993	
505.28 Family Care Account Program.	10/11/2005	
505.29 Commercial Driver License Drug and Alcohol Testing Requirements.	Rescinded by M505.5—11/5/1999	
505.30 Prohibition of Sexual Harassment in Commonwealth Work Settings.	6/19/2002	1
505.31 Domestic Violence and the Workplace . . .	5/31/2004	
505.32 Governor’s Awards for Excellence	11/12/2008	
505.33 Working From Home During Emergencies Including a Pandemic Influenza Event .	8/20/2007	
Manuals.		
M505.2 Personnel Management Review.	7/9/1997	
M505.3 State Employee Assistance Program	11/29/2004	
M505.4 Personnel Records Retention and Disposition Schedule	12/7/1998	
M505.5 Commercial Driver License Drug and Alcohol Testing and Licensing Requirements Administrative Manual . .	5/30/2002	
M505.6 An Agency Guide to Workplace Violence Prevention and Response	5/28/2002	

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
Employment		
515.2	Transfer of Employees From One Agency to Another	6/16/2000
515.3	Classified Service Emergency Appointments	9/3/2008
515.4	Seniority Rights of Commonwealth Employees	7/12/2006
515.10	Selection and Appointment to Non-Civil Service Positions	2/16/2006
515.12	Confidential Employees	9/28/2004
515.15	Identification, Employment, and Education Verification Checks	6/13/1997
515.16	Appointment to Senior Level Positions	2/14/2006
515.17	Computer Systems Intern Program	8/29/1989
515.18	Supplementary Employment	7/7/1998
515.19	Accounting Intern Program	10/7/1985
515.20	Reemployment of Commonwealth Annuitants	2/21/2002
515.21	Commonwealth School-to-Work Program	2/14/2006
Classification		
520.3	Unclassified Codes and Titles	6/16/2003
520.4	Position Classification Post-Audits	11/16/1999
520.5	Centralized Job Control System	12/1/2006
520.6	Processing of Reclassification Actions	1/23/2007
520.7	Development and Validation of Job Standards	10/16/2006
520.8	Pay Action Effective Dates for Changes to Position Classifications and the Classification Plan	1/23/2007
520.9	Appointments Above the Minimum	3/5/1998
Pay		
525.4	Temporary Assignment in Higher Classification	4/20/2004
525.6	Advances on Salaries or Wages Earned	8/29/1996
525.8	Processing of Pay Increments	Rescinded by M210.3—4/8/1997
525.11	Dual Employment	2/10/1997

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
525.12 Reinstatement of Discharged Employees .	9/21/1979	
525.13 Maintenance of Weighted Salaries	9/28/2001	
525.15 Overtime	2/10/1997	
525.16 Physicians and Related Occupations Quality Assurance Program	2/14/2006	
525.17 Internal Revenue Service Levies on Wages, Salary, and Other Income of Payments	6/28/1991	
525.20 Implementation & Maintenance of Local Service Tax	10/10/2008	
Manual.		
M525.2 Commonwealth Pay Plan	Rescinded by M210.3—3/12/2004	
Benefits		
530.1 Agency Employee Services Coordinators .	5/16/2006	
530.2 Sick Leave Without Pay, Parental Leave Without Pay, and Family Care Leave Without Pay	3/12/2008	
530.3 State Employee Combined Appeal for New Employees and Employees on Inter- Agency Transfers	1/18/1996	
530.4 State Paid Benefits While on Sick, Parental, or Family Care Leave Without Pay	3/11/2008	
530.8 <i>Motor Vehicle Financial Responsibility Law</i>	7/22/1997	
530.9 Social Security Records	10/9/1997	
530.10 Administrative Leave to Compete in International and World Championships	7/23/1996	
530.11 Benefit Rights of Permanent and Temporary Employees	7/25/2006	
530.14 Payment for Leave	Rescinded by MD530.14 Rev. 1 M210.3—10/3/1999	

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
530.15 Disability Benefits, Related Pay Status Options, and Retired Employee Health Program (REHP) Effective Dates	7/8/1997	
530.17 Partial and Full Day Closings of State Offices.	11/13/2007	
530.18 Benefit Rights of Furloughed Employees .	2/24/1997	
530.20 State Paid Benefits While on Cyclical Leave Without Pay	7/8/1997	
530.21 Paid Leave for Blood Donation.	5/13/1997	
530.22 Unemployment Compensation, Noncovered Employment—"Major Nontenured Policymaking or Advisory Positions"	11/20/1996	
530.23 State Employee Combined Appeal	2/1/2008	
530.24 Retired Employees Health Program Eligibility Requirements.	4/7/2009	
530.26 Military Leaves of Absence.	9/3/2008	
530.27 Leave Related Policies for Employees Excluded From Earning Leave and Leave Service Credit	2/7/1997	
530.28 Pennsylvania Employees Benefit Trust Fund (PEBTF)	9/14/2004	
530.29 Commuter Benefits Program	5/20/2009	
530.30 Sick, Parental and Family Care Absence Policy	12/14/2007	
530.31 Workplace Safety and Health Program . .	9/29/2008	
Manuals.		
M530.2 Injury Leave Manual	11/29/2001 1
M530.3 Group Life Insurance Program Administrative Manual.	6/26/2001	
M530.4 Commonwealth of Pennsylvania Highlights of State Employee Benefits.	8/1/2004	
M530.7 Absence Program	4/23/2009	
M530.9 Unemployment Compensation Insurance .	12/7/1998	
M530.14 Unemployment Compensation and the Supervisor.	3/1/1982	

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
M530.15 State Police Health Program/State Police Supplemental Benefits Program Administrative Manual	6/5/2001	1-2
M530.16 Temporary Clerical Pool Agency User Manual	10/1/1999	
M530.17 Temporary Clerical Pool Employee Handbook	10/1/1999	
M530.18 The Benefits of a “ <i>Healthy</i> ” Sick Leave Balance	11/1/1997	
M530.19 Leave Without Pay and Injury Leave Processing Instructions	Rescinded/Obsolete 2/1/2008	
M530.20 Commonwealth of Pennsylvania Employee Benefits	Rescinded by M210.3—03/18/2005	

Training

535.1 Employee Training and Development	2/9/2000	
535.2 Physicians and Related Occupations Specialty Board Certification Payments	2/21/2006	
535.3 Out-Service Training	11/16/1999	
535.4 Use of State Work Program and Public Services Trainee Classes	2/16/1984	
535.5 Use of Trainee Classes in the Classified Service.	10/8/2004	
535.6 Commonwealth Management Development Program	2/9/2000	
535.7 Annual Agency Training Plan and Report.	7/8/1999	
535.9 Physical and Information Security Awareness Training	10/3/2006	

Performance Evaluations

540.7 Employee Performance Review	3/5/2002	
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Retirement

570.1 State Employees’ Retirement System, Duties of Departments and Agencies.	5/8/2006	
570.2 Use of Form SERS-147 to Elect Membership in Full Coverage Retirement Group	Rescinded/Obsolete 11/28/2005	

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
570.5 Employer Contributions Required on the Purchase of Previously Uncredited State Service	4/9/2006	
570.6 Optional Membership in State Employees' Retirement System	2/22/2006	
570.7 Credited State Service	Rescinded/Obsolete 11/28/2005	
570.8 Reinstatement of Dismissed or Furloughed Employees' Into the State Employees' Retirement System	4/3/2006	
570.9 Reinstatement Into the State Employees' Retirement System of Employees Furloughed or Otherwise Terminated and Reemployed	2/17/2006	
570.10 Final Average Salary—Part-Time Service, State Employees' Retirement System	Rescinded/Obsolete 11/28/2005	
570.11 Changes to Retirement and Personnel/ Payroll System and Collection of Arrears Balances	3/23/2006	
570.12 Refusal of Recall From Furlough— Termination of Interest on Retirement Contributions	2/17/2006	
570.13 State Employees' Retirement System, Regional Field Offices	5/30/2007	
570.14 Deferred Compensation Program	3/25/2005	
570.15 Public Employee Pension Forfeiture Act No. 1978-140	6/6/2006	
Manual.		
M570.3 State Employees' Retirement System Counselors' Manual	Rescinded/Obsolete 1/31/2001	
Civil Service		
580.2 Civil Service Availability Survey/ Interview Notice	1/21/2009	
580.6 Tabulation of Classified Service Employees	6/16/2006	

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
580.8	Classified Service Probationary Periods . . .	10/5/2004
580.10	Rights of Certified Eligibles in the Classified Service	5/16/1986
580.11	Documentation of Classified Service Personnel Actions	6/27/2006
580.12	Recruitment for Classified Service Positions	3/28/2007
580.13*	Report of Personnel Transactions for Non-State Employees	8/18/1987
580.15	Selective Certification of Classified Service Eligibles	6/26/1990
580.16	Provisional Employment in the Classified Service	11/16/2006
580.17	Performance Evaluations to Determine Order of Furlough for Classified Service Employees	Rescinded by M580.2—10/16/1997
580.18	Pennsylvania Residency Requirements for the Classified Service	2/15/2005
580.19	Promotion in the Classified Service Without Examination	12/4/2001
580.20	Classified Service Furlough and Reemployment	Rescinded by M580.2—10/16/1997
580.21	Veterans' Preference on Classified Service Employment Lists	5/5/2008
580.23	Resignation From and Reinstatement to the Classified Service	3/12/1990
580.24	Promotion of Employees in Unskilled Positions Into the Classified Service . . .	9/14/2006
580.25	Political Activities of Classified Service Employees	9/30/1992
580.26	Transfer or Reassignment of Classified Service Employees	2/28/1990

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
580.27 Limited Appointments to Positions Exempted from the Classified Service Pursuant to <i>Section 3(c)(4), Civil Service Act</i>	2/18/1988	
580.28 Reallocation to a Lower Class in the Classified Service	2/27/1990	
580.29 Rapid Promotion Examinations in the Classified Service	Rescinded/Obsolete 5/17/2006	
580.30 Classified Service Leave Without Pay and Return Rights	3/24/1986	
580.31 Classified Service Temporary Appointments	8/14/2006	
*Special Distribution		
Civil Service		
580.32 Substitute Employment in the Classified Service.	10/24/2006	
580.33 Reproductions of Documents for Classified Service Personnel Actions.	4/30/2009	
580.34 Removal of Eligibles for Certification or Appointment in the Classified Service	5/20/2002	
580.35 Employees Placed in the Classified Service by Position Reallocation	3/29/1988	
580.36 Engineering Intern Program	1/14/1994	
580.37 Promotion by Appointment of Unclassified Service Employees Into the Classified Service.	5/5/2008	
580.38 Use of Intern Job Titles in the Classified Service.	10/8/2004	
Manuals.		
M580.1 Certification of Eligibles for the Classified Service	4/7/1997	
M580.2 Furlough of Classified Service Employees Not Covered by Labor Agreements	6/22/2007	
Labor Relations		
590.1 Labor Relations.	11/27/2007	
590.2 Confidential Positions and Employees	3/8/2006	

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
590.3 Deduction of Union Dues/Fair Share Fees	5/22/2006	
590.5 Guidelines to be Followed During Legal or Illegal Strikes	5/25/2006	
590.6 Information Needed to Obtain Injunctions Against Illegal Strikes	Rescinded by MD590.5—5/13/1997	
590.7 Labor Relations—Grievance Administration	6/8/2006	
590.8 Classification Grievance Processing	3/30/2006	
Manual.		
M590.2 Digest of Commonwealth Employee Classification Arbitration Cases	Rescinded/Obsolete 11/25/2005	
SUPPLIES, SERVICES, AND EQUIPMENT Supplies and Equipment Acquisition/Disposition		
610.2 Release and Receipt of Surplus State Property.	Rescinded by M215.3—8/20/1999	
610.3 Transfer or Sale of Surplus State Property.	Rescinded by M215.3—8/20/1999	
610.4 Procedures for Purchasing Goods and Services Not Exceeding \$1,500 Through Advancement Accounts	11/17/1983	
610.5 Disposition of Personal Property and Equipment Purchased with GSA Bond Moneys	Rescinded M215.3—8/20/1999	
610.7 Acquisition of Surplus Federal Personal Property.	Rescinded by M215.3—8/20/1999	
610.9 Recovery of Precious Metals	Rescinded by M215.3—8/20/1999	
610.11 Equipment Lease Renewals	Rescinded by M215.3—8/20/1999	

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
610.12 Renewal of Multiyear Equipment Leases Containing Purchase Options	Rescinded by M215.3—8/20/1999	
610.13 Local Bids and Local Awards for Goods Costing \$1,500 to \$10,000	Rescinded by M215.3—8/20/1999	
610.14 Review of Sole Source Purchase Requisitions for Equipment and Supplies	Rescinded by M215.3—8/20/1999	
610.15 Master Lease Program	Rescinded by MD610.15 Rev. 1— 7/26/2004	
(Revision No. 1 to 610.15 is rescinded upon publication of M210.3, Index of Issuances dated 3/18/2005.)		
Manuals.		
M610.1 General Services Commodity Distribution Center Catalog	Rescinded/Obsolete 7/14/2005	
M610.5 Field Purchasing Manual	Rescinded by M215.3—8/20/1999	
Automotive Services		
615.1 Temporary Assignment of Commonwealth Automotive Fleet Vehicles	1/6/2006	
615.2 Motor Vehicle Liability Insurance and Accident Reporting	6/17/1996	
615.3 Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet	10/12/2005	
615.6 License Plates for Commonwealth-Owned Vehicles	6/30/1997	
615.7 Repairs, Maintenance, and Payment for Services	10/12/2005	
615.8 Use of State Automobiles	3/26/1980	
615.9 Permanent Assignment of Commonwealth Automotive Fleet Vehicles	10/12/2005	

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
615.11 Use and Condition Inspections of Commonwealth-Owned Motor Vehicles	Rescinded/Obsolete 04/28/2006	
615.12 Motor Vehicle Authorization List	5/1/2006	
615.13 Emission Control Program— Commonwealth Automotive Fleet Vehicles	9/26/1997	
615.14 Repairs and Maintenance, Commonwealth Automotive Fleet	Rescinded/Obsolete 10/13/2005	
615.15 Vehicle Parking License Agreements	10/26/2006	
Commodity Standards		
620.1 Coal Sampling and Reporting	10/4/2005	
Buildings, Property, and Real Estate		
625.1 Repairs, Alterations, and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services	10/4/2004	
625.2 Inventory of Commonwealth Real Property	9/16/2008	
625.3 Moving Employee Household Goods and Commonwealth Property	3/14/1996	
625.4 Enforcement of Fire and Panic Regulations	3/27/1991	
625.5 Reporting Surplus Real Property	5/6/1996	
625.6 Leasehold Improvements	5/1/2009	
625.7 Use of Form STD-291, Request for Lease Action and Budget Approval	11/6/1997	
625.8 Contracting for Bargaining Unit Work	2/25/1994	
625.9 Payment of Contractors and Design Professionals for Agency-Funded Construction Projects Undertaken by the Department of General Services	3/9/2001	

Management Directives and Manuals.	Date of Original or Latest Amendment	Current Revisions
625.10 Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings	1/30/2008	
Bonds and Insurance		
630.1 Agency Insurance Coordinators	10/2/1987	
630.2 Reporting of Employee Liability Claims	4/28/1998	
COMMONWEALTH PROGRAMS		
Protection and Safety		
720.2 Wage Standards Picketing	2/3/1977	
720.3 Emergency Evacuation Plans at Commonwealth Facilities	12/3/2004	
720.4 Safety and Loss Prevention Program	10/2/1987	
720.5 Energy Conservation and Electrical Devices in Commonwealth-Owned or Leased Buildings	7/25/2008	
720.6 Call Trace Procedures for Threatening, Harassing, and Nuisance Telephone Calls	9/28/2005	
720.7 Bomb Threats and Suspicious Packages	11/1/2004	

Source

The provisions of this § 1.4 amended May 27, 1988, effective May 28, 1988, 18 Pa.B. 2393; amended April 14, 1989, effective April 15, 1989, 19 Pa.B. 1647; amended September 14, 1990, effective September 15, 1990, 20 Pa.B. 4836; amended September 20, 1991, effective September 21, 1991, 21 Pa.B. 4331; amended September 18, 1992, effective September 19, 1992, 22 Pa.B. 4743; amended May 10, 1993, effective May 10, 1993, 23 Pa.B. 2897; amended October 13, 1993, effective October 13, 1993, 23 Pa.B. 5620; amended January 7, 1994, effective January 8, 1994, 24 Pa.B. 133; amended February 25, 1994, effective February 26, 1994, 24 Pa.B. 1096; amended April 8, 1994, effective April 9, 1994, 24 Pa.B. 1850; amended May 13, 1994, effective May 14, 1994, 24 Pa.B. 2535; amended August 19, 1994, effective August 20, 1994, 24 Pa.B. 4212; amended November 18, 1994, effective November 19, 1994, 24 Pa.B. 5752; amended June 2, 1995, effective June 3, 1995, 25 Pa.B. 2191; amended June 23, 1995, effective June 24, 1995, 25 Pa.B. 2506; amended February 9, 1996, effective February 10, 1996, 26 Pa.B. 593; amended March 15, 1996, effective March 16, 1996, 26 Pa.B. 1146; amended October 31, 1997, effective November 1, 1997, 27 Pa.B. 5616; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1452; amended January 14, 2005, effective January 15, 2005, 35 Pa.B. 358; amended April 8, 2005, effective April 9, 2005, 35 Pa.B. 2116; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4205; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6943; amended August 7, 2009, effective August 8, 2009, 39 Pa.B. 4760. Immediately preceding text appears at serial pages (340892) to (340929).

§ 1.5. Office hours.

(a) Under sections 221 and 709(d) of The Administrative Code of 1929 (71 P. S. §§ 81 and 249(d)), the Executive Board has, in a resolution dated September 26, 1985, determined the hours when the central administrative offices of State Government are to be open for the transaction of public business at least 8 hours each day, except Saturdays, Sundays, and selected holidays as determined by the Executive Board.

(b) An agency may authorize employees to work a standard schedule at hours outside the office hours shown on the schedule of office hours. An agency may assign employees to work staggered work hours to meet program or operational needs, or approve employee requests to accommodate transportation, family care, education, or other compelling reasons. An agency also may establish, with Office of Administration approval, alternate work schedules and flex-time arrangements for operational units that measurably will improve efficiency and/or client service. Such scheduling variations outside of an agency's standard operating hours cannot impair the operational efficiency or client service provided by the agency.

(c) The opening and closing hours of field administrative offices shall be determined by each agency head in a manner consistent with its operational needs and in conformance with section 221 of The Administrative Code.

(d) Requests for changes to the schedule shall be forwarded to the Secretary of Administration, with justification, for consideration by the Executive Board.

(e) The schedule of office hours is as follows: 7:30 a.m.—4 p.m. Liquor Control Board; 7:30 a.m.—4:30 p.m. Civil Service Commission, Public School Employees' Retirement System; 7:30 a.m.—5 p.m. Executive Offices, Revenue; 7:45 a.m.—4:15 p.m. Pa. Municipal Retirement System; 8 a.m.—4 p.m. Agriculture, Emergency Management Agency, Fish and Boat Commission, Game Commission, Milk Marketing Board; 8 a.m.—4:30 p.m. Environmental Protection, Insurance, Public Utility Commission, State Employees' Retirement System, State Tax Equalization Board, Transportation, Treasury; 8 a.m.—5 p.m. Conservation and Natural Resources, Corrections, Education, General Services, Health, Labor and Industry, Public Television Network Commission, State; 8:15 a.m.—9:45 p.m. State Police; 8:15 a.m.—4:30 p.m. Military and Veterans Affairs; 8:30 a.m.—4:45 p.m. Probation and Parole Board; 8:30 a.m.—5 p.m. Aging, Attorney General, Auditor General, Banking, Community and Economic Development, Governor's Office, Historical and Museum Commission, Lieutenant Governor's Office, Public Welfare, Securities Commission.

Source

The provisions of this § 1.5 amended September 6, 1990, effective September 6, 1990; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1452. Immediately preceding text appears at serial pages (236357) to (236358) and (200865).

Subchapter B. HEALTH CARE

Sec.

1.31—1.34. [Reserved].

1.35. Purpose of the State Center of Health Statistics and Research.

1.36. Cooperation by State agencies.

1.37. Rescissions.

Source

The provisions of this Subchapter B adopted by Executive Order 1976-2 dated March 19, 1976, 6 Pa.B. 538, unless otherwise noted.

§§ 1.31—1.34. [Reserved].**Source**

The provisions of these §§ 1.31—1.34 adopted by Executive Order No. 1976-2, dated March 19, 1976, 6 Pa.B. 538; reserved by Executive Order No. 1993-4, dated October 13, 1993, 23 Pa.B. 5284. Immediately preceding text appears at serial pages (182187) to (182188).

§ 1.35. Purpose of the State Center of Health Statistics and Research.

In addition to serving as the focal point for coordinating the collection, analysis and dissemination of health data, the State Center for Health Statistics and Research shall:

- (1) Provide statistical support services to meet the needs of Federal, State and local data users and providers in both public and private sectors.
- (2) Continue its commitment to reducing duplication of data collection and processing through shared data systems to:
 - (i) Improve the quality, timeliness and comparability of health statistics.
 - (ii) Analyze and disseminate information on the health status of Pennsylvanians and utilization of the health care delivery system.
 - (iii) Provide equal access to data to appropriate data users. Access shall be limited by provisions of guarantees for the confidentiality of individually identifiable data.
 - (iv) Support the goals and objectives of a National cooperative health statistics system.

§ 1.36. Cooperation by State agencies.

Agencies under the jurisdiction of the Governor shall cooperate and provide information to the State Center for Health Statistics and Research in the performance of its functions.

§ 1.37. Rescissions.

Executive Orders 1986-4 and 1976-2 are rescinded.

**Subchapter C. INTERPRETATION OF THE SUNSHINE ACT OF 1986
AS APPLIED TO EXECUTIVE AGENCIES**

Sec.	
1.41.	Requirements.
1.42.	Agencies.
1.43.	Official action.
1.44.	Deliberations.
1.45.	Executive sessions.
1.46.	Personnel matters.
1.47.	Labor relations.
1.48.	Purchase or lease of property.
1.49.	Consultation with professional advisors.
1.50.	Privileged, confidential, investigatory and quasi-judicial matters.
1.51.	Academic admission or standing.
1.52.	Minutes.
1.53.	Notice.
1.54.	Emergency meetings.
1.55.	Rules and regulations.
1.56.	Use of recording devices.
1.57.	Conferences.
1.58.	Administrative action.
1.59.	Exemptions.
1.60.	Violations.
1.61.	Force and effect.

Source

The provisions of this Subchapter C adopted October 22, 1976, 6 Pa.B. 2640, reserved by Executive Order 1983-3, dated March 15, 1983, 13 Pa.B. 1575; readopted January 16, 1987, effective January 17, 1987, 17 Pa.B. 286. Immediately preceding text appears at serial pages (113742) to (113743).

§ 1.41. Requirements.

(a) *General provisions.* A meeting of an agency at which official action or deliberations by a quorum of the members of an agency take place shall be open to the public unless exempt from this subchapter or closed for an executive session. The agencies official actions and deliberations which are covered by this subchapter are defined by §§ 1.42, 1.43 and 1.44 (relating to agencies; official

action; and deliberations). Exemptions from this subchapter are set forth in subsection (i), and executive sessions may be closed as provided by § 1.45 (relating to executive sessions).

(b) *Voting.* Votes taken at open meetings shall be publicly cast and, in the case of roll call votes, recorded in the minutes of the agency. Agencies may take official action by notational voting as provided by § 1.43(c).

(c) *Minutes.* Written minutes of open meetings prepared as set forth in § 1.52 (relating to minutes) shall be kept and made available as a public record for examination and copying.

(d) *Public notice.* Public notice in the manner provided by § 1.53 (relating to notice) shall be given at least 3 days in advance of an agency's first regular meeting of each calendar or fiscal year and at least 24 hours in advance of a special meeting or rescheduled meeting.

(e) *Emergency meetings.* Advance public notice is not required in the case of an emergency meeting as provided by § 1.54 (relating to emergency meetings).

(f) *Schedule of regular meetings.* An agency shall give public notice of their schedule of regular meetings for the calendar or fiscal year, either prior to or immediately following the agency's first regular meeting.

(g) *Rules of order.* An agency may adopt rules and regulations necessary for the conduct of meetings and the preservation of order as provided by § 1.55 (relating to rules and regulations).

(h) *Recording devices.* Subject to rules and regulations adopted by an agency, as provided by § 1.56 (relating to use of recording devices), a person attending an open meeting of the agency has the right to use recording devices to record proceedings of the meeting.

(i) *Exemptions.* An agency is not required to conduct open meetings to hold conferences under § 1.57 (relating to conferences), to take administrative action as provided by § 1.58 (relating to administrative action) or, as set forth in § 1.59 (relating to exemptions), to take official action or conduct deliberations regarding a matter which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including the investigation of violations of law and quasi-judicial deliberations.

(j) *Meeting locations.* An agency shall conduct open meetings at locations reasonably accessible by members of the public and with adequate seating and other facilities to allow effective public observation and, if appropriate, participation in agency deliberations. A meeting site shall be accessible to handicapped individuals and shall either be within a public building or at a location fully open and available to members of the general public. A meeting may not be conducted at a private club or another location not customarily accessible by members of the public.

(k) *Violations.* An agency is not authorized to conduct formal adjudications of complaints regarding alleged violations of this subchapter, but if an agency

determines that it has violated this subchapter, the agency may cure the defective procedure in the manner provided by § 1.60 (relating to violations).

§ 1.42. Agencies.

(a) *General provisions.* This subchapter applies to an agency of the executive branch of the government of the Commonwealth which:

- (1) Is created by or under a statute.
- (2) Performs, or has for its purpose the performance of essential governmental functions.
- (3) Exercises governmental functions through the joint action of two or more individual members of the agency.
- (4) Takes official action.

(b) *Advisory agencies.* This subchapter applies to an agency of the executive branch which exercises solely advisory functions to the extent the rendering of advice by the agency affects substantive or procedural, personal or property rights, privileges, immunities, duties, liabilities or obligations of the public or a part thereof. The rendering of advice has such effect in situations including, but not limited to, those in which the offering of advice is legally necessary for the exercise of essential governmental functions by another agency or by law forms a part of a legally reviewable record for subsequent adjudicative or regulatory proceedings.

(c) *Joint actions.* This subchapter applies to a group composed of two or more agency heads or public officials which by law perform essential governmental functions through the joint action of its members. This subchapter does not apply to the group to the extent its members are separately required to review, approve or offer advice, comment or consultation regarding an official action and do not constitute a single legal entity for the purpose of jointly taking the action.

(d) *Governor's Cabinet.* This subchapter applies to the Governor's Cabinet when meeting on official policymaking business. Official policymaking business refers to discussions, deliberations or decisions vested in the cabinet by law or executive order with regard to the formation, endorsement, ratification or approval of a program or general plan for the conduct of governmental functions. Except as otherwise provided by this subchapter, this subchapter applies to meetings of the Human Resources Committee of the Cabinet, the Economic Development Committee of the Cabinet and the Governor's Task Force on Regulatory Relief. This subchapter does not apply to informal meetings of the cabinet, such as breakfasts, luncheons, dinners and receptions conducted primarily to exchange information regarding the general administration of State government or for predominantly social purposes.

(e) *Committees.* This subchapter applies to a committee composed from the membership of an agency if the committee has been authorized by the agency to take official action on behalf of the agency or to render advice to the agency on

matters of agency business. Advisory committees are subject to this subchapter to the same extent and subject to the same limitations as advisory agencies.

(f) *Departments.* Departments and other agencies of the executive branch headed by a single executive officer and meetings between department heads and other officers, investigators and employes for the purpose of making determinations or soliciting information are not subject to this subchapter.

(g) *Staff meetings.* This subchapter applies to a committee or group of agency staff members authorized by law to take official action through the joint action of its members. This subchapter does not apply to a committee or group of staff members providing advice or assistance to the agency or authorized by the agency to take official action.

Cross References

This section cited in 4 Pa. Code § 1.41 (relating to requirements).

§ 1.43. Official action.

(a) *Covered activities.* Official action by a quorum of the members of an agency shall be subject to this subchapter if the members of the agency at a meeting vote or otherwise make a decision regarding one of the following:

- (1) The adoption of recommendations made under a law or executive order.
- (2) The establishment of policies of general or widespread prospective applicability.
- (3) The adoption of a motion, proposal, resolution, rule, regulation, report or order.
- (4) The creation of liability by contract or otherwise.
- (5) The adjudication of rights, duties or responsibilities.

(b) *Hearings.* This subchapter does not apply to the conduct of investigative or adjudicative hearings at which neither formal action nor deliberations take place. The hearings shall be governed by 2 Pa.C.S. (relating to administrative law and procedure) or other appropriate Commonwealth statutes.

(c) *Notational voting.*

(1) Unless otherwise provided by law, the members of an agency may cast votes by the use of notational or round-robin voting whereby members vote individually and separately upon a recommended written motion, proposal, resolution, rule, regulation, ordinance, report or order prepared by the staff or an individual member of the agency and circulated for approval to the members of the agency.

(2) An agency may utilize notational voting only to expedite decision making or to remove uncontested or noncontroversial matters from the agenda of public meetings in order to facilitate public deliberations of contested or significant items. An agency may not utilize notational voting for the purpose of

avoiding the public discussion of significant issues or to conceal the actual casting of votes by members of an agency at an open meeting.

(3) An agency may utilize notational voting for the purpose of adopting a written opinion which explains or documents a decision made by the agency at an open meeting.

(4) Notational votes may not be cast during a recess called during an open meeting.

(5) At the first public meeting following the making of decisions or the adoption of written opinions by notational voting, an announcement shall be made that matters have been considered by notational voting and the substance of official actions taken by notational voting and the record of votes cast by individual members upon the matters shall be entered upon the minutes of the meeting.

Cross References

This section cited in 4 Pa. Code § 1.41 (relating to requirements); and 4 Pa. Code § 1.52 (relating to minutes).

§ 1.44. Deliberations.

(a) *Scope.* Deliberations by a quorum of the members of an agency shall be subject to this subchapter if the members of the agency discuss agency business for the purpose of making a decision.

(b) *Presumption.* It shall be presumed that whenever a quorum of an agency meets by prearrangement to discuss agency business that the meeting occurs for the purpose of making a decision unless based upon clear and convincing evidence the meeting does not satisfy the criteria in subsection (b).

(c) *Covered discussions.* Discussions are held for the purpose of making a decision if the following exist:

(1) The agency is scheduled to take or reasonably anticipates taking official action involving a decision on agency business in the reasonably immediate future.

(2) The agency has formulated recommendations, policies, motions, proposals, resolutions, rules, regulations, reports or orders relating to agency business upon which decisions will be made or with reasonable specificity has identified courses of agency action upon which the recommendations, policies, motions, proposals, resolutions, rules, regulations, reports or orders will be prepared.

(3) The discussions involve direct or indirect indications of how individual members of the agency will vote upon matters subject to official action by the agency.

(4) The discussions occur at a prearranged gathering of the members of the agency held for the purpose of deliberations upon agency business or the meet-

ing is held for another purpose and the meeting includes a significant or substantial amount of deliberation among a quorum of the members of the agency.

(d) *Informal meetings.* This subchapter does not apply to informal meetings of a quorum of the members of an agency, such as breakfasts, luncheons, dinners and receptions conducted primarily to exchange information about general agency operations or for predominantly social purposes. Agency members shall avoid discussions at meetings which directly or indirectly indicate how individual members will vote upon matters subject to official action by the agency.

Cross References

This section cited in 4 Pa. Code § 1.41 (relating to requirements).

§ 1.45. Executive sessions.

(a) *Purpose.* An agency may hold a meeting from which the public is excluded for one or more of the purposes in §§ 1.46—1.51.

(b) *Attendance.* An agency may admit to an executive session persons necessary to carry out the purpose of the meeting. The persons may include, but are not limited to, agency staff, legal and technical advisors and individuals and their representatives who may be affected by matters to be discussed at an executive session. An agency may also meet with auditors and legislative investigatory committees in an executive session.

(c) *Procedure.* An executive session may be held during an open meeting, at the conclusion of an open meeting or may be announced for a future time at an open meeting. If an agency conducts an executive session which was not announced at an open meeting, the agency shall give each of its members at least 24 hours' notice in advance of the time of the meeting unless all of the members of an agency by unanimous agreement waive the requirement for the notice.

(d) *Notice.* At the open meeting occurring immediately prior or subsequent to an executive session, the agency shall announce and include within its minutes, the date, time, location and purpose of the executive session. The purpose of an executive session may be explained by a general reference to the types or categories of subjects discussed at the session and need not identify with specificity persons or matters considered during the meeting.

(e) *Official action.* Unless otherwise provided by law or exempt under § 1.59 (relating to exemptions), a meeting at which a quorum of the members of an agency take official action with regard to matters discussed at an executive session shall be open to the public.

(f) *Minutes.* The agency shall keep minutes of each executive session in the same manner required by § 1.52 (relating to minutes) for open meetings. The minutes of executive sessions do not constitute records available for public inspection and copying.

Cross References

This section cited in 4 Pa. Code § 1.41 (relating to requirements); 4 Pa. Code § 1.46 (relating to personnel matters); 4 Pa. Code § 1.47 (relating to labor relations); and 4 Pa. Code § 1.52 (relating to minutes).

§ 1.46. Personnel matters.

(a) *Scope.* An agency may hold an executive session to discuss a matter related to the employment, appointment, termination of employment, evaluation of performance, promotion or disciplining of a specific prospective, current or former public officer or employe employed by the agency.

(b) *Closed hearings.* An executive session may include, at the discretion of the agency, a closed hearing attended by the individual subject to the proceedings and the individual's legal representative. Unless otherwise provided by law, the record of the hearing is not a record available to the public for copying and examination.

(c) *Requests for open meetings.* Unless otherwise provided by law, the individual whose rights could be adversely affected by discussions at an executive session regarding personnel matters may request, in writing, that the matters be discussed at an open meeting. The request shall include a specific waiver of the rights to confidentiality regarding personnel records, reports and other matters material to the proceedings to the extent the records, reports or other matters are discussed at an open meeting. The agency may grant or deny a request to conduct discussions in an open meeting. The agency shall deny the request to conduct the discussions at an open meeting if the meeting would impair the progress of an investigation by the agency into other or related matters concerning the official duties of the agency or would operate to the improper prejudice or impairment of another person's personal safety or reputation.

(d) *Official actions and suspensions.* Unless otherwise provided by law and as required under § 1.45(e) (relating to executive sessions), a meeting by a quorum of the members of the agency at which official action is taken to hire, appoint, terminate, reward, promote or discipline an employe shall be open to the public. The agency may, pending the formal action, temporarily suspend an employe or public official under procedures established by the Office of Administration or the Executive Board.

Cross References

This section cited in 4 Pa. Code § 1.45 (relating to executive sessions).

§ 1.47. Labor relations.

(a) *Scope.* An agency may conduct an executive session to hold information, strategy and negotiation sessions related to the negotiation or arbitration of a collective bargaining agreement or, in the absence of a collective bargaining unit, related to labor relations and arbitration.

(b) *Attendance.* An executive session to consider labor relations matters session may be attended, at the discretion of the agency, by representatives of employes or their bargaining organizations.

(c) *Official actions.* Unless otherwise provided by law and as required under § 1.45(e) (relating to executive sessions), a meeting by a quorum of the members of the agency to adopt a collective bargaining agreement or other labor contract, award or agreement shall be open to the public. The agency may make decisions regarding strategy and offers made in the court of negotiation at an executive session.

Notes of Decisions

Grievance Subject to Arbitration

The arbitrator correctly relied on the past practice of the district court in granting rescission of sabbatical requests over an 8-year period and in finding the dispute arbitrable. The arbitrator's decision not only did not conflict with any language of the agreement, but it also met the "essence test" in that the collective bargaining agreement contained no integration clause nor any language eliminating past practices as a consideration. *Centennial School District v. Centennial Education Association*, 26 D.&C. 4th 567 (Pa. Com. Pl. 1994).

Cross References

This section cited in 4 Pa. Code § 1.45 (relating to executive sessions).

§ 1.48. Purchase or lease of property.

(a) *Scope.* An agency may conduct an executive session to consider the purchase or lease of real property up to the time an option to purchase or lease the real property is obtained or up to the time an agreement to purchase or lease the property is obtained if the agreement is obtained directly without an option. Agencies should utilize executive sessions to consider the acquisition or lease of real property only in circumstances in which the public disclosure of the considerations is likely to lead to speculation, collusion among sellers or other events likely to increase the cost to the Commonwealth of acquiring or leasing real property.

(b) *Attendance.* An executive session to consider the purchase or lease of real property may be attended, at the discretion of the agency, by a seller or lessor of the property or his representative or agent.

(c) *Official actions.* A meeting at which an option or agreement to buy or lease real property is executed by a quorum of the members of the agency shall be open to the public. An agency may at an executive session give preliminary acceptance to an offer of an option or agreement to buy or lease real property subject to the ratification of the contract at an open meeting.

Cross References

This section cited in 4 Pa. Code § 1.45 (relating to executive sessions).

§ 1.49. Consultation with professional advisors.

(a) *Scope.* An agency may hold an executive session to consult with its attorney or other professional advisor in connection with litigation or with issues upon which identifiable complaints are expected to be filed. Other professional advi-

sors include, but are not limited to, accountants, actuaries, architects, engineers, health care professionals, investment advisors and scientific experts. Consultations may occur in an executive session whenever complaints or actions affecting the interests of the agency have been filed before a court or an administrative agency or can be expected to be filed in the reasonably foreseeable future.

(b) *Official action.* A meeting at which a quorum of the members of an agency authorize agency counsel to initiate or intervene in an action, defend the agency or otherwise formally participate in legal proceedings shall be open to the public. An agency decision regarding specific instructions to counsel regarding the content of pleadings, motions, memoranda of law or other matters relating to the progress of litigation or administrative proceedings may take place at an executive session.

Cross References

This section cited in 4 Pa. Code § 1.45 (relating to executive sessions); and 4 Pa. Code § 1.60 (relating to violations).

§ 1.50. Privileged, confidential, investigatory and quasijudicial matters.

(a) *Privileged matters.* An agency may conduct an executive session to review and discuss agency business which, if conducted in public would violate a lawful privilege including, but not limited to, confidential communications with attorneys, executive officers of State government, physicians, clergymen, licensed psychologists, school personnel and sexual assault counselors.

(b) *Confidential matters.* An agency may conduct an executive session to review and discuss agency business which if conducted in public would lead to the disclosure of information or confidentiality protected by statute including, but not limited to, matters relating to:

- (1) Business or personal finances.
- (2) A report, return, assessment or determination relating to the payment of taxes.
- (3) Business trade secrets.
- (4) The physical and emotional health of individuals.
- (5) Information which would operate to the prejudice or impairment of a person's personal reputation or personal security.
- (6) Information the disclosure of which could result in the loss of Federal funds by the Commonwealth or its political subdivisions.
- (7) Benefits received by indigent or needy individuals.
- (8) The review of contractor qualifications, bids or proposals.
- (9) Criminal history information and investigative files not available for public examination and copying.
- (10) Other information the confidentiality of which is protected by statute.

(c) *Investigations.* An agency may conduct an executive session to review and discuss matters which, if discussed in public, would disclose the institution, progress or result of an investigation undertaken by an agency in the performance of its official duties and impair the progress of the investigation or the initiation of civil or criminal proceedings to enforce the statutes of the Commonwealth.

(d) *Quasi-judicial deliberations.* Unless otherwise provided by statute, an agency conducting a formal adjudication under 2 Pa.C.S. (relating to administrative law and procedure) or similar statutes may, to the extent the adjudicative proceedings are not exempt from the requirements of this subchapter by § 1.59 (relating to exemptions), deliberate within executive sessions except insofar as agency deliberations involve general rules or other orders in the nature of regulations. Deliberations involving general rules or other orders in the nature of regulations may be discussed in an executive session only insofar as the discussions, if conducted in public, would violate a lawful privilege or lead to the disclosure of confidential information as provided by subsections (a), (b) and (c).

(e) *Open meetings.* An agency may conduct at its discretion open meetings to discuss privileged or confidential matters if all parties entitled to assert the privileges or rights to confidentiality expressly authorize, in whole or in part, the matters to be discussed at an open meeting.

(f) *Official action.* A meeting of a quorum of the members of an agency to take official action with regard to matters discussed at executive sessions under this section shall be open to the public unless exempt from the requirements of this chapter by § 1.59.

Cross References

This section cited in 4 Pa. Code § 1.45 (relating to executive sessions); and 4 Pa. Code § 1.59 (relating to exemptions).

§ 1.51. Academic admission or standing.

The constituted committees of a board or council of trustees of a State-owned, State-aided or State-related college or university or community college or the Board of Governors to the State System of Higher Education may hold executive sessions to discuss matters of academic admission or standing.

Cross References

This section cited in 4 Pa. Code § 1.45 (relating to executive sessions).

§ 1.52. Minutes.

(a) *Content.* Written minutes of open meetings shall contain the following information:

- (1) The date, time and place of the meeting.
- (2) The names of members present.
- (3) The substance of official actions and a record by individual members of the roll call votes taken.
- (4) The names of citizens who appeared officially and the subject of their testimony.
- (5) Evidence of compliance with the notice requirements of § 1.53 (relating to notice) or § 1.54(b) (relating to emergency meetings).

(6) The justification for an emergency meeting as required by § 1.54(a).

(7) A record of an executive session conducted or planned as required by § 1.45(d) (relating to executive sessions).

(8) Whether an official transcript or recording has been prepared or whether the use of recording devices by other persons has been registered under § 1.55(c) (relating to rules and regulations).

(9) A record of notational voting conducted by the agency under § 1.43(c)(4) (relating to official action).

(10) Other information required by law, this subchapter or which the agency determines is appropriate to include in the record of agency proceedings.

(b) *Official testimony.* The agency is required to include within its minutes the names and the subject of testimony of persons who indicate to the agency they wish to provide official testimony. The agency is not required to include within its minutes a listing of persons attending an open meeting or persons offering informal comments to the agency. If persons offer written official testimony to the agency, the statements shall be included together with the minutes as a public record of the agency.

(c) *Public records.* Minutes of agency proceedings, testimony attached to the minutes and official recordings or transcripts of agency proceedings at an open meeting shall be records available to the public for examination and copying.

Cross References

This section cited in 4 Pa. Code § 1.41 (relating to requirements); 4 Pa. Code § 1.45 (relating to executive sessions); and 4 Pa. Code § 1.55 (relating to rules and regulations).

§ 1.53. Notice.

(a) *Publication.* In accordance with procedures established by the Department of General Services, an agency shall publish notice of the place, date, time and purpose of an open meeting in a newspaper of general circulation, as defined by 45 Pa.C.S. § 101 (relating to definitions), which is published and circulated in the political subdivision where the meeting will be held or in a newspaper of general circulation which has a *bona fide* paid circulation in the political subdivision equal to or greater than a newspaper published in the political subdivision.

(b) *Posting.* The agency shall post a notice of the place, date, time and purpose of a meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.

(c) *Direct notice.* The agency shall supply a copy of the notice of an open meeting directly to individuals with a direct and substantial interest in the proceedings of the agency and, upon request, to other interested parties, including, but not limited to, members of the public, newspapers of general circulation, radio and television stations. A party requesting direct notice of meetings shall

register with the agency, but the agency may not require the provision of stamped, self-addressed envelopes as provided by section 9(c) of the Sunset Act (65 P. S. § 279(c)).

(d) *Capitol newsroom and General Assembly.* An executive agency shall also provide copies of meeting notices to the supervisor of the newsroom in the State Capitol Building in the manner provided by section 9(d)(1) of the Sunshine Act, to the Office of the Secretary of the Senate and the Chief Clerk of the House of Representatives and to the Chairperson and Minority Chairpersons of standing committees of the Senate and the House of Representatives designated as responsible for oversight of agency activities under the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

(e) *Agency contact.* A notice provided under this section shall include the name, address, title and phone number of a responsible agency official who will be available to answer questions about a scheduled public meeting.

(f) *Use of recording devices.* If an agency, under § 1.56(b) (relating to use of recording devices), requires advance notification of the intent of persons to utilize recording devices at an open meeting in order to provide adequate facilities and arrangements to facilitate the use of the devices, the information shall be included within notices provided under this section, together with instructions that the individuals shall notify the agency contact as provided by subsection (e) about their plans and requirements.

(g) *Relocation of meetings.* If, due to overcrowding, the malfunction of utilities or the unavailability of an originally scheduled meeting room it becomes necessary to relocate a meeting, new and separate notice under this section is not required if the new meeting site is within the same building or within reasonable proximity of the originally scheduled meeting site and, if the following exist:

(1) Notice is prominently posted at the original site announcing the relocation of the meeting.

(2) The start of the meeting is delayed a sufficient period of time in order to allow individuals arriving at the original meeting site to move to the new meeting site.

(3) If possible and appropriate, direct notice of the change in location is given to the Capitol Newsroom, persons offering official testimony at the meeting, persons registering the use of recording devices under § 1.56(b)(1) and persons with a direct and substantial interest in agency proceedings to be conducted at the meeting.

Cross References

This section cited in 4 Pa. Code § 1.41 (relating to requirements); 4 Pa. Code § 1.52 (relating to minutes); and 4 Pa. Code § 1.54 (relating to emergency meetings).

§ 1.54. Emergency meetings.

(a) *Purpose.* An agency may conduct a meeting to deal with a real or potential emergency involving a clear and present danger to life or property without compliance with the notice requirements of § 1.53 (relating to notice). At an emergency meeting, the agency shall explain with specificity the justification for conducting an emergency meeting and include the justification within the minutes of the agency proceeding.

(b) *Notice.* Prior to conducting an emergency meeting, the agency shall take whatever actions are practical and appropriate to provide actual advance notice regarding the meeting, especially to individuals or organizations with a direct and substantial interest in official action scheduled to be taken at the meeting. The notification may include press releases, personal notification of affected parties, the provision of notices to the supervisor of the newsroom in the State Capitol Building and the posting of notices at the site of the emergency meeting.

Cross References

This section cited in 4 Pa. Code § 1.41 (relating to requirements); and 4 Pa. Code § 1.52 (relating to minutes).

§ 1.55. Rules and regulations.

(a) *Conduct of open meetings.* An agency may adopt, by official action taken at a public meeting, rules and regulations or bylaws necessary for the conduct of its meetings and the maintenance of order. The regulations may include procedures for:

- (1) Public participation in meetings including the presentation of official testimony under § 1.52(b) (relating to minutes), as well as the presentation of unofficial comments by members of the public.
- (2) The manner in which topics may be placed upon an agency agenda for deliberations and official action.
- (3) Limiting debate and discussion of agency business.
- (4) Delegating responsibility to committees of the agency and to individual agency officials.

(b) *Public participation.* Although agencies are encouraged to develop regulations or bylaws designed to maximize effective public participation in open meetings and to provide information to the public about agency proceedings, unless otherwise required by law, agencies are not required to recognize or take testimony from members of the public at open meetings or to share with members of the public copies of internal agency records distributed to agency members.

(c) *Regulatory deliberations.* For the purpose of effectively conducting proceedings regarding the content of regulations under review under the Regulatory Review Act (71 P. S. §§ 745.1—745.15) or the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506), the agency may at an open meeting designate

one or more official representatives to execute regulatory documents implementing general instructions provided by the agency and to meet with representatives of other agencies, the General Assembly, the Independent Regulatory Review Commission and the public to discuss and make changes to proposed regulations and enter into tentative agreements regarding changes to final rules. Agreements regarding changes to final regulations shall be subject to review and approval by the agency prior to final adoption of regulations, but the commitment of an agency representative may be offered for the purpose of obtaining approval of documents under the Regulatory Review Act. A meeting at which a quorum of the members of an agency meet to adopt a final regulation shall be open to the public.

Cross References

This section cited in 4 Pa. Code § 1.41 (relating to requirements); and 4 Pa. Code § 1.52 (relating to minutes).

§ 1.56. Use of recording devices.

(a) *Permissible activities.* A person attending an open meeting of an agency shall have the right to take written or stenographic notes of agency proceedings or utilize audio or video recording devices to record proceedings at an open meeting.

(b) *Rules and regulations.* An agency may adopt rules and regulations governing the use of recording devices. The regulations may:

(1) Require prior registration with the agency by individuals wishing to utilize recording devices who require special accommodations within the meeting room in order to provide adequate facilities and arrangements to facilitate the use of the devices. The regulations may not prohibit the use of recording devices without prior registration.

(2) Limit the use of recording devices to certain areas within a meeting room in order to avoid blocking the public view of agency proceedings or the creation of a distraction or interference with agency proceedings and prohibit the unreasonable use of noisy or distracting recording devices if the use of the devices interferes with the effective conduct of an open meeting. The regulations may not deprive members of the public of reasonable access necessary to record agency proceedings.

(c) *Minutes.* If an agency does not prepare an official recording or transcript of its proceedings, it shall include within the minutes of its proceedings, with the consent of the persons utilizing recording devices, the name and address of parties registering the use of recording devices at an open meeting and what portions of the meeting were recorded by the persons.

Cross References

This section cited in 4 Pa. Code § 1.41 (relating to requirements); and 4 Pa. Code § 1.53 (relating to notice).

§ 1.57. Conferences.

(a) *Scope.* The quorum of the members of an agency may participate in a training program or seminar which is organized and conducted for the sole purpose of providing information to agency members on matters directly related to their official responsibilities without compliance with this subchapter. A conference may be organized by the agency, its staff or other persons, groups or organizations and may be attended either solely by members and staff of the agency or may include other persons, groups or organizations.

(b) *Prohibited activities.* A conference attended by a quorum of the members of an agency is subject to this subchapter if the conference includes a significant or substantial amount of deliberation among members of the agency. A conference is not subject to this subchapter if the purpose and predominant activity for which the meeting is held is to provide information to members of the agency needed in order to conduct future deliberations or take future formal actions. Incidental discussions regarding agency business may permissibly occur at conferences not subject to this subchapter, but agency members shall avoid discussions at conferences which directly or indirectly indicate how members will vote upon matters subject to official action by an agency.

(c) *Attendance by less than a quorum.* This subchapter does not apply to the participation in training programs or seminars by less than a quorum of the members of an agency.

Cross References

This section cited in 4 Pa. Code § 1.41 (relating to requirements).

§ 1.58. Administrative action.

(a) *Scope.* Official action and deliberations by a quorum of the members of an agency are not subject to this chapter if the official action and deliberations predominantly and primarily involve administrative action. Administrative action is the execution of policies relating to persons and things previously authorized or required by official action of the agency adopted at an open meeting of the agency. Administrative action includes, but is not limited to:

- (1) Matters related to internal agency operations.
- (2) The issuance of permits or licenses based upon nondiscretionary criteria.
- (3) Matters related to intergovernmental coordination and cooperation within the executive branch.

(b) *Limitations.* An agency is not engaged in administrative action if the execution of previously authorized policies meets one of the following:

- (1) Requires new and significant decisions on important policymaking matters, including the adoption of statements of policy, guidelines and interpretations of law or regulations.

- (2) Involves decisions relating to new and significant factual applications of current policies which establish precedents for future agency action.
- (3) Relates to the formal adoption of contracts or agreements creating rights, duties or obligation of the Commonwealth and other parties.

Cross References

This section cited in 4 Pa. Code § 1.41 (relating to requirements).

§ 1.59. Exemptions.

(a) *Scope.* This subchapter does not apply to meetings of the quorum of the members of an agency to conduct deliberations or official actions regarding matters for which the taking of official action at an open meeting will violate a lawful privilege as defined by § 1.50(a) (relating to privileged, confidential, investigatory and quasi-judicial matters) or lead to the disclosure of information or confidentiality protected by law (as defined by § 1.50(b)), including matters related to the investigation of possible or certain violations of statute (under § 1.50(c)) and quasi-judicial deliberations (under § 1.50(d)). If an agency may take official action at an open meeting without violating a lawful privilege or disclosing confidential information, official actions and deliberations with regard to the matters are subject to the requirements of this subchapter, but deliberations regarding such matters may occur at an executive session under § 1.50.

(b) *Quasi-judicial deliberations.* Unless otherwise provided by statute, official actions with respect to formal adjudications conducted under 2 Pa.C.S. (relating to administrative law and procedure) or similar statutes are exempt from this subchapter unless the adjudications involve general rules or other orders in the nature of regulations.

(c) *Budget preparation meetings.* Meetings of quorum of the members of an agency to conduct official actions and deliberations with regard to budget recommendations to be submitted to the Secretary of the Budget are not subject to this subchapter unless the Governor waives the privilege to confidentiality with regard to recommendations received from the agency.

Cross References

This section cited in 4 Pa. Code § 1.41 (relating to requirements); 4 Pa. Code § 1.45 (relating to executive sessions); and 4 Pa. Code § 1.50 (relating to privileged, confidential, investigatory and quasijudicial matters).

§ 1.60. Violations.

(a) *Formal adjudications.* An agency may not conduct a formal adjudication regarding the question of whether meetings have been conducted in compliance with this subchapter. Original jurisdiction to determine whether the actions of an agency has complied with this subchapter is vested in Commonwealth Court under section 15 of the Sunshine Act (65 P. S. § 285).

(b) *Complaints.* Upon receipt of a complaint that the actions of an agency allegedly violated this subchapter, the agency shall refer the matter to its chief counsel to render an advisory opinion. The Chief Counsel shall investigate whether or not the agency has complied with this subchapter and provide advice in the form of a confidential attorney-client communication to the agency. The agency may review the advice received from its counsel in an executive session conducted under § 1.49 (relating to consultation with professional advisors).

(c) *Corrective action.* If, following the review of the advice of counsel in an executive session, the agency determines that it may have violated this subchapter, the agency shall announce the finding at an open meeting and develop and implement a plan of corrective action. Implementation of a plan of corrective action which provides for required public deliberations and official actions may be deemed by the agency to ratify good faith actions allegedly taken in violation of this subchapter. The ratification of prior agency action may validate the action effective upon the date of completion of remedial action and may at the discretion of the agency apply retroactively to the date of original agency action. If an agency deems a ratification of previously defective actions to apply retroactively, the action may not impair vested rights or obligations until the date upon which corrective action is complete.

(d) *Deemed approval.* Except under the order of a court of competent jurisdiction, whenever under a statute or regulation the failure of an agency to take official action constitutes approval of a request for agency action, the failure of an agency to comply with this subchapter in disapproving the request does not constitute an approval of the request.

Cross References

This section cited in 4 Pa. Code § 1.41 (relating to requirements).

§ 1.61. Force and effect.

This subchapter constitutes legal advice rendered to executive agencies of the Commonwealth under the jurisdiction of the Governor under section 301(3) of the Commonwealth Attorneys Act (71 P. S. § 732-301(3)). This legal advice is codified in this subchapter as a statement of policy which is permanent and general in nature containing an interpretation of a statute issued without reliance upon express or implied rulemaking authority as provided by 1 Pa. Code §§ 1.4 and 3.26a (relating to definitions; and statements of policy). As a statement of policy, this subchapter is directory, rather than mandatory, and is not intended to have the force and effect of law. This subchapter is intended to provide advice and guidance to agencies under the jurisdiction of the Governor regarding the execution of statutory duties and responsibilities.

**Subchapter D. PUBLIC INFORMATION
POLICIES AND PRACTICES**

- Sec.
1.71. Policy.
1.72. Agency public information activities.
1.73. Coordination with the Governor's Office.

Source

The provisions of this Subchapter D adopted by Executive Directive No. 14 dated June 12, 1971, 1 Pa.B. 1359, amended by Executive Order No. 78-9, dated May 23, 1978, 8 Pa.B. 1559, unless otherwise noted.

§ 1.71. Policy.

It is the policy of the government of the Commonwealth to build effective communication between itself and the citizens of this Commonwealth and, as far as is humanly and legally possible, to provide citizen access to the facts about State government. All Commonwealth public information activities shall function in a manner consistent with such policy.

§ 1.72. Agency public information activities.

(a) Each agency of State government shall maintain an office of public information, unless authorized to eliminate this function by the Director of Public Information for the Governor's Office.

(b) The director of public information in each agency should have direct, daily access to the head of the agency and should report directly to him.

(c) The director of public information in each agency should be a member of any communications advisory committee appointed by the agency head, and should be involved in the discussion of all policy.

(d) All personnel of each agency should be informed in writing of the commitment of the Commonwealth to freedom of information. Public records and information, except those which are deemed confidential or privileged as a matter of law, should be made available to representatives of the public and the news media.

(e) Procedures for furnishing information to the news media and the public should be detailed for the guidance of all personnel in each agency.

§ 1.73. Coordination with the Governor's Office.

(a) The Director of Public Information for the Governor's Office shall administer the public information activities of departments, boards, commissions, and other State agencies under the jurisdiction of the Governor.

(b) The Director of Public Information for the Governor's Office shall be consulted regarding all public information personnel.

(c) The Director of Public Information for the Governor's Office, in order to expedite the two-way flow of information between the government of the Commonwealth and the people, will work as closely as possible with the heads of all agencies and their public information offices.

(d) The Director of Public Information for the Governor's Office shall be consulted on publications planned by agencies under the Governor's jurisdiction and shall review at regular intervals all publications distributed by the agencies to determine the value of retaining them.

Subchapter E. FEDERAL PROGRAM COORDINATION

Sec.	
1.81.	Objective.
1.82.	Commonwealth agencies.
1.83.	Governor's Washington Office.
1.84.	Rescission.

Source

The provisions of this Subchapter E adopted by Executive Order No. 1974-4, dated April 8, 1974, 4 Pa.B. 796, unless otherwise noted.

§ 1.81. Objective.

The Governor's Office of the Budget and Administration will continue to serve as principal staff to the Governor on matters related to Federal grants-in-aid coordination. The Secretary of Budget and Administration and the Director, Governor's Office of Policy and Planning shall do the following:

- (1) Undertake an evaluation of Federal grants-in-aid coordination in the Commonwealth and submit to the Governor any proposals for administrative or organizational changes that may result in a more effective system for obtaining, managing, and utilizing grants-in-aid.
- (2) Develop an ongoing research program to assess whether Pennsylvania receives its fair share of Federal aid and to advise the Governor where the State should increase its utilization.
- (3) Develop a central automated Federal aid management information system that will meet the data needs of the State and that will be of value at regional and local levels.
- (4) Continue the Federal program review activities of the State Clearinghouse, established under U.S. Office of Management and Budget Circular A-95, including:
 - (i) A comprehensive coverage of all State grants-in-aid applications and State Plans being sent to Federal agencies for any manner of Federal funding.

- (ii) A notification from State agencies of any Federal funding awards and other program actions.
- (5) Develop agency Federal aid reporting requirements pertinent to the responsibilities set forth in this section and that may be necessary for effective central oversight.
- (6) Work with State agencies and the Director, Governor's Washington Office in Washington, D.C., to attract increased or new Federal aid to Pennsylvania.
- (7) Serve as the Governor's liaison to professional organizations and other relevant bodies for the purpose of improving the overall Federal grants-in-aid system, with an emphasis on responsiveness to the needs of the more populous states.
- (8) Develop such Management Directives as necessary to implement responsibilities set forth in this section.

Source

The provisions of this § 1.81 amended by Executive Order No. 1981-4, dated February 9, 1981, effective February 9, 1981, 11 Pa.B. 1922. Immediately preceding text appears at serial page (34387).

§ 1.82. Commonwealth agencies.

Commonwealth agencies under the jurisdiction of the Governor shall do the following:

- (1) Designate an official at the Deputy Secretary level and someone at the technical staff level to oversee grants-in-aid matters and serve as liaison with the Governor's Office. Agency heads are to transmit the names and telephone numbers of those selected to the Budget Office, Room 733, Strawberry Square, within 15 days of the date of this subchapter.
- (2) Furnish the Secretary of Budget and Administration, the Director, Governor's Office of Policy and Planning, and the Director, Governor's Washington Office all data, reports, and other assistance requested pursuant to the responsibilities in this Order.
- (3) Keep the Secretary of Budget and Administration, the Director, Governor's Office of Policy and Planning, and the Director, Governor's Washington Office informed of significant State agency developments and actions related to Federal programs and legislation.
- (4) Utilize the Director, Governor's Washington Office whenever possible for official activities in the Nation's Capitol related to:
 - (i) Seeking expanded or new funding sources.
 - (ii) Seeking legislative or program information.
 - (iii) Presenting testimony or position papers to Congressional Committees.
 - (iv) Developing proposed Federal legislation.
 - (v) Carrying on liaison activities.

- (vi) Meeting with members of Pennsylvania's Congressional delegation.
- (vii) Official visits with Federal departments.

Source

The provisions of this § 1.82 amended by Executive Order No. 1981-4, dated February 9, 1981, effective February 9, 1981, 11 Pa.B. 1922. Immediately preceding text appears at serial page (34388).

§ 1.83. Governor's Washington Office.

The Director, Governor's Washington Office is the sole representative in Washington, D.C., for State agencies, unless otherwise directed by the Governor. The Director, Governor's Washington Office shall have the following responsibilities:

- (1) Keep the Governor's Office and State agencies informed of Congressional or administrative actions that affect the Commonwealth and of the availability of funding sources that might be of interest and benefit to the Commonwealth or local governments in Pennsylvania.
- (2) Coordinate the Commonwealth's representation at Congressional, administrative, and other Washington, D.C. hearings, meetings, and visits.
- (3) Inform the Pennsylvania delegation and other Congressional and administrative offices about the effects of Federal legislation or administrative actions on Pennsylvania.
- (4) Serve the official needs of State agencies, as described in this Order, in Washington, D.C.

Source

The provisions of this § 1.83 amended by Executive Order No. 1981-4, dated February 9, 1981, effective February 9, 1981, 11 Pa.B. 1922. Immediately preceding text appears at serial page (34388).

§ 1.84. Rescission.

Executive Order 1974-4 is rescinded.

Source

The provisions of this § 1.84 adopted by Executive Order No. 1981-4, dated February 9, 1981, effective February 9, 1981, 11 Pa.B. 1922.

Subchapter F. [Reserved]

Source

The provisions of this Subchapter F adopted October 22, 1976, 6 Pa.B. 2640; reserved by Executive Order No. 1986-8, dated December 12, 1986, effective January 10, 1987, 17 Pa.B. 165. Immediately preceding text appears at serial pages (113747) to (113748).

Subchapter G. [Reserved]**Source**

The provisions of this Subchapter G adopted October 22, 1976, 6 Pa.B. 2640; reserved by Executive Order No. 1986-6, dated October 24, 1986, effective November 8, 1986, 16 Pa.B. 4380. Immediately preceding text appears at serial pages (61772) and (50670).

Subchapter H. [Reserved]**Subchapter I. [Reserved]****Source**

The provisions of this Subchapter I adopted October 22, 1976, 6 Pa.B. 2640; reserved by Executive Order No. 1986-8, dated December 12, 1986, effective December 12, 1987, 17 Pa.B. 165. Immediately preceding text appears at serial pages (113748) and (113749).

Subchapter J. [Reserved]**Source**

The provisions of this Subchapter J adopted October 22, 1976, 6 Pa.B. 2640; reserved by Executive Order No. 1986-8, dated December 12, 1986, effective December 12, 1986, 17 Pa.B. 165. Immediately preceding text appears at serial pages (113749) to (113750).

Subchapter K. RECORDS MANAGEMENT

Sec.

- 1.141. Responsibilities.
- 1.142. Implementation of program.
- 1.143. Compliance.
- 1.144. Effective date.
- 1.145. Rescission.

Source

The provisions of this Subchapter K adopted October 22, 1976, 6 Pa.B. 2640, amended by Executive Order No. 1980-19, dated September 15, 1980, effective September 15, 1980, 10 Pa.B. 4247; rescinded and readopted by Executive Order No. 1983-7, dated November 1, 1983, effective November 19, 1983, 13 Pa.B. 3626; amended by Executive Order No. 1992-1, dated January 8, 1992, 22 Pa.B. 569. Immediately preceding text appears at serial page (115586), unless otherwise noted.

§ 1.141. Responsibilities.

The Secretary of Administration will administer the records management program for the Commonwealth. The Secretary will determine policies, consistent with section 2813-C of The Administrative Code of 1929 (71 P. S. § 71-720.13),

develop standards and establish procedures to control the maintenance, transfer, microfilming, preservation, retention and disposition of records and the acquisition of filing equipment.

§ 1.142. Implementation of program.

The Historical and Museum Commission, in conjunction with the Secretary of Administration, is responsible for implementing the records management program. The Secretary of Administration will issue the Management Directives regarding the Commonwealth's records management program.

§ 1.143. Compliance.

The head of every department and agency shall establish and maintain an active, continuing program to manage their agency's records in accordance with this subchapter and implementing instructions issued through the Directives Management System.

§ 1.144. Effective date.

This subchapter is effective January 3, 1992.

§ 1.145. Rescission.

Executive Order 1983-7 is rescinded.

**Subchapter L. ENVIRONMENTAL PROTECTION BY STATE
AGENCIES**

Sec.

1.151. Policy.

1.152. Responsibilities.

Source

The provisions of this Subchapter L adopted October 22, 1976, 6 Pa.B. 2640, unless otherwise noted.

§ 1.151. Policy.

In furtherance of the purposes and policies of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.1—691.701), the Air Pollution Control Act (35 P. S. §§ 4001—4015), the Pennsylvania Solid Waste Management Act (35 P. S. §§ 6001—6017) (Repealed), and the act of June 25, 1913 (P. L. 555, No. 335) (32 P. S. §§ 681—691) (Repealed), the following steps shall be taken:

- (1) The heads of administrative departments, independent administrative boards and commissions and other Commonwealth agencies under the jurisdiction of the Governor shall ensure that the government facilities and activities

of the Commonwealth comply with the laws listed in this section and the regulations promulgated thereunder.

(2) Environmental pollution control needs shall be considered in the initial stages of planning of each new installation. In addition, any construction, reconstruction or additions to existing facilities, buildings and equipment shall be planned and budgeted so that they comply with environmental laws and regulations.

(3) In the performance of contracts awarded by Commonwealth agencies, contractors shall minimize pollution and shall strictly comply with applicable environmental laws and regulations. Contracts shall contain provisions requiring contractors to comply with applicable environmental laws and regulations.

§ 1.152. Responsibilities.

The Secretary of Environmental Protection will provide technical advice and assistance to other agencies in connection with their duties and responsibilities under this subchapter.

Subchapter M. EQUAL EMPLOYMENT OPPORTUNITY

Sec.	
1.161.	Prohibition of discrimination and affirmation of equal employment opportunity.
1.162.	Responsibility for implementing equal employment opportunity.
1.163.	[Reserved].
1.164.	[Reserved].
1.165.	Rescission.
1.166.	[Reserved].
1.167.	[Reserved].
1.168.	Rescission.

Source

The provisions of this Subchapter M adopted October 22, 1976, 6 Pa.B. 2640; amended by Executive Order No. 1984-1, dated February 16, 1984, effective March 24, 1984, 14 Pa.B. 1002; amended by Executive Order No. 1988-1, dated January 20, 1988, 18 Pa.B. 657; amended by Executive Order No. 1996-9, dated December 20, 1996, 27 Pa.B. 919; amended by Executive Order No. 2002-3, dated May 3, 2002, 32 Pa.B. 2982; amended by Executive Order No. 2003-10, dated July 28, 2003, 33 Pa.B. 4063, unless otherwise noted. Immediately preceding text appears at serial pages (289795) to (289798).

Cross References

This subchapter cited in 16 Pa. Code § 49.2 (relating to policy and purpose).

§ 1.161. Prohibition of discrimination and affirmation of equal employment opportunity.

(a) An agency under the jurisdiction of the Governor may not discriminate against an employee or applicant for employment because of race, color, religious

creed, ancestry, union membership, age, gender, sexual orientation, gender identity or expression, national origin, AIDS or HIV status or disability.

(b) Positive steps shall be taken by each agency under the jurisdiction of the Governor to ensure fair and equal employment opportunity at every level of government.

(c) Sexual harassment or harassment based on any of the factors listed in subsection (a) is prohibited.

Cross References

This section cited in 4 Pa. Code § 1.162 (relating to responsibility for implementing equal employment opportunity).

§ 1.162. Responsibility for implementing equal employment opportunity.

(a) The Secretary of Administration supervises the development, implementation and enforcement of the Commonwealth's equal employment opportunity programs through the Bureau of Equal Employment Opportunity, which shall:

(1) Develop and promote steps designed to ensure a diverse workforce, equal employment opportunity and fair treatment of the protected classes in § 1.161(a) (relating to prohibition of discrimination and affirmation of equal employment opportunity) at all levels of State government.

(2) Develop Commonwealth-wide equal employment opportunity policies, procedures, and training to ensure consistency and uniformity.

(3) Conduct or participate in periodic onsite reviews and audits of agency equal employment opportunity programs.

(4) Develop complaint investigation and resolution procedures for implementation by all agencies under the jurisdiction of the Governor.

(5) Review complaint investigation reports at any time during the complaint process.

(6) Develop and implement a standardized equal employment opportunity procedure to monitor personnel transactions in all Commonwealth agencies under the jurisdiction of the Governor.

(7) Develop and issue guidelines for the conduct of agency equal employment opportunity programs and review of equal employment opportunity plans prior to implementation.

(8) Design and implement monitoring and reporting systems to measure effectiveness of agency equal employment opportunity programs.

(9) Consult with agency officials regarding personnel actions affecting agency equal employment opportunity professional staff, including recruitment, hiring, promotion, demotion, separation, transfer, performance standards and evaluation and rate of pay.

(10) Provide leadership to agencies in the design and implementation of innovative equal employment opportunity strategies which will further the Commonwealth's fulfillment of the commitment to equal employment opportunity.

(b) Heads of departments and agencies under the jurisdiction of the Governor shall:

(1) Designate an equal opportunity officer with primary responsibility to develop and implement the agency's equal employment opportunity program.

(2) Ensure that the agency equal opportunity officer reports directly to the individual who has overall responsibility for the agency's equal employment opportunity program.

(3) Ensure that the agency's commitment to equal employment opportunity is clearly transmitted to all agency employees and that bureau directors and managers provide adequate support to the equal opportunity manager or specialist in the development and implementation of program plans designed to achieve the agency's equal employment opportunity objectives.

(4) Seek input from the Director of the Bureau of Equal Employment Opportunity on personnel actions affecting equal employment opportunity professional staff.

(5) Ensure that the agency develops and implements effective equal employment opportunity plans and auditing and reporting mechanisms.

(6) Ensure that all agency supervisory and management employees are rated on equal employment opportunity, diversity and inclusiveness based in part upon criteria identified in the agency's equal employment opportunity plan.

§ 1.163. [Reserved].

Source

The provisions of this § 1.163 adopted October 22, 1976, 6 Pa.B. 2640; amended by Executive Order No. 1984-1, dated February 16, 1984, effective March 24, 1984, 14 Pa.B. 1002; amended by Executive Order No. 1988-1, dated January 20, 1988, effective January 20, 1988, 18 Pa.B. 657; reserved by Executive Order No. 1996-9, dated December 20, 1996, 27 Pa.B. 919. Immediately preceding text appears at serial pages (200891) to (200893).

§ 1.164. [Reserved].

Source

The provisions of this § 1.164 adopted October 22, 1976, 6 Pa.B. 2640; amended by Executive Order No. 1984-1, dated February 16, 1984, effective March 24, 1984, 14 Pa.B. 1002; amended by Executive Order No. 1988-1, dated January 20, 1988, effective January 20, 1988, 18 Pa.B. 657; reserved by Executive Order No. 1996-9, dated December 20, 1996, 27 Pa.B. 919. Immediately preceding text appears at serial page (200893).

§ 1.165. Rescission.

Executive Order 1984-1 is rescinded.

§ 1.166. [Reserved].**§ 1.167. [Reserved].****§ 1.168. Rescission.**

Executive Order 1996-9, Equal Employment Opportunity, dated December 20, 1996, is rescinded.

Subchapter N. [Reserved]**Source**

The provisions of this Subchapter N adopted October 22, 1976, 6 Pa.B. 2640; reserved by Executive Order No. 1986-8, dated December 12, 1986, effective December 12, 1986, 17 Pa.B. 165. Immediately preceding text appears at serial pages (87908) and (41392).

Subchapter O. HANDICAPPED INDIVIDUALS**Sec.**

- 1.181. Immediate steps.
- 1.182. Compliance.
- 1.183. Governor's Conference on Handicapped Individuals.

Source

The provisions of this Subchapter O adopted by Executive Order No. 1977-4, dated August 3, 1977, 7 Pa.B. 2483, unless otherwise noted.

§ 1.181. Immediate steps.

Each Commonwealth department or agency receiving HEW funds either as a direct grant or as a subgrant will take the following steps, as necessary and appropriate:

(1) By August 3, 1977, survey programs and activities in existing facilities and determine which can be made accessible to handicapped persons without structural changes and implement the conclusions of that survey. The survey should be accomplished with full consideration to possible alternative methods which may achieve accessibility in accordance with 45 CFR 84.22(b).

(2) By September 3, 1977, designate at least one person to coordinate the compliance efforts of the department or agency.

(3) By September 3, 1977, establish a plan for initial and continuing steps to notify participants, beneficiaries, applicants and employes, including those with impaired vision or hearing, and unions or professional organizations, that the department or agency does not discriminate on the basis of handicap in violation of 29 U.S.C.A. § 794 and the regulations. The initial notification shall be accomplished by September 3, 1977, in accordance with 45 CFR 84.8.

(4) By September 3, 1977, adopt grievance procedures which provide for the prompt and equitable resolution of complaints alleging actions prohibited by the regulations in accordance with 45 CFR 84.7(b).

(5) By December 3, 1977, complete necessary transition plans outlining steps to be taken by the department or agency to make the structural changes as are necessary to comply with the regulations in accordance with 45 CFR 84.22(e).

(6) Based on the transition plan, provide a cost estimate of structural changes in a manner prescribed by the Budget Secretary.

(7) By June 3, 1978, complete a self-evaluation process to determine which of the department or agency policies and practices are in need of change to assure equal opportunity for the handicapped in accordance with 45 CFR 84.6(c).

(8) In every step of the above processes, interested persons, including handicapped persons or organizations representing handicapped persons, shall be actively involved, either as members of planning committees or as consultants to such committees.

§ 1.182. Compliance.

To assure coordination in complying with this subchapter by Commonwealth departments and agencies under the jurisdiction of the Governor, the following responsibilities have been assigned:

(1) The Office of the Budget shall have overall responsibility for insuring that necessary transition plans are developed and are made available for timely public inspection. The Budget Secretary shall:

(i) Coordinate and assist, as necessary, State department and agency liaison personnel to insure preparation of the Federally required transition plans within the specified time limits.

(ii) Receive a copy of all transition plans, with cost estimates for implementing each plan. A second copy of the transition plans shall be sent to the Governor's Special Assistant for Human Services.

(2) The Governor's Special Assistant for Human Services will be responsible for the implementation of other requirements of this subchapter. This shall include assisting State agencies in determining if methods other than structural changes will comply with the regulations.

§ 1.183. Governor's Conference on Handicapped Individuals.

State agencies under the jurisdiction of the Governor shall provide proper access to meetings scheduled to discuss matters which may directly or indirectly affect handicapped individuals. The meetings shall be held in locations accessible, according to the provisions of Act 235 of 1965 as amended by Act 216 of 1974 and Act 176 of 1976, to handicapped individuals. This applies to meetings held under the Sunshine Act as well as to intra- and interagency meetings and discussions which may affect handicapped State employees.

Source

The provisions of this § 1.183 adopted by Executive Order No 1978-19, dated December 19, 1978, 9 Pa.B. 5, unless otherwise noted.

Subchapter P. FIREMEN AND LAW ENFORCEMENT OFFICERS' DEATH BENEFITS

Sec.

1.191. Implementation.

Source

The provisions of this Subchapter P adopted by Executive Order No. 1977-5, dated September 27, 1977, 7 Pa.B. 2888.

§ 1.191. Implementation.

(a) The provisions of the act of June 24, 1976 (P. L. 424, No. 101) (53 P. S. §§ 891—892) provide for the payment of death benefits to the surviving spouse or children of firemen or law enforcement officers killed in the performance of their duties.

(b) The act imposed the duties and responsibilities upon the Commonwealth to make certain payments out of the General Fund of the Commonwealth without specifically designating which agency should perform the duties and responsibilities.

(c) These duties and responsibilities fall upon the Executive Branch generally.

(d) The agency of the Executive Branch which is best equipped to handle the prescribed duties and responsibilities and which carries out analogous duties and responsibilities, through its Bureau of Risk and Insurance Management, is the Department of General Services.

(e) The Governor has established and designated the Department of General Services as the agency to carry out the responsibilities under the act in conjunction with the State Treasurer.

Subchapter Q. STATE EMPLOYMENT AND TRAINING PROGRAMS

Sec.

1.201—1.208. [Reserved].

1.209. Purpose.

1.210. Composition.

1.211. Chairperson and Vice-Chairperson.

1.212. Administration and staff.

1.213. Cooperation of agencies.

1.214. Designation as the Commonwealth's Human Resources Investment Council (HRIC).

1.215. Quorum.

1.216. Meetings.

1.217. Subcommittees.

1.218. Compensation.

1.219. Rescission.

Source

The provisions of this Subchapter Q adopted by Executive Order No. 1979-8, dated July 19, 1979, effective July 1, 1979, 9 Pa.B. 2511; amended by Executive Order No. 1983-4, dated March 21, 1983; amended by Executive Order No. 1997-7, dated December 19, 1997, 28 Pa.B. 466. Immediately preceding text appears at serial pages (225497) and (200897) to (200898).

§ 1.201—1.208. [Reserved].

§ 1.209. Purpose.

The purpose of the Pennsylvania Human Resources Investment Council (Council) is to:

- (1) Assess the economic and workforce needs of this Commonwealth, and develop a strategic plan to meet these Statewide needs.
- (2) Continuously maintain a competitive advantage for this Commonwealth by developing, adopting and assuring the implementation of Statewide policies and goals for workforce development, including:
 - (i) Setting performance measurements and standards.
 - (ii) Defining financial resource investment priorities and strategies.

- (iii) Developing return on investment criteria to measure the effectiveness of workforce development programs and activities.
- (3) Coordinate with other Team Pennsylvania activities to develop a workforce development system that is market-driven and responsive to the needs of this Commonwealth's employers by supporting the primary goals of Team Pennsylvania which are to:
 - (i) Promote this Commonwealth to specific companies considering expansion and relocation.
 - (ii) Assist with business retention efforts.
 - (iii) Ensure that the Commonwealth's economic development strategies continue to be focused and effective.
 - (iv) Improve communication and collaboration among professionals serving this Commonwealth's businesses.
- (4) Establish a rapid response mechanism to mobilize training resources to address the skill requirements for business retention or attraction opportunities created by major job projects of the Governor's Action Team or local economic developers.
- (5) Collaborate and coordinate with State agencies and State boards and commissions that shape economic development and education policies of the Commonwealth, including, the Ben Franklin/IRC Partnership Board, the State Board of Education, the State Literacy Council, the Pennsylvania Apprenticeship and Training Council, the State Board of Vocational Rehabilitation, the State System of Higher Education, the State-related universities and the Pennsylvania Higher Education Assistance Agency, to develop Statewide policies that connect workforce development with lifelong learning and economic competitiveness.
- (6) Collaborate with the Department of Community and Economic Development to ensure that the Statewide financing strategy for economic development reported to the General Assembly supports, and is supported by, the goals and objectives of the Commonwealth's workforce development system.
- (7) Collaborate with the Department of Public Welfare to ensure that the Statewide welfare-to-work strategy established to meet the demands of the Personal Responsibility and Work Opportunity Act of 1996, the act of August 22, 1996 (Pub. L. No. 104-93, 110 Stat. 2105), supports, and is supported by, the goals and objectives of the Commonwealth's workforce development system.
- (8) Review the provision of services and the use of funds and resources under applicable State and Federal human resource programs, and coordinate the provision of services and the use of funds and resources among State agencies consistent with the laws and regulations governing the programs. For purposes of this subchapter, applicable State and Federal human resource programs mean the following:
 - (i) The Job Training Partnership Act (29 U.S.C.A. §§ 1501—1792b).

- (ii) The Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C.A. §§ 2301—2471).
 - (iii) The Wagner-Peyser Act (29 U.S.C.A. §§ 49—491-1).
 - (iv) The Adult Education Act (20 U.S.C.A. §§ 1201—1213d).
 - (v) The School-to-Work Opportunities Act of 1994 (20 U.S.C.A. §§ 6101—6251).
 - (vi) The National and Community Service Trust Act of 1993, the act of September 21, 1993 (Pub. L. No. 103-82, 107 Stat. 785).
 - (vii) Title V of the Older Americans Act of 1965 (42 U.S.C.A. §§ 3056—3056i).
 - (viii) The Vocational Rehabilitation Act of 1973, as amended by the Rehabilitation Act of 1994 (29 U.S.C.A. §§ 701—797b).
 - (ix) The Customized Job Training Act (24 P. S. §§ 6201—6213).
 - (x) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the act of August 22, 1996 (Pub. L. No. 104—193, 110 Stat. 2105).
 - (xi) Section 202(a) of the Community Service Block Grant Amendments of 1994 (42 U.S.C.A. § 9901).
 - (xii) The Food Stamp Act of 1977 (Food Stamp Employment Training Program) (7 U.S.C.A. §§ 2011—2036).
 - (xiii) The Trade Act of 1974 (19 U.S.C.A. §§ 2101—2495).
 - (xiv) The Adult Literacy Act (24 P. S. §§ 6401—6409).
 - (xv) Article XIX-A of the Pennsylvania School Code of 1949 (Community Colleges) (24 P. S. §§ 19-1901-A—19-1913-A).
 - (xvi) The Workers' Compensation Act (77 P. S. §§ 1—1041.4).
 - (xvii) The Unemployment Compensation Law (43 P. S. §§ 751—914).
- (9) Evaluate State and local plans and proposals submitted for the Federal and State acts in paragraph (8), and approve the investment of public dollars in plans and proposals which are consistent with the laws and regulations governing those acts and with the policies and priorities established by the Council.
- (10) Develop strategies to assist local agents in providing support services including, child care and transportation to better meet the needs of system customers.
- (11) Develop and advance strategies for local agents to work collaboratively to create regional networks, and to develop coordinated business plans and budgets within regional areas.
- (12) Coordinate the following components of the Commonwealth's workforce development system:
- (i) The development and dissemination of appropriate and necessary research and statistical information with the requisite protocols and standards for common data reference.
 - (ii) The identification and continuous study of workforce development system needs.

(iii) The development of common definitions and common and specific performance standards and measures for workforce development programs and activities.

(iv) The creation of consistent monitoring instruments for the programs and activities included in the system.

(v) The establishment and maintenance of a universally accessible information access system which enables the workforce development system to function and to serve its customers effectively.

(vi) The provision of technical assistance to assist local agencies in meeting any changes associated with a new workforce development system.

(vii) The implementation of mechanisms including, but not limited to, the collaborative process outlined in Federal law, to secure appropriate input from system customers and service providers in the development of policies, performance standards or investment strategies.

(13) Set standards for local career development marketplaces and workforce development system service provider participation, adopt an official workforce development system logo designation and develop a system-wide marketing program.

(14) Examine Federal and State laws and regulations to assess whether they present barriers to achieving the provisions of this subchapter and recommend to the Governor and to the Federal government changes or waivers in Federal or State statutes or regulations to eliminate barriers and promote the provisions of this subchapter.

(15) Report to the Governor, the General Assembly and the Commonwealth generally the Council's progress and the return on investment and the overall effectiveness of the State and Federal human resource programs defined in paragraph (7).

Cross References

This section cited in 4 Pa. Code § 1.213 (relating to cooperation of agencies).

§ 1.210. Composition.

The Pennsylvania Human Resources Investment Council (Council) has been established in accordance with the composition requirements for State human resource investment councils found in Title VII of the Job Training Partnership Act (29 U.S.C.A. §§ 1792—1792b) or a Federally permissible alternative. In addition, the following individuals serve on the Council:

- (1) The Secretary of Aging.
- (2) The Secretary of Community and Economic Development.
- (3) The Secretary of Education.
- (4) The Secretary of Labor and Industry.
- (5) The Secretary of Public Welfare.
- (6) The Director of the Governor's Policy Office.

(7) A private sector employer representative from each of the Team Pennsylvania regions.

§ 1.211. Chairperson and Vice-Chairperson.

The Governor will designate, to serve at his pleasure, one private-sector employer to serve as Chairperson and one government representative to serve as Vice-Chairperson of the Pennsylvania Human Resources Investment Council.

§ 1.212. Administration and staff.

(a) A management committee will be established comprised of Commonwealth government representatives of the Pennsylvania Human Resources Investment Council (Council) which is authorized to make determinations relating to the management and administration of workforce development programs.

(b) The management committee will develop an organizational framework for the conduct of the Council's work and for meeting the Council's staffing and support needs. The organizational framework may utilize existing staff structures or may constitute a new staffing arrangement.

(c) All executive State agencies are instructed to give to the Council any necessary assistance required by the Council in the performance of the duties of the Council so far as is compatible with the authority and ability of each State agency.

(d) The policy and program offices of the Departments of Aging, Community and Economic Development, Education, Labor and Industry, and Public Welfare shall provide personnel, equipment and resources, as may be required, for the functioning of the Council.

§ 1.213. Cooperation of agencies.

(a) The Pennsylvania Human Resources Investment Council (Council) will develop and adopt applied operating principles to govern the relationships between and among executive State agencies and other governmental and private sector organizations which are participants in the system.

(b) All executive State agencies are instructed to implement the decisions made by the Council regarding the State and Federal human resource programs in § 1.209(8) (relating to purpose) and other decisions directly related to the development, implementation and operation of the Commonwealth's workforce development system.

§ 1.214. Designation as the Commonwealth's Human Resources Investment Council (HRIC).

(a) The Pennsylvania Human Resources Investment Council (Council) is designated as the HRIC in accordance with Title VII of the Job Training Partnership Act (29 U.S.C.A. §§ 1792—1792b) and, as such, assumes the powers and responsibilities previously held by the State Job Training Coordinating Council.

(b) The Council may be known as or marketed by a name other than the "Pennsylvania Human Resources Investments Council" as determined by the Council or the Team Pennsylvania Board.

§ 1.215. Quorum.

A majority of the members constitutes a quorum of the Pennsylvania Human Resources Investment Council (Council) for the purpose of organizing and conducting the business thereof, and all action shall be taken by a vote of a majority of the members present.

§ 1.216. Meetings.

The Pennsylvania Human Resources Investment Council shall meet at times and places as determined to be necessary.

§ 1.217. Subcommittees.

The Pennsylvania Human Resources Investment Council has authority to establish and to appoint members and delegate duties to subcommittees, as it deems necessary, to fulfill its responsibilities. The subcommittees will be chaired by a member of the Council.

§ 1.218. Compensation.

Members of the Pennsylvania Human Resources Investment Council receive no compensation, but are entitled to receive an allowance for expenses incurred in the performance of duties.

§ 1.219. Rescission.

Executive Order 1983-4, Coordination of State Employment and Training Programs, is rescinded effective June 30, 1998.

Subchapter R. [Reserved]

Source

The provisions of this Subchapter R adopted by Executive Order No. 1979-17, dated December 14, 1979, effective January 5, 1980, 10 Pa.B. 5; reserved by Executive Order No. 1986-6, dated October 24, 1986, effective November 8, 1986, 16 Pa.B. 4380. Immediately preceding text appears at serial pages (82281), (50674)—(50675), (55460)—(55461) and (82282).

Subchapter S. FLOOD PLAIN MANAGEMENT

- Sec.
1.231. General.
1.232. Flood insurance.
1.233. Flood plain management.
1.234. Coordination of State agencies.

Source

The provisions of this Subchapter S adopted by Executive Order No. 1978-4, dated March 1, 1978, 8 Pa.B. 785, unless otherwise noted.

§ 1.231. General.

Recurrent flooding of large areas of this Commonwealth presents serious hazards and causes adverse effects upon the health, safety, welfare, and property of the Commonwealth. Extensive expenditures of public and private funds have been required to effect the repair and replacement of property and facilities as a result of the disastrous effects of recurrent flooding.

§ 1.232. Flood insurance.

The National Flood Insurance Program (42 U.S.C.A. § 4001 *et seq.*) provides for much needed and desirable Federal insurance protection against the ravages of flood, mudslide and flood-related erosion. Federal regulations implementing this program have been published by the Department of Housing and Urban Development, Federal Insurance Administration (FIA), at CFR Chapter X, Subchapter B (41 Fed. Reg. 46962 (October 26, 1976)). The program includes provisions for states to insure or self-insure state-owned properties and facilities in special hazard areas.

§ 1.233. Flood plain management.

The FIA regulations represent minimum standards of flood plain management for Program participation and require the promulgation and enforcement of flood plain management regulations. To permit continued Commonwealth participation in this program of flood plain management, agencies under the Governor's jurisdiction shall take the following actions:

(1) The Office of the Governor shall act as the coordinating agency in the implementation of the minimum Federal standards by the other agencies of State government. To achieve compliance with these minimum standards, each agency shall undertake the steps outlined as follows:

(i) Each agency shall promulgate regulations or directives, where appropriate, consistent with Constitutional and statutory limitations, to implement the minimum Federal requirements for flood plain management in areas of agency activity which are or may be affected by the minimum Federal requirements as set forth in paragraph (2).

(ii) Effective immediately, each agency shall identify existing or proposed programs undertaken under and within the limits of its statutory authority which are or may be affected by the minimum Federal requirements as set forth in paragraph (2).

(iii) Each agency may consult directly with the FIA to assess the impact of the minimum requirements on its individual programs.

(iv) Each agency shall forward the result of its program review to the Governor at the earliest possible date.

(2) A development of (defined in the FIA regulations, 24 CFR 1909.1), new construction of or substantial improvements to State-owned properties and facilities in areas designated as special hazard areas by the FIA shall comply with minimum requirements for special hazard areas. These minimum requirements are set forth in 24 CFR 1910.3, 1910.4 and 1910.5.

(3) The Department of Community Affairs is hereby authorized to act as a repository for FIA flood information maps and other data that may be made available to the Commonwealth. The Department of Community Affairs shall notify other State agencies at regular intervals of the receipt of new maps and data.

(4) Agencies shall fully cooperate with each other in the exchange of data and technical expertise.

(5) As soon as possible after the issuance of this Executive Order, each agency shall have prepared for submission to FIA, regulations or directives, where appropriate, implementing the minimum Federal standards.

§ 1.234. Coordination of State agencies.

Additional instructions to assist and coordinate the uniform preparation of program reviews and the development of departmental regulations or directives shall be issued through the Directives Management System.

Subchapter T. [Reserved].

Source

The provisions of this Subchapter T adopted by Executive Order No. 1978-10, August 11, 1978, 8 Pa.B. 2221; reserved by Executive Order No. 1983-3, dated March 15, 1983, 13 Pa.B. 1575. Immediately preceding text appears at serial pages (41407) and (41408).

Subchapter U. [Reserved]**§§ 1.251—1.255. [Reserved].****Source**

The provisions of these §§ 1.251—1.255 adopted by Executive Order No. 1978-16, dated November 21, 1978, 8 Pa.B. 3475; amended by Executive Order No. 1986-4, dated August 15, 1986, 16 Pa.B. 3194; reserved by Executive Order No. 1993-4, dated October 13, 1993, 23 Pa.B. 5284. Immediately preceding text appears at serial pages (115597) to (115598).

Subchapter V. POLICY AND PLANNING

Sec.	
1.261.	Establishment.
1.262.	Responsibilities.
1.263.	Grants and contracts.
1.264.	Director.
1.265.	Rescission.

Source

The provisions of this Subchapter V adopted by Executive Order No. 1979-13, dated September 18, 1979, effective October 6, 1979, 9 Pa.B. 3360, unless otherwise noted.

§ 1.261. Establishment.

The Governor's Office of Policy and Planning was established in 1971 and is hereby continued as the central planning agency of the Commonwealth.

§ 1.262. Responsibilities.

The Office shall be charged with the following responsibilities:

- (1) Preparing plans and policy recommendations for the orderly and coordinated development of the State.
- (2) Coordinating and facilitating planning by and among State agencies necessary for the orderly accomplishment of State plans and policies.
- (3) Continuously surveying and reviewing the accomplishments of State government in achieving the goals and objectives set forth in State plans and policies.
- (4) Consulting with other agencies in determining the feasibility of any policy, plan or program under consideration.
- (5) Conducting and coordinating such research as may be necessary and desirable to develop and implement effective and efficient State policies.
- (6) Conducting studies and analyses of the actual or potential effects, both short and long-term, of present or proposed State policies.
- (7) Assisting in the review of Federal actions and developments affecting State plans and programs.

(8) Serving as the central agency and clearinghouse to collect and disseminate ideas and information bearing on public policy problems.

(9) Exercising such other functions as may be necessary to accomplish its duties.

§ 1.263. Grants and contracts.

The Office shall have authority to apply for, receive, administer and use any grants or other financial assistance that the Federal government and other public or private sources shall make available for the purposes of carrying out its responsibilities, and to contract with Federal, State, local or other public agencies and qualified private persons or agencies.

§ 1.264. Director.

The Governor shall appoint a Director who shall determine the staffing requirements of the Office in accordance with procedures of the Office of Budget and Administration.

§ 1.265. Rescission.

Executive Order 1978-17 is hereby rescinded and powers, duties and resources available to the Office of State Planning and Development are hereby transferred to the Office of Policy and Planning.

Subchapter W. [Reserved]

Source

The provisions of this Subchapter W adopted by Executive Order No. 1978-18, dated November 21, 1978, 8 Pa.B. 3477; reserved by Executive Order No. 1986-8, dated December 12, 1986, effective December 12, 1986, 17 Pa.B. 165. Immediately preceding text appears at serial pages (46923) to (46925).

Subchapter X. INSPECTOR GENERAL

Sec.

- 1.291. Establishment.
- 1.292. Purpose of the Office of State Inspector General.
- 1.293. Duties and responsibilities.
- 1.294. Authority.
- 1.295. Complaints by employees; disclosure of identity; reprisals.
- 1.296. Rescission.

Source

The provisions of this Subchapter X adopted by Executive Order No. 1979-11, dated September 12, 1979, effective September 12, 1979, 9 Pa.B. 3455, unless otherwise noted.

§ 1.291. Establishment.

There is created within the Executive Office of the Governor the Office of State Inspector General.

Source

The provisions of this § 1.291 adopted by Executive Order No. 1979-11, dated September 12, 1979, effective September 12, 1979, 9 Pa.B. 3455; amended by Executive Order No. 1987-7, dated April 6, 1987, effective April 6, 1987, 17 Pa.B. 1661. Immediately preceding text appears at serial page (115600).

§ 1.292. Purpose of the Office of State Inspector General.

The purpose of the Office of State Inspector General is as follows:

(1) To deter, detect, prevent and eradicate fraud, waste, misconduct and abuse in the programs, operations and contracting of executive agencies. For purposes of this subchapter, the term “executive agency” has the meaning given to it by section 102 of the Commonwealth Attorneys Act (71 P. S. § 732-102).

(2) To keep the heads of executive agencies and the Governor fully informed about problems and deficiencies relating to the administration of programs, operations and contracting in executive agencies.

(3) To provide leadership, coordination and control over satellite Inspector General Offices in designated executive agencies to insure a coordinated and efficient administration of duties and use of staff. The existing Office of Inspector General in the Department of Transportation shall continue as a satellite Inspector General Office, and it and other satellite Inspector General Offices in executive agencies shall report to and follow the direction of the State Inspector General.

Source

The provisions of this § 1.292 adopted by Executive Order No. 1979-11, dated September 12, 1979, effective September 12, 1979, 9 Pa.B. 3455; amended by Executive Order No. 1987-7, dated April 6, 1987, effective April 6, 1987, 17 Pa.B. 1661. Immediately preceding text appears at serial pages (115600) to (115601).

§ 1.293. Duties and responsibilities.

It is the duty and responsibility of the State Inspector General to:

(1) Initiate, supervise and coordinate investigative activities relating to fraud, waste, misconduct or abuse in executive agencies.

(2) Recommend policies for and to conduct, supervise and coordinate activities designed to deter, detect, prevent and eradicate fraud, waste, misconduct and abuse in executive agencies.

(3) Report expeditiously to and cooperate fully with the General Counsel. Whenever the State Inspector General has reasonable grounds to believe there has been a violation of criminal law or that a civil action should be initiated by

the Commonwealth, the State Inspector General shall immediately refer the matter to the General Counsel. The General Counsel is responsible for referring matters to the appropriate agency for criminal prosecution or civil litigation.

(4) Refer matters to the heads of executive agencies whenever the State Inspector General determines that disciplinary or other administrative action is appropriate.

Source

The provisions of this § 1.293 adopted by Executive Order No. 1979-11, dated September 12, 1979, effective September 12, 1979, 9 Pa.B. 3455; amended by Executive Order No. 1987-7, dated April 6, 1987, effective April 6, 1987, 17 Pa.B. 1661. Immediately preceding text appears at serial page (115601).

§ 1.294. Authority.

(a) *Additional duties and responsibilities.* In addition to the authority otherwise provided in this subchapter, the State Inspector General, in carrying out duties and responsibilities, is authorized to:

(1) Make investigations and reports relating to the administration of the programs and operations of an executive agency as are, in the judgment of the State Inspector General, necessary or desirable. If the State Inspector General determines that a report should be issued, he shall consult with the General Counsel before issuing the report to insure against an adverse impact on a grand jury proceeding or prosecution being conducted by a law enforcement agency.

(2) Request information or assistance necessary for carrying out the duties and responsibilities provided by this subchapter from a Federal, State or local government agency or unit thereof.

(3) Require and obtain immediately by written notice from officers and employes of executive agencies and the Executive Department, to the fullest extent permitted to the Governor by PA. CONST. art. 4, § 10 or other law, information, documents, reports, answers, records, accounts, papers and other necessary data and documentary evidence.

(4) Have direct and prompt access to the heads of executive agencies when necessary for a purpose pertaining to the performance of functions and responsibilities under this subchapter.

(5) Select, appoint and employ officers and employes necessary for carrying out the functions, powers and duties of the office. The officers and employes shall be employed in accordance with current procedures of the Office of Administration and may be assigned by the State Inspector General to designated executive agencies.

(b) *Request for information.*

(1) Upon request of the State Inspector General for information or assistance, executive agencies shall immediately furnish the information and assistance to the State Inspector General or an authorized designee.

(2) If information or assistance requested is, in the judgment of the State Inspector General, unreasonably refused or not provided, the State Inspector General may report the circumstances to the head of the agency, the General Counsel and the Governor for appropriate action.

Source

The provisions of this § 1.294 adopted by Executive Order No. 1979-11, dated September 12, 1979, effective September 12, 1979, 9 Pa.B. 3455; amended by Executive Order No. 1987-7, dated April 6, 1987, effective April 6, 1987, 17 Pa.B. 1661. Immediately preceding text appears at serial pages (115601) to (115602).

§ 1.295. Complaints by employees; disclosure of identity; reprisals.

(a) The State Inspector General may receive and investigate complaints or information concerning the possible existence of an activity in an executive agency constituting a violation of law, rules or regulations, or mismanagement, fraud, waste of funds, abuse of authority, malfeasance, misfeasance, nonfeasance or a substantial and specific danger to the public health and safety.

(b) No person may take or threaten to take action against an employe as a reprisal for making a complaint or disclosing information to the State Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(c) The protections in this subchapter for employes who report, in good faith, fraud, waste, misconduct, malfeasance, misfeasance, nonfeasance or abuse are in addition and supplementary to protections provided by the Whistleblower Law (43 P. S. §§ 1421—1428).

Source

The provisions of this § 1.295 adopted by Executive Order No. 1979-11, dated September 12, 1979, effective September 12, 1979, 9 Pa.B. 3455; amended by Executive Order No. 1987-7, dated April 6, 1987, effective April 6, 1987, 17 Pa.B. 1661. Immediately preceding text appears at serial page (115602).

§ 1.296. Rescission.

Executive Order 1979-11 is rescinded.

Source

The provisions of this § 1.296 adopted by Executive Order No. 1987-7, dated April 6, 1987, effective April 6, 1987, 17 Pa.B. 1661.

Subchapter Y. [Reserved]**Source**

The provisions of this Subchapter Y adopted by Executive Order No. 1979-12, dated September 18, 1979, effective October 6, 1979, 9 Pa.B. 3359; reserved by Executive Order 1987-4, dated February 4, 1987, effective February 14, 1987, 17 Pa.B. 711. Immediately preceding text appears at serial pages (55462) to (55465).

Subchapter Z. LIFE CYCLE COSTING

Sec.

- 1.311. Definition.
- 1.312. Adoption.
- 1.313. Implementation.

Source

The provisions of this Subchapter Z adopted by Executive Order No. 1980-3, dated February 8, 1980, effective February 23, 1980, 10 Pa.B. 844, unless otherwise noted.

§ 1.311. Definition.

Life Cycle Costing is a method of calculating the total cost of ownership of an acquisition over its life span. It includes initial cost and expected subsequent costs of significance, as well as disposal value and another quantifiable benefits to be derived.

§ 1.312. Adoption.

The methodology of Life Cycle Costing is hereby adopted for acquisitions which will require substantial operating and maintenance costs over their life spans.

§ 1.313. Implementation.

The Department of General Services is responsible for developing, implementing, and coordinating a Life Cycle Costing procedure for acquisitions which will require substantial operating and maintenance costs. Life Cycle Costing shall be applied to the following areas:

- (1) State building construction during the development and design phases.
- (2) Equipment for state agencies which has significant operating and maintenance costs. Examples of equipment acquisitions which should be purchased using LCC methodology are as follows:
 - (i) Air conditioning and refrigeration equipment.
 - (ii) Solar equipment.
 - (iii) Electrical office equipment.
 - (iv) Heavy construction equipment.
 - (v) Heating and ventilating equipment.

- (vi) Water heaters.

Subchapter AA. UTILIZATION OF COMMONWEALTH-OWNED AND LEASED SPACE

Sec.	
1.321.	Responsibilities.
1.322.	Compliance by State agencies.
1.323.	Requests for space.
1.324.	Department relationship with other agencies.
1.325.	Effective date.
1.326.	Termination date.
1.327.	Rescission.

Source

The provisions of this Subchapter AA adopted by Executive Order No. 1980-6, dated February 28, 1980, effective March 22, 1980, 10 Pa.B. 1295; amended by Executive Order No. 1991-2, dated February 27, 1991, effective February 27, 1991, 21 Pa.B. 1160; amended by Executive Order No. 2004-2, dated February 18, 2004, effective February 18, 2004, 34 Pa.B. 2057, unless otherwise noted. Immediately preceding text appears at serial pages (200907) to (200908) and (265757).

§ 1.321. Responsibilities.

- (a) The Department of General Services is responsible for:
 - (1) The central management of the allocation of Commonwealth-owned and leased space and shall have all necessary authority to do so properly.
 - (2) Maintaining an inventory of all Commonwealth-owned and leased space and shall regularly inspect these facilities to ensure that they are being fully and economically used by the tenant agencies.
 - (3) Upon receipt of a request from an agency for additional space or for the renewal of a lease for existing space, determining the following:
 - (i) Whether there exists proper justification for the request.
 - (ii) Whether the type of facility, its size and location are justified on the basis of its intended use and the actual complement of personnel using the space.
 - (iii) Whether the request can be accommodated by the use of already existing Commonwealth-owned or leased space, or by consolidation with existing owned or leased space.
 - (iv) Whether, in the case of a request for a renewal, the lease should be renewed and the terms of the renewal outlined in writing.
 - (4) Terminating or amending leases.

- (5) Decreasing the amount of space leased.
 - (6) Ordering the consolidation of space within or among facilities and agencies.
 - (7) Moving agencies from leased space to owned space.
 - (8) Declaring property surplus to the needs of an agency.
 - (9) Taking any other action that will result in the elimination of unnecessary or inefficiently used space and the comprehensive and economic use of all existing facilities and land.
- (b) No approval or consent of the tenant agency will be required for the Department of General Services to take action under this section.

§ 1.322. Compliance by State agencies.

Administrative departments, boards and commissions shall:

- (1) Comply with sections 508 and 2402(a) of The Administrative Code of 1929 (71 P. S. §§ 188 and 632(a)) and 62 Pa.C.S. § 322 (relating to specific construction powers, duties and procedures) when expending funds in connection with planning for or when altering, repairing or improving Capitol Complex buildings or those buildings designated as State office buildings.
- (2) Obtain approval from the Department General Services before changing the location of space assigned in Capitol Complex buildings or those buildings designated as State office buildings.
- (3) Obtain approval from the Department of General Services before leasing space or renewing or renegotiating leases.
- (4) Comply with section 2402(a) of The Administrative Code of 1929 by providing the Department of General Services a listing of all annual surveys of real property under their jurisdiction, and identifying among the real properties those that are surplus to their current needs.

§ 1.323. Requests for space.

Agency heads are responsible for requesting additional space, if needed, or for renewing leases. To request additional space or to renew a lease, alternatives to doing so should be reviewed by agency heads, including the possibility of consolidations within their agency or with other agencies in already-leased or Commonwealth-owned facilities. Agency heads' efforts, in this regard, shall be fully detailed in any request to the Department of General Services for space.

- (1) Upon receipt of the Department of General Services' response to any request for space, the agency head of the requesting agency shall direct a staff-person to prepare and provide the Department of General Services with whatever

agency authorization is required, and to cooperate and comply with the Department of General Services' decision.

(2) Consistent with the Downtown Location Law (73 P. S. §§ 821—840) and guidelines developed by the Department of General Services, agency heads are strongly encouraged to lease space in downtown areas, whenever possible. The Department of General Services will take all measures necessary to ensure that the goals of the Downtown Location Law are met, and that lessors with facilities located in downtown areas are provided with opportunities to lease those facilities to Commonwealth agencies.

§ 1.324. Department relationship with other agencies.

To implement the purpose of this subchapter, the Department of General Services may request and receive from any department, board, commission or any other agency under the jurisdiction of the Governor, cooperation, information and data needed to properly carry out its powers and duties. Independent agencies are also encouraged to participate with the provisions outlined in this subchapter.

§ 1.325. Effective date.

This subchapter is effective immediately.

§ 1.326. Termination date.

This subchapter will remain in effect unless revised or rescinded by the Governor.

§ 1.327. Rescission.

Executive Order 1991-2, Utilization of Commonwealth-Owned and Leased Space, is rescinded.

Subchapter BB. [Reserved]

Source

The provisions of this Subchapter BB adopted by Executive Order No. 1980-13, dated April 28, 1980, effective May 10, 1980, 10 Pa.B. 1855; reserved by Executive Order No. 1999-5, dated December 9, 1999, 30 Pa.B. 8. Immediately preceding text appears at serial pages (227431) to (227432).

§ 1.331. [Reserved].

§ 1.332. [Reserved].**Notes of Decisions***Approval of the Secretary*

The signatures of the Secretary of the Budget and the Comptroller of the Pennsylvania Liquor Control Board (LCB) were not required for the formation of a valid and enforceable contract between the warehouse/distributor of alcoholic beverages and the LCB even though the Secretary must give final review and approval to all contracts for the purchase of services, where the *Contracting for Services Manual*, which was written in compliance with this regulation, also provides for sole source procurement and, in this case, the agency head provided justification for use of the sole source procurement process in writing to both the Secretary of the Budget and the Comptroller. *Shovel Transfer & Storage, Inc. v. Liquor Control Board*, 739 A.2d 133 (Pa. 1999).

Subchapter CC. [Reserved]**Source**

The provisions of this Subchapter CC adopted by Executive Order No. 1980-14, dated May 7, 1980, effective May 7, 1980, 10 Pa.B. 1971; reserved by Executive Order No. 1986-8, dated December 12, 1986, effective December 12, 1986, 17 Pa.B. 165. Immediately preceding text appears at serial pages (52444) to (52445) and (70821).

Subchapter DD. STATE EMPLOYE ASSISTANCE PROGRAM

Sec.

- 1.351. Purpose.
- 1.352. Duties and responsibilities.
- 1.353. Rescission.

Source

The provisions of this Subchapter DD adopted by Executive Order No. 1980-17, dated July 28, 1980, effective July 28, 1980, 10 Pa.B. 3440; amended by Executive Order No. 1991-6, dated June 14, 1991, effective June 14, 1991, 21 Pa.B. 3219; amended by Executive Order No. 1996-10, dated December 20, 1996, 26 Pa.B. 1007, unless otherwise noted. Immediately preceding text appears at serial pages (200910) to (200911).

§ 1.351. Purpose.

- (a) To provide a comprehensive evaluation, referral and treatment system to address the abuse of alcohol and other controlled drugs, and emotional, family, financial, marital and other personal problems which adversely affect the employe's personal life or job performance.
- (b) To provide confidential consultation to managers, supervisors, union representatives and employes on how to effectively intervene.
- (c) To provide timely, professional onsite services to address the emotional impact of traumatic events which occur in the workplace.

§ 1.352. Duties and responsibilities.

(a) The Office of Administration, Bureau of Personnel, shall be responsible for the administration of this Program.

(b) The Secretary of Administration shall develop and publish directives to implement this subchapter. The directives are to delineate policy and the responsibilities of each agency head, supervisor and employee.

(c) The Secretary of Administration shall ensure the efficient and effective coordination of service between the State Employee Assistance Program, other Commonwealth programs and health care coverage.

§ 1.353. Rescission.

Executive Order 1991-6, State Employee Assistance Program, is rescinded.

**Subchapter EE. PENNSYLVANIA COASTAL ZONE
MANAGEMENT PROGRAM**

Sec.

- 1.361. Designated State agency.
- 1.362. Program objectives.
- 1.363. Coastal Zone Advisory Committee.
- 1.364. Cooperation by State agencies.
- 1.365. Force and effect.

Source

The provisions of this Subchapter EE adopted by Executive Order No. 1980-20, dated September 22, 1980, effective September 22, 1980, 10 Pa.B. 4018, unless otherwise noted.

§ 1.361. Designated State agency.

(a) The Department of Environmental Protection is designated as the lead agency for implementing and administering the Federal Coastal Zone Management Program for the Commonwealth of Pennsylvania.

(b) The Department of Environmental Resources shall be the single State agency to receive and administer the Federal Coastal Zone Management grants for implementing the management program.

(c) The Department of Environmental Protection, Coastal Zone Management Office, shall provide technical advice and assistance in the administration of the program, coordinate its activities with other agencies involved in the program, and act as a forum for conflict resolution among agencies in connection with their responsibilities under this order.

§ 1.362. Program objectives.

(a) The objectives of the Pennsylvania Coastal Zone Management Program are to:

- (1) Identify and evaluate those coastal resources requiring management or protection by the State.
- (2) Reexamine existing policies or develop new policies to manage these resources.
- (3) Determine specific uses and special geographic areas that are to be subject to the management program.
- (4) Identify the inland and seaward areas subject to the management program.
- (5) Provide for consideration of the national interest in the planning for and siting of facilities that will meet more than local requirements.
- (6) Include sufficient legal authorities and organizational arrangements to implement the program and to insure conformance to it.
- (b) The program will involve affected State agencies in order to assure that existing authorities are used to implement the policies and management techniques identified as necessary for coastal management purposes.

§ 1.363. Coastal Zone Advisory Committee.

- (a) The Committee shall be comprised of representatives designated by the heads of the following agencies:
 - (1) Department of Commerce.
 - (2) Department of Community Affairs.
 - (3) Department of Environmental Protection.
 - (4) Department of Transportation.
 - (5) Governor's Office of Policy and Planning.
 - (6) Governor's Energy Council.
 - (7) Fish Commission.
 - (8) Game Commission.
 - (9) Historical and Museum Commission.
 - (10) Public Utility Commission.

Each agency shall have one vote. The Chairperson of the Committee shall be designated by the Secretary of Environmental Resources.

- (b) The functions of the Committee shall be:
 - (1) To insure that projects or activities proposed for funding under the Coastal Zone Management Program are in concert with planned or existing State agency activities.
 - (2) To be responsible for State and local coordination on actions of the Coastal Zone Management Program.
 - (3) To participate in the continuing review of the Pennsylvania Coastal Zone Management Program.

§ 1.364. Cooperation by State agencies.

- (a) To the maximum extent permitted by law, administrative departments, independent administrative boards and commissions and other State agencies

shall, upon Federal approval of the Pennsylvania Coastal Zone Management Program, enforce and act consistently with the goals, policies, and objectives of that Coastal Zone Management Program and provide for adequate consideration of the national interest involved in planning for and siting of facilities and the use of resources in the coastal zones when the planning, siting and uses are of more than local interest.

(b) Each administrative department, independent administrative board and commission, and other State agencies shall, upon Federal approval of the Pennsylvania Coastal Zone Management Program and thereafter, notify the Department of Environmental Resources, Coastal Zone Management Office, pursuant to rules distributed to members of the Coastal Zone Advisory Committee, of any and all proposed activities having an effect on coastal resources.

(c) Conflicts among fiscal, developmental, service or regulatory activities of State agencies which have a direct and significant impact on the coastal zone, that cannot be resolved through available administrative mechanisms, shall be resolved by the Governor.

§ 1.365. Force and effect.

This Executive Order shall remain in full force and effect as long as monies are available for the management of the Pennsylvania Coastal Zone Management Program.

Subchapter FF. REGULATORY REVIEW AND PROMULGATION

Sec.	
1.371.	General requirements.
1.372.	Evaluation of existing regulations.
1.373.	Predrafting and drafting guidelines.
1.374.	Review by Governor's Office.
1.375.	Nonregulatory documents.
1.376.	Petitions.
1.377.	Continual review of regulations.
1.378.	Regulatory agendas.
1.379.	Exemptions.
1.380.	Applicability.
1.381.	Effective date.
1.382.	Rescission.

Source

The provisions of this Subchapter FF adopted by Executive Order No. 1981-2, dated January 29, 1981, effective January 29, 1981, 11 Pa.B. 1379; amended by Executive Order No. 1982-2, dated May 1, 1982, effective May 1, 1982, 12 Pa.B. 1758; amended by Executive Order No. 1996-1, dated February 6, 1996, effective immediately, 26 Pa.B. 856, unless otherwise noted. Immediately preceding text appears at serial pages (200913) to (200918).

§ 1.371. General requirements.

In the drafting and promulgating of new regulations and the application and review of existing regulations, agencies shall adhere to the following principles:

- (1) Regulations shall address a compelling public interest.
- (2) The costs of regulations may not outweigh their benefits.
- (3) Regulations shall be written in clear, concise and, when possible, non-technical language.
- (4) Regulations shall address definable public health, safety or environmental risks.
- (5) If Federal regulations exist, regulations of the Commonwealth may not exceed Federal standards unless justified by a compelling and articulable Pennsylvania interest or required by State law.
- (6) Compliance shall be the goal of all regulations.
- (7) If viable nonregulatory alternatives exist, they shall be preferred over regulations.
- (8) Regulations shall be drafted and promulgated with early and meaningful input from the regulated community.
- (9) Regulations may not hamper the Commonwealth's ability to compete effectively with other states.
- (10) Agency heads shall be held directly accountable for regulations promulgated by their respective agencies.

Cross References

This section cited in 4 Pa. Code § 1.372 (relating to evaluation of existing regulations); and 4 Pa. Code § 1.377 (relating to continual review of regulations).

§ 1.372. Evaluation of existing regulations.

(a) Existing regulations shall be reviewed by agencies for consistency with the principles in § 1.371 (relating to general requirements). Regulations that are inconsistent with these principles shall be considered for amendment or repeal.

(b) Agency heads shall have the flexibility to construct a program that reviews their existing regulations to assure consistency with these principles. A plan and schedule for review of existing regulations shall be submitted to the Governor's Policy Office by August 6, 1996. The review programs shall commence by February 6, 1997.

(c) Regulations proposed for repeal should be submitted to the General Counsel, the Secretary of the Budget and the Governor's Policy Director along with a Repeal Analysis Form. The analysis shall state:

- (1) The name of the agency.
- (2) The name of a contact person at that agency.
- (3) A short title of the regulation.
- (4) An explanation of the regulation.
- (5) A justification for the proposed repeal.
- (6) A proposed schedule for repeal—noting any public comment periods.
- (7) Any costs or savings, or both, associated with the repeal.

(d) If a statute prohibits the repeal of a regulation that the agency deems to be inconsistent with the principles in § 1.371, the agency head shall submit to the General Counsel, the Governor's Policy Director and the Secretary for Legislative Affairs the specific citation for the statute that prohibits the repeal and the citation for any regulation that is determined to be inconsistent with the principles in § 1.371, the nature of and reason for the inconsistency, and a recommendation for legislative action, if appropriate.

§ 1.373. Predrafting and drafting guidelines.

(a) Before drafting a regulation, agencies, when practical, shall undertake extensive public outreach to those who are likely to be affected by the regulation. Creating advisory committees, using regulatory negotiation and developing other creative procedures are encouraged as means to solicit the public's input during the regulatory development process.

(b) Those to be affected by the regulation should continue to be consulted during the drafting process. When appropriate, members of the regulated community should be involved with the formulation of language, the development of standards and other areas in which the regulated community has an interest or can provide insight, or both. During the regulation development and drafting process, agencies should advise and consult with the Governor's Policy Office, the Office of General Counsel and the Budget Office whenever the agency determines that the involvement would hasten the review process.

(c) Each agency shall develop its own policies regarding public involvement tailored best to meet the needs of the agency and the regulated community.

(d) By August 6, 1996, agencies shall submit to the Governor's Policy Office their internal guidelines for predrafting and drafting public outreach.

§ 1.374. Review by Governor's Office.

(a) Prior to submitting a proposed rulemaking, the agency head shall evaluate each regulation and attest to the fact that the regulation addresses a compelling public need that can be best remedied by the promulgation of the regulation.

(b) The agency head shall submit to the General Counsel, the Secretary of the Budget and the Governor's Policy Director a written regulatory analysis. The analysis shall state:

- (1) The name of the agency.
- (2) The name of a contact person at that agency.
- (3) A short title for the regulation and a citation from the *Pennsylvania Code*.
- (4) Whether the regulation is a proposed, final-form or final-omitted rule-making.
- (5) A brief, clear and, if possible, nontechnical explanation of the regulation.
- (6) The statutory authority or mandate for the regulation.
- (7) The compelling public need that justifies the regulation.
- (8) The public health, safety or environmental risks associated with non-regulation.
- (9) Individuals or groups that are likely to benefit from the regulation.
- (10) Individuals, groups or entities that will be required to comply with the regulation.
- (11) The outreach conducted by the agency with the regulated community prior to submission of the regulation.
- (12) An estimate of the costs or savings, or both, associated with compliance and implementation.
- (13) A cost/benefit analysis of the regulation.
- (14) Nonregulatory alternatives considered and the reasons for their dismissal.
- (15) Alternative regulatory schemes considered and the reasons for their dismissal.
- (16) A statement of the compelling Pennsylvania interest if the regulation exceeds Federal standards.
- (17) Any requirements that would place the Commonwealth at a competitive disadvantage compared to other states.
- (18) An intra-agency review schedule for the regulation.

(c) Each regulation submitted for review shall contain a brief preamble, written in clear and concise language, which describes in nontechnical terms the compelling public need the regulation is designed to address, what the regulation requires in legal and practical terms and who the regulation is likely to affect.

(d) The regulatory analysis, along with the preamble and draft regulation, will be reviewed by the Office of General Counsel for form, language and legal authority. The Governor's Policy Office will review the request to determine that public interest is compelling, that no viable alternative to the regulation exists and that the costs of the regulation reasonably relate to the benefits. The Office of General Counsel will also consider whether the proposed regulation exceeds Federal standards. If the regulation does exceed Federal standards, the Policy Office

will then evaluate whether the regulation is justified by a compelling and unique Pennsylvania interest. The Budget Office will evaluate the cost analysis prepared by the agency and prepare a fiscal note for the regulation.

(e) An agency may not proceed with a proposed, final-form or final-omitted regulation until the General Counsel, the Secretary of the Budget and the Policy Director have informed the agency that the regulation is consistent with the regulatory principles and overall policies of the Administration. Review by these three offices will be conducted in a fair and timely manner.

§ 1.375. Nonregulatory documents.

(a) Nonregulatory public documents such as internal guidelines, policy statements, guidance manuals, decisions, rules and other written materials that provide directives, guidance or other relevant compliance-related information to the public shall be cataloged by every agency.

(b) The cataloged titles of these documents, along with an agency contact and phone number, shall be published in the *Pennsylvania Bulletin* on August 3, 1996. Each year thereafter every agency shall publish and update its list in the *Pennsylvania Bulletin* on the first Saturday in August.

§ 1.376. Petitions.

To further the goal of greater public participation in the regulatory process, individuals, groups and businesses are encouraged to use the regulatory petition process outlined in 1 Pa. Code § 35.18 (relating to petitions for issuance, amendment, waiver or deletion of regulations). Agencies that have not already done so shall develop internal procedures to receive and review petitions in a fair and timely manner.

§ 1.377. Continual review of regulations.

Regulations shall be reviewed in accordance with the review schedule published annually by each agency. As part of its review, the agency shall determine whether the regulation continues to effectively fulfill the goals for which it was intended and remains consistent with the principles in § 1.371 (relating to general requirements).

§ 1.378. Regulatory agendas.

Semiannually, on February 1 and July 1, each agency head shall submit to the General Counsel, the Secretary of the Budget and the Governor's Policy Office Director, for publishing in the *Pennsylvania Bulletin*, an agenda of regulations under development or consideration. The agenda shall describe the regulations being considered, the proposed date for promulgation, the need and legal basis for the action being taken and the status of regulations previously listed on the agenda. Each item on the agenda shall also include a contact person within the agency from whom additional information may be obtained.

§ 1.379. Exemptions.

The procedure prescribed by this subchapter does not apply to:

(1) Emergency regulations as defined in the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

(2) A regulation for which consideration or reconsideration under the terms of this subchapter would conflict with deadlines imposed by statute, consent decree or by judicial order, provided that the regulation is reported to the Director of the Governor's Policy Office together with a brief explanation of the conflict. The agency shall publish in the *Pennsylvania Bulletin* a statement of the reasons why it is impracticable for the agency to follow the procedures of this subchapter with respect to such a rule. The agency, in consultation with the Governor's Policy Office, shall adhere to the requirements of this subchapter to the extent permitted by statutory or judicial deadlines.

§ 1.380. Applicability.

(a) This subchapter applies to all agencies under the jurisdiction of the Governor's Office.

(b) This subchapter is intended only to improve the internal management of executive agencies and is not intended to create a right or benefit, substantive or procedural, enforceable at law by a party against the Commonwealth, its agencies, its officers or any person.

§ 1.381. Effective date.

This subchapter is effective immediately.

§ 1.382. Rescission.

Executive Order 1982-2 is rescinded.

Subchapter GG. [Reserved]**Source**

The provisions of this Subchapter GG adopted by Executive Order No. 1983-2, dated February 17, 1983, effective February 17, 1983, 13 Pa.B. 1243; reserved by Executive Order No. 1988-10, dated November 18, 1988, effective November 18, 1988, 18 Pa.B. 5568. Immediately preceding text appears at serial page (120038).

§ 1.391. [Reserved].**Source**

The provisions of this § 1.391 adopted by Executive Order No. 1983-2, dated February 17, 1983, effective February 17, 1983, 13 Pa.B. 1243; reserved by Executive Order No. 1988-10, dated November 18, 1988, effective November 18, 1988, 18 Pa.B. 5568. Immediately preceding text appears at serial page (120038).

§ 1.392. [Reserved].**Source**

The provisions of this § 1.392 adopted by Executive Order No. 1983-2, dated February 17, 1983, effective February 17, 1983, 13 Pa.B. 1243; reserved by Executive Order No. 1988-10, dated November 18, 1988, effective November 18, 1988, 18 Pa.B. 5568. Immediately preceding text appears at serial page (120038).

§ 1.393. [Reserved].**Source**

The provisions of this § 1.393 adopted by Executive Order No. 1983-2, dated February 17, 1983, effective February 17, 1983, 13 Pa.B. 1243; reserved by Executive Order No. 1988-10, dated November 18, 1988, effective November 18, 1988, 18 Pa.B. 5568. Immediately preceding text appears at serial page (120038).

§ 1.394. [Reserved].**Source**

The provisions of this § 1.394 adopted by Executive Order No. 1983-2, dated February 17, 1983, effective February 17, 1983, 13 Pa.B. 1243; reserved by Executive Order No. 1988-10, dated November 18, 1988, effective November 18, 1988, 18 Pa.B. 5568. Immediately preceding text appears at serial page (120038).

Subchapter HH. [Reserved]**Source**

The provisions of this Subchapter HH adopted by Executive Order No. 1983-6, dated October 4, 1983, effective October 4, 1983, 13 Pa.B. 3368; reserved by Executive Order No. 1987-15, dated July 22, 1987, effective July 22, 1987, 17 Pa.B. 3319. Immediately preceding text appears at serial pages (115614) and (115615).

§ 1.401. [Reserved].**Source**

The provisions of this § 1.401 adopted by Executive Order No. 1983-6, dated October 4, 1983, effective October 4, 1983, 13 Pa.B. 3368; reserved by Executive Order No. 1987-15, dated July 22, 1987, effective July 22, 1987, 17 Pa.B. 3319. Immediately preceding text appears at serial page (115615).

Subchapter II. [Reserved]**Source**

The provisions of this Subchapter II adopted by Executive Order No. 1984-2, dated May 16, 1984, effective May 16, 1984, 14 Pa.B. 1935; reserved by Executive Order No. 1987-15, dated July 22, 1987, effective July 22, 1987, 17 Pa.B. 3319. Immediately preceding text appears at serial page (115615).

§ 1.421. [Reserved].**Source**

The provisions of this § 1.421 adopted by Executive Order No. 1984-2, dated May 16, 1984, effective May 16, 1984, 14 Pa.B. 1935; reserved by Executive Order No. 1987-15, dated July 22, 1987, effective July 22, 1987, 17 Pa.B. 3319. Immediately preceding text appears at serial page (123035).

**Subchapter JJ. ACCOUNTING AND FINANCIAL REPORTING
POLICIES AND PROCEDURES**

Sec.

1.431. Secretary and Department head responsibilities.

Source

The provisions of this Subchapter JJ adopted by Executive Order No. 1984-3, dated and effective October 11, 1984, 14 Pa.B. 3954, unless otherwise noted.

§ 1.431. Secretary and Department head responsibilities.

- (a) *Budget Secretary*. The Secretary of Budget shall be responsible for:
 - (1) Developing and installing accounting and financial reporting systems that will be in adherence with GAAP and that will:
 - (i) Demonstrate compliance with all legal requirements and contractual obligations.
 - (ii) Provide for adequate and proper stewardship over Commonwealth resources, property, and other assets.
 - (iii) Provide appropriate and complete information for budgetary control.
 - (2) Publishing an audited Comprehensive Annual Financial Report of the Commonwealth, based on criteria developed by the National Council on Gov-

ernmental Accounting in their Statement 3, Defining the Governmental Reporting Entry, and adopted by the Governmental Accounting Standards Board or successor.

(b) *Department heads.* The heads of independent departments, boards, and commissions and the governing bodies of quasi-governmental agencies included in the reporting entry are urged to use GAAP policies and procedures and to extend their cooperation to the Secretary of the Budget in compiling data necessary to the preparation of the annual report.

Subchapter KK. COMMONWEALTH SINGLE AUDIT COORDINATOR

Sec.

1.441. Designation of Commonwealth coordinator.

1.442. Agency responsibility.

Source

The provisions of this Subchapter KK adopted by Executive Order No. 1986-1, dated and effective February 24, 1986, 16 Pa.B. 782.

§ 1.441. Designation of Commonwealth coordinator.

The Office of the Budget is designated to act as the Commonwealth Single Audit Coordinator. The Commonwealth Single Audit Coordinator is responsible for developing single audit policy for Commonwealth agencies and for coordinating the implementation of the Single Audit Act of 1984 (31 U.S.C.A. §§ 7501—7507) and related policies.

§ 1.442. Agency responsibility.

The head of each agency responsible for administering a Federal financial assistance program is to designate a single audit contact person to represent the agency on single audit matters. Each contact person should be in a position to make or obtain timely decisions regarding audits and have complete access to programs, personnel, and single audit related material within the agency. The name and position of each contact person is to be submitted to the Office of the Budget, Comptroller Operations, Bureau of Audits, by April 1, 1986, and kept current thereafter.

**Subchapter LL. MINORITY AND WOMEN
BUSINESS ENTERPRISE**

Sec.	
1.451.	Responsibilities of the Department of General Services.
1.452.	Responsibilities of agency heads.
1.453.	Objective.
1.454.	Definitions.
1.455.	Rescission.
1.456—1.459.	[Reserved].

Source

The provisions of this Subchapter LL adopted by Executive Order No. 1987-18, dated and effective September 28, 1987, 17 Pa.B. 4179; amended by Executive Order No. 1996-8, dated December 20, 1996, 27 Pa.B. 1003; amended by Executive Order No. 2004-6, dated April 15, 2004, 34 Pa.B. 2685, unless otherwise noted. Immediately preceding text appears at serial pages (277438) to (277440) and (297685).

Cross References

This subchapter cited in 4 Pa. Code § 58.201 (relating to policy); and 4 Pa. Code § 58.202 (relating to definitions).

§ 1.451. Responsibilities of the Department of General Services.

The Department of General Services will do the following:

- (1) Develop and implement policy initiatives to substantially increase contracting and subcontracting opportunities for minority and women-owned businesses and other disadvantaged businesses in the Commonwealth's procurement of supplies, services and construction.
- (2) Centrally manage Commonwealth information, policies, procedures and issues pertaining to minority and women-owned businesses and other disadvantaged businesses.
- (3) Expand the pool of certified minority and women-owned businesses by:
 - (i) Repealing the current 8-year graduation requirement for Commonwealth certified minority and women-owned businesses.
 - (ii) Periodically adjusting the business size limitation for Commonwealth certification.
 - (iii) Establishing reciprocal certification agreements with other governmental and nongovernmental organizations.
 - (iv) Establishing an expedited certification process for those minority and women-owned businesses certified by other certifying bodies.
- (4) Enforce compliance with the minority and women-owned business program by both business and Commonwealth agencies.

(5) Make investigations and reports relating to the administration of the minority and women-owned business program and operations of an executive agency as they relate to the program.

(6) Request information or assistance as may be necessary, for carrying out the duties and responsibilities provided in this subchapter from any Federal, State or local government agency or unit thereof.

§ 1.452. Responsibilities of agency heads.

Agency heads under the Governor's jurisdiction will:

(1) Be responsible for ensuring that all competitive contract opportunities issued by their agency seek to maximize participation by minority and women-owned businesses and other disadvantaged businesses.

(2) Give consideration, when possible and cost effective, to contractors offering to utilize minority and women-owned businesses and disadvantaged businesses in the selection and award of contracts.

(3) Ensure that the agency's commitment to the minority and women-owned business program is clearly understood and appropriately implemented and enforced by all agency employees.

(4) Designate a responsible official to supervise the agency minority and women-owned business program and ensure compliance within the agency.

(5) Furnish the Department of General Services, upon request, all requested information or assistance.

(6) Recommend sanctions to the Secretary of General Services, as may be appropriate, against businesses that fail to comply with the policies of the Commonwealth minority and women-owned business program.

§ 1.453. Objective.

The Department of General Services (Department) will seek to increase the utilization of minority and women-owned businesses and other disadvantaged businesses in all competitive contracting opportunities. To achieve this objective, the Department will:

(1) Establish procurement policy that will give consideration, when possible and cost effective, to contractors offering to utilize minority and women-owned businesses and disadvantaged businesses in the selection and award of contracts.

(2) Develop and maintain an effective enterprise-wide data collection system in procurement and contracting, and institute quarterly and annual reporting requirements on participation level and spending in each agency.

(3) Create an internal data linkage so that agency buyers and purchasing agents will have a substantial number of commodity or service specific minority and women-owned businesses to solicit.

(4) Train procurement buyers and purchasing agents so they can assist in the Department's mission.

§ 1.454. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Disadvantaged business—A business that is owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial or ethnic prejudice or cultural bias.

Minority-owned business—A business owned and controlled by a majority of persons who are African-Americans, Hispanic Americans, Native Americans, Asian-Americans, Alaskans and Pacific Islanders.

Women-owned business—A business owned and controlled by a majority of persons who are women.

§ 1.455. Rescission.

Executive Order 1996-8, Minority and Women Business Enterprise and Contract Compliance Programs, is rescinded.

§ 1.456—1.459. [Reserved].**Subchapter MM. UPPER DELAWARE FEDERAL SCENIC RIVER**

Sec.	
1.471.	[Reserved].
1.472.	Program objectives.
1.473.	Upper Delaware Council.
1.474.	Cooperation by State agencies.
1.475.	Force and effect.
1.476.	Rescission.

Source

The provisions of this Subchapter MM adopted by Executive Order No. 1989-2, dated February 16, 1989, 19 Pa.B. 1164; amended by Executive Order No. 2003-5, dated June 22, 2003, 33 Pa.B. 3476, unless otherwise noted. Immediately preceding text appears at serial pages (227441) to (227443).

§ 1.471. [Reserved].**§ 1.472. Program objectives.**

(a) The objectives of the Upper Delaware Federal Scenic River designation are to:

- (1) Protect and maintain the unique scenic, cultural and natural qualities of the Upper Delaware River corridor including its rare and endangered plant and animal species and rare and natural habitats.

- (2) Maintain and enhance the corridor's social and economic vitality and its diversity consistent with efforts to protect the recognized values of the river corridor.
 - (3) Conserve the resources of the Upper Delaware primarily through the use of existing local and State land use controls and voluntary private landowner actions with local land use ordinances.
 - (4) Protect private property rights and allow for the use and enjoyment of the river corridor by both year-round and seasonal residents.
 - (5) Provide for planned growth consistent with local ordinances to ensure optimum use of existing public services while maintaining and conserving the essential character of the river valley.
 - (6) Maintain and improve fisheries and wildlife habitat to ensure the continued public enjoyment of hunting, fishing and trapping consistent with State laws.
 - (7) Foster a public recognition of the Upper Delaware River Valley as a place with its own identity, continuing history and destiny to be shaped by its residents.
 - (8) Provide for the continued public use and enjoyment of a full range of recreation activities as is compatible with the other goals.
 - (9) Encourage maximum local government official, private landowner, private group and citizen involvement in the management of the Upper Delaware.
- (b) The program will involve affected State agencies to ensure that existing authorities are used to implement the policies and management techniques identified as necessary for river management purposes.

§ 1.473. Upper Delaware Council.

The Secretary of the Department of Conservation and Natural Resources is the Commonwealth's appointed representative to the Upper Delaware Council.

§ 1.474. Cooperation by State agencies.

- (a) The Department of Conservation and Natural Resources is the single State agency to receive and administer Federal grants for implementing the management program of the Upper Delaware Federal Scenic River.
- (b) The Department of Conservation and Natural Resources, Division of Greenways and Conservation Partnership, shall provide technical advice and assistance in the administration of this program, coordinate its activities with other agencies involved in the program, and act as a forum for conflict resolution among agencies in connection with their responsibilities under this subchapter.

(c) To the maximum extent permitted by law, all administrative departments, independent administrative boards and commissions, and other State agencies shall act consistently with the goals, policies and objectives of the Upper Delaware Scenic River Management Plan and provide for adequate consideration of the National interest involved in planning for and siting of facilities and the use of resources in the Upper Delaware Scenic River corridor when the planning, siting and uses are of more than local interest.

(d) Each administrative department, independent administrative board and commission, and other State agencies shall notify the Department of Conservation and Natural Resources, Division of Greenways and Conservation Partnership, of proposed activities having an affect upon Delaware River resources.

(e) Conflicts among fiscal, development, service or regulatory activities of State agencies which have a direct and significant impact on the Upper Delaware River resources and cannot be resolved through available administrative mechanisms will be resolved by the Governor.

§ 1.475. Force and effect.

This subchapter shall remain in effect as long as the Upper Delaware Scenic River Management Plan is in effect.

§ 1.476. Rescission.

Executive Order 1989-2 is rescinded.

Subchapter NN. MASTER LEASING PROGRAM

Sec.

- 1.481. Development and implementation.
- 1.482. Implementation by secretaries.
- 1.483. Information to administrative agencies.
- 1.484. Cooperation by agencies.
- 1.485. Periodic payments required.
- 1.486. Compliance required; exceptions.

Source

The provisions of this Subchapter NN adopted by Executive Order No. 1989-3, dated March 2, 1989, 19 Pa.B. 1520, unless otherwise noted.

§ 1.481. Development and implementation.

The Secretary of General Services shall, with the guidance and assistance of the Secretary of the Budget, proceed with the development and implementation of a Master Leasing Program.

§ 1.482. Implementation by secretaries.

The program shall be implemented by directives, statements of policy, rules and regulations that the secretaries promulgate.

§ 1.483. Information to administrative agencies.

The directives, statements of policy, rules and regulations shall provide information to Commonwealth administrative agencies on the benefits and requirements of the Master Leasing Program.

§ 1.484. Cooperation by agencies.

Commonwealth administrative agencies shall fully cooperate with, and provide requested information and documentation, on a priority basis, to the Department of General Services, the Office of the Budget, and the attorneys, financial advisor, master lessor, trustee bank, underwriters and other necessary professionals appointed by the Department.

§ 1.485. Periodic payments required.

Commonwealth administrative agencies shall make periodic payments in a timely manner for equipment acquired through the Master Leasing Program.

§ 1.486. Compliance required; exceptions.

No Commonwealth administrative agency may arrange for financing of equipment leases or installment purchases, except through the Department of General Services' Master Leasing Program. Exceptions to this policy shall be granted, in writing, by the Secretary of General Services.

APPENDIX A

*(Editor's Note: 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*) gives the Legislative Reference Bureau discretion to exclude from publication in the *Pennsylvania Bulletin* classes of documents which are voluminous and applicable only to Commonwealth property or contracts or agency organization, management or personnel. Section 3.13(c) requires the Bureau to publish and codify a summary table of documents filed under § 3.13(b).)*

- (1) Administrative Circular No. 92-11, Dated March 2, 1992. Distribution of the 1992 Governor's Annual Work Force Report.
- (2) Administrative Circular No. 92-21, Dated June 5, 1992. Electronic Transmission of Voucher Transmittal Payment Data.
- (3) Administrative Circular No. 92-28, Dated July 30, 1992. Availability—Commonwealth Telephone Directory.

**Subchapter OO. MANAGEMENT AND PRODUCTIVITY
IMPROVEMENT INITIATIVE**

- | | |
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| Sec. | |
| 1.491. | Goals. |
| 1.492. | Office of Management and Productivity. |
| 1.493. | Volunteers in service. |
| 1.494. | Management and Productivity Improvement Council. |
| 1.495. | Private Sector Task Force. |
| 1.496. | Responsibilities of Commonwealth agencies. |

Source

The provisions of this Subchapter OO adopted by Executive Order No. 2003-3, dated April 30, 2003, 33 Pa.B. 4065, unless otherwise noted.

§ 1.491. Goals.

The goals of the Management and Productivity Improvement Initiative are to:

- (1) Improve the efficiency and productivity of State government.
- (2) Improve the cost effectiveness of State government operations.
- (3) Identify ways to enhance revenues and use resources more effectively.
- (4) Identify ways to leverage scarce resources and improve interagency coordination.
- (5) Place a renewed emphasis on customer service.

§ 1.492. Office of Management and Productivity.

The Office of Management and Productivity (Office) is created within the Office of Administration. The Director of the Office reports to the Secretary of Administration. The Office of Administration provides all support services and staff for the Office. The purposes and goals of the Office are to:

- (1) Make recommendations to the Governor on management and productivity improvements and to advise the Governor of the results of those efforts.
- (2) Identify, implement and evaluate programs, systems and processes to improve management operations and efficiency and increase productivity within State government, including improvements in contracting, procurement, technology, management, organization, operations and facility and property management.
- (3) Identify opportunities to improve customer service and methods of assessing customer satisfaction.
- (4) Review collective bargaining agreements and employee work rules to identify areas with the potential for greater efficiency and productivity.
- (5) Assist agencies in management redesign efforts, program evaluation and performance evaluations.
- (6) Identify ways to enhance nontax revenues and generate additional funding mechanisms.
- (7) Solicit input from State employees on methods to improve management and productivity and develop the means to recognize individual employee contributions in reducing costs, improving efficiency and enhancing customer service.
- (8) Exercise other responsibilities and duties as directed by the Governor.

§ 1.493. Volunteers in service.

The Office of Management and Productivity (Office) shall create a program whereby volunteer and released time workers in private sector employment may assist the Office and the Management and Productivity Improvement Council in

identifying and implementing strategies, processes and programs designed to improve State government management and productivity. The Office shall establish guidelines for this program.

§ 1.494. Management and Productivity Improvement Council.

(a) *Purposes.* The Management and Productivity Improvement Council (Council):

- (1) Advises and assists the Governor and the Office of Management and Productivity (Office) in identifying opportunities to improve management, operations and programs in State government.
- (2) Aids in the development and implementation of strategies for improving the management and productivity of State government.
- (3) Assists in evaluating the efficacy of management and productivity improvements and results of those efforts.

(b) *Composition.* The Council consists of the following members:

- (1) Secretary of Administration.
- (2) Secretary of the Budget.
- (3) Secretary of Banking.
- (4) Secretary of Conservation and Natural Resources.
- (5) Secretary of Education.
- (6) Secretary of Environmental Protection.
- (7) Secretary of General Services.
- (8) Secretary of Public Welfare.
- (9) Secretary of Revenue.
- (10) Secretary of Transportation.
- (11) Governor's Chief of Staff.

(c) *Officers.* The Secretary of Administration serves as Chairperson of the Council. The Director of the Office serves as Secretary of the Council.

(d) *Powers and duties.* The Council has the power and duty to:

- (1) Identify opportunities for improving the management and productivity of State government.
- (2) Develop and implement strategies for making the improvements, including developing and updating a work plan.
- (3) Identify barriers to the implementation of management and productivity improvement efforts and recommend strategies for addressing these barriers.
- (4) Evaluate the cost and programmatic impact of improvements to State government management and productivity efforts.
- (5) Exercise all other powers and duties that the Governor delegates to the Council.

§ 1.495. Private Sector Task Force.

A Private Sector Task Force (Task Force) is created to assist the Management and Productivity Improvement Council. The Task Force is composed of up to five representatives from the private sector selected by the Governor. The Task Force is responsible for identifying:

- (1) Best practices that might translate into opportunities for the Commonwealth to improve management and productivity.
- (2) The resources within the public or private sector that might assist the Commonwealth in improving management and productivity.

§ 1.496. Responsibilities of Commonwealth agencies.

Commonwealth agencies under the direction of the Governor shall cooperate with the Office of Management and Productivity (Office) and the Management and Productivity Improvement Council (Council). Commonwealth agencies shall, at a minimum:

- (1) Provide information, records and materials as might be necessary for the Office and the Council to carry out their responsibilities.
- (2) Implement management and productivity improvements identified by the Office and approved by the Council.
- (3) Evaluate the efficiency and effectiveness of management and productivity improvements.
- (4) Recommend to the Office and the Council areas of investigation that might result in improvements to State government operations and customer service and achieve reduced costs or spending.
- (5) Encourage and reward employees for recommending and implementing program efficiencies, cost savings and improvements in customer service.

Subchapter PP. ENERGY MANAGEMENT AND CONSERVATION IN COMMONWEALTH FACILITIES

Sec.	
1.501.	Responsibilities.
1.502.	Cooperation among executive agencies and independent agencies.
1.503.	Definitions.
1.504.	Effective date.
1.505.	Termination date.

Source

The provisions of this Subchapter PP adopted by Executive Order No 2004-12, dated December 15, 2004, 35 Pa.B. 6737, unless otherwise noted.

§ 1.501. Responsibilities.

(a) The Department of General Services (Department) shall act as the centralized coordinator of the Commonwealth's energy management and conservation measures in Commonwealth facilities for the executive agencies. In this role, the Department shall:

(1) Work with all agencies of the Commonwealth on effective methods to include energy conservation as part of any new construction project or renovation project, by way of green building practices or otherwise, and work collectively to track and monitor the results of the energy conservation methods.

(2) Apply Life Cycle Cost Analysis to the selection of energy sources, systems and controls for all new construction projects and renovation projects.

(3) Implement programs to train appropriate personnel in Life Cycle Cost Analysis.

(4) Act as the centralized authority for all Energy Service Company (ESCO) Projects implemented by the Executive agencies. In this role, the Department shall:

(i) Act as the approving authority for all ESCO Projects requested by the executive agencies.

(ii) Develop standard procedures by which ESCO Projects may be awarded.

(iii) Develop a comprehensive approach to ESCO applicable to all executive agencies.

(iv) Provide advisory services and guidance to the executive agencies for the conception and implementation of ESCO Projects.

(v) Seek to develop and implement a single financing source for all ESCO Projects.

(5) Develop procedures to reduce energy use in all leased facilities, including the possible centralized purchasing of energy for Commonwealth leases and including energy conservation measures in lease specifications.

(6) Procure Energy Star[®] and other energy efficient products where economical and consistent with Life Cycle Cost Analysis.

(7) Research new and innovative methods of energy conservation.

(8) Benchmark best practices for energy conservation technologies with other public and private sector organizations.

(b) The Department and all other executive agencies shall:

(1) Develop no-cost or low-cost energy conservation measures for all Commonwealth-owned and leased buildings. The measures should include, at a minimum, the following:

(i) The reduction of energy use during peak demand periods.

(ii) The measures to ensure that lighting systems are turned off during nonoperating hours.

- (iii) The conversion to more energy efficient systems and bulbs as existing systems and bulbs reach the end of their life cycles.
 - (iv) The maximum use of natural lighting whenever possible and consistent with temperature control.
 - (v) Measures to ensure that HVAC systems operate at reduced levels during nonoperating hours.
 - (vi) Measures to ensure that all equipment powered electricity, including computer equipment, is turned off when not in use and that personal computers go into “sleep” mode after 5 minutes of inactivity.
 - (vii) Temperature reduction for hot-water heaters in all facilities except where operational needs require a specific water temperature.
 - (viii) The removal of lighting from all vending machines in lighted areas.
 - (ix) The removal or reduction of all other nonessential lighting.
 - (x) The maximum use of task lighting.
 - (xi) The setting of refrigerators to the highest temperature.
 - (xiii) The prohibition of personal space heaters except in areas where central HVAC systems cannot provide adequate heat under objective standards.
 - (xiv) The insulation of all hot water or steam pipes and hot water heaters.
 - (xv) The replacement of conventional light switches with motion-sensor switches.
 - (xvi) The replacement of incandescent lights in exit signs with LED fixtures.
 - (xvii) The maximum use of more energy efficient office equipment and turning off personal computers, printers and other office equipment during nonbusiness hours.
 - (xvii) Frequent cleaning of light fixtures.
 - (xviii) Frequent cleaning and maintenance of HVAC systems and routine replacement of filters.
 - (xix) Improved insulation of windows, doors, walls, roofs, floors and sealing of ductwork.
 - (xx) The closing of all windows during heating and cooling periods.
- (2) Develop additional energy conservation methods based upon their individual operational missions.
 - (3) Designate facilities managers with primary responsibility to ensure that energy conservation measures are developed and complied with.
 - (4) Engage janitorial crews and security forces in the implementation of energy conservation measures.
 - (5) Continue to explore the use of ESCO Projects, Energy Star® products, green building practices and other similar energy conservation measures and implement the programs where appropriate.
 - (6) Explore recommissioning or other adjusting of HVAC systems ensure maximum efficiency.

- (7) Develop a long-range energy use and conservation plan for each executive agency.
- (8) Develop programs to educate and train employees in energy conservation methods.
- (c) By June 13, 2005, executive agencies shall file a report with the Department setting forth all measures taken to implement this subchapter.
- (d) The Department of Environmental Protection shall:
 - (1) Provide advice and assistance to the Department and executive agencies in developing the energy management and conservation requirement of this subchapter.
 - (2) On a continuing basis, develop and recommend additional no-cost or low-cost energy conservation measures to be implemented by the Department and the executive agencies.
 - (3) Develop long-range energy management and conservation methods to be applied in Commonwealth facilities.
- (e) The Office of Administration shall ensure that specific energy management responsibilities are incorporated into relevant job descriptions in all executive agencies.

§ 1.502. Cooperation among executive agencies and independent agencies.

The Department of General Services may request and receive from any executive agency cooperation, information and data needed to properly implement the intent of this subchapter. Independent agencies not directly under the Governor's jurisdiction are also encouraged to participate in the provisions of this subchapter.

§ 1.503. Definitions.

As used in this subchapter, the following words and terms, have the following meanings, unless the context clearly indicates otherwise:

Energy Star® Products—Those products that have been designated as such by the United States Environmental Protection Agency or the United States Department of Energy and therefore use less energy, save money, and help protect the environment.

Energy Service Company (ESCO) Project—A guaranteed energy savings contract, as defined in the Alternative Fuels Incentive Act (73 P. S. §§ 1646.1—1646.7), providing for the acquisition of comprehensive capital energy improvements and services provided by qualified energy service companies where the energy and cost savings achieved by the installed energy project cover all project costs, including financing, over a specified contract term.

Executive agencies—Those agencies as defined in 62 Pa.C.S. § 103 (relating to definitions).

Green building practices—Techniques that promote construction of buildings that are healthier for both the environment and the occupants through a variety of methods, including energy and water conservation, environmentally sensitive site planning, the use of resource efficient building materials, and superior indoor environmental quality.

Life-Cycle Cost Analysis—A methodology for calculating the whole cost of a system from inception to disposal.

Peak demand periods—The times during a given day when energy use is at its highest and costs are greatest, particularly afternoons on hot days.

§ 1.504. Effective date.

This subchapter takes effect immediately.

§ 1.505. Termination date.

This subchapter will remain in effect unless revised or rescinded by the Governor.

Subchapter QQ. CONTRACT COMPLIANCE PROGRAM

Sec.

- 1.511. Establishment of contract compliance programs.
- 1.512. Responsibilities.
- 1.513. Sanctions.
- 1.514. Effective date.

Source

The provisions of this Subchapter QQ adopted by Executive Order No. 2006-2, dated January 31, 2006, 36 Pa.B. 1741, unless otherwise noted.

§ 1.511. Establishment of contract compliance programs.

Commonwealth agencies shall establish, implement and maintain contract compliance programs to ensure that Commonwealth contracts and grants are nondiscriminating in three aspects:

- (1) Nondiscrimination in the Commonwealth's award of contracts and grants.
- (2) Nondiscrimination by those who are awarded Commonwealth contracts and grants in their award of subcontracts and supply contracts for the performance under Commonwealth contracts.
- (3) Nondiscrimination by those who are awarded Commonwealth contracts and grants in the hiring and treatment of their employees.

§ 1.512. Responsibilities.

- (a) The Department of General Services (DGS) shall:
 - (1) Develop standards for a uniform Statewide contract compliance program that ensures nondiscrimination by Commonwealth contractors and grantees.
 - (2) Review agency contract compliance programs, plans, reports and procedures to ensure consistency with the DGS contract compliance policies.

- (3) Develop and implement monitoring and reporting systems to measure the effectiveness of agency contract compliance programs.
 - (4) Provide leadership and training to agencies and assist them in conducting contract compliance program audits including periodic onsite reviews.
 - (5) Investigate and make reports relating to the administration of contracting programs and operations.
 - (6) Require contractors and grantees to agree, as a condition in their contracts or agreements with the Commonwealth, not to discriminate in the award of subcontract or supply contracts or in hiring, promotion or other labor matters on the basis of race, gender, creed or color.
 - (7) Ensure that contractors and grantees receiving Commonwealth funds have, as a condition of payment or funding, a written sexual harassment policy and that the employees of the contractor or grantee are aware of the policy.
- (b) Agency heads under the Governor's jurisdiction shall:
- (1) Ensure that the agency's commitment to the contract compliance program is clearly understood and appropriately implemented by all agency employees.
 - (2) Develop contract compliance plans, coordinate the development of activities to implement agency plans, and develop audit and reporting systems to measure the effectiveness of the agency's contract compliance programs.
 - (3) Designate a responsible official to supervise the agency's contract compliance program.
 - (4) Designate a contract administrator to carry out all agency responsibilities regarding contract compliance as issued under this subchapter.
 - (5) Upon request, furnish information or assistance to DGS.
 - (6) Recommend sanctions to the Secretary of DGS, as may be appropriate, for lack of compliance with Commonwealth contracting programs.
- (c) For those programs when an agency's receipt and use of Federal funds are subject to approval and oversight by a Federal funding agency, agency heads under the Governor's jurisdiction will comply with those contract compliance requirements of the oversight Federal agency which are imposed as a condition of eligibility for Federal funds and not with the program requirements established by DGS.

§ 1.513. Sanctions.

- (a) Failure to comply with the Commonwealth's contract compliance programs will result in the imposition of sanctions.
- (b) For contractors or grantees receiving Commonwealth funds, sanctions may include, but are not limited to, termination of the contract, nonpayment, debarment or referral to the Office of General Counsel for appropriate civil or criminal referral.

§ 1.514. Effective date.

This subchapter takes effect immediately.

Subchapter RR. OFFICE OF DIVERSITY MANAGEMENT

Sec.

- 1.521. Office of Diversity Management.
- 1.522. Governor's Executive Diversity Council.
- 1.523. Governor's Diversity Planning Council.
- 1.524. Relationship with other agencies.
- 1.525. Effective date.

Source

The provisions of this Subchapter RR adopted by Executive Order No. 2008-06, dated July 29, 2008, 38 Pa.B. 5738, unless otherwise noted.

§ 1.521. Office of Diversity Management.

The Office of Diversity Management (Office) shall be managed by the Chief Diversity Officer, an executive-level position within the Office of Administration, who shall report directly to the Governor or the Governor's designee. The Chief Diversity Officer shall consult with the Governor's Executive Diversity Council on matters related to diversity strategies implementation; advise the Secretary of Administration on matters related to equal employment opportunity, recruitment, placement, retention, and other workforce and workplace-related issues; and advise agencies and offices on procurement and contracting issues, as they may relate to diversity management and planning.

(1) *Responsibilities.* The Office shall create a coordinated Commonwealth-wide, strategic approach to diversity management and:

- (i) Develop, design and implement a strategic plan to accomplish the Commonwealth's diversity vision, mission and goals.
- (ii) Identify acceptable measures, coordinate and guide diversity efforts, and establish clear direction and expectations for diversity management efforts in this Commonwealth.
- (iii) Incorporate diversity management best practices into Commonwealth agency policies, practices, structures, goals and objectives.

(2) *Authority.* Existing policies and practices of agencies under the Governor's jurisdiction shall be subject to the advice, direction and guidance of the Chief Diversity Officer so that they comply with Commonwealth-wide diversity objectives promulgated by the Office. Agencies under the Governor's jurisdiction shall participate in diversity planning, policy development and implementation. The Chief Diversity Officer may appoint, from time to time, ad hoc advisory groups and committees to assist with matters related to diversity management and inclusion, to engage public discussion, or to accomplish the responsibilities of the Office.

§ 1.522. Governor's Executive Diversity Council.

(a) *Composition.* The Governor's Executive Diversity Council (Executive Council) consists of the following members, who serve *ex officio*:

- (1) Governor's Chief of Staff.
- (2) Secretary of Administration, who serves as Chairperson of the Council.
- (3) Secretary of Labor and Industry.
- (4) Secretary of Health.
- (5) Secretary of General Services.
- (6) Secretary of Community and Economic Development.

- (7) Director of the Office of Public Liaison.
 - (8) Secretary of the Commonwealth.
 - (9) Chief Diversity Officer.
 - (10) Chairperson of the Board of Probation and Parole.
 - (11) Commissioner of the Pennsylvania State Police.
 - (12) Governor's General Counsel.
 - (13) Executive Director of the State Civil Service Commission.
- (b) *Responsibilities.* The responsibilities of the Executive Council are to:
- (1) Provide guidance, direction and approval to the Office of Diversity Management on enterprise-wide diversity priorities, and to guide the Commonwealth's diversity agenda and strategic plan implementation.
 - (2) Convene on a regular basis to discuss, approve and prioritize enterprise-wide diversity goals, objectives, strategies and recommendations provided by the Governor's Diversity Planning Council.

§ 1.523. Governor's Diversity Planning Council.

(a) *Composition.* The Governor's Diversity Planning Council (Planning Council) consists of the following members, who serve *ex officio*:

- (1) Deputy Secretary for Human Resources and Management, Office of Administration.
- (2) Deputy Secretary for Procurement, Department of General Services.
- (3) Deputy Secretary for Minority and Women's Business Opportunities, Department of General Services.
- (4) Executive Director for the Governor's Advisory Commission on African American Affairs.
- (5) Executive Director for the Governor's Advisory Commission on Asian American Affairs.
- (6) Executive Director for the Governor's Advisory Commission on Latino Affairs.
- (7) Executive Director for the Governor's Cabinet for People with Disabilities.
- (8) Executive Director for the Pennsylvania Commission for Women.
- (9) Director of the Bureau of Equal Employment Opportunity, Office of Administration.
- (10) A deputy secretary designated by the Chief Diversity Officer from an agency in each of four practice groups organized around the following: Public Safety; Health and Human Services; Environment; and Government Operations. Practice groups may be organized as presently structured under the Office of Information Technology Keystone Plan or differently as determined by the Chief Diversity Officer to meet agency functions, missions and practices.

(b) *Responsibilities.* The responsibilities of the Planning Council are to:

- (1) Conduct meetings on a regular basis to identify critical diversity issues, including those that should be addressed in a comprehensive manner.
- (2) Assist the Office of Diversity Management in the development of an enterprise-wide diversity strategic plan and make recommendations to the Chief Diversity Officer for implementation of the plan.

§ 1.524. Relationship with other agencies.

Agencies under the Governor's jurisdiction shall cooperate with, and provide assistance and support to, the Office of Diversity Management, the Executive Council and the Planning Council. The Office of Diversity Management may also be directed and appointed by the Governor to participate in certain other commissions, panels, cabinets, and initiatives as deemed appropriate.

§ 1.525. Effective date.

This subchapter shall take effect immediately, and remain in effect unless rescinded by the Governor.

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