

**CHAPTER 127. STANDARDIZATION OF PERSONNEL RULES**

Sec.	
127.1.	Definitions.
127.2.	Hiring policy.
127.3.	Probation.
127.4.	Demotions.
127.5.	Suspension.
127.6.	Retirement.
127.7.	Resignation.
127.8.	Removal.
127.9.	Appeal.
127.10.	Prohibitions.
127.11.	Confidentiality of information.
127.12.	Status of employees as of effective date.

**Authority**

The provisions of this Chapter 127 issued under the Pennsylvania Crime Commission Act (71 P. S. §§ 1190.1—1190.11) (Repealed); and sections 469 and 710 of The Administrative Code of 1929 (71 P. S. §§ 179.1 and 205), unless otherwise noted.

**Source**

The provisions of this Chapter 127 adopted April 3, 1981, 11 Pa.B. 1171, unless otherwise noted.

**§ 127.1. Definitions.**

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

*Clerical or administrative position*—Any clerk, typist, stenographer, administrative assistant or other position without supervisory responsibility.

*Commission*—The Crime Commission of this Commonwealth.

*Demotion*—A change to a position in a class carrying a lower maximum salary or duties.

*Employee*—A person legally occupying a position with the Crime Commission and who does not have classified service status under the Civil Service Act.

*Probationary period*—A preliminary period of employment prior to permanent appointment of an employee for the purpose of determining his fitness for a permanent employment.

*Professional position*—Any special agent, director of field operations, director of intelligence, inspector, attorney, administrative officer, writer, analyst, liaison officer, public relations officer or consultant.

*Promotion*—A change to a position in a class carrying a higher maximum salary or duties.

*Regular employee*—An employee who has been appointed to a position in the Commission after completing his probationary period and who does not have classified service status under the Civil Service Act.

*Removal*—The permanent separation from the Commission of an employe who has been permanently appointed.

*Third degree of relationship*—Spouse, mother, father, grandmother, grandfather, child, aunt, uncle, sister, brother, niece, nephew or any spouse of said relatives.

### § 127.2. Hiring policy.

(a) *Antidiscrimination requirements.* The recruitment and hiring procedures for all Commission positions shall be in strict conformity with the antidiscrimination requirements set forth in § 127.10 (relating to prohibitions).

(b) *Regional positions.* The recruitment and screening process for all positions shall be the responsibility of the Agent-in-Charge of the regional office. In the case of professional positions, when the Agent-in-Charge has narrowed the number of candidates to a select few, the Executive Director may assist in the final screening interviews. When the Agent-in-Charge has selected an appropriate candidate, the Agent-in-Charge shall forward a recommendation to the Executive Director. If the Executive Director approves the recommendation, the candidate may be:

- (1) Hired in the case of a candidate for a clerical or administrative position.
- (2) Scheduled for a final interview with the Commissioners in the case of a candidate for a professional position.
- (3) The Commissioners may authorize the Executive Director to hire a candidate for a professional position without the necessity of a final interview with the Commissioners.

(c) *Headquarters positions.* The recruitment and screening process will be the responsibility of the Executive Director, who will conduct this process in consultation with appropriate supervisors. When the Executive Director completes the selection process, the candidate may be:

- (1) Hired in the case of a candidate for a clerical or administrative position.
- (2) Scheduled for a final interview with the Commissioners in the case of a candidate for a professional position.
- (3) The Commissioners may authorize the Executive Director to hire a candidate for a professional position without the necessity of a final interview with the Commissioners.

(d) *Degree of relationship.* No person shall be employed by the Commission who is related to any Commissioner or the Executive Director, within the third degree of relationship.

### § 127.3. Probation.

(a) No appointment to a position in the Commission will be deemed complete until after the expiration of a probationary period. The probationary period following initial employment shall be nine months. The probationary period following promotion shall be 6 months.

(b) At any time during the probationary period, the Commissioners may remove an employe if in the opinion of the Executive Director, the probation indicates that such employe is unable or unwilling to perform his duties satisfactorily or that his dependability does not merit his continuance in the employ of the Commission. The person so removed shall be considered permanently separated from his position.

(c) If the work of the employe has been satisfactory at the expiration of the probationary period, the employe shall become a regular employe of the Commission and continue in such employ unless separated from the Commission as provided in this chapter.

(d) If the probationary period has resulted from a promotion, removal action will not be deemed removal from the Commission staff. An employe so removed during a probationary period resulting from a promotion shall have the right to and shall be returned to the position held immediately prior to such promotion without the right or necessity of hearing or appeal.

#### **§ 127.4. Demotions.**

The Commissioners may demote to a lower rated position any employe who does not satisfactorily perform the duties of the position to which he was appointed or promoted and who is able to perform the duties of the lower position. In case of such demotion, the employe shall have all rights of hearing and appeal as provided by §§ 127.8 and 127.9 (relating to removal; and appeal).

#### **§ 127.5. Suspension.**

The Commissioners may for good cause suspend an employe without pay for disciplinary purposes. Such suspension will not exceed in the aggregate 30 working days in 1 calendar year. Any employe so suspended shall have all rights of hearing and appeal as provided by §§ 127.8 and 127.9 (relating to removal; and appeal).

#### **§ 127.6. Retirement.**

The Executive Director, with the approval of the Commissioners, may recommend action regarding the retirement of an employe who, in the judgment of the Director, has become unfit for the efficient performance of the duties of his position owing to physical or mental disability. Any such employe so retired shall have all rights of hearing and appeal as provided by §§ 127.8 and 127.9 (relating to removal; and appeal).

#### **§ 127.7. Resignation.**

(a) No resignation shall be made or shall be valid unless it bears the signature of the person resigning and the date of the resignation in his handwriting;

except that absence from duty for 5 consecutive working days without notice to the Executive Director may be regarded as an abandonment of a position and in effect, a resignation.

(b) Any person who resigns or is presumed to have resigned because of absence from duty for 5 consecutive working days without notice to the Executive Director, may ask the Commission, in writing, within 30 days after such resignation, for a private hearing, stating the reasons therefor. If on investigation by the Commission, there appears to be good evidence that the employe may have been forced to resign against his will and without just cause, or that his separation from the Commission has been involuntary and without just cause, the Commission will grant him, within 30 days, a hearing as provided in this chapter in the case of removal, and will treat the separation as though it were a removal.

### § 127.8. Removal.

(a) No Commission employe shall be removed except for just cause. The Executive Director must furnish to the affected employe written notice of removal, setting forth the reasons for such action and effective date thereof. Such written notice will be made part of the official record of the Commission.

(b) Within 20 days after receipt of such notice of removal from the Commission, the employe shall submit to the Commission such written answer as he may desire. Said answer may include a request for investigation.

(c) Within ten days after receipt of such answer and request, the Commission will initiate an investigation which will include a hearing. All hearings will be private unless otherwise requested in writing by the employe against whom the action is taken; provided however, that no confidential information involving the work of the Commission will be presented in a public hearing without the consent of the Commission. A written notice signed by the Executive Director will be forwarded to the employe setting forth the time and place when and where such employe will be given an opportunity to be heard before the Commission. The investigation and hearing will be for the purpose of fairly determining whether the employe involved merits continuance in his position or should be removed therefrom or otherwise disciplined for the good of the Commission. The Commission may delegate to a particular Commissioner or Commissioners the responsibility of conducting the investigation and hearing.

(d) At the hearing, the Commission will not be required to follow technical rules of evidence or court procedure, but will diligently seek all of the evidence and information bearing on the merits of the case.

(e) Within 60 days after receipt of the request for investigation, the full Commission will make its investigative and hearing findings and conclusions which will not become part of the public record of the Commission unless otherwise requested by the employe against whom the action relates. A written notice of said conclusions signed by the Executive Director will be forwarded to the

employee. If the Commission finds that the action complained of was taken without just cause, the employee shall be reinstated to his position without loss of pay.

**Cross References**

This section cited in 37 Pa. Code § 127.4 (relating to demotions); 37 Pa. Code § 127.5 (relating to suspension); and 37 Pa. Code § 127.6 (relating to retirement).

**§ 127.9. Appeal.**

(a) If the Commission finds that the action complained of was taken with just cause, the employee shall have the right to have the matter submitted to arbitration within 15 days of the issuance of the Commission's conclusions.

(b) The matter will be submitted for hearing by the Commission to the American Arbitration Association. The arbitration hearing will be a de novo hearing on the issue upon which the personnel action was based. The hearing will be private unless otherwise requested in writing by the employee against whom the action was taken; provided however, that no confidential information involving the work of the Commission will be presented in a public hearing without the consent of the Commission. At such arbitration hearing, all testimony shall be recorded by a competent public stenographer and in the case of a public hearing, the record of the hearing shall be made part of the public record of the Commission. The arbitrator shall confine himself to the precise issue upon which the action was based and shall have no authority to determine any other issues. The decision of the arbitrator shall be final and binding on the employee and the Commission and may not be appealed further. The Commission will request that the arbitrator issue his decision within 30 days after the arbitration hearing or receipt of the transcript of said hearing.

(c) All fees and expenses of the arbitrator and the public stenographer will be borne by the Commission. Either party desiring a record of the proceedings shall pay for such record.

**Cross References**

This section cited in 37 Pa. Code § 127.4 (relating to demotions); 37 Pa. Code § 127.5 (relating to suspension); and 37 Pa. Code § 127.6 (relating to retirement).

**§ 127.10. Prohibitions.**

(a) *Politics prohibited.* Politics prohibited shall include the following:

(1) No employee of the Commission shall be a member of or delegate or alternate to any political convention, nor shall he participate at any such convention, except in the performance of his official duty or as a visitor.

(2) No employee of the Commission shall serve as a member of any committee of any political party, or take an active part in political management or in political campaigns, or use his office or position to influence political movements.

(3) No employe of the Commission shall circulate or seek signatures to any nominations or other petition required by any primary or election law, nor shall he seek or accept election, nomination, or appointment as an officer of a political club or organization, or serve as a member of a committee of any such club or organization.

(4) No employe of the Commission shall in any manner participate in or interfere with the conduct of any election or the preparation therefor at the polling place or with the election officers while counting the votes or returning the election material to the place provided by law for that purpose, save only for the purpose of making and depositing his own ballot as speedily as it reasonably can be done.

(5) The rights of individual Commission employes are not impaired hereby, and the prerogative to attending meetings, to hear or see any candidate or nominee, and to express one's individual opinion, shall remain inviolate.

(b) *Discrimination prohibited.* The Commissioners and the Executive Director will not discriminate against any person in recruitment, appointment, training, promotion, retention, or any other personnel action with respect to the Commission because of political or religious opinions or affiliations, or because of race, national origin, sex or age.

(c) A person in the employ of the Commission who knowingly violates a provision of this section shall be separated and removed from the Commission. An employe so separated and removed shall have all rights of hearing and appeal as provided in this chapter.

#### Cross References

This section cited in 37 Pa. Code § 127.2 (relating to hiring policy).

### § 127.11. Confidentiality of information.

As a condition of employment, each person in the employ of the Commission shall accept and execute a security agreement. The security agreement shall be binding upon the person both during the term of Commission employment and following the person's separation from the Commission. A copy of the agreement is set forth in Appendix A.

### § 127.12. Status of employes as of effective date.

An employe who holds a position with the Commission as of the effective date of this chapter shall, if he has completed his probationary period, be deemed a regular employe under this chapter and continue in that position, unless separated therefrom as provided in this chapter. The employe who has not completed the probationary period at the time this chapter takes effect shall retain his status as a probationary employe until the expiration of that probationary period. If he successfully completes his probationary period, he shall become a regular

employe under this chapter and continue in that position unless separated therefrom as provided in this chapter.

**APPENDIX A**

I, \_\_\_\_\_, fully recognize that my appointment to serve with the Pennsylvania Crime Commission places me in a position of public trust, with important ramifications under the law, both civil and criminal.

1. In consideration of my appointment to provide services to the Commission, I agree that I will never disclose in any form or any manner, to any person not authorized by the Commission to receive them, data specified as confidential under the Rules of the Commission and/or under the Pennsylvania Crime Commission Act.

2. I understand that all information that I may acquire during the course of my service with the Commission shall remain the property of the Commission.

3. I fully recognize and understand that if I violate this agreement, the Commission may terminate my appointment immediately. I also understand that such violation may subject me to other administrative, civil and criminal penalties in actions brought against me by the Commonwealth of Pennsylvania.

4. I understand and accept that, unless I am provided a written release from this agreement or any portion of it by the Chairman of the Commission, all the conditions and obligations accepted by me in this agreement apply both during my service with the Commission, and at all times thereafter.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Witness:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

[Next page is 131-1.]

127-8

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