CHAPTER 103. PROHIBITIONS, PENALTIES AND ENFORCEMENT

DIRECTOR’S REVIEW OF LEGALITY OF EMPLOYMENT

Sec.
103.1. [Reserved].
103.2. [Reserved].
103.3. [Reserved].
103.4. [Reserved].
103.5. Report of personnel changes.
103.6. Action on personnel changes.
103.7. Effect of out-of-class work.

POLITICAL ACTIVITY, ASSESSMENTS AND DISCRIMINATION

103.11. Exception to prohibited political activities.
103.12. Complaint procedure.
103.13. Complaint form.
103.15. Prohibition of discrimination.

REMOVAL AND DISQUALIFICATION OF OFFICERS AND EMPLOYES

103.21. Falsification or concealment of material information.
103.22. Notice of violation of act or rules.
103.23. Penalty for violation.

DIRECTOR’S REVIEW OF LEGALITY OF EMPLOYMENT

§ 103.1. [Reserved].

Source


103-1

(257141) No. 298 Sep. 99
§ 103.2. [Reserved].

Source

The provisions of this § 103.2 adopted October 18, 1961; amended October 15, 1964 and April 16, 1970; reserved March 29, 1985, effective March 30, 1985, 15 Pa.B. 1151. Immediately preceding text appears at serial pages (61827) and (47177).

§ 103.3. [Reserved].

Source


§ 103.4. [Reserved].

Source


§ 103.5. Report of personnel changes.

Each appointing authority shall, on a form approved by the Director, promptly report to the Director an appointment or change in position, status or residence of an employe in the classified service under its jurisdiction, or a permanent change in the salary or other basis upon which an employe is paid and the effective date of the change.

Source


§ 103.6. Action on personnel changes.

(a) The Director will audit each appointment and personnel change by reference to the records of the Commission and to the act and this subpart.

(b) An appointment and personnel change which is in accordance with the act and this subpart shall be so noted and entered in the records of the Commission.

(c) Whenever it is determined that an appointment or personnel change is not in accordance with the act and this subpart, the appointing authority shall be given written notification thereof, including the reasons for the determination.

Source

§ 103.7. Effect of out-of-class work.

When it is determined that an employe is filling a position under a title other than that for which examined and certified, or is performing duties or assuming responsibilities which do not properly belong to the position for which examined and certified, except during an emergency period, the Director may take appropriate action consistent with the act.

Source


POLITICAL ACTIVITY, ASSESSMENTS AND DISCRIMINATION

§ 103.11. Exception to prohibited political activities.

(a) Notwithstanding the political activities expressly prohibited by the act, classified service employes are permitted to seek and accept appointment, nomination and election to the office of school board director. This exception applies only to the employe who is the candidate. For other civil service employes, the restrictions on political activity remain in effect for school director elections.

(b) The provisions of the act which expressly prohibit certain political activities do not apply to the classified service employe who has been furloughed or who is on a regular leave of absence, or leave of absence to take a noncivil service position. An employe on another type of leave of absence shall continue to comply with the political activity restrictions while on leave. Upon return to the classified service the employe shall immediately cease the political activities prohibited by the act. An employe elected to public office while on leave, who returns to the classified service, may serve out the remaining portion of the present term of office if the duties of the office are not among those prohibited by the act. The employe may not run for or be nominated for a new term of office.

Source


§ 103.12. Complaint procedure.

Complaints against a classified service employe for engaging in prohibited political activity shall be addressed to the Director, and shall be promptly investigated with corrective or referral action taken as necessary.
§ 103.13. Complaint form.

Complaints in a written form are acceptable if they contain sufficient details of the alleged prohibited political activity so as to enable proper investigation.

Source


Cross References

This section cited in 4 Pa. Code § 103.14 (relating to prohibition of assessments).


Complaints against persons for engaging in prohibited assessment activities for political purposes shall be made in the manner and form as prescribed for prohibited political activities in §§ 103.12 and 103.13 (relating to complaint procedure; and complaint form).

Source


§ 103.15. Prohibition of discrimination.

Complaints of discrimination against an officer or employe of the Commonwealth, under section 905.1 of the act (71 P. S. § 741.905a), shall be addressed to the Director in writing.

Source

REMOVAL AND DISQUALIFICATION OF OFFICERS AND EMPLOYEES

§ 103.21. Falsification or concealment of material information.
Whenever the Commission shall, after due inquiry, determine that an employee has been appointed or promoted as a result of having furnished false information or concealed material information about himself, or others, the Director shall give written notice of the determination to the appropriate appointing authority. The notice shall contain reference to section 906 of the act (71 P. S. § 741.906) and shall include instructions as to the remedial actions to be taken by the appointing authority.

Source

§ 103.22. Notice of violation of act or rules.
Whenever the Commission shall determine, after due inquiry, that an employee has violated the act or this subsection, the Director shall give written notice to the appropriate appointing authority of the determination, including appropriate corrective actions.

Source

§ 103.23. Penalty for violation.
If after due inquiry, an employee has been found to have violated the act or this subsection and has been penalized by removal for 1 year from the classified service as set forth in section 906 of the act (71 P. S. § 741.906), the employee may not reenter the classified service except through appointment from an employment list.

Source