PART XV. OFFICE OF ADMINISTRATION

Authority
The temporary provisions of this Part XV issued under the Civil Service Act (71 P.S. §§ 741.1—741.1005), unless otherwise noted.

Source
The temporary provisions of this Part XV adopted March 15, 2019, effective March 28, 2019, expire March 28, 2022, 49 Pa.B. 1297, unless otherwise noted.

Subpart A. CIVIL SERVICE REFORM—TEMPORARY REGULATIONS

Chap. 601 GENERAL PROVISIONS

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§ 601.1. Short title.
This subpart shall be known and cited as the “Merit System Employment Regulations.”

§ 601.2. Purpose.
(a) This subpart is designed to effectuate the primary purpose of civil service reform, as required by 71 Pa.C.S. Part III (relating to civil service reform),
declared to create and sustain a modern merit system of employment within the Commonwealth work force that promotes the hiring, retention and promotion of highly qualified individuals, ensuring that government services are efficiently and effectively delivered to the public.

(b) This subpart implements and supplements the act and is to be read together with the applicable provisions of the act.

§ 601.3. Definitions.

Words, terms and phrases, when used in this subpart, have the meaning as set forth in 71 Pa.C.S. Part III (relating to civil service reform), unless the context clearly indicates otherwise. The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

**Act**—The Act of June 28, 2018 (P.L. 460, No. 71) (71 Pa.C.S. Part III (relating to civil service reform)).

**Alternate rule**—A rule that gives appointing authorities the ability to select from all eligibles on an eligibility list or a specific alternate number of eligibles, other than three, but not less than three.

**Certification**—The referral of one or more eligibles by the Office of Administration to an appointing authority, in order to fill one or more positions.

**Disability**—As defined by the Americans with Disabilities Act of 1990, as amended (42 U.S.C.A. §§ 12101—12213), a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

**Eligible Veteran**—An individual, excluding a spouse, who is eligible to receive an employment preference pursuant to 51 Pa.C.S. Chapter 71 (relating to veterans’ preference).

**Emergency employee**—A qualified person hired by an appointing authority to meet an unexpected need and whose tenure will be not more than 60 work days.

**Examination**—A test, series of tests, or assessments used to determine the degree to which applicants or employees are qualified for appointment or promotion, including examinations delivered at test centers, oral tests, ratings of qualifications, performance tests, medical tests, physical or agility tests, personality or interest inventories, and biographical inventories.

**Job specification**—A written description of a job that defines and describes representative duties and responsibilities and sets forth the experience and training that provides the knowledge, skills and abilities essential to the performance of the work of the job.

**Leave of absence**—A temporary interruption of employment for which the employee is given a specified period of leave without pay for purposes such as illness, school attendance, cyclical employment, military duty or training, or employment in a non-civil service position.
Minimum qualifications—The education, experience, licensure, certification or other requirements that are established in the job specification for a job and which must be met by applicants or employees seeking appointment or promotion.

Preferred reemployment list—A list of persons who had regular or probationary status and could not be returned from a civil service leave of absence due to the lack of a vacant position.

Probationary employee—A person serving a probationary period prior to acquiring regular status in a classified service position.

Provisional employee—A person selected by an accelerated examination program and serving a 6-month working test period prior to the required probationary period.

Reassignment—The movement of an employee, within the same appointing authority, from one position to another position in the same job or in a similar job for which the employee qualifies at the same maximum salary.

Reclassification—The change of a classification of a position from one job and code to another job and code.

Regular status—Standing achieved by a classified service employee who has successfully completed a probationary period.

Reinstatement—The return to the classified service of a former employee who resigned or otherwise voluntarily separated from civil service employment.

Resignation—The voluntary termination of employment by an employee, which is evidenced by the employee’s written or verbal notice.

Rule of three—The requirement that the appointing authority choose from among the three-highest-ranking available eligibles in filling a particular vacancy.

Senior Management Service—Positions in the Commonwealth unclassified service that have broad policy participation and management responsibility.

Seniority—The amount of time an employee has served in a position in the classified service, provided that the employment has been on a continuous basis, calculation and use of which is defined in this subpart.

Separation—The voluntary or involuntary termination of employment, which includes temporary and permanent terminations.

Special Advisor for Veterans’ Programs—The individual appointed by the Secretary of Administration under 71 Pa.C.S. § 2202(a)(12) (relating to duties of Office of Administration).

Suspension—The temporary and involuntary separation of an employee.

Temporary employee—A qualified person appointed to a position from an eligible list for a period not to exceed 12 months.

Trainee—A qualified person appointed or promoted to a training level job.

Training period—The period of time prescribed for a trainee job, during which the incumbent receives general or specialized training, or both, upon the
successful completion of which the trainee is promoted without further examination to the job for which trained.

Transfer—The movement of an employee from one appointing authority to a different appointing authority.

Cross References

This section cited in 4 Pa. Code § 602.12 (relating to examination accommodations).

§ 601.4. Veterans’ preference.

(a) Eligible Veterans. In determining standing on each certified eligibility list, the Office of Administration will credit an additional 10 points to the final examination score obtained by an eligible veteran, in accordance with 51 Pa.C.S. Chapter 71 (relating to veterans’ preference).

(b) Spouses. A spouse of a deceased or disabled veteran will receive the same credit to the final examination score given to an eligible veteran under subsection (a), in accordance with 51 Pa.C.S. Chapter 71.

(c) Appointing Authorities. An appointing authority shall give preference to eligible veterans and spouses of deceased or disabled veterans in accordance with the act, this subpart and 51 Pa.C.S. Chapter 71.

(d) Required Documentation. To establish veterans’ preference, eligible veterans shall submit a copy of service discharge, DD Form 214 or other equivalent military documentation acceptable to the Office of Administration showing date of entry into the military, successful completion of basic training, character of service, and where applicable, completion of the military service commitment.

(1) A widow or widower of an eligible veteran shall submit a copy of the spouse’s documents as required in subsection (d) and a certified copy of the death certificate of the spouse.

(2) A spouse of a disabled veteran shall submit documentation as required by the Office of Administration, including a copy of the spouse’s documents, as required in subsection (d); a United States Department of Veterans Affairs letter dated within the past 6 months verifying the eligible veteran’s qualifying disability rating; and a signed statement from the disabled veteran authorizing the use of the preference in accordance with 51 Pa.C.S. § 7108 (relating to preference of spouses).

(e) Special Advisor for Veterans’ Programs. The Secretary of Administration will appoint a Special Advisor for Veterans’ Programs who shall be a veteran and will serve at the pleasure of the Secretary of Administration.

(f) Powers and duties of the Special Advisor for Veterans’ Programs.

(1) The Office of Administration will provide the Special Advisor for Veterans’ Programs a copy of the results of audits conducted by the Commission under 71 Pa.C.S. § 3304 (relating to audits of application of veterans’ preference).
(2) The Special Advisor for Veterans’ Programs may recommend investigations, as authorized under 71 Pa.C.S. § 2202(a)(10) (relating to duties of Office of Administration), of appointments or changes in employment in the classified service not in compliance with 51 Pa.C.S. Chapter 71.

§ 601.5. Age preference.
(a) In accordance with the act, this subpart and section 2203-A of the Administrative Code of 1929 (71 P.S. § 581-3(b)), the Department of Aging shall give age preference to individuals who are 60 years of age or older.
(b) Notwithstanding individuals qualifying for veterans’ preference under 51 Pa.C.S. Chapter 71 (relating to veterans’ preference), the Department of Aging may select an individual qualifying for age preference in accordance with the act, this subpart and 71 P.S. § 581-3(b).
(c) Certifications issued to the Department of Aging will indicate those applicants with age preference status.

§ 601.6. Reasonable accommodations.
(a) Purpose. This section establishes the procedures for requesting and providing reasonable accommodations in the application and examination process for an employee or applicant with a disability seeking an appointment or promotion.
(b) Applications and Examinations. Reasonable accommodations in the application and examination process will be provided to individuals with a disability.
(c) Requests for Accommodations. An applicant or employee seeking appointment or promotion may request an accommodation by submitting an application for accommodation on a form prescribed by the Office of Administration.

§ 601.7. Service to departments, boards and commissions, agencies and political subdivisions; cooperation with other civil service agencies.
(a) Acquisition of services. The services and facilities of the Office of Administration and its staff will be made available to departments, boards, commissions, or agencies, and political subdivisions of the Commonwealth under the following terms and conditions:
(1) A formal request for extension of the services of the Office of Administration shall be made in writing and shall be signed by the executive head of the requesting department, or by the chair of the board, commission, or agency, accompanied by a resolution adopted by the board, commission, or agency, or by the proper official of the political subdivision, as appropriate.
(2) If less than a complete merit system is desired, a request for extension of the services of the Office of Administration shall state in detail the services requested. If a complete merit system is desired, the request shall specify the desired exceptions to the application of the act.
(3) Granting of the request shall be evidenced by a formal written contract or agreement, consistent with this section, between the department, board, commission, agency, or political subdivision and the Office of Administration.

(4) A request for the extension of services may be granted in whole or in part at the discretion of the Office of Administration.

(b) Reimbursement for services. Reimbursement shall be as follows:

1. An appointing authority shall reimburse the Office of Administration on a semi-annual basis for the actual cost of preparing, administering and rating examinations delivered at test centers.

2. For all other services and facilities, an appointing authority shall reimburse the Office of Administration for the semi-annual cost of services and facilities made available, in the proportion which the cost of the services and facilities bears to the total cost of these services and facilities of the Office of Administration, based on the ratio of the appointing authority’s employees in the classified service to those of all the appointing authorities serviced by the Office of Administration.

3. At the request of the Office of Administration, the number of employees in the classified service in each appointing authority serviced shall be reported to the Office of Administration.

(c) Personnel actions by political subdivisions. A personnel action taken by a political subdivision under contract with the Office of Administration shall conform to the act, this subpart, and the contract executed under subsection (a)(3), unless the action would have an impossible or unreasonable result, in which case the Office of Administration will determine the appropriate action to be taken.

§ 601.8. Electronic records and signatures.

The Office of Administration or an appointing authority may, in its discretion, utilize and accept, in the form and manner prescribed by such entity, electronic records and electronic signatures, where written documents, forms, signatures, or other required submissions are required by this subpart, provided that such records and signatures comply with the Uniform Electronic Transactions Act (73 P.S. §§ 2260.303—2260.312), and other laws governing electronic records and signatures.