CHAPTER 602. SELECTION OF EMPLOYEES FOR ENTRANCE TO, OR PROMOTION IN, THE CLASSIFIED SERVICE

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Subchapter A. EXAMINATIONS REQUISITE FOR APPOINTMENT AND PROMOTION

Sec.

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§ 602.1. Application requirements.

(a) Submission of Applications. An application for entrance to, or promotion in, the classified service, shall be made in a format prescribed by the Office of Administration. An application shall contain a statement made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), verifying the truthfulness of all responses contained thereon.

(1) Application. An application for entrance to, or promotion in, the classified service is accessible on the Office of Administration’s web site.

(2) Completeness of application. The Office of Administration may reject an incomplete application.

(3) Timeliness of applications. An application shall be submitted by the date and time if specified in the public notice of examination. An application received prior to midnight of the closing date indicated on the public notice of examination or a vacancy posting will be deemed filed within the time limit.

(b) Evidence of merit and fitness.

(1) An applicant shall supply information relevant for determining whether the applicant possesses the minimum requisites for appointment or promotion.

(2) The Office of Administration may require an applicant to supply certificates and other appropriate documents as may be relevant in assessing the applicant’s fitness and qualifications for appointment or promotion.

(3) The job specification shall be the primary basis and source of authority for the evaluation of the minimum qualifications of applicants for examinations.
(c) **Limitations on inquiry.** Limitations shall be as follows:

(1) Except as provided in paragraphs (2) and (3), no questions in the application nor in the examination will require the applicant to provide information concerning age, race, color, religious creed, ancestry, national origin, gender, sexual orientation, gender identity or expression, political opinions or affiliations, union membership or affiliations, AIDS or HIV status, or disability nor will the information be required in another manner by an official or employee of the Office of Administration or of an appointing authority in connection with the examination, certification or appointment of an applicant for another purpose.

(2) The Office of Administration may make inquiries of an applicant’s age or national origin, or both, as is necessary to comply with Federal and State laws and regulations and this subpart.

(3) The Office of Administration may make inquiries of applicants regarding sex, race, age and similar factors, as are necessary to conduct research required to validate selection procedures or to comply with State and Federal laws and regulations on equal opportunity. Applicants shall be informed that response to questions is not mandatory.

(d) **Rejection of applicants and disqualification of eligibles.** The Office of Administration is not required to examine, nor certify after examination, an applicant who lacks the established or announced requirements for admission to the examination or for appointment from an entrance or promotion list. The Office of Administration may refuse to examine an eligible applicant; or after examination, remove the eligible from an eligible list; or otherwise refuse to certify an eligible applicant who:

(1) Has been convicted of or has pled guilty to a crime, including a plea of nolo contendere, or has engaged in conduct that renders the eligible unfit or unsuitable for the position sought.

(2) Has been terminated from employment for incompetency or misconduct that renders the applicant unfit or unsuitable for the position sought.

(3) Has made a false statement, or omitted a material fact, or engaged in, or attempted to engage in, deception or fraud in application, examination, securing eligibility, or seeking appointment.

(4) Lacks professionalism, honesty, trustworthiness, and dependability.

(5) Does not meet qualifications required by Federal or State law or regulation.

(e) **Discretionary acceptance of applications.** The Office of Administration may extend the deadline for the acceptance of applications if sufficient need exists for additional applicants, and if acceptance is uniformly applied to all applications for the same examination filed on the same date or on an earlier date. The Office of Administration, in its discretion, may accept applications filed after the announced final filing date if it determines extraordinary circumstances warrant acceptance.

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Notice of rejection of applications. Whenever an application has been rejected prior to the holding of the examination, notice thereof, with the reasons for the rejection, shall be given to the applicant.

§ 602.2. Residence requirements.

(a) Resident defined. A resident is a person who resides, and who has manifested the intent to continue to reside in this Commonwealth, or a former resident who meets the criteria in paragraph (2)(i) or (ii).

(1) Evidence of intent to continue to reside in this Commonwealth includes the following:

(i) Rent, lease or purchase of a property which the applicant has made a primary residence in this Commonwealth.

(ii) Payment of State and local taxes.

(iii) Registration of personal property, such as bank accounts, stocks, bonds and automobiles within this Commonwealth.

(iv) Possession of a current Pennsylvania driver’s license.

(v) Current registration to vote in this Commonwealth.

(2) A former resident of this Commonwealth who relocated out-of-State for academic or employment purposes, shall establish Pennsylvania residency within 6 months of beginning employment in the classified service and shall have done one of the following:

(i) Graduated from a public, private or nonpublic secondary school in this Commonwealth or satisfied the requirements set forth in sections 1327 and 1327.1 of the Public School Code of 1949 (24 P.S. §§ 13-1327 and 13-1327.1), within 5 years of applying for a position in the classified service.

(ii) Attended a public, private or nonpublic school in this Commonwealth at least 80% of the time while enrolled in grades one through twelve within 5 years of applying for a position in the classified service.

(iii) Graduated or attended a public, private or nonpublic secondary school in this Commonwealth and graduated from a postsecondary institution in this Commonwealth within 5 years of applying for a position in the classified service.

(b) Application. Application requirements are as follows:

(1) A person appointed, promoted or reinstated to a position in the classified service shall be a resident, as defined in subsection (a), unless residency has been waived under subsection (c). The provisions in this paragraph do not apply to a person who previously held regular civil service status and is returned to employment from an approved leave of absence without pay, through mandatory reemployment, or through contractual recall or placement rights.

(2) The Office of Administration, upon submission by an appointing authority of satisfactory justification, may limit certification for appointment or promotion to eligibles who are residents of a county or other administrative
district. The limitations will not be imposed for a job for which residence in this Commonwealth has been waived.

(3) In the absence of, or upon exhaustion of, a county or other administrative district list, the Office of Administration may certify residents of contiguous counties or districts or of the entire Commonwealth as deemed appropriate by the Office of Administration.

(4) If an eligible changes residence from one district or county to another district or county of this Commonwealth, the Office of Administration may, upon request, transfer the person’s eligibility to the other existing promotion or employment list.

(c) Waiver. When it appears that there is an insufficient number of qualified residents of this Commonwealth, as defined in subsection (a), available for a particular occupation, the Office of Administration, upon request by one or more appointing authorities, may waive the residency requirement for a position, a job or a group of jobs.

§ 602.3. Selective certifications.

(a) Upon the request of an appointing authority, the Office of Administration may impose special requirements and may restrict application for or selectively certify positions.

(b) A request to impose special requirements shall be submitted in a form prescribed by the Office of Administration.

§ 602.4. Promotion procedure.

(a) Methods of promotion. A vacancy may be filled by promotion in the following ways:

(1) By appointment of a probationary or regular employee of a given appointing authority or between appointing authorities from an appropriate employment list.

(2) By appointment of a probationary or regular employee from an appropriate promotion list resulting from a promotional examination.

(3) By appointment of a Commonwealth employee of a given appointing authority or between appointing authorities, who appear on an appropriate employment list and who meet eligibility criteria as established by the Office of Administration.

(4) By appointment of a probationary or regular employee from the next most appropriate promotion list or employment list, if the official promotion or employment lists have been exhausted.

(5) By appointment of a regular employee without examination, based upon meritorious service and seniority.

(b) Promotion examinations. Examinations shall be as follows:

(1) Except as indicated in this subsection, a promotion examination shall be open to a regular or probationary status employee who meets the qualifica-
tions and who occupies a position with a lower maximum salary. As determined by the Office of Administration, a promotion examination may be limited to employees occupying positions in specified jobs.

(2) The Office of Administration may, after consultation with the appropriate appointing authorities, establish the length of service required of an employee in the qualifying job or jobs for eligibility to participate in a promotion examination.

(3) As determined by the Office of Administration, a promotion examination may be interdepartmental or intradepartmental.

c) Promotion without examination. Promotion without examination may be accomplished under the following circumstances provided that the promotion does not circumvent merit system principles as set forth in the act:

(1) When a trainee in a lower-level training job has successfully completed the prescribed period of training, the trainee will be promoted, without further examination, to the higher-level job.

(2) When an appointing authority desires to fill a vacant position by promotion without examination, based on meritorious service and seniority, it may follow one of the following alternatives subject to Office of Administration approval:

(i) Competitive promotion without examination. The appointing authority shall post the vacancy, consider the eligible employees who express an interest and make the promotion decision based upon an objective review of each employee’s meritorious service and seniority. Seniority for this purpose shall be the length of continuous service of an employee in the designated next lower job if there has been no break in service. Eligibility for consideration for the promotion may be limited by the appointing authority to a particular geographic or program area. The posting shall, whenever possible, specify the jobs determined to be the next lower job(s). Otherwise, the posting shall state that applications will be reviewed to determine if employees previously held regular status or currently hold regular status in a job for which there is a logical occupational, functional or career developmental relationship to the posted position or if there is a clear linkage between the required knowledge, skills and abilities of the previously or currently held job with those needed for the posted position.

(ii) Noncompetitive promotion without examination. An appointing authority shall ensure that the employee meets the experience and training requirements of the higher-level job, has regular status, and meets the meritorious service and seniority requirements. The appointing authority shall provide the Office of Administration with justification for using a noncompetitive promotion without examination.

(3) When a classification review reveals that a position should be classified to a higher level, the incumbent of the position will be promoted without
examination to the higher level, if the incumbent possesses the established requirements for the higher-level job.

(4) When an unskilled position in the unclassified service exists immediately below a vacancy in a position in the classified service, the incumbent of the unskilled position shall be promoted into the classified service position, if the following occur:

(i) The promotion is into a classified service position immediately above the employee’s position.

(ii) The promotion is based on seniority and meritorious service.

(iii) The employee meets all of the established requirements for the higher position.

(iv) The employee satisfactorily completes a 6-month probationary period in the classified service position.

(5) When there is a labor agreement covering a position to which an employee is to be promoted, the terms of the agreement as to promotion procedures shall be controlling.

(d) Eligibility for promotion. An employee whose last regular or probationary performance evaluation is unsatisfactory or otherwise fails to meet standards, is ineligible for appointment or promotion from any list and promotion without examination.

### Subchapter B. NATURE OF EXAMINATIONS

Sec.

602.5. Frequency of examinations.

602.6. Cooperation regarding examinations.

602.7. Tests in examinations.

602.8. Use of position descriptions in examinations.

**§ 602.5. Frequency of examinations.**

The Office of Administration will administer examinations to establish employment and promotion lists when necessary to meet or anticipate the employment needs of appointing authorities.

**§ 602.6. Cooperation regarding examinations.**

(a) Review of examination content. The Office of Administration may collaborate with representatives of appointing authorities, qualified testing organizations and other qualified individuals regarding the content of examination material. The interchange of information shall be made under circumstances and subject to conditions designed to prevent premature disclosure of examination content to prospective applicants.
Cooperative testing. The Office of Administration may authorize collaboration with another public testing or placement agency in a program of cooperative testing of applicants, if competitive principles are observed.

§ 602.7. Tests in examinations.
(a) Types of tests. In addition to written, oral and performance tests, the Office of Administration may administer an evaluation of education and experience and may authorize medical tests, physical strength and physical agility tests, and other types of tests, singly or in combination as the circumstances warrant. For promotional examinations, the Office of Administration may authorize other performance criteria, such as seniority and performance evaluations. Performance evaluations may not be a weighted factor in an interdepartmental promotion examination.
(b) Weights of tests. The Office of Administration, after considering the relative value of the tests in assessing the relative capacity and fitness of applicants to perform the duties of the job to which they seek to be appointed or promoted, and after consultation with the appointing authority, will fix the relative weights of the tests. Modifications to the relative weights will be announced to all applicants.

§ 602.8. Use of position descriptions in examinations.
(a) Basis for examinations. The position description shall be the primary basis and source of authority for the content and level of difficulty of examinations. Supplemental job information, obtained through job analysis, and job specifications may be used as a further basis for examination standards.
(b) Lines of promotion. Lines of promotion, when indicated in the job specifications, will not be considered as barring other lines of promotion, unless so specified in the public announcement of examinations.

Subchapter C. ADMINISTRATION OF EXAMINATIONS

§ 602.9. Authority.
The appointing authority shall select the method of examination that shall be used for the individual position or job for which the employment or promotion list is being established. Except as otherwise authorized in this subpart, or as
authorized in writing by the Office of Administration, appointing authorities may not develop and administer their own examinations for employment or promotion in the classified service.

§ 602.10. Administration and scoring of examinations.
   (a) Notice of examinations. An applicant will be notified of admittance or non-admittance to examinations. An applicant shall be given a delayed examination in place of the one for which the applicant failed to appear if the failure to appear was caused by an act or omission of the Office of Administration or another appropriate reason, as determined by the Office of Administration.
   (b) The Office of Administration may authorize postponement, cancellation or rescheduling of examinations.
   (c) Cancellation of part of an examination. Whenever the Office of Administration finds that it is impracticable or unnecessary, for reasons which shall be made part of the examination record, to hold any part of a multipart examination the Office of Administration may cancel that part or parts and reassign the weights, in an equitable manner, to the remaining part or parts.
   (d) Retaking examination. An applicant may retake an examination provided the job announcement sets a specified date or time for retaking the examination. Standing on an eligible list will be determined by the score received on the most recent examination.

§ 602.11. Establishment and maintenance of competitive standards.
   (a) Maintenance of competitive conditions. An applicant for an examination will be given equal opportunity to demonstrate relative merit and fitness. The Office of Administration reserves the right to cancel tests or appropriate sections thereof, if severable, whenever the conditions under which a test is held have materially impaired its competitive nature or worth in assessing qualifications.
   (b) Cheating on examinations or seeking undue advantage. An applicant who impersonates another or has another person impersonate the applicant in connection with an examination, or who uses or attempts to use unauthorized aids or assistance, including copying or attempting to copy from or helping or attempting to help another applicant in any part of an examination, or who otherwise seeks to attain undue advantage for himself or others in connection with the examination will be disqualified.
   (c) Examination materials. An applicant in an examination may not copy, record or transcribe an examination question or answer, or remove from the examination room a question sheet, answer sheet or booklet, scrap papers, notes or other papers or materials related to the content of the examination. An applicant will be notified of these requirements, and no examiner, proctor, monitor or other person charged with the supervision of an applicant or group of applicants will have authority to waive it.
(d) Violations. The Office of Administration may disqualify an applicant or refuse to certify an eligible person who violates this section.

§ 602.12. Examination accommodations.

The Office of Administration may make reasonable accommodations for an applicant with a disability, as defined by § 601.3 (relating definitions), to ensure the opportunity to fairly compete for and pursue career opportunities. An examination accommodation may include alternative formats, extended time, adjustments to examinations, or after consultation with the appointing authority, an alternate method of examination. An accommodation shall be designed to ensure that an applicant with a disability receives equal and fair participation and consideration in the examination process.

Subchapter D. PUBLIC NOTICE OF EXAMINATIONS

Sec. 602.13. Content and publication of examination announcements.

§ 602.13. Content and publication of examination announcements.

The Office of Administration will determine the content, method, and scope of publication for each examination announcement. The publication may be electronic. An examination announcement will be published for a minimum of 2 weeks. The scope of publication will be based on the geographic availability of positions and potentially qualified and available applicants and may be regional or Statewide and may include both in-State and out-of-State locations.

Subchapter E. RATINGS OF COMPETITORS

Sec. 602.14. Qualifying points on examinations.

§ 602.14. Qualifying points on examinations.

(a) Basis for determination. The Office of Administration sets qualifying points for each part or parts of examinations. The determination may take into account both the number and quality of prospective eligibles needed to serve the best interests of the classified service, as well as the validity and reliability of the examination.
Qualifying points. When there is a multipart examination, the Office of Administration may require applicants to attain a qualifying score or rating on each test or part of test.

Effect of failure on part of examination. An applicant who has failed to achieve a passing score on any part of the examination may be disqualified from participation in any other parts of the examination, whether or not the applicant has participated or has been rated therein, and if so disqualified, shall be deemed to have failed the entire examination.

§ 602.15. Correction of errors in scoring or eligibility.

The Office of Administration, upon finding an error in the determination of an applicant’s eligibility or examination scores, which has, or may have, a material bearing on certification or appointment from the resulting eligible list, shall correct the error and report the error to the affected applicant.

§ 602.16. Calculation of final earned ratings.

(a) When test scores are used to rank applicants, the requirements of this section apply. The final earned ratings of each applicant who passes all parts of an examination shall be calculated prior to the addition of any veterans’ preference credit as follows:

(1) The minimum qualifying score shall be assigned a final earned rating of 60.

(2) The estimated highest score, the score which the best qualified applicant would be reasonably expected to attain, shall be assigned a final earned rating of 100.

(3) The intermediate scores shall be assigned ratings between 60 and 100 on the basis of their relationship to the qualifying score, the estimated highest score, and the reliability and accuracy of the examination procedures. Scores above the estimated highest score shall exceed 100, and shall be assigned final earned ratings on the basis of their relationship to the qualifying score and the estimated highest score.

(b) When test scores are used to categorize or group similarly qualified applicants, all applicants in a category shall be assigned the same final earned rating.

§ 602.17. Determination of rank in event of tie.

Final earned ratings shall be calculated to whole numbers or categories represented by whole numbers. Ties in final earned ratings may not be broken. All available eligibles with the same final earned rating shall be certified in accordance with the rule of three or an alternate rule selected by the appointing authority. This section provides for issuance of a complete certification of eligibles, as determined by the number of vacancies, which includes all eligibles with the same final earned rating, as well as to the group for consideration of those eligibles determined by the examination process to be similarly qualified.
§ 602.18. Examination analysis and alternatives.
(a) The Office of Administration will initiate analysis of examinations as necessary to ensure that examinations do not discriminate on the basis of non-merit factors.
(b) The Office of Administration, after investigation, may invalidate all or part of the examination results and substitute an alternative method of examination. The Office of Administration will notify applicants of the action and the reasons therefore.

§ 602.19. Review of eligibility or examination results.
An applicant who wishes to challenge a finding of ineligibility or an examination score shall submit a written request for a review of eligibility or examination results to the Office of Administration, in writing, within 20 calendar days of receipt of notice of the result being challenged. The Office of Administration will review the applicant’s qualifications or examination results and provide the applicant with an explanation or revised result.

Subchapter F. ESTABLISHMENT ELIGIBLE LISTS

Sec.
602.20. Eligible lists.

§ 602.20. Eligible lists.
Eligible lists shall contain the names of individuals who have qualified for and successfully passed examinations. Eligible lists shall be arranged in order of final earned ratings and must include applicable veterans’ preference credits.

Subchapter G. DURATION OF ELIGIBLE LISTS

Sec.
602.21. Extension and cancellation of eligible lists.
602.22. Amendment of an eligible list.

§ 602.21. Extension and cancellation of eligible lists.
(a) Length of eligibility. The duration of eligible lists will be fixed by the Office of Administration.
(b) Replacing and integrating lists. A newly established eligible list may replace an earlier list, appropriate for the same job. The Office of Administration may integrate an eligible list with an equivalent list established later based on final earned ratings and veterans’ preference credits, when applicable.
(c) Notice to eligibles. When a list is cancelled or an examination is announced which may result in an eligible list which replaces an existing list, the
persons whose names remain on the list being cancelled or replaced shall be notified of the cancellation or of their opportunity to participate in a new examination.

§ 602.22. Amendment of an eligible list.

(a) Basis for amendment. The Office of Administration may amend an eligible list to: correct a clerical error; indicate a change in veteran status; add or remove a name; or suspend or change eligibility for certification or appointment.

(b) Effect of amendment. An amendment to an eligible list may not disadvantage a fully qualified eligible already appointed or notified of appointment in good faith, based on a valid certification previously issued.