CHAPTER 603. APPOINTMENT AND PROMOTION OF EMPLOYEES IN THE CLASSIFIED SERVICE

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Subchapter A. CERTIFICATION

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§ 603.1. Multiple lists.
An eligible list shall be composed of as many types of lists as necessary to meet employment needs in locations where positions are available.

§ 603.2. Certification of eligible lists.
(a) General content of certification. The Office of Administration will certify from the appropriate lists as many names of eligibles who have applied for the position as necessary to satisfy the employment requirements of the appointing authority.

(1) Certification of eligible lists will include final earned ratings and veterans’ preference eligibility.

(2) Upon request of the appointing authority, the Office of Administration will selectively certify the names of individuals eligible for veterans’ preference.

(b) Duration of certification. A certification of names for appointment shall be valid for 90 business days after the date of certification, unless extended by the Office of Administration, and appointive action may be initiated at any time within that period.

§ 603.3. Effect of appointment from list.
The name of an eligible who has been appointed may not be certified from the list for a similar or lower-level job, unless otherwise provided by law or this subpart, or by specific request of the eligible. The acceptance of other than permanent, full-time employment will not result in loss of eligibility for permanent appointment. Conversion of a temporary appointment to a permanent appointment shall require regular certification and appointment procedures.
Subchapter B. SELECTION AND APPOINTMENT OF ELIGIBLES

§ 603.4. Appointment process.
(a) Right of choice in making appointments and promotions when using the rule of three. Unless an appointing authority elects to use an alternate rule, the rule of three applies when making selections from employment and promotion lists. If the appropriate list contains fewer than three eligibles, the Office of Administration may, upon request of the appointing authority, certify applicants from other appropriate lists to ensure the appointing authority has at least three available eligibles from which to choose. This rule does not prohibit an appointing authority from making an appointment if there are fewer than three available eligibles.

(b) Right of choice to make appointments and promotions when using an alternate rule.
   (1) When electing to use an alternate rule, the appointing authority shall notify the Office of Administration of election of an alternate rule when requesting a vacancy posting, including the specified alternate number of eligibles.
   (2) Appointing authorities electing an alternate rule may not use an alternate rule unless notification has been received by the Office of Administration, as required in paragraph (1), and the Office of Administration has acknowledged the election of an alternate rule, in writing.
   (3) In cases in which an examination program is open on a continuous basis, the election of an alternate rule may be initiated at any time; however, no appointment using the new rule can be made before notice of the election is given to and acknowledged in writing by the Office of Administration.
   (4) The Office of Administration will certify the names of the highest-ranking individuals on the eligible list, based upon an alternate rule elected by the appointing authority. This rule does not prohibit an appointing authority from making an appointment if there are fewer than the alternate rule elected by the appointing authority.
   (5) The Office of Administration reserves the right to reject an appointing authority’s election of an alternate rule if it appears the use of the rule is designed to circumvent merit system principles as set forth in the act.
(c) Right of choice in multiple appointments. During the process of making multiple appointments from a certification, the appointing authority shall follow the same procedure, as set forth in subsection (a) and (b), and shall make only appointments, as is permissible when a series of certifications is used in
making single appointments. The appointing authority may in its discretion, appoint a certified eligible whose name was previously rejected three times.

§ 603.5. Removal of eligible for certification or appointment.

(a) Request for removal of eligible for certification or appointment. A request for removal of an eligible for certification or appointment is subject to the following:

(1) A request for removal of an eligible for certification or appointment whose name appears on a certification shall be promptly raised by the appointing authority.

(2) An appointing authority requesting removal of an eligible for certification or appointment shall submit a written request for removal to the Office of Administration, which shall include the basis for the request for removal and all supporting documents that were relied upon to determine that the eligible’s name should be removed.

(3) A request for removal must be based upon merit-related criteria.

(4) On the same date an appointing authority submits a request for removal to the Office of Administration, the appointing authority shall send a copy of the request for removal, including all supporting documents provided to the Office of Administration, to the eligible. The copy of the request for removal sent to the eligible must include specific instructions on how to respond to the request for removal, as set forth in subsection (b).

(b) Eligible’s opportunity to respond. An eligible may, within 10 calendar days from the mailing date of the appointing authority’s request for removal, submit a written response to the Office of Administration, including any supporting documents. The eligible shall send a copy of the response and supporting documents to the appointing authority on the same date the response is submitted to the Office of Administration.

(c) Removal. If a request for removal is granted by the Office of Administration, the eligible’s name will be removed from the appropriate list or lists, as determined by the Office of Administration, and the appointing authority will not be required to consider the eligible for appointment.

§ 603.6. Prohibition against securing withdrawal from competition.

A person may not influence another person to withdraw from competition for a position in the classified service, nor may a waiver of another person’s rights or availability be solicited for the purpose of either improving or impairing the prospects of an applicant for appointment or promotion. The Office of Administration may take action under its authority under the act whenever it finds that a person has violated this section.
§ 603.7. Consideration of certified eligibles.

An appointing authority may conduct an interview or otherwise assess relative suitability for appointment of a certified eligible, but the assessment must be based on position-related criteria and be conducted in accordance with this subpart.

Subchapter C. SUBSTITUTE APPOINTMENTS

Sec. 603.8. Conditions for substitute appointments and promotions.

(a) A substitute appointment or promotion shall be made to fill a permanent position whenever a probationary or regular status incumbent of the position is granted military leave.

(b) When a probationary or regular status incumbent returns from military leave, a substitute employee without prior service shall be separated from the position.

§ 603.9. Rights of substitute employees.

(a) A substitute employee may be granted a right to a permanent appointment because of service as a substitute when the incumbent who was granted military leave fails to return to the position within 90 calendar days after the termination of military duty.

(b) The rights of the employee to certification and appointment from an eligible list or to return to the previous position, if any, in the classified service may not be impaired by the acceptance of an appointment as a substitute.

(c) A regular or probationary employee who accepts a substitute appointment or promotion shall continue to receive the same rights and privileges to which entitled if the employee had continued to serve in a previous position with the same status. The substitute appointment will not prejudice the employee’s rights to promotion, transfer, reemployment or retention in service.

Subchapter D. PROBATIONARY PERIOD

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603.11. Effects of leaves of absence.

603.12. Service in higher-level position.

603.13. Service in same level position.

603.14. Restoration to eligible list.

603.15. Trainee jobs.
§ 603.10. Duration and extension of probationary periods.
(a) The length of the probationary period required for appointments and promotions for a full-time position, except for a trainee job, shall be a minimum of 6 months, defined as 180 calendar days—6 months at 30 days per month, and will be determined by the Office of Administration for each job. The probationary period for part-time positions shall be prorated according to the number of hours in the work week.
(b) The probationary period, except for a trainee job, may be extended to a maximum of 18 months (defined as 545 calendar days—365 calendar days plus 6 months at 30 days per month), at the discretion of the appointing authority. If the appointing authority extends an employee’s probationary period, it shall notify the employee in writing at least 1 work day prior to the effective date of the extension. Upon request by the Office of Administration, a copy of the notice shall be submitted by the appointing authority.
(c) The probationary period must be successfully completed by the employee for all classified service appointments or promotions before regular status is conferred. Appointing authorities must act affirmatively to confer regular status by evaluating employee performance and providing notification to the employee that such performance was satisfactory.

§ 603.11. Effects of leaves of absence.
A probationary employee who returns from a leave of absence shall make up the time lost on the leave by completing the unserved portion of the probationary period. When the leave exceeds 30 consecutive work days, except for military leave, the appointing authority may require that a new, full probationary period be served.

§ 603.12. Service in higher-level position.
A probationary employee who has served any portion of the probationary period and is given a temporary appointment to a higher-level position in the same or closely related job under the same appointing authority may have the period of the higher-level service credited toward the lower-level probationary period. Written notice of the credited service in the higher-level position shall be given to the employee on or before the date the probationary period expires.

§ 603.13. Service in same level position.
(a) A probationary employee who has been reassigned to another position in the same or a similar job by the same appointing authority, shall be credited with time served in the previous position toward the completion of the probationary
period required for the present position. The probationary employee shall meet the established requirements for the new job.

(b) When a regular status employee has been returned from furlough or has demoted voluntarily to a lower job and is subsequently promoted to the job previously held, the appointing authority may waive all or part of the probationary period for the higher-level job.

§ 603.14. Restoration to eligible list.

If a probationary employee resigns, is removed, is granted a leave of absence, is furloughed or is demoted and requests restoration to the eligible list, the Office of Administration may authorize the restoration to the same list or a similar list to that from which appointed.

§ 603.15. Trainee jobs.

The Office of Administration, in cooperation with appointing authorities and the Executive Board, may designate specific jobs for training purposes.

(1) The trainee job must correspond to a working level job.

(2) The probationary period for the training and working level will be combined and may be set by the Office of Administration at a minimum of 6 months, defined as 180 calendar days—6 months at 30 days per month, and a maximum of 24 months, defined as 730 calendar days—2 years at 365 days per year, to coincide with the length of the designated training period.

(3) The employee appointed into a trainee position may not attain regular status as a trainee but shall be promoted to the working level, with regular status, if the designated training period is successfully completed.

(4) A trainee who is unsuccessful in the training shall be removed from the trainee position promptly.

(5) The appointing authority may extend probationary periods of a trainee up to the maximum of 24 months, if written notice is provided to the trainee at least 1 work day prior to the effective date of the extension. A copy of the notice shall be submitted, upon request, to the Office of Administration.

§ 603.16. Probation following promotion.

A regular status employee who is promoted shall serve the duration of the probationary period that is specified for the job to which promoted, subject to the following conditions:

(1) During the first 3 months of the probationary period, the employee has the option to return to the regular status position previously held.

(2) At any time after the first 3 months of the probationary period, the employee may return to the previous regular status position or job with written consent of the appointing authorities.

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(3) If the services of the employee are found unsatisfactory by the appointing authority, the employee shall be restored to the previous regular status position or job.

(4) A promoted employee who has never held regular status in the classified service does not have a right to return to a probationary status position previously held.

Cross References
This section cited in 4 Pa. Code § 604.12 (relating to effect of demotion on status).

§ 603.17. Notice about performance.

The appointing authority shall notify the employee in writing whether the services of the employee have or have not been satisfactory prior to the expiration of the employee’s probationary period. If the employee’s performance has been satisfactory, the appointing authority shall confer regular status upon the employee.