CHAPTER 605. SEPARATION OF EMPLOYEES FROM CLASSIFIED SERVICE

Subchapter A. FURLOUGH

§ 605.1. General provisions.

(a) Reasons. Furloughs shall occur only because of lack of funds or work.

(b) Preference in retention. An appointing authority will not furlough a regular employee while a probationary, provisional, temporary or emergency employee is employed in the same job and in the same furlough unit designated by the appointing authority. An appointing authority will not furlough a probationary employee while a provisional, temporary or emergency employee is employed in the same job and furlough unit.

(c) Furlough units. Furloughs will be conducted within approved furlough units. For purposes of this section, a furlough unit shall be defined as all employees in the job within an affected institution, division, bureau or a combination of the institutions, divisions or bureaus within an agency. Each appointing authority will submit recommended furlough units to the Office of Administration. Once approved by the Office of Administration, the furlough units will be used for subsequent furloughs. Changes to approved furlough units shall be submitted to and approved by the Office of Administration prior to use in subsequent furloughs.

(d) Order of furlough. When a furlough is necessary, the last annual or probationary performance evaluations, as applicable, of regular employees in the same furlough unit and job shall be converted to categories or relative ranks. The employees will be placed into quarters, and those in the lowest quarter will be furloughed or returned under subsection (e), in the inverse order of classified service seniority. Seniority for this purpose shall be the length of continuous service in the classified service if there has been no break in service.

(e) Right of return before furlough. Upon notification of, and until the effective date of furlough, a regular employee to be furloughed shall have a right of return to vacant positions in the appointing authority in any job and status previously held, or to a job and status in the same or lower levels, if the employee...
meets the minimum qualifications. A probationary employee will be restored to the eligible list from which appointed or to the job previously held if the probationary status resulted from promotion.

(f) **Mandatory reemployment.** A furloughed employee who is unable to exercise their right of return will be given a mandatory 1-year preference for reemployment in the same job and appointing authority from which they were furloughed. The preference does not apply to vacancies to which an employee on leave of absence have priority of return, or to a filled position which has been reclassified to a higher-level job after the effective date of furlough.

(g) **Optional reemployment.** A furloughed employee who is unable to exercise their right of return also will be placed, for 1 year, on optional reemployment lists for the job from which they were furloughed and for equal and lower-level jobs for which qualified, for certification to all appointing authorities.

(h) **Reemployment certification.** Requirements for certification shall be as follows:

1. A certification from a mandatory reemployment list shall preclude issuance of a certification otherwise applicable to available vacancies except for a certification from a preferred reemployment list which shall take precedence over all other eligible lists. Certification from optional reemployment lists shall be considered equally with all other employment or promotion certifications issued for available vacancies.

2. A furloughed employee shall be certified from mandatory reemployment lists according to their stated availabilities. The appointing authority will give reemployment preference to those on mandatory reemployment lists with higher overall performance evaluations. In cases of identical performance evaluations, furloughees with greater continuous classified service seniority will have reemployment preference.

3. A furloughed employee shall be certified from optional reemployment lists according to their stated availabilities. The appointing authority may select any furloughed employee from the optional reemployment list.

(i) **Refusal of mandatory reemployment.** A furloughed employee who refuses reemployment in the same job, location and appointing authority from which they were furloughed shall forfeit all reemployment preferences and shall be considered as having voluntarily resigned as of the furlough effective date.

(j) **Refusal of optional reemployment.** A furloughed employee who refuses appointment from an optional reemployment list shall forfeit appointment eligibility for that job and lower-level jobs but shall retain mandatory preference and other optional preferences for reemployment. If preferences subsequently are not, or cannot be, exercised, the furloughees shall be considered as having voluntarily resigned as of the furlough effective date.

(k) **Separate reemployment lists.** Separate reemployment lists will be established for State and non-State agencies.
(l) **Furlough under collective bargaining agreement.** If there is a labor agreement covering the employees to be furloughed, the terms of the agreement as to furlough and reemployment procedures shall be controlling.

**Subchapter B. REMOVAL AND SUSPENSION**

Sec. 605.2. General.

§ 605.2. General.

(a) Just cause for removal and good cause for suspension must be based on at least one merit-related reason.

(b) An appointing authority may, for the purpose of ascertaining an employee’s fitness for continued employment, suspend an employee pending the outcome of an internal or external investigation.

(1) When an investigation has not revealed cause for disciplinary action, the suspension shall be retracted and expunged from all records, and the employee shall receive back pay for the full period of suspension.

(2) When an investigation has revealed cause for disciplinary action, the suspension shall be converted, either in whole or in part, to a disciplinary action.

(c) A suspension, including during a pending internal investigation, may not exceed 60 working days in 1 calendar year.

(d) A suspension pending investigation by external agencies may be maintained up to 30 working days after conclusion of the external investigation.

(e) A suspension under 71 Pa.C.S. § 2705(f) (relating to political activity) may not exceed 120 working days.

**Subchapter C. RESIGNATION**

Sec. 605.3. General.

605.4. Notice of acceptance or rejection.

605.5. Reemployment after resignation.

605.6. Resignation following leave of absence.

§ 605.3. General.

(a) A resignation shall consist of a voluntary termination of employment evidenced by an affirmative statement, either written or verbal, of the employee’s intent to resign.

(b) Written notices of resignation should include:

(1) The employee’s signature.

605-3
(2) The date of signature and the date the resignation is to take effect.
(3) An affirmative statement of the employee’s intent to resign.

§ 605.4. Notice of acceptance or rejection.
(a) Unless the employee is being investigated or removal action is pending, an appointing authority may not reject a resignation which gives at least 2 weeks’ notice.
(b) The acceptance of a resignation may not bar an appointing authority from giving notice of removal thereafter for causes which occur or become known during the period between the acceptance and the effective date of the resignation.
(c) A written resignation specifying no effective date shall take effect immediately.
(d) The appointing authority’s acceptance of resignation shall be evidenced by written notice to the resigning employee within 15 calendar days after the appointing authority’s receipt of the notice of resignation.
(e) A resignation may not be withdrawn without the written consent of the appointing authority once it has been accepted, in writing, by the appointing authority.
(f) A resignation that has not been accepted by the appointing authority may be withdrawn by the employee at any time prior to acceptance or the effective date.

§ 605.5. Reemployment after resignation.
(a) Initiation of action. An appointing authority may reinstate a former regular status employee who resigned or otherwise voluntarily separated from civil service employment to a position in the same or similar job from which the employee resigned. The appointing authority shall submit a current application of the former employee to the Office of Administration and verify that the former employee is in all respects qualified and able to serve in the job involved.
(b) Approval. The Office of Administration will approve the request if:
   (1) The former employee is qualified for the position sought.
   (2) The rights of persons on reemployment or preferred lists would not be violated by the reinstatement.
(c) Probationary period after reinstatement. The appointing authority may waive the probationary period if the former employee returns within 2 years after resignation. If more than 2 years have expired, the reinstated employee shall serve the probationary period prescribed for the job to which returned.

§ 605.6. Resignation following leave of absence.
A voluntary resignation submitted during or at the termination of a leave of absence shall be effective on the date thereof.
Subchapter D. LEAVE OF ABSENCE

§ 605.7. General.
(a) A leave of absence may be granted at the discretion of the appointing authority and shall be granted for a definite period, up to a 2-year increment of time.
(b) A leave of absence for more than 2 years shall be deemed the equivalent of a resignation as of the date of termination of the leave, unless the leave has been extended or renewed as provided in this subchapter.
(c) This section does not apply to military leave of absence, or to a leave of absence granted to a classified service employee to occupy a position in the Senior Management Service.

§ 605.8. Extension or renewal of leave.
(a) For illness or disability. A leave of absence may be extended beyond the initial period granted by the appointing authority, if the circumstances indicate that illness or disability will render the employee temporarily incapable of efficiently performing the duties of the position at the scheduled termination of the leave.
(b) For military service. A leave of absence granted for military purposes shall extend for the period of service.
(c) For employment in the unclassified service. A leave of absence granted to an employee for a position in the unclassified service may be renewed for additional periods not exceeding 2 years in each instance, up to a maximum of 12 years after the date the leave commenced.
(d) For employment in a position in the Senior Management Service. A leave of absence granted to an employee to take a position in the Senior Management Service shall extend without necessity for renewal, until the employee leaves the Senior Management Service.

§ 605.9. Returning employees.
(a) An employee’s right of return is not restricted to a vacancy at the geographic location from which leave was granted.
(b) An employee may return to a vacancy whenever available for reemployment during the period of approved leave, if the employee has given written notice to the appointing authority of the employee’s availability.
(c) Upon expiration of a leave of absence or after an employee requests return from leave of absence, an employee’s refusal of reemployment in the job...
and at the location from which leave was granted shall result in the employee’s removal from the preferred reemployment list.

(d) An employee may return to an appointing authority other than the one from which leave was granted at the discretion of the gaining appointing authority.

Subchapter E. SENIORITY

Sec. 605.10. Break in service.

§ 605.10. Break in service.

(a) Break in Service. Any of the following shall constitute a break in service:
  (1) Removal for just cause.
  (2) Resignation.
  (3) Retirement.
  (4) Failure to report after notification of appointment through mandatory, preferred or optional reemployment rights.
  (5) Expiration of mandatory, preferred or optional reemployment rights.
  (6) Failure to report after leave and acceptance of other permanent employment while on leave of absence without pay.

(b) If a break in service occurs, the employee shall lose accrued seniority.

(c) Periods of furlough and approved leave of absence without pay shall be deemed continuous employment for seniority purposes, except that the period of furlough or leave of absence without pay will not be counted toward seniority.

(d) Demotion for cause shall terminate seniority in the job from which demoted.