PART IV. CIVIL SERVICE COMMISSION

Subpart
A. RULES OF THE CIVIL SERVICE COMMISSION ...................... 91
B. EXECUTIVE DIRECTOR OF CIVIL SERVICE ...................... 109

Authority

The provisions of this Part IV issued under section 203(1) of the Civil Service Act (71 P. S. § 741.203(1)), unless otherwise noted.

Subpart A. RULES OF THE CIVIL SERVICE COMMISSION

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Source

The provisions of this Subpart A adopted October 18, 1961, amended October 15, 1964, and April 16, 1970, unless otherwise noted.

Notes of Decisions

A downward reclassification of Department of Environmental Resources employes was held not to be arbitrary or discriminatory, when it was done to preserve a pay difference between the supervisors and those supervised. Department of Environmental Resources v. Bartal, 618 A.2d 1062, 1069 (Pa. Commw. 1992).

CHAPTER 91. GENERAL PROVISIONS

Sec.
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§ 91.1. Short title.

This subpart shall be known and cited as the “Rules of the Civil Service Commission.”

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(302785) No. 354 May 04
§ 91.2. Purpose.

This subpart is designed to effectuate the primary purpose of the Civil Service Act (71 P. S. §§ 741.1—741.1005), declared to be greater efficiency and economy in the administration of the government of the Commonwealth, including, as a means to that end, the “establishment of conditions of service which will attract to the service of the Commonwealth qualified persons of character and ability and their appointment and promotion on the basis of merit and fitness.’’

As amplifications, enlargements, and extensions of the Civil Service Act (71 P. S. §§ 741.1—741.1005), the provisions of these rules shall be read in conjunction with appropriate and corresponding provisions of such act and shall be liberally construed to effectuate its purposes.

Source

The provisions of this § 91.2 adopted October 18, 1961; amended October 15, 1964 and April 16, 1970.

§ 91.3. Definitions.

Words, terms and phrases, when used in this part, have the meaning in section 3 of the act (71 P. S. § 741.3), unless the context clearly indicates otherwise. In addition, the following terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Act—The Civil Service Act (71 P. S. §§ 741.1—741.1005).
Appointing authority—The officers, board, commission, person or group of persons having power by law to make appointments in the classified service.
Certification—The referral of one or more eligibles by the Director to an appointing authority, in order to fill one or more positions or to take appropriate classification action.
Class or class of positions (also known as jobs)—A group of positions in the classified service which are sufficiently similar in respect to the duties and responsibilities that the same descriptive title may be used for the position, the same requirements as to experience, knowledge, and ability are demanded of incumbents, the same tests of fitness may be used to choose qualified appointees, and the same schedule of compensation may be made to apply with fairness under like working conditions.
Classification plan—A plan consisting of a schedule of class titles and related codes arranged according to a series of classes and occupational services, including class specifications for each class, as approved by the Executive Board.
Commission—The State Civil Service Commission of the Commonwealth.
Demotion—The voluntary or involuntary movement of an employee to a class assigned to a pay range with a lower maximum salary, except as provided for in § 99.41 (relating to effect of reclassifications).

Director—The Executive Director of the Commission.

Eligible—A person whose name is on an eligible list.

Eligible list—An employment list, promotion list, or reemployment list.

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

Employee—A person legally occupying a position in the classified service.

Employment list—A list of persons who have been found qualified by an entrance examination for appointment to a position in a particular class.

Entrance examination—An examination for positions in a particular class, admission to which is not limited to persons employed in the classified service.

Examination—A test, series of tests, or assessments used to determine the degree to which applicants or employees are qualified for appointment or promotion and includes, but is not limited to, written tests, oral tests, ratings of qualifications, performance tests, medical tests, physical or agility tests, personality or interest inventories, and biographical inventories.

Furlough—The termination of employment because of lack of funds or work.

Intermittent position—A position filled from an eligible list and utilized by an appointing authority on a periodic or recurrent basis.

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 noncivil service position.

Limited term employment—Work that is usually a standard workweek for a specified period of time.

Minimum qualifications—The education, experience, licensure, certification or other requirements which are established in the classification standards for a class and which must be met by applicants or employees seeking appointment or promotion.

Part-time employment—Work that is less than the standard workweek.

Permanent position—A position in the classified service which does not have an expiration date.

Position—A group of current duties and responsibilities assigned or delegated by competent authority requiring the full-time or part-time employment of one person.

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

Probationary period—A preliminary period of employment the purpose of which is to determine the fitness of an employee for regular status.
Promotion—The movement of an employee to another class in a pay range with a higher maximum salary.

Promotion examination—An examination for positions in a particular class, admission to which is limited to employees in the classified service.

Promotion list—A list of persons who have been found qualified by a promotion examination for appointment to a position in a particular class.

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

Qualifier—An employee whose position has been placed in the classified service by proper authority and who will be required to take and pass an examination in order to continue in the position.

Reallocate—To reclassify or to change the classification of a position from one class title and code to another class title and code.

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

Regular employee—An employee who has been appointed to a position in the classified service under the act after completing the probationary period.

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 left in good standing.

Removal—The permanent separation from the classified service of an employee who has been permanently appointed.

Resignation—The voluntary termination of employment by an employee, usually evidenced by the employee’s written notice.

Rule of three—The requirement that the appointing authority is required to choose from among the three highest-ranking available eligibles in filling a particular vacancy and is therefore entitled to have three 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.

Seasonal employment—Work that may be a standard workweek for a specified part of the calendar year and may be recurring.

Seniority—The amount of time an employee has served in a class or classes in the classified service, calculation and use of which is defined in this part.

Separation—The voluntary or involuntary termination of employment, including temporary termination as in suspension or permanent termination as in removal.

Suspension—The temporary, 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.
Temporary position—A position in the classified service which arises out of temporary pressure of extra work for a period of 12 months or less.

Trainee—A qualified person appointed or promoted to a class identified as a training level class.

Training period—The period of time prescribed for a trainee class, 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 class for which trained.

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

Unskilled labor—A person occupying or assigned to a position for which the principal job requirement is good physical condition as related to the duties of the particular position.

Source


Notes of Decisions

The reassignment of two Office of Budget employes at the same time of the furlough of two other Office of Budget employes created a ‘‘vacancy,’’ because a ‘‘vacancy’’ existed under the Civil Service Commission regulations when the reassigned employes would no longer function as assistant comptrollers in their new positions, thus creating a vacancy simultaneous with the furlough action. Roetenberg v. Office of Budget, 550 A.2d 825 (Pa. Cmwlth. 1988).

§ 91.4. Classified service coverage.

(a) Coverage.

(1) Existing and newly established positions in the agencies identified in section 3(d) of the act (71 P. S. § 741.3(d)) shall be in the classified service unless specifically exempted by action of the Commission.

(2) Positions in classes which are or have been determined to be professional or technical by action of the Executive Board, or which are directly or indirectly derived from the classes, shall be in the classified service.

(b) Exemptions.

(1) Requests for exemption of positions from the classified service under section 3(c) of the act shall be submitted in writing to the Director. The Director, after investigation, will recommend approval or denial of the exemption request to the Commission, which will make the final determination of classified service coverage.

(2) Criteria which shall be met for exemption are as follows:

(i) Under section 3(c)(1) of the act. Department heads and deputy department heads are automatically exempt and require no Commission approval. Other positions will be reviewed to determine whether they fully participate in policy development, at the level required for exemption. Fac-
tors to be considered include things such as whether: the incumbent regularly and customarily meets with the Department head in formulating the general policies of the Department; the position is considered to be part of the Department’s top management team; the position is responsible for recommending or approving policies which govern one or more major program areas having major impact on attainment of the goals and objectives of the Governor or the Department head; the position is expected to exercise discretionary powers in carrying out major agency missions; and the position involves development and advocacy of the agency’s legislative programs. In addition, the Commission will consider the position’s placement in the organization, lines of authority, reporting relationship within the agency structure, classification standards, the pay level allocated to the position and the independence of action inherent in the position.

(ii) **Under section 3(c)(2) of the act.** Members of boards and commissions are automatically exempt and require no Commission approval.

(iii) **Under section 3(c)(3) of the act.** Appointing authorities shall identify and notify the Director, in writing, which positions are designated as personal aides or confidential and provide the Director with a copy of the current job description for each position so identified. Commission approval is not required. Positions exempted under this subsection shall be assigned work as personal aides or assistants and not as program supervisors or managers.

(iv) **Under section 3(c)(4) of the act.** Appointing authorities shall request exemptions in writing. Justification shall include specific reasons why the position should be excluded from the classified service, as well as the period of time for which the exemption is requested.

(v) **Under section 3(c)(5) of the act.** Positions in attorney classifications are automatically exempt and require no Commission approval.

(vi) **Under section 3(c)(6) of the act.** Positions in classes which meet the definition of “unskilled” in the act are automatically exempt and require no Commission approval.

(vii) **Under section 3(c)(7) of the act.** The appointing authority shall identify and notify the Director in writing of the professional positions attached to the department head’s office which function in press or public relations, or both, legislative liaison or development of executive policy, and provide the Director with a copy of the current job description for each position so identified. Commission approval is not required.

**Source**

APPENDIX A

(Editor's Note: 1 Pa. Code § 3.13(b) (relating to contents of Bulletin) gives the Legislative Reference Bureau discretion to exclude from publication in the Pennsylvania Bulletin classes of documents which are voluminous and applicable only to Commonwealth property or contracts or agency organization, management or personnel. Section 3.13(c) requires the Bureau to publish and codify a summary table of documents filed under § 3.13(b).
