CHAPTER 95. SELECTION OF EMPLOYEES FOR 
ENTRANCE TO, OR PROMOTION IN, 
THE CLASSIFIED SERVICE

EXAMINATIONS REQUISITE FOR APPOINTMENT 
AND PROMOTION

Sec.
95.1. Application requirements.
95.1a. United States citizenship.
95.2. Residence requirements.
95.3. [Reserved].
95.4. [Reserved].
95.5. [Reserved].
95.5a. Special requirements.
95.6. [Reserved].
95.7. Promotion procedure.
95.8. Qualifying examinations.

NATURE OF EXAMINATIONS

95.11. Frequency of examinations.
95.12. Cooperation regarding examinations.
95.13. Tests in examinations.
95.14. Use of class specifications in examinations.

CONDUCTING EXAMINATIONS AND RATING 
COMPETITORS

95.20. Authority.
95.21. Scheduling of examinations.
95.22. Administration and scoring of examinations.
95.23. Security of competitive standards.
95.24. [Reserved].

PUBLIC NOTICE OF EXAMINATIONS

95.31. Maintenance of mailing lists.
95.32. Special assistance in recruitment.
95.33. Content and publication of examination announcements.
§ 95.1. Application requirements.

(a) Submission of applications. Applications required of a candidate for entrance to, or promotion in, the classified service, shall be made in a format prescribed by the Director and 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. Completeness of application. An application shall be complete. An incomplete application may be rejected.

2. Timeliness of applications. An application shall be submitted by the date and time if specified in the public notice of examination. An application
received or bearing a postmark prior to midnight of the final filing date will be
deemed filed within the time limit.

(b) **Evidence of merit and fitness.** The Director may require an applicant to
supply information relevant for determining the possession by the applicant of the
minimum requisites for appointment or promotion. The Director may also require
an applicant to supply certificates and other appropriate documents from citizens,
physicians, public officers, school officials, employers and others having knowl-
edge of the applicant as will be relevant in assessing the applicant’s fitness and
qualifications for appointment or promotion.

(c) **Limitations on inquiry.** Limitations shall be as follows:

1. Except as provided in paragraphs (2) and (3), no questions in the appli-
cation nor in the examination will require the applicant to provide information
concerning the sex, age, race, color, religious creed, ancestry, national origin,
political affiliations, labor union affiliations, political opinions or disability, nor
will the information be required in another manner by a member, official or
employee of the Commission or of an appointing authority in connection with
the examination, certification or appointment of an applicant for another pur-
pose.

2. The Director may make inquiries of an applicant’s age or national ori-
gin, or both, as is necessary to comply with Federal and State statutes and this
part.

3. The Director 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 regulations on equal
opportunity. Applicants shall be informed that response to questions is not
mandatory.

(d) **Rejection of applicants and disqualification of eligibles.** The Director will
not be required to examine, nor after examination, to certify an eligible applicant
who is found to lack the established or announced requirements for admission to
the examination or for appointment from an entrance or promotion list. The
Director, with the approval of the Commission, may refuse to examine an appli-
cant, or after examination, to certify an eligible applicant who:

1. Is addicted to the use of narcotics, or intoxicating beverages when the
addiction renders the applicant unable to competently perform the duties of the
position sought.

2. Has been guilty of a crime or of conduct which renders the eligible
unfit or unsuitable for the position sought.

3. Has been dismissed from employment for incompetency or misconduct
when the incompetency or misconduct renders the applicant unfit or unsuited
for the position sought.

4. Has a physical or mental disability which renders the applicant unfit or
unsuited to perform the essential functions of the position’s duties and respon-
sibilities with or without reasonable accommodation.
(5) Has made a false statement, or omitted a material fact, or practiced, or attempted to practice, deception or fraud in application, examination, in securing eligibility, or seeking appointment.

(e) Discretionary acceptance of applications. The Director may authorize the acceptance of applications filed after the announced final filing date 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.

(f) Notice of rejection or acceptance 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. Applicants may be admitted to the examination conditioned upon establishing eligibility within a reasonable time after the date of the examination, in which case, notice of the conditional admittance will be given to the applicant involved. Notice of the acceptance of an application or notice to an applicant being admitted to the examination will be given in sufficient time for the applicant to arrange to be at the examination site at the time specified.

Source


§ 95.1a. United States citizenship.

To the extent permitted by law, when all applicants for appointment or promotion to a position in the classified service are equally qualified, the appointing authority will prefer United States citizens over those who are not.

Source


§ 95.2. 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 of this Commonwealth 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, and bonds and automobiles within this Commonwealth.

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

(v) Current registration to vote in this Commonwealth.

(2) Former residents 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 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 and attended the school within 5 years of applying for a position in the classified service.

(b) Application. Application requirements are as follows:

(1) Persons appointed, promoted or reinstated to positions in the classified service shall be legal residents of this Commonwealth, unless residency has been waived. The provisions in this paragraph do not apply to persons who previously held regular civil service status and are returned to employment from an approved leave of absence without pay or through mandatory reemployment or contractual recall or placement rights.

(2) The Director, 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 class 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 Director may certify residents of contiguous counties or districts or of the entire Commonwealth as deemed appropriate by the Director.

(4) If an eligible changes residence from one district or county to another district or county of this Commonwealth, the Director 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 inadequate supply of well qualified residents of this Commonwealth available for a particular occupation, the Director, upon request by one or more appointing authorities, may waive the residency requirement for a position, a class or a group of classes.
§ 95.3. [Reserved].

Source


§ 95.4. [Reserved].

Source


§ 95.5. [Reserved].

Source

The provisions of this § 95.5 adopted October 18, 1961; amended October 15, 1964 and April 16, 1970; reserved March 29, 1985, effective March 30, 1985, 15 Pa.B. 1151. Immediately preceding text appears at serial pages (50732) and (6676).

§ 95.5a. Special requirements.

(a) Where there is a clear, objective demonstration that such criteria as age, sex, race, medical or physical standards, or special knowledges, skills, and abilities constitute qualifications essential to the performance of the duties and responsibilities of a position, the Director may restrict application for or selectively certify to that position.

(b) Requests to impose special requirements must be submitted in writing to the Director by the appointing authority.

Source

The provisions of this § 95.5a adopted March 29, 1985, effective March 30, 1985, 15 Pa.B. 1151.
 subsection, promotion examinations shall be open to regular or probationary status employees who meet the qualifications and who occupy positions within a lower maximum salary. As determined by the Director, promotion examinations may be limited to employees occupying positions in specified classes.

(2) The Director may, after consultation with the appropriate appointing authorities, establish the length of service required of candidates in the qualifying class or classes for eligibility to participate in promotion examinations.

(3) The Director will have the power to decide whether the promotion examination is to be interdepartmental or intradepartmental.

(c) Promotion without examination. Promotion without examination may be accomplished under the following circumstances:

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

(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:
(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 classes 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 classes determined to be next lower. 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 class for which there is a logical occupational, functional or career development relationship to the posted position or if there is a clear linkage between the required knowledges, skills and abilities of the previously or currently held class with those needed for the posted position.

(ii) Noncompetitive promotion without examination. The agency head will insure that the employee meets the experience and training requirements of the higher level position, has regular status, and meets the meritorious service and seniority requirements.

(3) When a classification audit reveals that a position should properly 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 classification.

(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.

(v) A promotion shall be possible only within agencies provided full classified service coverage and listed in section 3(d) of the act (71 P.S. § 741.3(d)).

(5) When there is a labor agreement covering the positions to which employees are 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, will
be disregarded for appointment or promotion from any list and will not be eligible for promotion without examination.

Authority

The provisions of this § 95.7 amended under sections 203(1) and 208 of the Civil Service Act (71 P. S. §§ 741.203(1) and 741.208).

Source

Notes of Decisions

Generally

Agency employer's position that its personnel action did not constitute an involuntary demotion under the Civil Service Act, but was a proper retraction of an invalid promotion, rested solely upon three mistakes and such position was found not to have a reasonable basis in fact so that the agency was liable for attorneys fees and costs incurred by employe who was successful in obtaining reinstatement of the promotion. West v. Western Center, Department of Public Welfare, 641 A.2d 41 (Pa. Cmwlth. 1994).

Although the State employe's promotion was due to employer's error, absent a showing that the employe's performance was unsatisfactory, the employer could not demote the employe to correct the error. West v. Department of Public Welfare, 614 A.2d 357 (Pa. Cmwlth. 1992).

The Commission has acted within the authority of the Civil Service Act (71 P. S. §§ 741.1—741.1005) in promulgating subsection (b)(3). The rule, making only regular or probationary employes within the classified service eligible for promotion, is both reasonable and consistent with legislative intent. Humphreys v. Civil Service Commission, 301 A.2d 400 (Pa. Cmwlth. 1973).

Interview Appropriate

Nothing in the Civil Service Act (71 P. S. § 741.1 et seq.) or this regulation precludes an agency from determining that two candidates, whose scores for meritorious service and seniority were within two points of each other, were relatively equally qualified for promotion. Therefore, the supervisor took the legitimate next step in the promotion process by interviewing the two promotion candidates. Price v. Luzerne/Wyoming Counties Area Agency on Aging, 672 A.2d 409 (Pa. Cmwlth. 1996); appeal denied 688 A.2d 174 (Pa. 1997).

Relatively Equally Qualified for Promotion

Because the two candidates scores in meritorious service and seniority were only two points apart, the agency concluded that the candidates were relatively equally qualified to be promoted. Nothing in the Civil Service Act (71 P. S. § 741.1 et seq.) or related rules precluded the agency from determining that the two candidates were relatively equally qualified for promotion. Accordingly, the agency official took the legitimate next step in the promotion process by interviewing the two candidates. Price v. Luzerne, 672 A.2d 409 (Pa. Cmwlth. 1996); appeal denied 688 A.2d 174 (Pa. 1997).

§ 95.8. Qualifying examinations.

(a) Application. The Director, after consultation with the appointing authority, and with the approval of the Commission, will determine whether qualifying examinations are appropriate and whether they will be competitive or noncompetitive. Qualifying examinations may be administered to incumbents whose positions have been placed in the classified service by proper authority such as the following:

(1) A reorganization of one or more agencies, as approved by the Executive Board, which places positions into agencies covered by the act.

(2) A reclassification of a position in a noncivil service classification to a civil service covered classification.
(3) Action by the General Assembly which results in the placement of a position into the classified service, but is silent on the status of the incumbent.

(4) Action of the Federal Government which requires placement of a position into the classified service to assure continued eligibility for Federal funding.

(b) Types of qualifying examinations. Qualifying examinations are competitive or noncompetitive examinations for the purpose of qualifying employes for probationary or regular classified service status.

1) Competitive.

(i) Incumbents shall score high enough on the employment list to be appointable under section 602 of the act (71 P. S. § 741.602).

(ii) Incumbents who are appointed under subparagraph (i) shall serve a probationary period as specified in section 603 of the act (71 P. S. § 741.603).

(iii) Incumbents who refuse to take or are unsuccessful on the examination, or who are not appointable under section 602 of the act, shall be promptly removed from their positions.

2) Noncompetitive.

(i) Incumbents shall attain a passing score on the examination.

(ii) Incumbents who attain a passing grade and who have occupied their positions for a period of time at least equal to the probationary period required for their positions shall be granted regular status.

(iii) Incumbents who attain a passing grade and who have occupied their positions for a period of time less than the probationary period required for their positions shall be granted probationary status, with probationary service credit commensurate with time already served.

(iv) Incumbents who refuse to take or do not attain a passing grade on the examination shall be promptly removed from their positions.

Source

NATURE OF EXAMINATIONS

§ 95.11. Frequency of examinations.

(a) Anticipation of need. The Director shall authorize examinations to establish employment and promotion lists whenever necessary to meet or anticipate employment needs of the agencies involved and shall consult with appointing authorities regarding such need.
(b) **Frequency and location.** The Director shall schedule examinations on a Statewide, regional or local basis as necessary to achieve maximum effective use of Commission resources, attract sufficient qualified applicants, and provide for reasonable open competition. Examinations may be opened continuously or periodically, as necessary, to meet the Commonwealth’s employment needs.

**Source**


§ 95.12. Cooperation regarding examinations.

(a) **Consultation on examination information.** The Director will collect information regarding work performed and, when necessary, the knowledges, skills and abilities needed for successful performance of the duties and responsibilities of the class for which examinations will be given, and may consult with qualified authorities regarding the relative importance of work performed or of the knowledges, skills and abilities and the most appropriate methods for testing their possession by candidates. The interchange of information shall be made under circumstances and subject to conditions designed to avert premature disclosure of examination content to prospective candidates.

(b) **Review of examination content.** The Director may have test material reviewed by representatives of an appointing authority or other qualified authorities with a member of the staff of the Commission.

(c) **Cooperative testing.** The Director may authorize collaboration with another public testing or placement agency in a program of cooperative testing of applicants, if competitive principles are observed.

**Source**


§ 95.13. Tests in examinations.

(a) **Types of tests.** In addition to written, oral and performance tests, the Director may authorize an evaluation of education and experience, 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 Director may authorize other performance criteria, such as seniority and performance evaluations developed under a uniform Departmental system. Performance evaluations shall not be a weighted factor in an interdepartmental promotion examination.

95-11

(302803) No. 354 May 04
(b) Weights of tests. The Director, after considering the relative value of the tests in assessing the relative capacity and fitness of candidates to perform the duties of the class 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 candidates.

Source

§ 95.14. Use of class specifications in examinations.
(a) Basis for examinations. The classification standards for a class, as adopted by the Executive Board, shall constitute a primary basis and source of authority for the content and level of difficulty of the examinations for the class and for the evaluation of the qualifications of applicants for examinations. Supplemental job information, obtained through job analysis, may be used as a further basis for examinations and evaluation standards. The examination content for classes peculiar to one agency shall be discussed with the appointing authority. In cases of difficult recruitment, the Director, with the cooperation of the appointing authority, may use discretion in interpreting minimum experience and training and in accepting equivalent experience and training.

(b) Implied qualifications. Qualifications commonly required of all employees shall be implied, even though not specifically set forth in the classification standards, as follows:

1. Freedom from physical or mental defects which would render the employee unfit for competent performance with or without reasonable accommodation.
2. Good moral character, honesty, sobriety, industry, loyalty and dependability.
3. Possession of a valid appropriate driver’s license, when driving or parking motor vehicles is necessary to carry out work assignments.
4. Possession of suitable instruments, tools or equipment when they are customarily furnished by the employee in a profession, skilled trade or other occupation.
5. Residence, sex and similar qualifications imposed by law or rule.

(c) Lines of promotion. Lines of promotion, when indicated in the classification standards, will not be considered as barring other lines of promotion, unless so specified in the public announcement of examinations.

Source
CONDUCTING EXAMINATIONS AND RATING COMPETITORS

§ 95.20. Authority.
Examinations for all classified service positions will be prepared and approved by the Director. Except as otherwise authorized in this part, or as authorized in writing by the Director, appointing authorities shall not develop and administer their own examinations for employment or promotion in the classified service.

Source
The provisions of this § 95.20 adopted March 29, 1985, effective March 30, 1985, 15 Pa.B. 1151.

§ 95.21. Scheduling of examinations.
(a) The Director, in authorizing the times and places of examinations, will give due consideration to the convenience of the candidates, consistent with the needs of the service.
(b) The Director will establish and notify candidates of procedures for rescheduling and retesting when appropriate.
(c) The Director may authorize postponement, cancellation or rescheduling of examinations.

Source

§ 95.22. Administration and scoring of examinations.
(a) Administrators. The Director will appoint and fix the compensation of test administrators, proctors and other assistants required to administer examinations.
(b) Notice of examinations. A candidate will be notified of admittance or nonadmittance to examinations. Applicants shall be given a delayed examination in place of the one for which they failed to appear if the failure to appear was caused by an act or omission of the Commission’s staff. Delayed examinations also may be authorized for other appropriate reasons.
(c) Cancellation of part of an examination. Whenever the Director 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 Director may cancel that part or parts and reassign the weights, in an equitable manner, to the remaining part or parts.
(d) Retaking examination. A candidate may be permitted to retake an examination. Standing on an eligible list will be determined by the score received on the most recent examination.

(302805) No. 354 May 04
§ 95.23. Security of competitive standards.

(a) Maintenance of competitive conditions. The Director will establish appropriate procedures to insure that all applicants for an examination are given equal opportunity to demonstrate their relative merit and fitness.

   (1) The Director will establish proper precautions to prevent an unauthorized person from securing in advance questions or other materials to be used in a test, unless the questions or materials are available to all applicants.

   (2) When the conditions under which a test is held have materially impaired its competitive nature or worth in assessing qualifications, the Director will order that the tests or appropriate sections thereof, if severable, be cancelled. New tests or parts of tests may be substituted therefore, if possible.

(b) Anonymity of candidates. The Director will establish appropriate procedures to insure that the identity of candidates in all competitive tests do not adversely affect the objective rating or scoring of the candidates’ examinations.

(c) Cheating on examinations or seeking undue advantage. The Director will disqualify 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. In addition, the Director will refer these cases to the Commission for determination of possible violations of sections 902 and 903 of the act (71 P. S. §§ 741.902 and 741.903).

(d) Examination materials. A candidate 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. A candidate will be notified of these requirements, and no examiner, proctor, monitor or other person charged with the supervision of a candidate or group of candidates will have authority to waive it. The Director may disqualify a candidate or refuse to certify an eligible person who violates this section. In addition, the Director will refer these cases to the Commission for determination of possible violations of sections 902 and 903 of the act.
§ 95.23. Maintenance of mailing lists.

The Director will, as far as practicable, establish and maintain mailing lists of individuals, as well as of public and private agencies or groups, to which appropriate public notices or other information regarding prospective examinations may be sent.

Source


§ 95.24. [Reserved].

Source


PUBLIC NOTICE OF EXAMINATIONS

§ 95.31. Maintenance of mailing lists.

The Director will, as far as practicable, establish and maintain mailing lists of individuals, as well as of public and private agencies or groups, to which appropriate public notices or other information regarding prospective examinations may be sent.

Source


§ 95.32. Special assistance in recruitment.

The Director will encourage interested appointing authorities and agencies, public and private, to aid in the recruitment of qualified applicants through appropriate means of communication concerning the examinations. When classes are unique to one appointing authority, the primary responsibility for recruitment may rest with that appointing authority.

Source


§ 95.33. Content and publication of examination announcements.

(a) The Director or a designee will determine the content and method and scope of publication for each examination announcement. The publication may be electronic. Examination announcements 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, Statewide or include both in-State and out-of-State locations.

(b) The content of examination announcements may include the following:
   (1) The general nature of work and pay for the classes for which the examination is being announced.
   (2) Any experience, training or other requirements for the classes for which the examination is being announced.
   (3) Information on whether the examination is being given for appointment or promotion, or both.
   (4) The nature of the examination.
   (5) How to apply.

Source


RATINGS OF COMPETITORS

§ 95.41. Qualifying points on examinations.
   (a) Basis for Director’s determination. The Director, or a designee, will set the qualifying points for part or all of an examination, as the case may be. The determination will 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.
   (b) Notice of qualifying points. When there is a multipart examination, the Director may require applicants to attain a qualifying score or rating on each test or part of test.
   (c) 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 in the entire examination.
   (d) Effect of failing a higher but passing a lower level test. Whenever an applicant is unsuccessful on a higher level examination but has obtained a qualifying score on a lower level examination for which an application had not previously been filed, the applicant may be given a reasonable opportunity to apply for eligibility in the lower level examination.
   (e) Effect of passing a higher but failing a lower level test. Whenever an applicant is unsuccessful on a lower level test but has obtained a qualifying score on a higher level test the applicant may be given the minimum passing score on the lower level test.
§ 95.42. Preservation of examination records.

The Director will insure that the following documents are maintained as official Commission records:

1. The original or a copy of any tests used.
2. The description of any test used.
3. The public notice of the test.
4. The examination instructions.
5. The scoring keys or other scoring standards used.
6. The reports of the examiners.

§ 95.43. Inspection of examination records.

(a) By the applicant. The Director will, upon request of the applicant, authorize the inspection of the applicant's own examination records in the presence of an authorized employee of the Commission. The inspection will not include authorization to copy examination instructions, questions or answers and will be conducted to maintain security of the examination standards.

(b) By law enforcement or other public officials. The Director may authorize review of the application and examination records of an applicant or eligible, upon request and for legitimate official purposes, by law enforcement or other public officials when there are satisfactory reasons for the inspection. Copies of examination materials will not be provided except as provided for by other applicable statutes or regulations.

(c) By private individuals other than the candidate. The Director will authorize the exhibiting of applications and examination records to a private individual only when the individual seeking access to the records can demonstrate a clear necessity for the records in order to pursue a legal right. The Director will take necessary precautions to avoid disclosure of the identities of the persons whose applications and test records are being examined. When it is evident that the release of the information would operate to prejudice or impair a person's reputation or personal security, access to the information shall be denied under section 1(2) of the act of June 21, 1957 (P. L. 390, No. 212) (65 P. S. § 66.1(2)).
§ 95.44. Information regarding unsuccessful candidates.

Except as provided in § 95.43(b) and (c) (relating to inspection of examination records), the examination records of applicants who failed all or part of an examination, or who voluntarily withdrew from the examination, may not be exhibited; nor may information be divulged concerning their participation in the examination.

§ 95.45. Correction of errors in scoring.

The Director, 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 errors and report them to the affected eligible and periodically to the Commission.

§ 95.46. Calculation of final earned ratings.

(a) When test scores are used to rank candidates, 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 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 candidates in a category shall be assigned the same final earned rating.

Source


§ 95.47. 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 shall not be broken. All available eligibles with the same final earned rating shall be certified in accordance with the rule of three. 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 group for consideration those eligibles determined by the examination process to be approximately equally qualified.

Source


§ 95.48. Examination analysis and alternatives.

(a) The Director will initiate analysis of examinations as necessary to insure that examinations do not discriminate on the basis of nonmerit factors.

(b) The Director, after investigation, may invalidate all or part of the examination results and substitute an alternative procedure, if notice of the action and the reasons therefor are presented to all candidates.

Source

The provisions of this § 95.48 adopted March 29, 1985, effective March 30, 1985, 15 Pa.B. 1151.

§ 95.49. Special examinations.

The Director may make special accommodations or adjustments to examinations for applicants with disabilities which might affect their examination performance but not their job performance. Adjustments or accommodations shall be designed to assure that applicants with disabilities receive equal and fair participation and consideration in the examination process.
§ 95.51. Eligible lists.

The names of those persons who have been found qualified for and have successfully passed the examination shall be arranged in order of final earned ratings and including applicable veterans’ credits.

§ 95.52. [Reserved].

§ 95.61. Extension and cancellation of eligible lists.

(a) Length of eligibility. The duration of employment and promotion lists will be fixed by the Director with the approval of the Commission for up to 4 years.

(b) Replacing and integrating lists. A newly established eligible list may replace an earlier list, appropriate for the same class or classes. The Director may integrate an eligible list with an equivalent list established later, based on final earned ratings, and veterans’ preference 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, unless the notice has been included in their original notification of eligibility.
§ 95.62. [Reserved].

Source

§ 95.63. Amendment of an eligible list.
(a) Basis for amendment. The Director, with the approval of the Commission, may amend an eligible list to: correct a clerical error; indicate a change in veterans’ status; add or remove a name; or suspend or alter eligibility for certification or for appointment. The reasons for the amendment shall be entered in, or be evident from records on file.

(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.

Source

RATINGS OF COMPETITORS

§ 95.71. Review of eligibility or examination results.
An applicant who wishes to challenge a finding of ineligibility or an examination score shall contact the Director, in writing, within 30 calendar days of receipt of notice of the result being challenged. The Director will review the applicant’s qualifications or examination results and provide the applicant with an explanation or revised result. An applicant still dissatisfied may appeal this decision under section 905.1 of the act (71 P. S. § 741.905a). An appeal shall be filed within 20 calendar days as provided for in § 105.12 (relating to requests).

Source