CHAPTER 99. EMPLOYEES IN THE CLASSIFIED SERVICE

Subchap. A. TRAINING PROGRAMS ....................................... 99.1
Subchap. B. SERVICE STANDARDS AND RATINGS ..................... 99.11
Subchap. C. REASSIGNMENTS AND TRANSFERS ......................... 99.21
Subchap. D. REDUCTIONS IN PAY OR DEMOTIONS ....................... 99.31
Subchap. E. STATUS OF INCUMBENTS OF RECLASSIFIED POSITIONS ..... 99.41
Subchap. F. COMPENSATION ............................................ 99.51

§ 99.1. [Reserved].

Source

§ 99.2. Trainees.

The Director may initiate examination programs for trainees, recruited competitively. Trainees will be given training in general or specialized areas of governmental operations and shall be promoted, at the successful completion of the training period to a position for which they have been trained and have become qualified.

Source
§ 99.3. [Reserved].

Source

§ 99.4. [Reserved].

Source

§ 99.5. [Reserved].

Source

§ 99.6. [Reserved].

Source

§ 99.7. [Reserved].

Source

Subchapter B. SERVICE STANDARDS AND RATINGS
Notes of Decisions

A PER is each employee’s relative numerical rank rating derived from his regular service rating. 

§ 99.11. Establishment of system.

(a) The Director, in cooperation with the appointing authorities, will establish a job-related system of performance evaluations for each class in the classified service.

(b) Performance evaluations will be based upon job-related factors appropriate for determining the manner in which the employee performs the duties and carries out the responsibilities of the position occupied. To provide a uniform and equitable basis for rating employees, the Director, in cooperation with appointing authorities, may establish work performance guides.

(c) Performance evaluation forms and procedures will be reviewed and approved by the Director prior to utilization.

Source


§ 99.12. [Reserved].

Source


Performance evaluations for probationary status employees shall be completed and provided to the employees prior to the scheduled expiration of the probationary period by the appointing authority. Other performance evaluation reports shall be completed at least once each year, unless a different schedule is approved by the Director, and copies retained in the employee’s official personnel file. Upon request by the Director, performance evaluation reports shall promptly be made available for audit.

Source

Notes of Decisions

The civil service employee was properly furloughed by the Department as according to the county furlough unit set up by the Department of which only two people had the same job title and the furloughed employee’s performance evaluation review which was then “due” was the lower evaluation of the two. *Valence v. Department of Public Welfare*, 641 A.2d 644 (Pa. Cmwlth. 1994).

The Department of Public Welfare failed to complete all necessary performance evaluations as required so that they could be considered in making furlough decisions and, therefore, the decisions were invalidated. The absence of an administrative penalty does not mean that the specific directives of this section can be ignored, unless reasons beyond the appointing authority’s control exist. *Wydra v. Department of Public Welfare*, 620 A.2d 683, 686 (Pa. Cmwlth. 1993); appeal denied 631 A.2d 1011 (Pa. 1993).


Every employee for whom a performance evaluation is submitted will be shown the component parts of the evaluation by the supervisor as soon as practicable after the evaluation is made. The employee will be given an opportunity to review the component parts with the rater and the reviewing officer. Evidence of the review shall be indicated by the employee’s signature on the completed evaluation form. Refusal to sign the form will be reported in writing to the reviewing officer by the rater. Every employee shall have the right to be informed of this part and standards used in determining the evaluation.

Source


Performance evaluations shall be utilized for purposes of determining eligibility for promotion, to assist in establishing priority for promotion, or for determining order of furlough as provided for in the rules covering these subjects.

Source


Subchapter C. REASSIGNMENTS AND TRANSFERS

Sec. 99.21. Reassignments and transfers authorized.
99.22. Initiation of transfer.
99.23. Limitations on transfer.
99.24. Effect of transfer on probationary period.
99.25. Effect of reassignment on promotion rights.

(a) An employee may be:

(1) Reassigned in the same appointing authority from one position to another in the same class or in a similar class for which the employee qualifies.

(2) Transferred from one position to another position in the same class or in a similar class under a different appointing authority.

(b) A similar class means one:

(1) Having the same maximum salary rate in the compensation plan.

(2) Involving essentially the same or lower level duties and responsibilities.

(3) Requiring essentially the same or lower level minimum qualifications.

(4) Calling for essentially the same or lower level knowledges, skills, and abilities.

Source


Notes of Decisions

The reassignment of two Office of Budget employees at the same time of the furlough of two other Office of Budget employees created a “vacancy,” because a “vacancy” existed under the Civil Service Commission regulations when the reassigned employees 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).


§ 99.22. Initiation of transfer.

A transfer shall be initiated by the appointing authority having jurisdiction over the position to which the transfer is sought, and shall be made upon a form the Director authorizes. Transfer requires the written consent of the employee and the present employer.

Source

§ 99.23. Limitations on transfer.
A transfer may be disapproved by the Director in the following circumstances:
(1) When the consent and approvals required by law and this subpart have not been given.
(2) When a Departmental reemployment list is in existence, appropriate for filling the position to which transfer is sought.
(3) When the employee sought to be transferred has a disqualification which would bar that person from qualifying for the position sought.

Source

§ 99.24. Effect of transfer on probationary period.
The probationary period of a transferee shall continue to be served in the position to which transferred, unless the appointing authority having jurisdiction over the position, with the consent of the prospective transferee, requires service of a full probationary period in the position as a condition of the transfer.

Source

§ 99.25. Effect of reassignment on promotion rights.
An employee who has been reassigned will not lose rights to promotion from the position from which reassigned during a period equivalent to the probationary period prescribed for the new position.

Source

§ 99.26. [Reserved].

Source
§ 99.27. Transfer of classified service employees entering the Senior Management Service.

When a classified service employee accepts a Senior Management Service position, under a different appointing authority, the employee shall be transferred to the agency having the Senior Management Service position. The return right of a Senior Management Service employee shall be to a position in the classified service under the same appointing authority in which the Senior Management Service position is located.

Source

Subchapter D. REDUCTIONS IN PAY OR DEMOTIONS

Sec.
99.31. Reductions of pay within the same class.
99.32. Demotions to a different class.
99.33. [Reserved].
99.34. Effect of demotion on status.

§ 99.31. Reductions of pay within the same class.

(a) An appointing authority may reduce the salary of an employee because of unsatisfactory performance of duties, or for disciplinary reasons, to a lower salary rate within the salary range prescribed for that position.

(b) Salary reduction under these circumstances will not be deemed a demotion, and is appealable under section 905.1 of the act (71 P. S. § 741.905a).

Source

§ 99.32. Demotions to a different class.

An appointing authority may demote an employee who requests the demotion or who does not satisfactorily perform the duties of the position to which appointed or promoted, to a position in any class in the classified service in which the employee previously had the status of a regular employee, or to any position for which the employee is qualified.

Source
Notes of Decisions

This section restricts involuntary demotion to unsatisfactory performance by the employee. It cannot be used to excuse an employer’s error with respect to a promotion. *West v. Department of Public Welfare*, 614 A.2d 357 (Pa. Cmwlth. 1993).

In asserting that a demotion was not supported by advance notice or a showing of unsatisfactory job performance within the meaning of 4 Pa. Code § 99.32, a public employee must follow the definition of demotion found at 71 P.S. § 741.3(r) which defines demotion to mean “a change [in status] to a position in a class carrying a lower maximum salary.” *Carr v. Department of Public Welfare*, 456 A.2d 240 (Pa. Cmwlth. 1983).

Cross References

This section cited in 4 Pa. Code § 99.34 (relating to effect of demotion on status).

§ 99.33. [Reserved].

Source


§ 99.34. Effect of demotion on status.

Employees returned under § 97.38 (relating to probation following promotion) or demoted under § 99.32 (relating to demotions to a different class) shall be assigned status as follows:

1. *Regular status employees.* An employee who has achieved regular status shall be assigned regular status in the class to which returned or demoted.

2. *Probationary status employees.* An employee who has never held regular status in a classification shall be assigned probationary status in the class to which returned or demoted and shall be required to successfully complete the probationary period begun at a higher level. An employee who held regular status in a lower level class shall be assigned regular status in the class to which the employee is returned or demoted.

Source


Subchapter E. STATUS OF INCUMBENTS OF RECLASSIFIED POSITIONS

Sec.

99.41. Effect of reclassification.

99.42. [Reserved].

99.43. Effect of reclassification on probationary period.
§ 99.41. Effect of reclassifications.

When an employee's job duties change or the Executive Board changes a class and a reallocation of the position becomes necessary, the employee shall be reclassified to the new class if the employee meets the established requirements. This reclassification, if it is to a lower level, will not be construed as a demotion and the reclassified employee shall be credited with seniority acquired in the higher class.

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).

Cross References

This section cited in 4 Pa. Code § 91.3 (relating to definitions).

§ 99.42. [Reserved].

Source


§ 99.43. Effect of reclassification on probationary period.

Incumbents reclassified laterally or downward shall retain current status.

Source


Subchapter F. COMPENSATION

Sec. 99.51. [Reserved].

99.52. Effect of change in compensation schedules.
§ 99.51. [Reserved].

Source

§ 99.52. Effect of change in compensation schedules.

Revision of the established schedule of compensation for a class, with no significant change in classification standards as determined by the Director, will have no effect upon the status and seniority of employees. Changes in compensation may not be construed as promotions or demotions.

Source