

CHAPTER 601a. GENERAL PROVISIONS; CLASSIFICATION SYSTEM

Subchap.
A. GENERAL PROVISIONS601a.1
B. CLASSIFICATION SYSTEM.....601a.9

Authority

The temporary provisions of this Chapter 601a added under 71 Pa.C.S. §§ 2101—3304, unless otherwise noted.

Source

The temporary provisions of this Chapter 601a added March 11, 2022, effective March 12, 2022, expire 3 years from date of publication, 52 Pa.B. 1454, unless otherwise noted.

Subchapter A. GENERAL PROVISIONS

- Sec.
- 601a.1. Short title.
- 601a.2. Purpose.
- 601a.3. Definitions.
- 601a.4. Veterans’ preference.
- 601a.5. Age preference.
- 601a.6. Reasonable accommodations.
- 601a.7. Service to departments, boards and commissions, agencies and political subdivisions; reimbursement for services.
- 601a.8. Electronic records and signatures.

§ 601a.1. Short title.

This subpart shall be known and cited as the “Rules of Classified Service Employment.”

§ 601a.2. Purpose.

- (a) This subpart is designed to effectuate civil service reform, as required by 71 Pa.C.S. Part III (relating to civil service reform).
- (b) This subpart implements and supplements 71 Pa.C.S. Part III and is to be read together with the applicable provisions of the act.

§ 601a.3. Definitions.

- (a) The words, terms and phrases, when used in this subpart, have the meaning as set forth in 71 Pa.C.S. Part III (relating to civil service reform), unless the context clearly indicates otherwise.
- (b) The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

Act—The act of June 28, 2018 (P.L. 460, No. 71) 71 Pa.C.S. Part III, commonly referred to as “the Civil Service Reform Act.”

Alternate rule—An alternative selection rule elected by an appointing authority for appointments and promotions made through the examination and certification process, which gives the appointing authority the ability to select from all eligibles on an appropriate eligible list or a specific alternate number of eligibles on an appropriate eligible list, greater than three, to fill a position.

Applicant—An individual who applies for an appointment or a promotion to a position in the classified service.

Application—A form, as prescribed by the Office of Administration, used by individuals to express interest in employment in a position or positions in the classified service.

Appointment—The hiring or movement of an individual into a position through entrance examination, reassignment, transfer, demotion or reinstatement. The term does not include the acceptance of an offer of employment, or the movement of an individual into a position through promotion.

Certification—The submission of the names of one or more eligibles by the Office of Administration to an appointing authority to fill one or more positions.

Disability—As defined by the Americans with Disabilities Act of 1990, as amended (42 U.S.C.A. §§ 12101—12213).

Emergency appointment—The temporary and limited appointment of an individual into a position to meet an appointing authority’s needs during an emergency.

Emergency employee—An individual temporarily appointed into a position through an emergency appointment.

Examination—A test, series of tests or assessments used to determine the degree to which individuals are qualified for appointment or promotion to a position or job classification in the classified service.

Intern—An individual appointed or promoted to an intern job classification.

Job classification—A “job,” “job title,” “class” or “class of positions,” as defined by the act.

Job specification—A written description of a job classification, which defines and describes representative duties and responsibilities and sets forth the minimum qualifications of the job classification.

Leave of absence—A temporary and limited separation from the classified service granted by an appointing authority to an employee for purposes such as, but not limited to, extended illness, school attendance, cyclical employment, Olympic participation, military duty or training, or employment in a non-civil service position, including a position within the Senior Management Service. The term does not include paid absences, such as paid annual leave, paid sick leave, or paid compensatory leave, or unpaid absences that do not result in a separation from the classified service.

Mandatory reemployment list—A list of individuals who have been furloughed and who are eligible for a mandatory reemployment preference under § 604a.5(f) (relating to furlough).

Military duty—Active duty, including active duty for training or inactive duty training, in the Uniformed Services on dates ordered or authorized by the Uniformed Service.

Minimum qualifications—The minimum knowledge, skills, abilities, experience, training, education, licenses, certificates, special requirements and other requisites essential to the performance of the work of a job classification, as set forth in the relevant job specification.

Optional reemployment list—A list of individuals who have been furloughed and who are eligible for reemployment under § 604a.5(g).

Preferred reemployment list—A list of individuals who, upon the expiration or end of an approved leave of absence, could not be returned to a position in the same job classification under § 604a.1(e)(1) or (2) (relating to leaves of absence generally).

Probationary employee—An individual serving a probationary period prior to acquiring regular status in a position.

Probationary status—The standing in a position held by a probationary employee.

Provisional employee—An individual who was appointed to a position through an accelerated entrance examination program and who is serving a 6-month working test period prior to the required probationary period.

Reassignment—The movement of an employee, within the same appointing authority, from one position to another position in the same or similar job classification for which the employee qualifies at the same maximum salary.

Reclassification—The change of a classification of a position from one job classification and code to another job classification and code.

Regular status—The standing in a position conferred upon an employee who has successfully completed the corresponding probationary period.

Reinstatement—The reappointment of a former regular employee who resigned or otherwise voluntarily separated from employment in the classified service.

Resignation—The voluntary termination of employment by an employee, which is evidenced by the employee's written or verbal notice.

Rule of three—The default selection rule for appointments and promotions made through the examination and certification process, which requires an appointing authority to choose from among the three highest-ranking available eligibles to fill a vacant position. The rule of three may include more than three eligibles when tied scores exist with the third highest-ranking eligible.

Senior Management Service—Positions in the Commonwealth's unclassified service that have broad policy participation and management responsibility.

Seniority—The amount of time an employee has continuously served in a position in the classified service.

Separation—The voluntary or involuntary termination of employment in the classified service, including temporary and permanent terminations.

Special Advisor for Veterans' Programs—The individual appointed by the Secretary of Administration under 71 Pa.C.S. § 2202(a)(12) (relating to duties of Office of Administration).

Substitute appointment—The temporary appointment of an individual into a position that is vacant due to the granting of leave of absence for military duty to the incumbent of the position.

Substitute employee—An individual temporarily appointed or promoted to a position through a substitute appointment or a substitute promotion.

Substitute promotion—The temporary promotion of an individual into a position that is vacant due to the granting of military leave to the incumbent of the position.

Suspension—The temporary and involuntary separation of an employee from employment in the classified service.

Temporary employee—An individual appointed to a temporary position.

Trainee—An individual appointed or promoted to a training level job classification.

Training period—The period of time a trainee will remain in a training level job classification, during which the trainee receives general or specialized training, or both.

Transfer—The movement of an employee from one appointing authority to a different appointing authority in the same job classification.

Uniformed services—As defined by Title 10, Subtitle A of the United States Code, as amended (10 U.S.C. § 101(a)(5)).

Unskilled position—A position for which the principal job function is manual labor or work requiring limited or no prior education or training.

Vacancy posting—A posted announcement of a vacant, or soon to be vacant, position or group of positions within an appointing authority, which will be filled by examination or an internal recruitment method.

Veteran—An individual who, based on their service in the armed forces of the United States, is eligible to receive an employment preference under 51 Pa.C.S. Chapter 71 (relating to veterans' preference).

(c) Subsections (a) and (b) supercede 1 Pa. Code § 31.3 (relating to definitions).

§ 601a.4. Veterans' preference.

(a) *Application of veterans' preference.*

(1) In determining standing on each certified eligible list, the Office of Administration will credit an additional 10 points to the final examination score obtained by a veteran, in accordance with the act and 51 Pa.C.S. Chapter 71 (relating to veterans' preference).

(2) An appointing authority shall give preference to veterans in accordance with the act and 51 Pa.C.S. Chapter 71.

(b) *Spouses.* The same employment preferences afforded to veterans under subsection (a) shall be afforded to surviving spouses and spouses of disabled veterans in accordance with the act and 51 Pa.C.S. Chapter 71.

(c) *Required documentation.*

(1) *Veterans.* To establish veteran status, an individual shall submit, to the Office of Administration, a copy of their DD 214 (member 4 copy), DD 215, NGB-22, statement of service or other military documentation acceptable to the Office of Administration showing the date of entry into the military, character of service, and, where applicable, completion of the initial contractual military service obligation.

(2) *Surviving spouses.* A surviving spouse shall submit, to the Office of Administration, a copy of the deceased veteran's documents, as set forth in subsection (c)(1), proof of marriage to the deceased veteran, and a certified copy of the deceased veteran's death certificate.

(3) *Spouses of disabled veterans.* A spouse of a disabled veteran shall submit, to the Office of Administration, documentation as required by the Office of Administration, including a copy of the disabled veteran's documents, as set forth in subsection (c)(1), and a United States Department of Veterans Affairs letter verifying that the disabled veteran has a permanent total disability.

(d) *Certifications.* A certified eligible list will indicate an eligible's veteran status, as well as any additional examination points afforded to an eligible in accordance with 51 Pa.C.S. Chapter 71.

(e) *Special Advisor for Veterans' Programs.* The Secretary of Administration will appoint a Special Advisor for Veterans' Programs who shall be a veteran and will serve at the pleasure of the Secretary of Administration.

(f) *Powers and duties of the Special Advisor for Veterans' Programs.*

(1) The Office of Administration will provide the Special Advisor for Veterans' Programs a copy of the results of audits conducted by the Commission under 71 Pa.C.S. § 3304 (relating to audits of application of veterans' preference).

(2) The Special Advisor for Veterans' Programs may recommend investigations, as authorized under 71 Pa.C.S. § 2202(a)(10) (relating to duties of Office of Administration), of appointments or changes in employment in the classified service to ensure compliance with 51 Pa.C.S. Chapter 71.

Cross References

This section cited in 4 Pa. Code § 602a.21 (relating to content of certification).

§ 601a.5. Age preference.

(a) In accordance with the act, this subpart and section 2203-A of the Administrative Code of 1929 (71 P.S. § 581-3(b)), the Department of Aging shall give

preference to eligibles who are 60 years of age or older and within the rule of three or applicable alternate rule.

(b) Notwithstanding eligibles qualifying for veterans' preference under 51 Pa.C.S. Chapter 71 (relating to veterans' preference) and this subpart, the Department of Aging may select an eligible qualifying for age preference in accordance with the act, this subpart and section 2203-A of the Administrative Code of 1929.

(c) Certified eligible lists issued to the Department of Aging will indicate those applicants with age preference status.

Cross References

This section cited in 4 Pa. Code § 602a.21 (relating to content of certification).

§ 601a.6. Reasonable accommodations.

(a) *Equal employment opportunity.* The Commonwealth is an equal opportunity employer. Accordingly, the Office of Administration will ensure that vacancy postings, applications and examinations are accessible to individuals with disabilities, thereby providing an opportunity to fairly compete for and pursue career opportunities.

(b) *Reasonable accommodations.* Reasonable accommodations in the application and examination process will be provided to an individual with a disability upon request to the Office of Administration, in accordance with Federal and State law. Information on submitting requests for accommodations in the application and examination process shall be available on the Office of Administration's web site.

§ 601a.7. Service to departments, boards and commissions, agencies and political subdivisions; reimbursement for services.

(a) *Acquisition of services.* The merit system employment services and facilities of the Office of Administration, and its staff, will be made available to departments, boards, commissions or agencies, and political subdivisions of the Commonwealth, under the following terms and conditions:

(1) A formal request for extension of the merit system employment services of the Office of Administration shall be made in writing and shall be signed by the executive head or chair of the requesting department, board, commission or agency, or the proper official of the political subdivision. If appropriate, the written request shall be accompanied by a resolution or similar document adopted by the board, commission or agency, or by the proper official of the political subdivision.

(2) A request for the extension of services may be granted at the discretion of the Office of Administration.

(3) Granting of the request shall be evidenced by a formal written contract or agreement, consistent with this section, between the department, board, commission, agency, or political subdivision and the Office of Administration.

The written contract or agreement shall include a provision addressing the termination of the contract or agreement.

(b) *Reimbursement for services.* Reimbursement shall be as follows:

(1) An appointing authority shall reimburse the Office of Administration on a semiannual basis, as determined by the Office of Administration, for the actual cost of preparing, administering and rating examinations delivered at test centers.

(2) For all other services and facilities, an appointing authority shall reimburse the Office of Administration for the semiannual cost of services and facilities made available, in the proportion which the cost of the services and facilities bears to the total cost of these services and facilities of the Office of Administration, based on the ratio of the appointing authority's employees in the classified service to those of all the appointing authorities serviced by the Office of Administration.

(3) At the request of the Office of Administration, the number of employees in the classified service in each appointing authority serviced shall be reported to the Office of Administration.

(c) *Compliance with act, regulations and contract.* A personnel action taken by a department, board, commission, agency or political subdivision under contract with the Office of Administration shall conform to the act, this subpart, and the contract executed under subsection (a)(3).

Cross References

This section cited in 4 Pa. Code § 601a.9 (relating to general).

§ 601a.8. Electronic records and signatures.

The Office of Administration or an appointing authority may, in its discretion, utilize and accept, in the form and manner prescribed by the entity, electronic records and electronic signatures, where written documents, forms, signatures or other required submissions are required by this subpart, provided that such records and signatures comply with the Uniform Electronic Transactions Act (73 P.S. §§ 2260.303—2260.312), and other laws governing electronic records and signatures.

Subchapter B. CLASSIFICATION SYSTEM

- Sec.
 601a.9. General.
 601a.10. Trainee job classifications.
 601a.11. Intern job classifications.
 601a.12. Minimum classifications.
 601a.13. Unclassified service.

§ 601a.9. General.

In accordance with 71 Pa.C.S. § 2504 (relating to classification and compensation), the Office of Administration will utilize the Commonwealth's classification system, as established by the Board, for those positions within the classified service unless otherwise set forth in a written contract or agreement under § 601a.7(a)(3) (relating to service to departments, boards and commissions, agencies and political subdivisions; reimbursement for services).

§ 601a.10. Trainee job classifications.

Subject to the approval of the Board, the Office of Administration, in cooperation with the appointing authorities, may designate specific jobs classifications for training purposes, provided the trainee classification corresponds to a working level job classification.

§ 601a.11. Intern job classifications.

Subject to the approval of the Board, the Office of Administration, in cooperation with the appointing authorities, may designate specific job classifications for internship purposes, provided the intern classification corresponds to one or more trainee job classification or working level job classification.

§ 601a.12. Minimum qualifications.

(a) *Applicants.* To ensure that all employees in the classified service are qualified for their respective positions, applicants must meet the minimum qualifications for employment in the job classification for which the applicant applied.

(b) *Employees.* Employees in the classified service must meet the minimum qualifications for employment in the job classification in which the employee is employed. When the Office of Administration determines that an employee does not meet the minimum qualifications of the job classification in which the employee is employed, the Office of Administration shall take appropriate action to ensure conformance with the act.

Cross References

This section cited in 4 Pa. Code § 602a.6 (relating to evaluation of applications).

§ 601a.13. Unclassified service.

(a) *Requests for inclusion in the unclassified service.* If an appointing authority believes that a position or group of positions should be included in the unclassified service, as defined by 71 Pa.C.S. § 2103 (relating to definitions), the appointing authority shall submit to the Office of Administration a written request to include the position or group of positions in the unclassified service. The written request must include the basis for the request and all supporting documentation.

(b) *Requests based on participation in policy decisions.* When reviewing a request submitted under subsection (a), which is based on the position's participation in policy decisions, the Office of Administration may consider the following:

- (1) The level of participation in policy decisions required of the position, including the level of independence and discretion exercised by the position in the formulation or implementation of agency policy.
- (2) The degree of decision making exercised by the position.
- (3) The position's organizational placement and pay assignment.

(c) *Requests based on limited term special study, project or internship.* When reviewing a request submitted under subsection (a), which is based on the position being used for a special study, project or internship that is scheduled to be completed after a fixed or limited period of time, the Office of Administration may consider the following:

- (1) The type and nature of work performed by the position.
- (2) The expected duration of the special study, project or internship.
- (3) The reason the duties of the position should not be performed by a position in the classified service.
- (4) Whether the position offers general work experience for a student enrolled in an educational program.
- (5) Whether the position is an entry level employment opportunity for a student enrolled in an educational program.

[Next page is 602-1.]

601a-10

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