

CHAPTER 605a. ENFORCEMENT OF ACT; PROHIBITIONS AND PENALTIES

Subchap.

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Authority

The temporary provisions of this Chapter 605a added under 71 Pa.C.S. §§ 2101—3304, unless otherwise noted.

Source

The temporary provisions of this Chapter 605a added March 11, 2022, effective March 12, 2022, expire 3 years from date of publication, 52 Pa.B. 1454, unless otherwise noted.

Subchapter A. OFFICE OF ADMINISTRATION REVIEW OF LEGALITY OF EMPLOYMENT ACTIONS

Sec.

- 605a.1. Reporting.
- 605a.2. Review of personnel actions.

§ 605a.1. Reporting.

Each appointing authority shall promptly report to the Office of Administration an appointment, promotion, or change in position or job classification of an employee in the classified service in its employ; or any other additional information related to an employee in the classified service in its employ requested by the Office of Administration.

§ 605a.2. Review of personnel actions.

Whenever the Office of Administration determines that a personnel action is not in accordance with the act and this subpart, the Office of Administration will notify the appointing authority in writing, including the reasons for the determination and the required corrective action.

Subchapter B. PROHIBITION ON POLITICAL ACTIVITY

Sec.
605a.3. Scope of prohibition.

§ 605a.3. Scope of prohibition.

(a) The provisions of 71 Pa.C.S. § 2705 (relating to political activity) shall not apply to employees who are on furlough, who are on a leave of absence, or who are on a leave covered under the State Employees' Retirement Code in 71 Pa.C.S. § 5302(b) (relating to credited State service).

(1) An employee who is elected to and assumes public office while on a leave of absence or a leave covered under the State Employees' Retirement Code in 71 Pa.C.S. § 5302(b) shall, upon returning to employment in the classified service, resign from the elective public office and otherwise comply with the provisions of 71 Pa.C.S. § 2705.

(2) An employee who is elected to and assumes public office while on furlough may serve out the remaining portion of the present term of office, provided the duties of the elective public office do not present a conflict of interest with the duties of the employee's position in the classified service, and the employee does not otherwise engage in activity prohibited by 71 Pa.C.S. § 2705. The employee may not seek and accept appointment, nomination, and election for a new term in office.

(b) An employee who is elected to and assumes public office prior to appointment to a position in the classified service may serve out the remaining portion of the present term of office, provided the duties of the elective public office do not present a conflict of interest with the duties of the employee's position in the classified service, and the employee does not otherwise engage in activity prohibited by 71 Pa.C.S. § 2705. The employee may not seek and accept appointment, nomination or election for a new term in office.

Cross References

This section cited in 4 Pa. Code § 605a.4 (relating to procedure).

Subchapter C. INVESTIGATIONS; NOTICE OF VIOLATIONS AND PENALTIES

Sec.
605a.4. Procedure.

§ 605a.4. Procedure.

(a) *Investigations.* The Office of Administration will investigate allegations of violations of the act or this subpart by an employee.

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(b) *Request for Investigation.* An individual suspecting that an individual has violated the act or this subpart may file a written request for investigation with the Office of Administration, which shall contain sufficient details of the alleged violation so as to enable proper investigation by the Office of Administration.

(c) *Hearing.* When appropriate, the Office of Administration may convene a hearing under 71 Pa.C.S. § 2202(a)(10) (relating to duties of Office of Administration) to determine whether an employee violated the act or this subpart and the appropriate penalty or remedy. The hearings shall be conducted in accordance with Chapter 607a (relating to practice and proceedings before the Office of Administration) of this subpart.

(d) *Notice.* Whenever the Office of Administration determines that an employee has violated the act or this subpart, the Office of Administration will give written notice to the appropriate appointing authority of the determination, including appropriate corrective actions. Notice that an employee intentionally falsified information, failed to disclose a material fact or otherwise concealed information to obtain appointment or promotion shall also include a reference to 71 Pa.C.S. § 2702(b) (relating to false statements made under oath and concealing information).

(e) *Penalties.* Unless otherwise required by the act or this subpart, penalties for violation of the act or this subpart shall be within the discretion of the Office of Administration.

(1) *Intentional violation.* Except as provided in paragraphs (2) and (3), an employee who intentionally violates the act or this subpart shall be immediately removed from employment in the classified service.

(2) *Political activity.* An employee who violates 71 Pa.C.S. § 2705 (relating to political activity) or § 605a.3 (relating to scope of prohibition) shall be removed from employment in the classified service, provided the Office of Administration may impose a penalty of suspension without pay for not more than 120 working days if the Office of Administration finds that the violation does not warrant removal.

(3) *Concealment.* An employee who intentionally falsified information, failed to disclose a material fact, or otherwise concealed information to obtain appointment or promotion shall be removed from all eligible lists for a period of time to be determined by the Office of Administration and, if appointed or promoted, be summarily removed.

(f) *Removal.* When the Office of Administration orders the removal of an employee due to the employee's violation of the act or this subpart, the appointing authority shall remove the employee immediately.

(g) *Ineligibility after removal.* When an employee has been found to have violated the act or this subpart and as a result has been removed from employment in the classified service, the employee shall be ineligible for reappointment to any position in the classified service for a period of time determined by the

Office of Administration. In setting the period of ineligibility, the Office of Administration may, in its discretion, determine that permanent ineligibility is appropriate.

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