

CHAPTER 13. PERSONNEL ADMINISTRATION IN COUNTY HEALTH DEPARTMENTS

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Authority

The provisions of this Chapter 13 issued under The Local Health Administration Law (16 P. S. §§ 12001—12028), unless otherwise noted.

Source

The provisions of this Chapter 13 adopted October 30, 1959, unless otherwise noted.

GENERAL PROVISIONS

§ 13.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Local Health Administration Law (16 P. S. §§ 12001—12028).

Department—The Department of Health of the Commonwealth.

§ 13.2. Applicability.

The provisions of this chapter applies to all persons who are employed by county health departments which are created and established in accordance with the provisions of the act.

§ 13.3. Authority of Department.

The Department will prescribe standards for the recruitment, selection, tenure, removal and working conditions of all personnel employed by county departments of health, except that the Department shall have no authority to do any of the following:

- (1) Direct or require the selection of any individual.
- (2) Order the manner or amount of compensation of any employe.
- (3) Direct or require the removal of any individual employed in accordance with the standards set forth in this chapter.

§ 13.4. Authority of county health director.

In accordance with section 12(b) of the act (16 P. S. § 12012(b)), the county health director shall exercise the power conferred upon the county department of health to employ personnel.

§ 13.5. Discrimination.

The county health director shall not discriminate against or in favor of any applicant or employe because of race, sex, National origin or religious or political opinions or affiliations.

Source

The provisions of this § 13.5 amended April 14, 1978, 8 Pa.B. 1103. Immediately preceding text appears at serial page (3392).

**HEALTH OFFICERS FOR THIRD CLASS COUNTIES OPERATING
HEALTH DEPARTMENTS**

§ 13.11. Applicants.

Applicants for the position of health officer for counties of the third class which operate county departments of health under the provisions of the County Code (16 P. S. §§ 101—2902), shall be physicians licensed to practice medicine or osteopathy, or eligible for such licensure, in this Commonwealth, and shall have four years of professional training or medical experience in the field of public health or a recognized area of public health specialization.

Source

The provisions of this § 13.11 adopted February 28, 1969.

EMPLOYEE SELECTION CRITERIA

§ 13.21. Excluded criteria.

No information or recommendation regarding any employe or prospective employe which involves a disclosure of his race or of his political or religious

opinions or affiliations, or any political sponsorship, shall be requested or considered in the making of appointments, promotions, or other personnel actions, except where necessary to determine whether a person advocates the overthrow or destruction by force of the government of the United States or of this Commonwealth.

§ 13.22. Veteran's preference.

The county health director shall give preference to applicants who are veterans in accordance with 51 Pa.C.S. §§ 7101—7109 (relating to Veteran's Preference Act).

§ 13.23. Other preference.

In accordance with section 12(b) of the act (16 P. S. § 12012(b)), in selecting employes of a county department of health, the county health director shall give preference to professional and technical personnel employed by municipal departments or boards of health at the time such departments or boards were dissolved in accordance with section 15 of the act (16 P. S. § 12015), and to professional and technical personnel employed by the Department whose positions in the county or counties served by the county department of health may have been terminated as a result of the establishment of the county department of health, if such personnel meet the qualifications prescribed by the Department.

POSITION-CLASSIFICATION PLANS

§ 13.31. General requirements.

(a) Position-classification plans for county departments of health shall be established after they have been approved by the Advisory Health Board of the Commonwealth.

(b) All subsequent changes to such plans shall be approved by the Advisory Health Board.

(c) These plans shall describe the duties and responsibilities, set forth the necessary minimum qualifications and designate an appropriate title for each class of positions existing in the county department of health.

Cross References

This section cited in 28 Pa. Code § 13.32 (relating to selection of county health director); and 28 Pa. Code § 13.35 (relating to failure to comply).

§ 13.32. Selection of county health director.

A county health director shall not be appointed by the county board of health until the Department first certifies that the proposed applicant possesses the required minimum qualifications set forth in the position-classification plan as described in § 13.31 (relating to general requirements).

Cross References

This section cited in 28 Pa. Code § 13.35 (relating to failure to comply).

§ 13.33. Selection of employes.

All employes selected by the county department of health shall be employed in accordance with these provisions and the position-classification plan for the county department of health.

Cross References

This section cited in 28 Pa. Code § 13.35 (relating to failure to comply).

§ 13.34. Notification to Department of selection.

Each county health director shall, within ten days after selection and appointment of an individual to a position in the county department of health, report in writing to the Department the name of such employe, his qualifications and the title of the position to which he was appointed.

Cross References

This section cited in 28 Pa. Code § 13.35 (relating to failure to comply).

§ 13.35. Failure to comply.

Failure to comply with §§ 13.31—13.34 (relating to position-classification plans), shall result in the Department acting in accordance with the provision of section 26 of the act (16 P. S. § 12026).

TENURE OF EMPLOYMENT**§ 13.41. County health director.**

The county health director shall serve at the pleasure of the county board of health.

§ 13.42. Other employes.

The tenure of office of every employe of a county department of health shall be during good behavior and the satisfactory performance of his duties except whenever it is necessary that an employe be separated without prejudice because of curtailment of work or lack of funds for the operations of the county department of health.

§ 13.43. Conflicting employment.

No employe of a county department of health shall hold any conflicting employment while in the employ of a county department of health. Violation of this provision shall be cause for removal.

§ 13.44. Probationary period.

(a) Any employe appointed to a position in a county department of health shall serve a probationary period of 6 month duration.

(b) The probationary period shall be utilized for the most effective adjustment of new employes and for the elimination of any probationary employe whose performance does not meet the required standard of work.

§ 13.45. Removal during probation.

At any time during the probationary period, an employe may be removed from the employment of a county department of health. The removal of any employe shall be subject to the provisions of § 13.53(a) (relating to removal of employe).

§ 13.46. Completion of probation.

Every employe shall be notified in writing when he successfully completes his probationary period. Thereafter, such employe shall be designated as a permanent employe and may be removed only in accordance with the provisions of § 13.53 (relating to removal of employe).

§ 13.47. Waiver of probation.

Any employe of the Department who has achieved permanent status under the merit system of the Department and who is selected as an employe of a county department of health in accordance with section 12(b) of the act (16 P. S. § 12012(b)) may be appointed as a permanent employe of the county department of health without the necessity of completing a probationary period, if the position in the county department to which that employe is appointed is similar with respect to duties, responsibilities and minimum qualifications to the position under the Department in which that employe achieved permanent status and if the employe possesses the minimum qualifications established for the position.

§ 13.48. Promotions, demotions and transfers.

(a) An employe of a county department of health may be promoted, demoted or transferred to another position if the employe possesses the minimum qualifications for the position to which he is promoted, demoted or transferred.

(b) The county director of health shall notify the Department in writing of the name of the employe so promoted, demoted or transferred, his qualifications and the title of the position to which he is promoted, demoted or transferred.

§ 13.49. Separations.

(a) A permanent employe of a county department of health shall not be separated because of curtailment of work, or lack of funds for the operation of the county department while there are probationary employes serving in the same class of positions in that county department.

(b) The separation of permanent employees because of curtailment of work or lack of funds shall be based upon systematic consideration of efficiency and length of service as determined by the county health director.

§ 13.50. Resignation of employe.

The county health director shall notify the Department in writing upon the resignation of any employe of a county department of health.

§ 13.51. Retirement fund.

(a) All employes of county health departments established in accordance with the act may elect to become members of the State Employees' Retirement Fund.

(b) The county department of health in which such persons are employed shall assume the contribution of the employer to the State Employees' Retirement Fund, in the event such an employe elects to become a member.

§ 13.52. Suspension of employe.

The county health director may, after written notice, suspend any employe without pay for misconduct or minor infraction of the causes for removal provided in § 13.53 (relating to removal of employe) for a period not to exceed an aggregate of more than 30 days in any 1 calendar year. A copy of the notice to the employe shall be forwarded to the Department.

§ 13.53. Removal of employe.

(a) *Cause.* A county department of health, 15 days after notice in writing to an employe stating the specific reason for removal, may remove any employe for dishonesty, incompetence, inefficiency, insubordination, immorality, violation of the rules and regulations of the county department of health, physical or mental disability, addiction to the use of narcotics or the habitual use of intoxicating liquors to excess, advocating the overthrow or destruction by force of the government of the United States or of the Commonwealth, or for any other proper cause. In no case, however, shall an employe be removed for refusing to participate in any political activity or for refusing to make any contribution for political purposes.

(b) *Investigation.* The Department will not exercise any authority with respect to directing or requiring the removal of any individual employed by a county department of health in accordance with this chapter, but it shall be provided with a copy of the notice in writing to any employe who is being removed from his position and shall have the right to cause such investigations as it may deem proper to be made to determine whether the removal of the employe was for good cause.

Cross References

This section cited in 28 Pa. Code § 13.45 (relating to removal during probation); 28 Pa. Code § 13.46 (relating to completion of probation); and 28 Pa. Code § 13.52 (relating to suspension of employe).

APPEALS TO COUNTY BOARD**§ 13.61. Right to appeal.**

Any permanent employe of a county department of health, except the county health director, who is demoted, transferred or removed, or separated because of curtailment of work or lack of funds shall, within 30 days after the date of such action, have the right of appeal in writing to the county board of health for a public hearing which shall be conducted in a manner prescribed by the board of health.

§ 13.62. Hearing.

The hearing shall be held within 30 days after receipt of the appeal of the employe and such employe shall be notified of the date and place of the hearing in writing.

§ 13.63. Presence of counsel.

The employe shall have the right to appear at such hearing with counsel.

§ 13.64. Notification of decision.

The county board of health shall notify the employe and the county health director, in writing of its decision within 30 days after the date of the hearing.

§ 13.65. Further appeals.

Any employe aggrieved by any determination of the board of health shall have the right of appeal to the Court of Common Pleas of the county in which the county department of health exists or exercises jurisdiction.

PROHIBITED POLITICAL ACTIVITY**§ 13.71. Conventions.**

No employe of a county department of health shall be a member of or delegate or alternate to any political convention, nor shall he participate at any such convention, except in the performance of his official duty or as a visitor.

§ 13.72. Clubs and organizations.

No employe of a county department of health shall seek or accept election, nomination or appointment as an officer of a political club or organization, or serve as a member of a committee of any such club or organization.

§ 13.73. Parties and campaigns.

No employe of a county department of health shall serve as a member of any committee of any political party, take an active part in political management or in political campaigns, or circulate or seek signatures to any nominations or other petition required by any primary or election law.

§ 13.74. Polling place.

(a) No employe of a county department of health shall in any manner participate in or interfere with the conduct of any election or the preparation therefor at the polling place or with the election officers while counting the votes or returning the election material to the place provided by law for that purpose, except solely for the purpose of making and depositing his own ballot as speedily as it reasonably can be done.

(b) No employe of a county department of health shall be in, or within 50 feet of a polling place, except for the purpose of carrying out official duties and of ordinary travel or residence during the period of time beginning with one hour preceding the opening of the polls for holding such election and ending with the time when the election officers shall have finished counting the votes and shall have left the polling places to deposit the election material in the place provided by law for that purpose.

§ 13.75. Influence.

(a) No employe of a county department of health shall use his office or position to influence political movements or to influence the political action of any officer or employe in the service of the Commonwealth.

(b) No employe of a county department of health shall use his official authority or influence for affecting the results of an election.

§ 13.76. Assessment of employes.

(a) No person shall in any manner orally or by written or printed communication demand, solicit, collect or receive any money or valuable thing, whether voluntary or involuntary, from any employe of a county department of health for any political purpose.

(b) No person shall knowingly send or present, directly or indirectly, in person or by letter, any political assessment, subscription or contribution to, or request its payment by, any employe of a county department of health.

(c) No person shall take part in preparing any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected from any employe of a county department of health.

§ 13.77. Assessment by employes.

(a) No employe of a county department of health shall in any manner orally or by written or printed communication demand, solicit, collect or receive any money or valuable thing for any political purpose.

(b) No employe of a county department of health shall remove, suspend, furlough, demote or promote in any manner change the official status or compensation of any other employe of a county department of health or promise or threaten to do so for withholding or neglecting to make any contribution of money or service or other valuable thing for any political purpose.

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