

which is not inconsistent with the necessary support or protection of the highway; all viewers shall hereafter be required to take into consideration the qualified nature of the easement in proceedings to assess damages for the taking of land for highway purposes: And provided further, That when the public road, desired to be opened, is in a built up section of any township of the second class, of the type commonly known as an alley, and is not an integral part of a through route, the minimum width shall be fifteen feet: And provided further, That where the breadth of a public road shall hereafter be fixed at more than one hundred and twenty feet and the right of way \*for such public highway has been acquired solely by the Federal government and it shall become necessary to move or relocate any public service facilities, the cost and expenses incident to such removal or relocation shall be paid by the Federal government.

Further proviso.

Further proviso.

Act effective immediately.

Section 2. This act shall become effective immediately upon final enactment.

APPROVED—The 29th day of September, A. D. 1951.

JOHN S. FINE

No. 428

### AN ACT

To add sections 602.1 and 705.1, to further amend section 802, to add sections 804.1 and 901.1, to the act, approved the fifth day of August, one thousand nine hundred forty-one (Pamphlet Laws 752), entitled "An act regulating and improving the civil service of certain departments and agencies of the Commonwealth; vesting in the State Civil Service Commission and a Personnel Director certain powers and duties; providing for classification of positions, adoption of compensation schedules and certification of payrolls; imposing duties upon certain officers and employes of the Commonwealth; authorizing service to other State departments or agencies and political subdivisions of the Commonwealth in matters relating to civil service; defining certain crimes and misdemeanors; imposing penalties; making certain appropriations, and repealing certain acts and parts thereof," by providing that substitutes may hold positions only until employes on military leave return; relating to rights of transferred, reassigned or promoted employes during probationary periods; and providing for employe audits from time to time.

"Civil Service Act."

Sections 602.1 and 705.1 added to act of August 5, 1941, P. L. 752.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 602.1 and 705.1 are hereby added to the act, approved the fifth day of August, one thousand nine hundred forty-one (Pamphlet Laws 752), entitled "An act regulating and improving the civil

\* "of" in original.

service of certain departments and agencies of the Commonwealth; vesting in the State Civil Service Commission and a Personnel Director certain powers and duties; providing for classification of positions, adoption of compensation schedules and certification of payrolls; imposing duties upon certain officers and employes of the Commonwealth; authorizing service to other State departments or agencies and political subdivisions of the Commonwealth in matters relating to civil service; defining certain crimes and misdemeanors; imposing penalties; making certain appropriations, and repealing certain acts and parts thereof," to read as follows:

*Section 602.1. Substitutes During Military Leave.—Whenever an employe in the classified service is granted military leave, the position so vacated shall be filled only by substitute appointment or promotion, and the employe so appointed or promoted shall vacate the position upon return of the employe from military leave. Any such substitute employe, when required to vacate such position upon the return of the regular employe, shall have the right to return to his previous civil service position and status.*

*Such substitute appointments or promotions shall be made from lists certified by the State Civil Service Commission in keeping with the provisions of this act.*

*Section 705.1. Further Rights of Transferred Employes.—Any classified employe transferred, reassigned or promoted from one position to any other position in the same or another classification, and remaining in the position through a period of time equivalent to the accepted probationary period for that position, shall be deemed to have vacated the position from which he was transferred, reassigned or promoted and to have acquired status in the position to which he was transferred, reassigned or promoted: Provided, That during such period of time he shall retain reemployment rights in the former position.*

*A position so vacated shall be filled by appointment or promotion from eligible lists certified by the commission.*

Section 2. Section 802 of said act, as last amended by the act, approved the twenty-first day of June, one thousand nine hundred forty-seven (Pamphlet Laws 835), is hereby further amended to read as follows:

Section 802. Furlough.—In case a reduction in force is necessary in the classified service, no employe shall be furloughed while any probationary or provisional employe is employed in the same classification, and no probationary employe shall be furloughed while a provisional employe is employed in the same classification. An employe shall be furloughed only if at the time

Section 802, said act, as last amended by act of June 21, 1947, P. L. 835, further amended.

he is furloughed he is within the lowest quarter among all employes of the employer in the same classification on the basis of their last regular service ratings, and within this quarter he shall be furloughed in the order of seniority: Provided, That the appointing authority may limit the application of this provision in any particular instance to employes in the same classification with headquarters at a particular municipality, county or administrative district of the Commonwealth.

A furloughed employe shall have the right of return to any classification and civil service status which he previously held, provided such classification is contained in the current classification plan of the agency; or to any classification and civil service status in the same or lower grade, provided that he meets the minimum qualifications given in the classification plan of the agency [; provided that in both instances there is a vacancy with the same appointing authority]. The appointing authority shall promptly report to the director the names of employes furloughed, together with the date the furlough of each is effective and the character of his services. Under the rules a permanent employe furloughed shall for a period of one year be given preference for reemployment in the same class of position in the department from which he was furloughed and shall be eligible for appointment to a position of a similar class in other agencies under this act, provided that in case of a promotion of another employe such preference shall not be effective if it necessitates furloughing such other employe.

Sections 804.1  
and 901.1 added  
to said act.

Section 3. Sections 804.1 and 901.1 are hereby added to said act, to read as follows:

*Section 804.1. Rights of Promoted Employe During Probationary Period.—If the probationary period has resulted from a promotion, such removal shall not be from the classified service. A classified employe so removed during a probationary period, resulting from promotion, shall have the right to and shall be returned to the position or classification held immediately prior to such promotion without necessity of appeal or hearing.*

*Section 901.1. Commission to Make Periodic Audits of Employes.—The commission is hereby authorized to and is held responsible for conducting audits of changes in employment and promotions of employes in the various departments, bureaus and agencies under its jurisdiction, to assure strict compliance with this act and the commission rules and regulations.*

APPROVED—The 29th day of September, A. D. 1951.

JOHN S. FINE