

No. 1978-208

AN ACT

HB 1076

Amending the act of August 5, 1941 (P.L.752, No.286), 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," further providing for provisional appointments.

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

Section 1. Section 604, act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act," amended June 4, 1976 (P.L.154, No.75), is amended to read:

Section 604. Provisional Appointments.—**[Whenever there is great and urgent public need for filling a vacancy in any position in the classified service and the director is unable to certify an eligible for the vacancy, he may authorize the filling of the vacancy by provisional appointment. If he does authorize such appointment he shall certify not more than three qualified persons with or without examination and the appointing authority shall appoint one of the persons so certified. A provisional appointment shall continue only until an appropriate eligible list can be established and certification made therefrom, but in no event for more than six months in any twelve-month period. Successive provisional appointments of the same or different persons shall not be made to the same position. Any State employe who, on the effective date of this act, had been in provisional status since April 1, 1975 shall assume the status of a probationary employe for a period of six months. After successful completion of this probationary period, such State employe shall be granted regular status: Provided, That no provisional status held by any person on April 1, 1976 shall expire before September 15, 1976. The acceptance of a provisional appointment shall not confer upon the appointee any rights of permanent tenure, transfer, promotion or reinstatement.]** *(a) Whenever there is a great and urgent public need for filling a vacancy in any position in the classified service, and when the director is unable to certify an eligible for the vacancy from an eligible list, or arrange for a reassignment, transfer, promotion or other means of filling the vacancy with a qualified employe, and when there is no regular examination immediately available, the director may authorize an accelerated examination program for the position to be filled.*

(b) The accelerated examination program will include such elements as abbreviated, localized advertising for the position, so as to insure open competition; rapid processing and evaluation of the qualifications of applicants, ranking them as well qualified, qualified and not qualified; and certification of those determined to be well qualified and qualified to the position.

(c) The appointing authority shall appoint from among those determined to be well qualified. If insufficient well qualified applicants are available, the appointment shall be made from among the qualified group.

(d) The appointee shall serve a six-month working test period upon successful completion of which he shall be granted probationary status. Failure to successfully complete the working test period shall result in termination.

(e) Successive provisional appointments of the same person shall not be made to the same position or classification.

(f) The acceptance of a provisional appointment shall not confer upon the appointee any rights of promotion, reinstatement or reassignment to another classification while in provisional status.

(g) Within six months of the effective date of this act, the commission shall conduct examinations and establish eligible lists as defined in Articles V and VI, or in subsections (a) through (d) to cover all provisional employes as of the effective date of this act. If the commission fails to conduct examinations as indicated, the provisionals shall be granted probationary status at the end of six months after the effective date of this act.

(h) Any State employe who, on the effective date of this act, has been in a provisional status for a twelve-month period, shall assume the status of a probationary employe for a period of six months.

Section 2. This act shall take effect immediately.

APPROVED—The 4th day of October, A. D. 1978.

MILTON J. SHAPP