

No. 1989-10

AN ACT

HB 162

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," reestablishing the State Civil Service Commission; further providing for the civil service system; further providing for political activity; making editorial changes; and making a repeal.

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

Section 1. Section 3(c) of the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, amended August 27, 1963 (P.L.1257, No.520) and March 4, 1970 (P.L.115, No.44), is amended to read:

Section 3. Definition of Terms.—In this act, unless the context otherwise clearly requires,—

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(c) "Unclassified service" includes all positions now existing or hereafter created in departments and agencies included in clause (d) of this section, which are held by:

(1) Heads of departments of the Commonwealth and the deputy heads thereof ~~[and bureau]~~, *bureau directors* and division chiefs and all other supervisory personnel whose duties include participation in policy decisions.

(2) Members of boards and commissions.

(3) One secretary or one confidential clerk and not more than five (5) other personal assistants or aides to each state appointing authority, or each member thereof, as the case may be, except the commission and the director.

(4) Any person appointed for the duration of a special study, project, or internship which is scheduled to be completed after a fixed or limited period of time and which, for reasons set forth in the minutes of the commission, should not be performed by persons in the classified service.

(5) Such attorney as the appointing authority shall appoint. ~~[and the Attorney General shall approve.]~~

(6) Unskilled Labor.

(7) *All professional positions attached to the department head's office which function as press and/or public relations and legislative liaisons.*

Notwithstanding any other provisions of this clause, any State program which is required to have its positions under a merit system because of the receipt of Federal grants-in-aid shall not have more positions in the unclassi-

fied service than are allowed by Federal merit system standards.

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Section 2. Section 201 of the act is amended to read:

Section 201. **[Qualifications and Removal of Commissioners.—]** *State Civil Service Commission.—(a) The State Civil Service Commission shall consist of three members, not more than two of whom shall be of the same political affiliation, appointed by the Governor, with the advice and consent of a majority of the members elected to the Senate. Each appointment shall be for a term of six years or until a successor is appointed and qualified, but not longer than six months beyond the six-year term. The members of the commission shall hold no other public position to which a salary is attached. The Governor shall designate one of the members as chairman. No commission member shall hold any office or position, the duties of which are incompatible with his official duties.*

(b) Each member of the commission shall receive actual traveling expenses and per diem compensation to a maximum of two hundred sixty days for the time actually devoted to the business of the commission.

(c) Any person appointed as a member of the commission shall be a citizen and legal resident of the Commonwealth for a period of not less than one year who is in sympathy with modern personnel methods and the application of merit principles to public employment. No person who, within one year preceding his appointment, has been an officer of a political party shall be eligible to serve as a commissioner. The Governor may remove any member of the commission, but only for incompetence, inefficiency, neglect of duty, malfeasance or misfeasance in office by giving such member a statement in writing of the charges against him and affording him, after notice of not less than ten days, an opportunity of making written answer and, upon request, being publicly heard in person and by counsel. A copy of the charges and answer of the Governor's findings and a transcript of the record shall be filed with the secretary of the commission.

Section 3. The act is amended by adding a section to read:

Section 204.1. Commission Staff.—In accordance with the act of October 15, 1980 (P.L.950, No.164), known as the "Commonwealth Attorneys Act," the commission shall appoint and direct such attorneys as needed in its performance of the duties required under this act.

Section 4. Section 205 of the act, amended August 27, 1963 (P.L.1257, No.520), is amended to read:

Section 205. Qualifications, Appointment and Compensation of Director.—

[(a)] The director shall be a person who shows he is familiar with the principles and methods of personnel administration and one who is in sympathy with the application of merit principles and scientific methods to public employment. He shall be appointed by the commission **[from an employment list established under this act, his]** and serve at the pleasure of the commissioners. His salary shall be fixed by the commission with the approval of the Governor, and he shall hold no other paid public position.

Section 5. Section 206 of the act, amended June 1, 1945 (P.L.1366, No.435), June 21, 1947 (P.L.835, No.348) and August 27, 1963 (P.L.1257, No.520), is amended to read:

Section 206. Powers and Duties of Director.—**[The] *Under the direction and supervision of the commission, the* director, except as otherwise provided in this act, shall direct and supervise [all] the administrative work of the commission. [He] *The director* shall have power and [it shall be his duty under the direction and supervision of the commission] *the duty*—**

(1) To appoint from employment lists established under this act such examiners, investigators, clerks and other assistants as may be necessary to carry out this act and to supervise and direct this work.

(2) To attend the meetings of the commission.

(3) To prepare and recommend to the commission rules and amendments thereto.

(4) To establish and maintain a record of all employes in the classified service, showing for each such person the date appointed or employed, the title of the position held, the rate of compensation and every change in his status, including increases and decreases in pay, changes in title transfers, and such other data as he may consider desirable and pertinent. The director shall, within sixty calendar days after the effective date of this amending act, transfer all position classification records to the budget secretary.

(5) To administer and make effective the provisions of this act and of the rules made thereunder, including those relating to the preparation and conduct of examinations, the preparation of eligible lists, the certification of persons qualified for employment, the transfer, promotion, suspension, demotion, removal, furlough, leave of absence and resignation of employes, the rating of employes' services, the requiring of health examinations at the discretion of appointing authorities as a condition of initial or continued employment, the checking and certification of pay-rolls before payment.

(6) To investigate the effect of the administration of this act and of the rules made thereunder and to report his findings and recommendations to the commission.

[(7) To appoint, with the approval of the commission, one employe to be his deputy. The person selected as deputy may be one of the three remaining highest ranking persons on the eligible list for the position of director, or one of the three highest ranking persons on an eligible list established by an examination for the position of deputy director, which examination and ratings shall be in a like manner and under the same conditions as provided in this act for other classes of positions. The salary of the deputy shall be established by the commission, with the approval of the Governor. In case of the absence of the director or his inability from any cause to discharge the powers and duties of his office, such powers and duties shall devolve upon his deputy.]

(8) To make [a biennial] *an annual* report in writing, not later than September first of each [even-numbered] year, to the commission concerning the administrative work of the commission, including pertinent information and recommendations.

(9) To do any act or acts required by this act, or directed by the commission, or the rules made thereunder.

(10) *To request assistance, from among the attorneys appointed under section 204.1, such legal counsel as may be necessary in the performance of his administrative duties.*

Section 6. Section 210 of the act is amended to read:

Section 210. Records Open to the Public.—The minutes of the commission shall be preserved as permanent records. The correspondence, eligible lists and other papers and records of the commission shall be preserved for **[seven]** *four* years. *Applications, examination records and other documents submitted by candidates shall be maintained for a period equal to the candidate's eligibility, plus one year. Records of candidates who do not report for one or more parts of an examination shall be maintained for a period of six months after they did not report. The commission, in its deliberations, may rely on computerized or photocopied records.* On written request, supported by justification acceptable to the **[commission]** *director*, and subject to reasonable regulation, all records of the commission shall be open to public inspection during ordinary business hours, except as herein specifically otherwise provided. The **[directors]** *director* shall take all due precautions to prevent the securing in advance by any unauthorized person of questions or other material to be used in any test unless such questions or materials are available to all competitors. **[He]** *The director* shall prevent the identification by any examiner or other persons, where identity is concealed, of papers or work of any competitor in an examination before the papers or work of all competitors in that examination have been rated. Statements of former employers of competitors in examinations shall be considered confidential and not open to inspection.

Section 7. Section 212(b) of the act, amended May 21, 1943 (P.L.516, No.231), is amended to read:

Section 212. Service to State Departments, Boards and Commissions or Agencies and Political Subdivisions; Cooperation with Other Civil Service Agencies.—* * *

(b) The cost of such services and facilities made available by the commission shall be borne by every State department, board, commission or agency and political subdivision to which the same are made available, in the proportion which the cost of said services and facilities to each bears to the total cost of said services and facilities. The commission shall prepare and issue **[monthly]** *semiannual* statements of such cost, setting forth the total and the share attributable to each department, board, commission or agency and political subdivision to which services or facilities are made available. Upon receipt of such statements, each State department, board, commission or agency and political subdivision shall pay its share of the cost to the commission.

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Section 8. Section 507 of the act, amended August 27, 1963 (P.L.1257, No.520), is amended to read:

Section 507. Duration of Eligible Lists.—The duration of an eligible list shall be fixed [at not less than one nor more than] *by the director with the approval of the commission for a period of up to four years.* An *existing* eligible list [that has been in existence for one year or more] shall terminate upon the establishment of an appropriate new list unless otherwise prescribed by the director. Appointing authorities shall utilize eligible lists from the date of their establishment until exhausted, cancelled by the commission, or replaced by more recently prepared lists. The director, with the approval of the commission, may at any time correct clerical errors occurring in connection with the preparation of any eligible list and revise the list accordingly, but no person who has been appointed as the result of certification from such list shall be displaced by such action. The commission shall have the power at any time after giving notice as required in this act, and after a public hearing, to cancel the whole or any part of any eligible list on account of illegality or fraud in connection therewith.

Section 9. Section 601 of the act, amended October 7, 1974 (P.L.676, No.226), is amended to read:

Section 601. Certification.—Whenever a vacancy is likely to occur or is to be filled in a permanent position in the classified service, the appointing authority shall submit to the director a statement indicating the position to be filled. Unless the appointing authority elects to follow one of the alternative provisions of section five hundred one, or unless there is in existence a labor agreement covering promotions in permanent positions in the classified service, in which case the terms and procedures of such labor agreement relative to the procedures for promotions shall be controlling, the director shall thereupon certify to the appointing authority the names of the three eligibles willing to accept appointment who are highest on the appropriate promotion list or employment list, whichever is in existence, or from the one, which under the rules of the commission, has priority. If the appropriate list contains less than three eligibles who are willing to accept appointment, the names certified may be taken from the other appropriate list to make a certification of at least three eligibles. If there are less than three eligibles on appropriate eligible lists who are willing to accept appointment, the director shall certify all the names on these lists. If there is no appropriate eligible list, the director may certify from such other list or lists as he deems the next most nearly appropriate. *If operational conditions of the appointing authority so dictate and it is found to be in the interest of the service to the Commonwealth, the commission may authorize selective certifications based on standards to be prescribed by the commission.* If upon inquiry by the director any person on any promotion or employment list is found to be not available for promotion or appointment, his name shall not for the time being be considered among the names from which a promotion or appointment is to be made.

Section 10. Section 603 of the act, amended June 21, 1947 (P.L.835, No.348) and August 27, 1963 (P.L.1257, No.520), is amended to read:

Section 603. Probationary Period.—(a) No appointment to a position in the classified service shall be deemed complete until after the expiration of

a probationary period. The probationary period for each class of position shall be prescribed in the rules of the commission and, *except for trainee classes*, shall in no case be less than six months or more than eighteen months. *The probationary period for a trainee class shall be combined with that of the class for which the trainee is being trained. This combined probationary period shall be the same as the training period, subject to limits of three months and twenty-four months.* At such times during the probationary period, and in such manner as the director may require, the appointing authority shall report to the director [his] *an* observation of the work of the employe and [his] *a* judgment as to the willingness and ability of the employe to perform [his] *the* duties satisfactorily and as to [his] *the employe's* dependability. At any time during [his] *the* probationary period, the appointing authority may remove an employe if in the opinion of the appointing authority the probation indicates that such employe is unable or unwilling to perform [his] *the* duties satisfactorily or that [his] *the employe's* dependability does not merit [his] continuance in the service. Upon such removal the appointing authority shall forthwith report [his] *this* action to the director and to the employe so removed. No more than three employes shall be removed successively from the same position during their probationary periods without the approval of the director. The director, with the approval of the commission, shall remove an employe during [his] *the* probationary period if it is found after the employe has been given notice and an opportunity to be heard that [he] *the employe* was appointed as a result of fraud.

(b) Ten *working* days prior to the expiration of an employe's probationary period the appointing authority shall notify the [director] *employe* in writing whether the services of the employe have been satisfactory. A copy of such notice shall be given to the [employe] *director*. If the employe's work has been satisfactory [he], *the employe* shall at the completion of [his] *the* probationary period become a classified service employe under the provisions hereof and continue in that position unless separated therefrom as herein provided.

(c) If any employe is removed from [his] *a* position during or at the end of [his] *the* probationary period, and the director determines that [he] *the employe* is suitable for appointment to another position, [his] *the employe's* name may be restored to the list from which it was certified.

Section 11. Section 605 of the act is amended to read:

Section 605. Temporary Appointments to Extra Positions.—When from pressure of work an extra position in the classified service must be established for a period of less than [six] *twelve* months, the appointing authority shall request the director in writing to certify the name of a qualified person from [the] *an* appropriate list of eligibles. In such request the appointing authority shall state the cause of the extra work, the probable length of employment and[, unless the position has been classified,] the duties which the appointee is to perform.

Section 12. Section 705 of the act, amended August 27, 1963 (P.L.1257, No.520), is amended to read:

Section 705. Transfers and Assignments.—An appointing authority may at any time assign a classified employe under **[his] its** jurisdiction from one position to another in the same class, *or in a similar class for which the employe qualifies*. In every case the appointing authority shall give written notice of **[his] this** action to the director, according to the rules of the commission. Transfer of a classified employe from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority may be made subject to such rules and with the approval of the director and of both appointing authorities concerned. Any transfer of an employe from a position in one class to a position in a class for which a higher maximum rate of compensation is prescribed shall be deemed a promotion and may be accomplished only in the manner hereinbefore provided for the making of promotions. No person shall ever be transferred from a position in the unclassified service to a position in the classified service unless **[he is]** appointed to such latter position after certification of **[his] the person's** name from an eligible list in accordance with the provisions of this act.

Section 13. The act is amended by adding a section to read:

Section 707.1. Effect of Reclassifications.—When an employe's job changes or the Executive Board changes a classification and a reallocation of the position becomes necessary, the employe shall be reclassified to the new classification provided the employe meets the established requirements for the new classification. This reclassification, if it is to a lower level, shall not be construed as a demotion.

Section 14. Section 802 of the act, amended October 7, 1974 (P.L.676, No.226), is amended to read:

Section 802. Furlough.—*(a)* 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 class in the same department or agency, and no probationary employe shall be furloughed while a provisional employe is employed in the same class in the same department or agency. An employe shall be furloughed only if at the time **[he is furloughed, he] of furlough, the employe** is within the lowest quarter among all employes of the employer in the same class on the basis of their last regular service ratings, and within this quarter **[he] the employe** shall be furloughed in the order of seniority unless there is in existence a labor agreement covering the employes to be furloughed, in which case the terms of such labor agreement relative to a furlough procedure shall be controlling: Provided, That the appointing authority may limit the application of this provision in any particular instance to employes in the same class, classification series or other grouping of employes as referred to in any applicable labor agreement, and which are in the same department or agency *within the same bureau or division* with headquarters at a particular municipality, county or administrative district of the Commonwealth.

(b) A furloughed employe shall have the right of return to any class and civil service status which **[he] was** previously held, provided such class is contained in the current classification plan of the agency; or to any class and

civil service status in the same or lower grade, provided that **[he] the employe** meets the minimum qualifications given in the classification plan of the agency.

(c) 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] their** services. Under the rules a regular employe furloughed shall for a period of one year be given preference for reemployment in the same class of position from which **[he was]** furloughed and shall be eligible for appointment to a position of a similar class in other agencies under this act unless the terms of an existing labor agreement preclude the employe from receiving the preferential treatment contained in this section in which event the terms of the labor agreement shall be controlling, **provided that in case of a promotion of another employe such preference shall not be effective if it necessitates furloughing such other employe unless the terms of an existing labor agreement require that such preferential treatment shall be given to the furloughed employe].**

Section 15. Section 803 of the act is amended to read:

Section 803. Suspension.—An appointing authority may for good cause suspend without pay for disciplinary purposes an employe holding a position in the classified service. Such suspension shall not exceed in the aggregate thirty working days in one calendar year. No person shall be suspended because of **[his]** race, religion or political, partisan or labor union affiliation. What shall constitute good cause for suspension may be stated in the rules. An appointing authority shall forthwith report to the director in writing every suspension, together with the reason or reasons therefor, and shall send a copy of such report to the suspended employe. Such report shall be made a part of the commission's public records.

Section 16. Sections 804.1, 806 and 807.2 of the act, amended August 27, 1963 (P.L.1257, No.520), are amended to read:

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 *except for just cause*. A classified employe **[so removed]** during a probationary period[,] resulting from promotion, shall **[have the right to and shall], if the employe's performance is satisfactory**, be returned to the position or class held immediately prior to such promotion without necessity of appeal or hearing.

Section 806. Resignation.—The rules of the commission shall state what shall constitute resignation from the classified service. **[Absence from duty for five consecutive working days without notice to the appointing authority may be regarded as an abandonment of a position and in effect a resignation.]** Upon the request of an appointing authority, and with the approval of the commission, an employe may be reinstated in the classification from which he has resigned. No resignation **[except by abandonment]** of any person in the classified service shall be effective unless accepted by the appointing authority within fifteen *calendar* days after the actual date of the making thereof. No person about to be appointed to any position in the classified service shall in advance of or at the time of such appointment sign or

execute a resignation dated or undated. No resignation[, **except by abandonment,**] shall be made or shall be valid unless it bears the signature of the person resigning and the date of the resignation [**in his handwriting**].

Section 807.2. Seniority.—(a) Seniority is established for *the classified service, classification series and for each class [in which an employe holds or has held civil service status. Seniority in each class begins with the date of first civil service employment in that class and includes periods of subsequent employment (civil service or provisional) in other classes in the same or higher grade]*.

(b) *Seniority for the classified service begins with the date of first civil service employment in a civil service class and includes periods of subsequent employment in any civil service class providing such employment has been on a continuous basis. Seniority for a classification series begins with the date of first civil service employment in the class series and includes periods of employment in classes within the series during any period while employed in a continuous basis in the classified service. Seniority in each class begins with the date of first civil service employment in that class and includes periods of subsequent employment in that class during any period while employed on a continuous basis in the classified service.*

(c) *Periods of furlough and approved leave of absence without pay shall be deemed continuous employment for seniority purposes, except that the period of furlough or leave of absence without pay shall not be counted toward seniority.*

Section 17. Section 902 of the act is amended to read:

Section 902. False Statements Made under Oath Constitute Perjury.—Any false statement made under oath, either orally or in writing, in any application or other paper filed with the commission or in any proceeding before the commission or in any investigation conducted by or under the direction of the commission or by the director or in any proceedings arising under this act shall be perjury and punishable as such. Any person *intentionally* failing to disclose a material fact or in any manner concealing any information in order to obtain employment or promotion under this act shall, in addition to any other penalty herein provided, be removed from all eligible lists and, if appointed or promoted, he shall be summarily removed.

Section 18. Sections 904 and 905 of the act are repealed.

Section 19. The act is amended by adding a section to read:

Section 905.2. Political Activity.—(a) No person in the classified service shall use his official authority or influence for the purpose of interfering with or affecting the result of an election.

(b) *No person in the classified service shall take an active part in political management or in a political campaign. Activities prohibited by this subsection include, but are not limited to, the following activities:*

(1) *Serving as an officer of a political party, a member of a National, State or local committee of a political party or an officer or member of a committee of a partisan political club, or being a candidate for any of these positions.*

(2) *Organizing or reorganizing a political party organization or political club.*

(3) *Directly or indirectly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for a partisan political purpose.*

(4) *Organizing, selling tickets to, promoting or actively participating in a fund-raising activity of a candidate in a partisan election or of a political party, or political club.*

(5) *Taking an active part in managing the political campaign of a candidate for public office in a partisan election or a candidate for political party office.*

(6) *Becoming a candidate for, or campaigning for, an elective public office in a partisan election.*

(7) *Soliciting votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office.*

(8) *Acting as recorder, watcher, challenger or similar officer at the polls on behalf of a political party or a candidate in a partisan election.*

(9) *Driving voters to the polls on behalf of a political party or a candidate in a partisan election.*

(10) *Endorsing or opposing a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, a broadcast, campaign, literature or similar material.*

(11) *Serving as a delegate, alternate or proxy to a political party convention.*

(12) *Addressing a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office.*

(13) *Initiating or circulating a partisan nominating petition.*

(14) *Soliciting, paying, collecting or receiving a contribution at or in the workplace from any employe for any political party, political fund or other partisan recipient.*

(15) *Paying a contribution at or in the workplace to any employe who is the employer or employing authority of the person making the contribution for any political party, political fund or other partisan recipient.*

(c) *An employe or individual to whom subsection (a) or (b) applies retains the right to vote and to express an opinion on political subjects and candidates, and may engage in the following activities:*

(1) *Register and vote in any election.*

(2) *Express an opinion as an individual privately and publicly on political subjects and candidates.*

(3) *Display a political picture, sticker, badge or button when not on duty and at locations other than the workplace.*

(4) *Participate in the nonpartisan activities of a civic, community, social, labor or professional organization, or of a similar organization.*

(5) *Be a member of a political party or other political organization or club and participate in its activities to the extent consistent with this section.*

(6) *Attend a political convention, rally, fund-raising function or other political gathering.*

(7) *Sign a political petition as an individual.*

(8) *Make a financial contribution to a political party or organization.*

(9) *Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character.*

(10) *Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise efficiency or integrity as an employe or the neutrality, efficiency or integrity of a Commonwealth agency.*

(d) *Notwithstanding anything in this section or any other act to the contrary, no person shall be deemed ineligible for the office of school director solely on the basis that such person is a member of the classified service under this act.*

(e) *Subsection (c) does not authorize an employe to engage in political activity while on duty or while in a uniform that identifies him as an employe. The head of an agency may prohibit or limit the participation of an employe or class of employes of the agency in an activity permitted by subsection (c), if participation in the activity would interfere with the efficient performance of official duties or create a conflict or apparent conflict of interests.*

(f) *A person in the classified service who violates this section shall be removed from employment and funds appropriated for the position from which removed thereafter may not be used to pay the employe or individual: Provided, That, the commission at its discretion may impose a penalty of suspension without pay for at least thirty days, but not more than one hundred twenty days, if it finds that the violation does not warrant termination.*

(g) *As used in this section, the following words and phrases shall have the meanings given to them in this subsection:*

(1) *“Agency” means an agency employing persons in the classified service.*

(2) *“Contribution” means any gift, subscription, loan, advance, deposit of money, allotment of money or anything of value given or transferred by one person to another, including in cash, by check, by draft, through a payroll deduction or allotment plan, or by pledge or promise, whether or not enforceable, or otherwise.*

(3) *“Election” means a primary, municipal, special and general election.*

(4) *“Employe” means a person in the classified service.*

(5) *“Employer” or “employing authority” means the immediate employing agency head, agency principals or an employe’s supervisor.*

(6) *“Partisan” when used as an adjective refers to a political party.*

(7) *“Political fund” means any fund, organization, political action committee or other entity that, for purposes of influencing in any way the outcome of any partisan election, receives or expends money or anything of*

value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee or any other entity.

Section 20. Sections 906 and 951 of the act, amended or added August 27, 1963 (P.L. 1257, No. 520), are amended to read:

Section 906. Removal and Disqualification of Officers and Employees.— **[Any] Except as otherwise provided in section 905.2, any person holding a position in the classified service who intentionally violates any of the provisions of this act or of the rules made thereunder shall be immediately separated from the service. It shall be the duty of the appointing authority of the State Agency in which the offending person is employed to remove him at once in accordance with the provisions of this act. Any person removed under this section shall for a period of one year be ineligible for reappointment to any position in the classified service.**

Section 951. Hearings.—(a) Any regular employe in the classified service may, within twenty calendar days of receipt of notice from the appointing authority, appeal in writing to the commission. Any permanent separation, suspension for cause, furlough or demotion on the grounds that such action has been taken in his case in violation of the provisions of this act, upon receipt of such notice of appeal, the commission shall promptly schedule and hold a public hearing. **[As soon as practicable after the conclusion of the hearing, the commission shall report its findings and conclusions to the appointing authority and the employe. If such final decision is in favor of the employe, the appointing authority shall reinstate him with the payment of so much of the salary or wages lost by him as the commission may in its discretion order.]**

(b) Any person who is aggrieved by an alleged violation of section 905.1 of this act may appeal in writing to the commission within twenty calendar days of the alleged violation. Upon receipt of such notice of appeal, the commission shall promptly schedule and hold a public hearing. **[As soon as practicable after the conclusion of the hearing, the commission shall report its findings and conclusions to the aggrieved person and other interested parties. If such final decision is in favor of the aggrieved person, the commission shall make such order as it deems appropriate to assure the person such rights as are accorded him by this act.]**

(c) All final decisions of the commission shall **[not]** be reviewable **[by any court]** *in accordance with the laws.*

(d) Notwithstanding any other provisions of this section, the commission may, upon its own motion, investigate any personnel action taken pursuant to this act and, in its discretion, hold public hearings, record its findings and conclusions, and make such orders as it deems appropriate to assure observance of the provisions of this act and the rules and regulations thereunder.

Section 21. The act is amended by adding a section to read:

Section 952. Remedies.—(a) Within ninety days after the conclusion of the hearing described in section 951, the commission shall report its findings and conclusions to those parties directly involved in the action.

(b) Where such decision is in favor of the employe or the aggrieved person, the commission shall make such order as it deems appropriate to assure such rights as are accorded the individual under this act.

(c) In the case of any employe removed, furloughed, suspended, or demoted, the commission may modify or set aside the action of the appointing authority. Where appropriate, the commission may order reinstatement, with the payment of so much of the salary or wages lost, including employe benefits, as the commission may in its discretion award.

Section 22. This act, with respect to the State Civil Service Commission, shall constitute the legislation required to reestablish an agency pursuant to the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 23. The presently confirmed members of the State Civil Service Commission constituted under section 452 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, as of the effective date of this act, shall continue to serve as commission members until their present terms of office expire and until their successors shall be appointed and qualified.

Section 24. Each rule and regulation of the commission in effect on the effective date of this act shall remain in effect after such date until repealed or amended by the commission.

Section 25. The following acts and parts of acts are repealed:

Section 452 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

The last sentence of section 322 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

As much as refers to the State Civil Service Commission and limits per diem compensation to \$27,500 per annum in section 2 of the act of September 2, 1961 (P.L.1177, No.525), referred to as the Board and Commission Compensation Law.

Section 26. Section 22 of this act shall be retroactive to December 31, 1987.

Section 27. This act shall take effect immediately.

APPROVED—The 26th day of June, A. D. 1989.

ROBERT P. CASEY