

No. 2004-50

AN ACT

HB 2273

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 examinations requisite for appointment and promotion.

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

Section 1. Section 501 of the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, amended November 27, 2002 (P.L.1129, No.140), is amended to read:

Section 501. Examinations Requisite for Appointment and Promotion.—(a) Except as otherwise provided in this act, appointments of persons entering the classified service or promoted therein shall be from eligible lists established as the result of examinations given by the director to determine the relative merit of candidates. Such examinations may be written and shall be competitive and open to all persons who may be lawfully appointed to positions within the classes for which the examinations are held, except that persons in unskilled positions shall enter the classified service by promotion without examination provided: (1) such promotion is into a classified position immediately above the person's own position; (2) such promotion is based on seniority and meritorious service; (3) the person meets the minimum requirements for that position; and (4) the person satisfactorily completes a six month probationary period in the classified position. If no persons in such unskilled positions meet the preceding requirements, the vacant position may be filled pursuant to Article V.

(b) Persons applying for positions or promotions in the classified service shall be residents of the Commonwealth or former residents of the Commonwealth who meet the requirements of this subsection, and where applicable to the administrative district. Former residents of the Commonwealth must have relocated out of State for academic or employment purposes, shall plan to establish Commonwealth residency within six months of beginning employment in the classified service and must have: (1) graduated from a public, private or nonpublic secondary school in the Commonwealth *or satisfied the requirements of sections 1327 and 1327.1 of the act of March 10, 1949 (P.L.30, No.14), known as the "Public*

School Code of 1949,” within five years of applying for a position in the classified service; [or] (2) *satisfied the requirements of sections 1327 and 1327.1 of the “Public School Code of 1949”* or attended a public, private or nonpublic school in the Commonwealth at least eighty percent of the time while enrolled in grades one through twelve and attended such school within five years of applying for a position in the classified service[.]; or (3) *graduated or attended a public, private or nonpublic secondary school in the Commonwealth or satisfied the requirements of sections 1327 and 1327.1 of the “Public School Code of 1949” and graduated from a postsecondary institution in the Commonwealth within five years of applying for a position in the classified service.* Notwithstanding any of the provisions of this act, whenever an appointing authority finds a lack of a sufficient number of qualified personnel available for appointment to any particular class or classes of positions, the appointing authority may present evidence thereof to the director who may waive the residence requirements for such class or classes of positions.

(c) The director shall prepare the proper State and district employment and promotion eligible lists: Provided, That after an examination has been conducted for any class of positions, if there is no person with such legal residence in any administrative district, remaining on the register the director shall certify and the appointing authority may make the appointment or promotion from the names of persons on an appropriate eligible list for the same class of positions of other administrative districts. Limitations as to age, sex, health, moral character, experience and other qualifications may be specified in the rules of the commission and in the announcements of the examinations. All applications for positions in the classified service shall be subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(d) The commission may limit competition in promotion examinations to employes in the classified service who have completed their probationary period in a class or classes designated in the public notice of the examinations, and may permit promotions to be accomplished by any one of the following plans: (1) by appointment from open competitive lists; or (2) by achieving a place on an eligible list after a promotional examination, such examination having been given at the request of the appointing authority; or (3) by promotion based upon meritorious service and seniority to be accomplished by appointment without examination, if the person has completed the probationary period in the next lower position and meets the minimum requirements for the higher position.

(e) To the extent permitted by law, when all applicants for appointment or promotion to a position in the classified service are equally qualified, preference will be shown to applicants who are United States citizens over those who are not.

Section 2. This act shall take effect in 60 days.

APPROVED—The 28th day of June, A.D. 2004.

EDWARD G. RENDELL