

## No. 2016-69

## AN ACT

SB 1154

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," in selection of employees for entrance to or promotion in the classified service, further providing for ratings of competitors; and, in appointment and promotion of employees in the classified service, further providing for certification and for selection and appointment of eligibles.

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

Section 1. Section 505 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), is amended to read:

Section 505. Ratings of Competitors.—The final earned rating of a person competing in any examination shall be attained by computing the ratings for each part or parts of the examination, the qualifying point for which is set by the director under the direction of the commission according to weights for each test established by the director. The director shall **[send] provide** notice by **[mail] electronic mail or other communication or method if available or, alternatively, by United States mail** to all competitors informing them whether they have attained a place upon the list and informing those who have attained a place upon the list of the number who took the examination, the number on the list, and of their relative standing upon the list.

Section 2. Sections 601 and 602 of the act, amended November 27, 2002 (P.L.1129, No.140), are amended to read:

Section 601. Certification.—Whenever a vacancy is likely to occur or is to be filled 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 procedures provided for in this act, or unless there is in existence a labor agreement covering promotions 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 certify to the appointing authority the names of the three **[eligibles 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.] highest ranking available persons on the certification of eligibles unless the director has specified, prior to testing the eligibles on the list, that either all**

*available persons regardless of ranking or a specified alternative number, other than three, of the highest ranking available persons will be used in making selections for this classification.* If the appropriate employment or promotion certification of eligibles contains fewer than three eligibles who are willing to accept appointment or if there is no appropriate eligible list, the appointing authority may appoint an available eligible from the approved list or request the director to certify from such other list or lists as the director 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] *director* may authorize selective certifications based on [standards to be prescribed by the commission] *merit-related criteria*. Any person on any promotion or employment list who waives consideration for promotion or appointment need not be considered among the names from which a promotion or appointment is to be made.

Section 602. Selection and Appointment of Eligibles.—[If] *(a) Unless a labor agreement contains promotion procedures which are inconsistent with this act, in which case the terms of the labor agreement shall be controlling, if a vacant position is to be filled, an appointing authority may:*

*(1) request the director to issue an appropriate certification of previously tested and active eligibles [unless a labor agreement contains promotion procedures which are inconsistent with this act, in which case the terms of such labor agreement shall be controlling.]; or*

*(2) request the director to create and issue a certification of eligibles consisting only of the names of those candidates who responded by applying for the vacancy after receipt of notice of the vacancy from the commission, provided the director approves the use of this alternative selection procedure to fill the vacancy. The failure of a candidate to apply for the vacancy shall be considered a waiver under section 601.*

*(b) The certification of eligibles created and issued under this section shall be valid for [sixty] ninety work days. If the vacant position is to be filled from an employment or promotion list, the appointing authority shall select a person who is among the three highest ranking available persons on the certification of eligibles[.], unless the director has specified, prior to testing the eligibles on the list, that either all available persons regardless of ranking or a specified alternative number, other than three, of the highest ranking available persons will be used in making selections for the classification. In making the second, third or any additional selection from the eligibles on an employment or promotional certification, each selection shall be from among the [three highest scoring] similarly ranked available persons remaining on such certification of eligibles. After a person has been rejected three times by an appointing authority in favor of others on the same eligible list, such person shall not again be certified to that appointing authority, except upon written request from the appointing authority. Appointing authorities shall promptly report to the director the appointment of eligibles who have been certified. If a certified eligible refuses to accept an offer of employment, such refusal shall be promptly investigated by the director and, if it be found that the refusal has been made for improper or*

insufficient reasons, the director shall after giving ten days' notice to such person remove the eligible from the list.

Section 3. This act shall take effect immediately.

APPROVED—The 7th day of July, A.D. 2016

TOM WOLF