

**pennsylvania**

STATE CIVIL SERVICE COMMISSION



2018 - 2019



**ANNUAL  
REPORT**



# State Civil Service Commissioners

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Teresa Osborne  
Chairman



Gregory M. Lane  
Commissioner



Bryan R. Lentz  
Commissioner





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# From The Executive Director

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Jeffrey T. Wallace  
Executive Director

I am pleased to release the State Civil Service Commission's Annual Report for Fiscal Year (FY) 2018-19. This report highlights accomplishments including the implementation of significant reforms resulting from the enactment of Act 71 of 2018.

For over 75 years, the State Civil Service Commission (Commission) served as the state agency statutorily responsible for providing consolidated merit employment services to client agencies at the state and local government levels. Created by the Civil Service Act of 1941, the Commission's role was to recruit, foster and promote a professional workforce and work environment based solely on jobseekers' qualifications, talents, skills and abilities to perform public sector jobs.

During FY 2018-19, the Commission worked collaboratively with the Governor's Office of Administration (OA) to transition civil service recruit-to-hire employment functions to the OA in accordance with the provisions of Act 71 of 2018. As of March 28, 2019, I am pleased to report civil service employment functions related to job application, job posting, eligibility review, qualification determination, examination result/score, veterans' preference, etc. were successfully transferred to the OA. Civil service functions related to appeals, audits and requests for exemptions continue to be performed by the Commission.

This significant transformation required the cooperation and coordination of many individuals at all levels of multiple organizations in order to minimize any operational disruptions in the delivery of merit employment services. On behalf of the Commission, I wish to sincerely thank all who were involved in these efforts. Your efforts ensured a smooth, orderly and successful service transition.

For FY 2019-20, the Commission will initiate further steps to enhance the delivery of services to include performing a review of the civil service appeal process, streamlining the civil service exemption review process and finalizing plans to initiate audits of the classified service to ensure adherence to merit system employment principles and practices as required by Act 71 of 2018.

Sincerely,

A handwritten signature in black ink that reads "Jeff T. Wallace". The signature is fluid and cursive, with a large loop at the end of the last name.

Jeffrey T. Wallace  
Executive Director

# State Civil Service Commission

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# Commission Implements Act 71 of 2018

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The Pennsylvania General Assembly passed and Governor Tom Wolf signed into law Act 71 on June 28, 2018. Prime legislative sponsors for the law were former Pennsylvania State Senator and Chairman of the State Senate Government Committee Mike Folmer and Pennsylvania State Representative and former Chairman of the House State Committee Daryl Metcalfe.

The intent of the law was to modernize the civil service merit selection and hiring process. As Senator Folmer said, “Our current legislation proposes further modernization to better meet customer’s needs: those seeking employment with the Commonwealth – especially veterans – and state government agencies needing to hire people.” The law accomplishes this goal “by moving hiring responsibilities from the Civil Service Commission to the Governor’s Office of Administration.” These responsibilities include: “merit-based hiring, civil service applications, certifications, examinations, and, promotions.”

Under the provisions of Act 71 of 2018, the Commission retained jurisdiction to conduct civil service appeals over disputed personnel decisions and actions. Senator Folmer said, “This would include the Commission’s authority to: conduct hearings and render

determinations, exempt positions from civil service, and audit Commonwealth compliance with the Civil Service Act – the latter to provide checks and balances relating to the proposed transfer of merit-based hiring to the Office of Administration.”

Effective March 28, 2019, the provisions of Act 71 of 2018 were implemented.

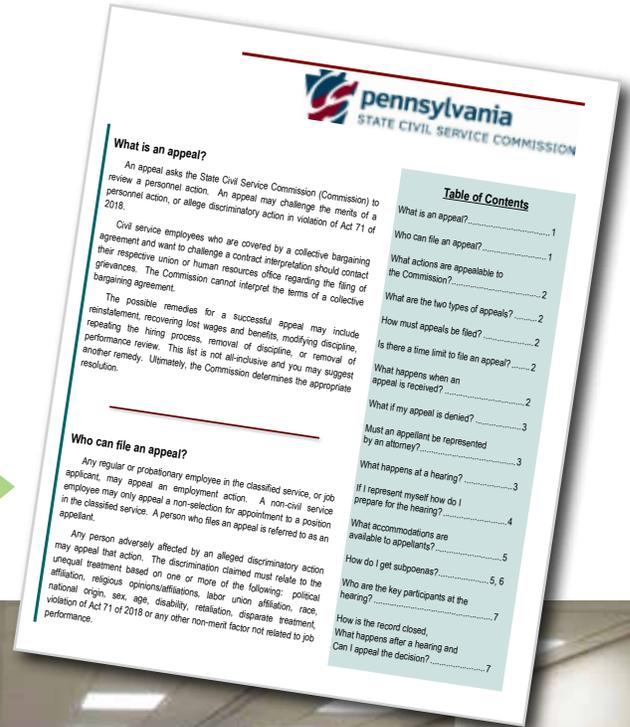
Previously enacted, Act 167 of 2016 established a uniform employment application system to apply for both civil service and non-civil service job opportunities. Effective April 23, 2018, civil service employment applications were formally transitioned to a new system managed by the Governor’s Office of Administration and hosted by NEOGOV, Inc.

Jobseekers for civil service and non-civil service job opportunities now use [www.employment.pa.gov](http://www.employment.pa.gov) to view open job opportunities and apply for positions. This new Commonwealth employment website offers jobseekers the opportunity to subscribe to “Job Alerts” by selecting job categories. When a job title opens in one of the selected categories, the jobseeker is notified by email and can access the employment website to view available job opportunities.

# New Civil Service Appeal Request Form and Appeals Information Booklet

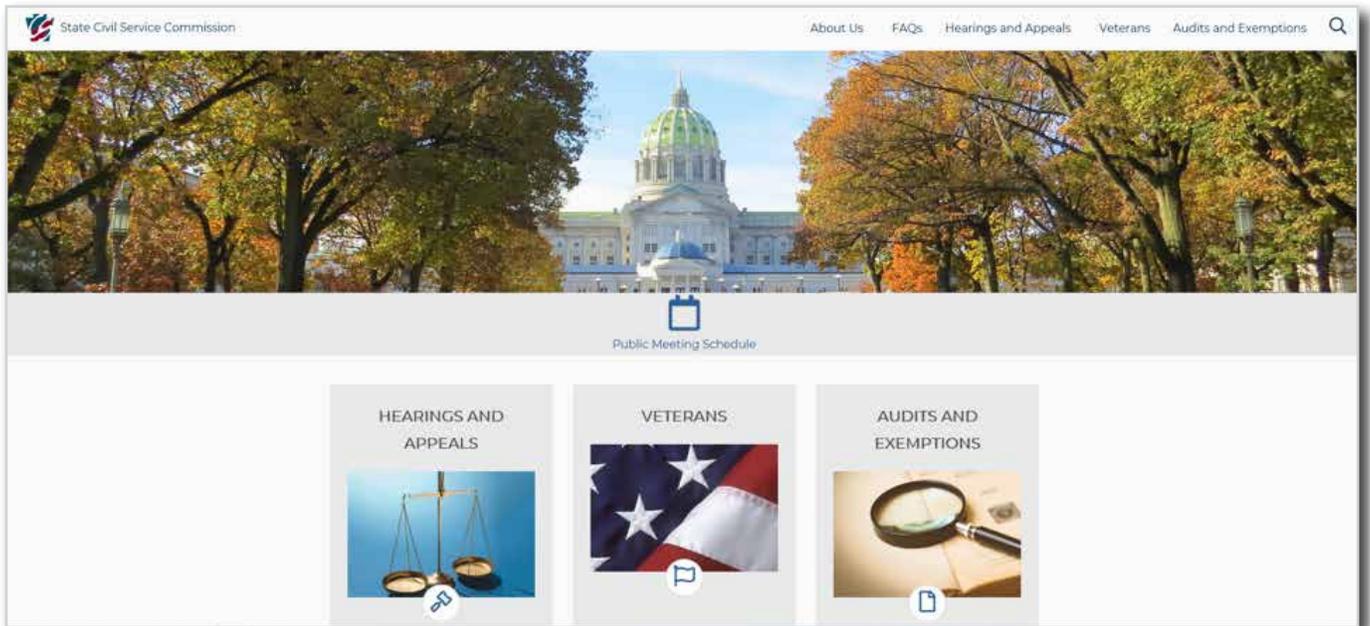
During Fiscal Year 2018-19, the Commission developed and introduced a revised Civil Service Appeal Request Form and Appeals Information Booklet. The new form and booklet are found on the Commission's website at [www.scsc.pa.gov](http://www.scsc.pa.gov), under "Hearing and Appeals", and "Individuals Filing Appeals." The form was redesigned to be more user friendly in a PDF writable format. The booklet clarifies and provides additional information about the civil service appeal process and procedure.

Appeals Information Booklet



Commission Hearing Room

# Commission Website Redesign



The Commission website, [www.scsc.pa.gov](http://www.scsc.pa.gov), has been updated. Visitors to the site will notice substantial changes and enhancements. The site has been redesigned to be more user friendly and highlight the statutory responsibilities of the Commission. These responsibilities include “Hearings and Appeals”, “Veterans’ Preference”, and “Audits and Exemptions”. The site also includes updated “About Us”, “FAQs”, “Public Meeting Schedule” links, and current Commission operational policies and procedures.

# Rescinded Civil Service Commission Management Directives

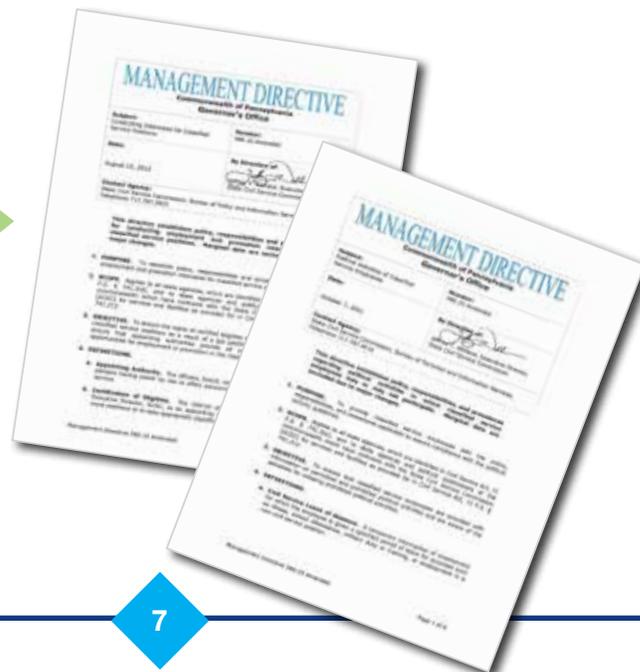
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Per the provisions of Act 71 of 2018, civil service recruit-to-hire employment functions were transferred to the Governor's Office of Administration. As a result, Commission Management Directives related to these functions have been abolished. As of March 28, 2019, the following Management Directives were officially rescinded and are no longer in effect:

- 515.3 Classified Service Emergency Appointments; Amended September 3, 2008
- 535.4 Use of State Work Program Trainee, County Work Program Trainee, Public Services Trainee and County Public Services Trainee Classes; Amended July 19, 2012
- 535.5 Use of Trainee Classes in the Classified Service; Amended October 8, 2004
- 580.2 Civil Service Availability Survey/Interview Notice; Amended June 20, 2014
- 580.8 Classified Service Probationary Periods; Amended June 14, 2013
- 580.10 Conducting Interviews for Classified Service Positions; Amended August 15, 2013
- 580.11 Documentation of Classified Service Personnel Actions; Amended June 27, 2006
- 580.12 Recruitment for Classified Service Positions; Amended March 28, 2007
- 580.13 Report of Personnel Transactions for Non-State Employees; Amended September 16, 2011
- 580.15 Selective Certification of Classified Service Eligibles; Amended April 11, 2012
- 580.16 Provisional Employment in the Classified Service; Amended November 16, 2006
- 580.18 Pennsylvania Residency Requirements for the Classified Service; Amended August 31, 2011
- 580.19 Promotion in the Classified Service Without Examination; Amended August 31, 2009
- 580.23 Resignation from and Reinstatement to the Classified Service; Amended July 22, 2013
- 580.24 Promotion of Employees in Unskilled Positions Into the Classified Service; Amended September 14, 2006
- 580.25 Political Activities of Classified Service Employees; Amended October 7, 2011

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- 580.26 Transfer or Reassignment of Classified Service Employees; Amended June 29, 2010
  - 580.28 Reallocation to a Lower Class in the Classified Service; Amended March 30, 2011
  - 580.30 Civil Service Leave of Absence and Return Rights; Amended September 7, 2010
  - 580.31 Classified Service Temporary Appointments; Amended August 14, 2006
  - 580.32 Substitute Employment in the Classified Service; Amended October 24, 2006
  - 580.33 Reproductions of Documents for Classified Service Personnel Actions; Amended April 30, 2009
  - 580.34 Removal of Eligibles for Certification or Appointment in the Classified Service; Amended June 20, 2014
  - 580.35 Employees Placed in the Classified Service by Position Reallocation; Amended August 29, 2011
  - 580.37 Promotion by Appointment and Temporary Higher-Level Assignment of Unclassified Service Employees into the Classified Service; Amended July 26, 2012
  - 580.38 Use of Intern Job Titles in the Classified Service; October 8, 2004
  - M580.2 Furlough of Classified Service Employees Not Covered by Labor Agreements; Amended May 16, 2014

Management Directives



# Staff Changes and Transitions

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## New Appointments



Teresa Osborne  
Chairman

### **Teresa Osborne Named Commission Chairman**

On January 16, 2019, Governor Tom Wolf nominated Teresa Osborne of Scranton, Pennsylvania to serve as the newest member of the Commission. Ms. Osborne was confirmed by the Pennsylvania State Senate on March 19, 2019 and was sworn into office on March 22. She was subsequently designated Commission Chairman by Governor Wolf. Ms. Osborne previously served as Secretary of the Pennsylvania Department of Aging. She also served as Executive Director of the Luzerne/Wyoming Counties Area Agency on Aging, Executive Director of the Lackawanna County Department of Human Services, Executive Director of the Lackawanna County Area Agency on Aging, and Chancellor and Chief Operating Officer for the Diocese of Scranton. Chairman Osborne possesses over two decades of professional and managerial work experience advocating for older Pennsylvanians and other vulnerable populations at the state and local government levels.

### **Elizabeth (Beth) Lawson Named Commission Chief Counsel**

Prior to joining the Commission, Mrs. Lawson served as Deputy Chief Counsel for Employment Litigation at the Pennsylvania Department of Corrections. After graduating from the Dickinson School of Law, Mrs. Lawson began her legal career as a law clerk for the Honorable Sheryl Ann Dorney in the Court of Common Pleas in York County. She went on to work in the York County District Attorney's Office primarily handling domestic violence and sexual assault cases. After leaving the District Attorney's Office, Mrs. Lawson continued to advocate on behalf of victims of sexual assault in the legal office of the Pennsylvania Coalition Against Rape (PCAR). Immediately prior to beginning service with the Commonwealth of Pennsylvania, Mrs. Lawson served as the Legal Resource Attorney for the Pennsylvania District Attorneys Association. She left the District Attorneys Association to return to litigation. She began her Commonwealth employment as Assistant Counsel at the Pennsylvania Liquor Control Board working on employment litigation cases, including civil service appeals.



Beth Lawson  
Chief Counsel

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## **Johnathan Buchanan Named Assistant Counsel**

Prior to joining the Commission, Mr. Buchanan attended Widener University Delaware Law School, participated in the Moot Court Honor Society and the Delaware Journal of Corporate Law. Additionally, Mr. Buchanan worked as a law clerk for a law firm in Delaware County, Pennsylvania for two years. During these two years, he assisted the firm's partners in areas such as personal injury, family law, contractual law, and workers' compensation. Acknowledging the impact of public service, Mr. Buchanan participated in Widener University Delaware Law School's Public Externship Program with the Delaware Governor's Office in Wilmington, Delaware, before graduating in May 2018.



John Buchanan  
Assistant Counsel



David Lafko  
Human Resource Analyst

## **David Lafko Named Human Resource Analyst**

Prior to joining the Commission, Mr. Lafko was a Regional Traffic Management Supervisor with Pennsylvania Department of Transportation (PennDot). In 2017, Mr. Lafko graduated from Alvernia University earning a Bachelor's Degree in Business Administration and a Bachelor's Degree in Human Resource Management. Mr. Lafko stated, "I enjoy Human Resources immensely and wanted to pursue a career in that field, which led me to attend college with the support of my family." Mr. Lafko has worked for the Commonwealth for 17 plus years, prior to PennDOT, he served as a Police Communication Operator with the State Police for 15 years.

## **Alina L. Andreoli Named Assistant Counsel**

Prior to joining the Commission, Ms. Andreoli served as Assistant Counsel with the Pennsylvania Liquor Control Board working primarily on employment litigation cases, including civil service appeals. After graduating from the Dickinson School of Law, Ms. Andreoli began her legal career in the Lancaster County District Attorney's Office, where she handled a myriad of legal issues, including felony drug and elder abuse cases, as well as appellate matters.

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## Transitions



Odelfa Smith Preston  
Commissioner

### **Commissioner Odelfa Smith Preston**

Odelfa Smith Preston's term on the Commission concluded on March 22, 2019. Mrs. Preston was nominated to serve as a member of the Commission by former Governor Edward G. Rendell in April 2009 and was sworn into office on July 30, 2009. Mrs. Preston was reappointed to a second term on the Commission by former Governor Tom Corbett in July 2012. In July 2015, Governor Tom Wolf named Mrs. Preston Chairman of the Commission and she served in this capacity until December 2016. During her tenure, she presided over, conducted and served as a participating member in rendering adjudicatory decisions involving disputed civil service personnel appeal actions. Mrs. Preston had a reputation of conducting objective and unbiased civil service appeal hearings. She was firm but fair to all participating parties and she treated both sides equally with dignity and respect. She was viewed as a consummate professional and exceptional public servant. The Commission would like to thank Mrs. Preston for her outstanding service as a Commissioner to the Commonwealth of Pennsylvania. Mrs. Preston continues her service as a Commission Hearing Officer.

### **Commission Hearing Officer David M. Zurn**

David M. Zurn served as a State Civil Service Commissioner July 1986 – 1989. Since July 1997, he has continuously served as a Commission Hearing Officer. Mr. Zurn's twenty-two plus years of service with the Commission, he presided over countless civil service appeal hearings. Commission Hearing Officers assist the Commission by conducting hearings throughout the Commonwealth to ensure they are scheduled and conducted in a timely manner. The Commission thanks Hearing Officer Zurn for his long and exceptional public service.

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## Retirement

### Chief Counsel Frederick C. Smith, Jr.

Frederick C. Smith, Jr. retired effective September 15, 2018. He began his career with the Commission on September 19, 1992. Mr. Smith served a long and distinguished professional career as Chief Counsel. He advised and provided exceptional legal counsel to fourteen State Civil Service Commissioners and five Commission Executive Directors. He presided over and adjudicated numerous civil service appeals and administrative matters. Mr. Smith retired with a collective thirty-five years of Commonwealth service. The Commission congratulates Mr. Smith on a well-deserved retirement and wishes him happiness in the next phase of his life.



Frederick C. Smith, Jr.  
Former Chief Counsel



### Retirement Celebration 2018

From Left: Bryan R. Lentz, Commissioner; Gregory M. Lane, Commissioner; Katherine E. Holtzinger Conner, Commissioner 1999 – 2008; Odelfa Smith Preston, Commissioner 2009 – 2019; Frederick C. Smith Jr., Chief Counsel; Scott A. Rainey, Commissioner 2013 – 2016; James W. Martin, Commissioner 2002 – 2014; Marwan Kreidie, Commissioner 2004 – 2010.

## Employee Recognition



### **Bernadette Hatok**

From Left: Gregory M. Lane, Commissioner; Bryan R. Lentz, Commissioner; Bernadette Hatok, Director, Administrative Services Office; Jeffrey T. Wallace, Executive Director; Teresa Osborne, Chairman



### **Douglas Brenner**

From Left: Gregory M. Lane, Commissioner; Bryan R. Lentz, Commissioner; Douglas Brenner, Administrative Officer; Jeffrey T. Wallace, Executive Director; Teresa Osborne, Chairman



### **Laura Knittel**

From Left: Bryan R. Lentz, Commissioner; Laura Knittel, Chief of Appeals; Gregory M. Lane, Commissioner; Teresa Osborne, Chairman; Jeffrey T. Wallace, Executive Director



# Administrative Services Office

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The Commission's Administrative Services Office (ASO) provides a variety of essential services necessary to maintain ongoing operations and address changing requirements. ASO responsibilities include budget and fiscal control as well as general agency wide administrative duties.

Budget and fiscal control responsibilities include preparing and submitting the agency's annual budget request, legislative hearing materials and re-budget documents. This office is the designated liaison to the Governor's Budget Office. Staff monitors fiscal activity, prepares expenditure and encumbrance reports and detailed budgetary projections to determine availability of funds throughout the year. Staff also calculates and prepares customer agency merit system invoices and other billings and monitors receipt of payment.

ASO is the designated fixed asset coordinator and is responsible for preparing and submitting periodic reports on asset acquisition, aging and retirement. ASO is responsible for responding to requests for information related to agency audit plan, single audit, Generally Accepted Accounting Principles (GAAP), Comprehensive Annual Financial Report preparation and internal controls.

ASO serves as the agency Open Records Officer. As such, ASO receives and responds to requests for publicly accessible records. Staff performs this work in conjunction with the Commission's Executive Director, Legal Services Office and other staff as necessary to provide timely responses.

ASO is the designated safety coordinator and is responsible for developing and maintaining the agency Accident and Illness Prevention Program (AIPP). During Fiscal Year 2018-19, the Commission's AIPP program was randomly selected by the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation (BWC) for a Quality Assurance Audit. The BWC found the Commission's AIPP not deficient. This finding is significant and contributes to maintaining the Commonwealth's self-insured status. Staff attends training and is responsible to prepare and submit periodic information and reports.

Procurement related responsibilities include purchasing goods and services, equipment, software license, maintenance agreements, equipment maintenance repair, rental agreements, office supplies, etc. Staff is required to maintain and implement Commission and Commonwealth policies and procedures.

Facilities management involves working with the Pennsylvania Department of General Services (DGS), the Comptroller's office and vendors related to leasing, renovating and maintaining space.

ASO is the designated Records Retention Coordinator and is responsible for maintenance of the Commission's Records Retention Schedule. Staff prepare and arrange for transfer of records to and from the Commonwealth Records Center and attends periodic training and meetings.

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ASO is responsible for human resource related duties, including all related human resource liaison functions with the General Government Human Resources Delivery Center in the Governor's Office of Administration.

General administrative functions are comprised of duties necessary to support Commission staff

and operations. These duties include oversight of internal security; coordinating meetings with deferred compensation representatives; planning and conducting the Commission's annual "Take Our Daughters and Sons to Work Day" event and other functions.



# Audits and Exemptions

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On June 28, 2018, Governor Tom Wolf signed into law Act 71 of 2018. This law authorizes the Commission to conduct periodic audits of the classified service to ensure strict compliance with the law and regulations promulgated by the Governor's Office of Administration (OA) to carry out the provisions of law; and to audit the application of veterans' preference to ensure strict compliance with 51 PA.C.S. PT. V (relating to employment preferences and pensions).

The Commission's audit program will provide an objective analysis and information needed to make decisions necessary to create and sustain a modern merit system of employment within the Commonwealth's and applicable local government workforce that promotes hiring, retention and promotion of qualified jobseekers. These audits will provide an independent, objective, nonpartisan assessment of the performance of the merit service within the Commonwealth.

By agreement between the Commission and the OA, the Commission will commence conducting audits beginning Spring 2020. In preparation, the Commission initiated staff training to ensure the competence needed to conduct audits; drafted Commission auditing standards; met with representatives from appropriate state agencies to discuss audits, training and compliance requirements; and developed a database to hold civil service employment

information to implement a focused approach for planning and conducting audits.

Act 71 of 2018 defines which positions in the Commonwealth of Pennsylvania workforce are merit covered. These positions are commonly referred to as civil service. The law also identifies positions that may be exempted from the classified service such as those that participate in policy decisions or those hired for a fixed or limited period. The Commission reviews policy and limited term exemption requests and determines whether these positions should remain in or be exempted from the classified service.

During Fiscal Year 2018-19, the Commission reviewed and approved approximately twenty exemption requests from agencies including the Pennsylvania Department of Banking and Securities, Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Department of Education, Pennsylvania Fish and Boat Commission, Pennsylvania Department of Health, Pennsylvania Department of Human Services, Governor's Office of Administration, Pennsylvania Liquor Control Board and Allegheny County Department of Human Services.

# Legal Services Office

The Legal Services Office (LSO) provides support to the Commissioners in their role as adjudicators conducting hearings of disputed personnel actions. LSO prepares appeals for review at the Commission's monthly meetings, distributes orders and hearing notices based on rendered decisions. LSO also provides legal advice to Commission staff. The data shown in the Civil Service Appeal Activity Report (see page 17) provides specific information on the volume, source, subject matter and final disposition of civil service appeals.

Pre-hearing conferences with appointing authority and appellant attorneys reduce the time needed for hearings by resolving most issues involving the admissibility of testimony and other competent evidence in advance. This allows hearings to proceed without unanticipated delays and interruptions. As a result of these conferences, many settlements occur eliminating the need to conduct a hearing.

Requests for reconsideration, continuances and miscellaneous pre-hearing and post-hearing motions, and responses opposing them are provided to the Commissioners for review. Final decisions are mailed to the parties after the Commissioners vote. This process significantly reduces the average amount of processing time for decisions.

The Commission provides current information about pending hearings and issued adjudications at [www.scsc.pa.gov](http://www.scsc.pa.gov). This website is a key resource for attorneys, human resource personnel, appellants and the general public to obtain forms for filing appeals and information needed to prepare for hearings. This includes a link to the Appeals Information Booklet and Frequently Asked Questions ("FAQs"). This website also contains links to prior adjudications and recent appellate court opinions for research in preparing current cases for appeal.



# Civil Service Appeal Activity Report

Appeals	FY 18-19	FY 17-18
Personnel Actions	393	310
Appeal Hearings Granted	147	121
Appeal Hearings Denied (Summary Orders)	171	148
Hearings Scheduled/Rescheduled	197	442
Hearings Held	70	299
Adjudications Issued	246	62
Requests for Reconsideration	13	24
Denied	8	23
Granted	5	1
Pre-Hearing Conferences Scheduled	44	48
Pre-Hearing Conferences Held	29	33

Appeals (by Agency)	FY 18-19	FY 17-18
Corrections	46	44
Executive Offices	31	16
Human Services	78	90
Labor and Industry	22	7
Liquor Control Board	33	38
Transportation	38	19
Others	69	98

Personnel Actions	FY 18-19	FY 17-18
Removals	85	86
Suspensions	70	85
Non-Selections	82	53
Furloughs	1	0
EPR / PER (Employee Performance Review)	24	23
Eligibility	34	8
Others	97	55

Commonwealth Court Activity	FY 18-19	FY 17-18
Petitions to Commonwealth Court	5	15
By Appellant	4	11
By Agency	1	4
Commonwealth Court Decisions	10	13
Affirming SCSC Actions	10	11
Reversing SCSC Actions	0	0
Remanding Back to SCSC	0	2
Withdrawn/Discontinued	0	0
Dismissed	0	0



This annual report of the  
Pennsylvania State Civil Service Commission  
highlights the fiscal year beginning  
July 1, 2018 and ending June 30, 2019

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STATE CIVIL SERVICE COMMISSION

**[www.scsc.pa.gov](http://www.scsc.pa.gov)**

