State Civil Service Commissioners

Maria P. Donatucci
Chairwoman

Gregory M. Lane
Commissioner

Bryan R. Lentz
Commissioner
# Table of Contents

1. FROM THE EXECUTIVE DIRECTOR
2. STATE CIVIL SERVICE COMMISSION OFFICES
3. HISTORY OF THE STATE CIVIL SERVICE COMMISSION
7. STATEWIDE EXAMINATION CENTERS CLOSED
8. COMMISSION WEBSITE
9. STAFF CHANGES AND RECOGNITIONS
12. EMPLOYEE RECOGNITIONS
13. CONDUCTING CIVIL SERVICE APPEAL HEARINGS
14. ADMINISTRATIVE SERVICES OFFICE
15. AUDITS AND EXEMPTIONS OFFICE
16. LEGAL SERVICES OFFICE
17. CIVIL SERVICE APPEAL ACTIVITY REPORT
From The Executive Director

It is my privilege and honor to release the State Civil Service Commission’s (Commission) Annual Report for Fiscal Year (FY) 2020-21. This report highlights another year of significant achievement and accomplishment.

The Commission is a three-member, bipartisan, independent administrative agency responsible for conducting impartial hearings and deciding appeals filed in disputed personnel actions (i.e., terminations, suspensions, furloughs, demotions, allegations of discrimination) and other employment matters. The Commission is authorized to perform high quality merit service and veterans’ preference employment audits and reviews requests to exempt jobs from the classified service.

During FY 2020-21, the Commission implemented a variety of operational, procedural, and policy enhancements to improve overall program effectiveness; reduce operational costs and enhance the delivery of agency services. In the wake of the COVID-19 pandemic, the Commission has resumed full operational activities providing merit appeals and other services to jobseekers, current and former civil service employees, state and local government client agencies, legislators, and the general public.

Operational initiatives scheduled for FY 2021-22 include the launch of a project to replace the Commission’s existing appeal “Docket System.” The current system was developed in-house and implemented in March 2002. The Docket System serves as the Commission’s central repository of civil service appeal records. It was designed to provide complete and accurate information related to civil service appeals. The system contains data fields to track appeals from initial filing through final disposition. It also serves as the vehicle to post to the Commission’s website (www.scsc.pa.gov) information relative to scheduled appeal hearings, public notices, as well as, published civil service adjudicatory decisions. The Commission will explore options to replace the current system with a new modernized system with enhanced features and functionalities. The Docket System is a critical operational tool used by the Commission to ensure civil service appeals are processed efficiently, effectively, and in the timeliest way possible.

On behalf of the State Civil Service Commissioners, I wish to thank staff for their tireless work efforts and creativity in continuing to ensure the Commission fulfills its statutory mission under the provisions of Act 71 of 2018.

Sincerely,

Jeffrey T. Wallace
Executive Director
Central Office/Harrisburg
Strawberry Square
Bowman Tower, 4th Floor
320 Market Street
Harrisburg, PA 17101

Western Regional Office/Pittsburgh
411 Seventh Avenue, Room 410
Pittsburgh, PA 15219

Eastern Regional Office/Philadelphia
110 North 8th Street, Suite 503
Philadelphia, PA 19107

717-783-8806
RA-CS-EXEC_DIR@pa.gov
Telecommunication Relay Service (TRS) 711
(For hearing, speech impaired or other individuals)
In 1871, President Ulysses S. Grant signed into law the first U.S. civil service reform legislation. This law created the U.S. Civil Service Commission and funded the agency for a period of two years. In 1874, the U.S. Congress declined to renew funding and as a consequence activities of the agency ended.

Merit employment services were reconsidered in 1881 in the aftermath of the assassination of the 20th President of the United States, James A. Garfield. As the history books tell us in-part, President Garfield was assassinated by a disgruntled campaign worker who failed to obtain a federal job with the new administration after the successful 1880 Presidential campaign. In response, the federal government moved to implement good government initiatives including the adoption of a merit employment service in 1883.

Signed into law by President Chester A. Arthur, the Pendleton Act of 1883 established a merit service of employment based upon qualifications, skills, and abilities. This Act also prohibited the termination or demotion of employees based strictly upon political party affiliation. This ushered in the era to reduce partisan patronage as being the sole basis for the selection, appointment, and retention of the government workforce. Following its adoption at the federal level, the State of Massachusetts and State of New York were the first to pass similar laws in 1884.

In the Commonwealth of Pennsylvania, the concept of a merit employment service was first introduced in 1933 with the passage of the Pennsylvania Liquor Control Board (PLCB) Act. This Act required employment and selection decisions made for jobs at the PLCB be based on merit service standards. Following this initial foray in merit employment services, the Commonwealth of Pennsylvania moved forward and finalized its version in 1941.
1941 – Governor Arthur H. James signed Act 286 (Civil Service Act) into law on August 5, 1941. This Act created the State Civil Service Commission and charged it with the responsibility of overseeing, implementing, and administering the Commonwealth’s merit selection and appointment system. The merit service initially included 14,000 employees who worked for the Department of Public Assistance, Bureau of Employment Security, Pennsylvania Liquor Control Board, and the State Civil Service Commission.

1951 – In Com. ex rel. Maurer to Use of Braden v. O’Neill, the Pennsylvania Supreme Court held that awarding a 10-point credit to a veteran who had taken an examination for a promotion was unconstitutional.

1956 – On September 10, 1956, by resolution and signed by Governor George M. Leader, the Governor’s Executive Board expanded the merit service to include 13,000 “professional and technical” positions.

1957 – By resolution dated December 24, 1957, the Governor’s Executive Board in collaboration with the State Civil Service Commission developed and adopted a uniform system of conducting and completing employee performance reviews.

1963 – Act 502 of 1963 amended provisions of the Civil Service Act of 1941, as amended. This Act transferred State Civil Service Commission position classification and pay, as well as, other administrative authorities to the Governor’s Office of Administration.

1966 – Act 539 of 1966 redefined the term “soldier” and extended the veterans’ preference employment benefit to honorably discharged persons who served in the U.S. Armed Forces since July 1, 1958, and thereafter. Veterans’ preference was not extended to persons whose service in the armed forces consisted of active duty for training such as provided under the six-month reserve program.


1970 - 1980 – During the decade of the 1970’s, the merit employment service was expanded to extend coverage to other State Departments, Boards, Commissions, and to political subdivisions of the Commonwealth.
1975 - Act 2 of 1975 amended provisions of the Pennsylvania Housing Authorities Act, as amended. Governor Milton J. Shapp signed law extending merit employment service coverage to employees of Pennsylvania Housing Authorities located in a city of the second-class A or third-class or in a county of the third to eighth class.

1989 - Act 10 of 1989 amended provisions of the Civil Service Act of 1941, as amended. Governor Robert P. Casey, Sr. signed law reauthorizing the State Civil Service Commission and enumerated permissible and prohibited political activities of merit service employees.

1991 - State Civil Service Commission celebrated its 50th anniversary. Governor Robert P. Casey, Sr. issued a proclamation commemorating the milestone anniversary.

2002 - Act 140 of 2002 amended provisions of the Civil Service Act of 1941, as amended. Governor Mark Schweiker signed law extending additional authorities to the Commission’s Executive Director and eliminated/modified certain employment policies, procedures, and requirements.

2004 - Act 50 of 2004 amended provisions of the Civil Service Act of 1941, as amended. Governor Edward G. Rendell signed law expanding Pennsylvania civil service residency eligibility standards to include former residents who relocated out of state for academic or employment reasons and applied within five years of graduating from a post-secondary school or equivalent.

2007 – In Cutler v. State Civil Service Commission (Office of Admin.), the Pennsylvania Commonwealth Court held use of veterans’ preference in Title 51 of the Military Affairs Code is not limited to a single occurrence. The Court reaffirmed a prior Pennsylvania Supreme Court decision holding the use of veterans’ preference applies to “all appointments, entry-level or otherwise” except promotions.

2011 – Act 76 of 2011 amended provisions of the Civil Service Act of 1941, as amended. Governor Tom Corbett signed law requiring one of the seated State Civil Service Commissioners be a military veteran and serve as “veteran advocate.”

2016 – Act 69 of 2016 amended provisions of the Civil Service Act of 1941, as amended. Governor Tom Wolf signed law modifying certain selection and hiring policies, procedures, and requirements.

2016 – Act 167 of 2016 amended provisions of the Civil Service Act of 1941, as amended. This Act restricted certain political activities by State Civil Service Commissioners, required the veterans’ preference employment benefit be advertised on the Commission’s website, and required one standardized employment application.

2017 – State Civil Service Commission celebrated its 75th anniversary. Governor Tom Wolf issued a statement commemorating the milestone anniversary.

2018 – Act 71 of 2018 transferred civil service recruit-to-hire employment functions to the Governor’s Office of Administration (i.e., job application, job posting, jobseeker eligibility review, jobseeker qualification determination, civil service hire/selection policy, reinstatement, transfer and reassignment policy, examination score and result, employment verification, civil service work history/record, veterans’ preference eligibility, civil service political activities, etc.) effective March 28, 2019.

According to the 2021 Pennsylvania State Government Workforce Statistics Report (www.workforcereport oa. pa. gov), 49,529 state positions (filled) were covered by the merit employment service, working in 32 state agencies, which represents 68.4 percent of the total workforce. Approximately 12,000 additional covered positions worked in more than 200 local government agencies in the fields of mental health & intellectual disabilities; children & youth; drug and alcohol, area agencies on aging (AAA); emergency management; and Pennsylvania housing authorities.

**Commission Members (since 1942)**

- Ruth Glenn Pennell
- John A.M. McCarthy
- George Young
- Elmer D. Graper
- Susan H. Baker
- C. Herschel Jones
- Mary D. Barnes
- Grace S. Hatch
- Fred E. Bryan
- David M. Zurn
- Therese L. Mitchell
- Elizabeth H. Kury
- Charles J. Lieberth (*reapptd. 1996*)
- Norma J. Gotwalt
- Katherene E. Holtzinger Conner (*reapptd. 2002*)
- Barbara L. Krause
- James W. Martin (*reapptd. 2008*)
- Marwan Kreidie
- Odelfa Smith Preston (*reapptd. 2012*)
- John E. Stevens
- Scott A. Rainey
- Gregory M. Lane (*reapptd. 2021*)
- Bryan R. Lentz*
- Teresa Osborne
- Maria P. Donatucci*

**Appointed**

- April 9, 1942
- September 18, 1945
- May 28, 1956
- August 6, 1956
- August 5, 1963
- August 5, 1963
- December 1, 1972
- August 11, 1976
- January 9, 1981
- July 15, 1986
- August 12, 1986
- November 11, 1989
- July 31, 1991
- June 6, 1995
- November 9, 1999
- July 17, 2000
- November 27, 2002
- June 28, 2004
- July 30, 2009
- December 13, 2011
- June 30, 2013
- October 7, 2014
- December 5, 2016
- March 23, 2019
- June 10, 2021

* Incumbent
The Pennsylvania General Assembly passed and Governor Tom Wolf signed into law Act 71 of 2018. This law transferred civil service recruit-to-hire employment functions to the Governor’s Office of Administration (i.e., job application, job posting, jobseeker eligibility review, jobseeker qualification determination, civil service hire/selection policy, reinstatement, transfer and reassignment policy, examination score and result, employment verification, civil service work history/record, veterans’ preference eligibility, civil service political activities, etc.). As a result, State Civil Service Commission examination centers previously located in the following cities are closed.

- **Erie Examination Center**
  155 W. Eighth Street
  Suite LL1
  Erie, PA 16501

- **Johnstown Examination Center**
  727 Goucher Street
  Johnstown, PA 15905

- **Scranton Examination Center**
  135 Franklin Avenue
  Scranton, PA 18503

Please visit the Governor’s Office of Administration employment website at [www.employment.pa.gov](http://www.employment.pa.gov) for information about merit service job opportunities as well as information needed to apply and schedule an examination at an alternate location.
The State Civil Service Commission’s website (www.scsc.pa.gov) continues to serve as an excellent source of information about services provided by the agency. This site includes information on the following topics:

- Appeals Request Form
- Appeals Information Booklet
- Civil Service Appeal Adjudications
- Civil Service Exempt Positions
- Commonwealth and Supreme Court Decisions (Civil Service Related)
- Frequently Asked Questions
- Public Hearing Notices
- Scheduled Civil Service Appeal Hearings
- Veterans’ Preference Eligibility

During FY 2020-21, there were over 300,000 website pageviews initiated by approximately 30,000 visitors.

Current information regarding pending hearings and issued adjudications can be found at this website. It 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. Included is a link to the Appeals Information Booklet and Frequently Asked Questions (“FAQs”) on various pertinent topics related to the hearing process. This website also contains links to prior adjudications and recent appellate court opinions.
Maria P. Donatucci

Maria P. Donatucci of Philadelphia, Pennsylvania, was sworn in as Pennsylvania’s newest State Civil Service Commissioner and was designated Chairwoman by Governor Tom Wolf. Governor Wolf nominated Ms. Donatucci on January 25, 2021, and she was confirmed by the Pennsylvania State Senate on May 25, 2021. The oath of office was administered by The Honorable Maria McLaughlin, Judge, Pennsylvania Superior Court on Thursday, June 10, 2021.

Chairwoman Donatucci previously served as a member of the Pennsylvania House of Representatives, representing the 185th Legislative District and served as Chair of the Philadelphia Legislative Delegation. Chairwoman Donatucci has provided decades of exemplary public service. While in elected office, she made public safety a cornerstone of her legislative priorities. She was the prime sponsor of legislation that led to Act 30 of 2016, which was designed to better protect the identity of crime victims, witnesses, and other citizens calling 911. She also served as prime legislative sponsor for numerous bills providing equal pay for equal work and paid sick leave.
Gregory M. Lane

Gregory M. Lane of Harrisburg, Pennsylvania, was sworn in to serve a second term as a Commissioner of the State Civil Service Commission. Governor Tom Wolf re-nominated Commissioner Lane on January 25, 2021, and he was confirmed by the Pennsylvania State Senate on May 25, 2021. The oath of office was administered by the Honorable Veronica Degraffenreid, Acting Secretary of the Pennsylvania Department of State on Wednesday, June 23, 2021. Commissioner Lane has served as a member of the Commission since 2014. He was originally nominated by former Governor Tom Corbett and was confirmed by the Pennsylvania State Senate on October 7, 2014. Commissioner Lane has served in various managerial roles with Price Waterhouse LLP, Royal Caribbean Cruises Ltd., and as Director of Human Resources at Aegis Group. He has also worked as a consultant advising small businesses on legal, financial, human resource and compliance matters.
Retirement

Edward J. Bohan

Effective July 16, 2021, Edward J. Bohan retired from the Commission as Assistant Counsel. He started his Commonwealth service with the Pennsylvania Department of Aging as a legal intern in 1993 and began his legal career with the Commission in 1995. Although the majority of his legal career was spent with the Commission, Mr. Bohan also worked for the State System of Higher Education as University Legal Counsel and the Pennsylvania Department of Environmental Protection as Assistant Counsel in the Bureau of Regulatory Counsel. During his time in the Legal Services Office at the Commission, Mr. Bohan worked on legal issues related to all aspects of Commission work. He drafted adjudications, provided legal advice on legislative matters, regulatory matters, contracts, and Right-to-Know Law requests. Mr. Bohan also represented the Commission before Pennsylvania Commonwealth Court. The Commission thanks Mr. Bohan for his 26 years of exceptional service to the Commonwealth of Pennsylvania and wishes him a happy and joyous retirement.
Employee Recognitions

Sheryl L. Cebular
Director, Audits and Exemptions

Scott A. Steele
Administrative Officer

Alina L. Andreoli
Assistant Counsel
Conducting Civil Service Appeal Hearings

In response to Governor Tom Wolf’s coronavirus (COVID-19) Proclamation of Disaster Emergency issued in March 2020 and to mitigate the spread of the virus, the Commission developed new operational solutions to schedule and conduct civil service appeal hearings. These solutions included video, onsite, and hybrid civil service hearings. The video solution served as the Commission’s initial means to resume hearings. This solution allowed for the most efficient and expeditious way to schedule hearings with appeal parties. Initial video hearings were held in August 2020 and conducted on the Microsoft Skype for Business video conference platform. In April 2021, the Commission transitioned from Skype for Business to the Microsoft Teams video conference platform and upgraded its telephone operations to accommodate new functionalities. Video hearings have been held on the Microsoft Teams platform since May 2021.

The Commission resumed scheduling and conducting onsite and hybrid (combination of onsite and video) hearings at its Harrisburg, Philadelphia, and Pittsburgh offices effective October 2020. Onsite or hybrid hearings are made available to appeal parties when the video option is not a viable solution due to technology limitations or other authorized reasons.

The Commission has received positive feedback from its clients (e.g., jobseekers, appellants, appellant attorneys, appointing authority attorneys, etc.) about the expanded options to conduct hearings. A sampling of the type of feedback received include the ease of scheduling hearings, organization and flow of video hearings, professionalism of agency staff, etc. The Commission is pleased to continue offering these expanded services ensuring the fair, objective, and timely resolution of disputed personnel actions.
The Commission’s Administrative Services Office (ASO) provides a variety of essential services necessary to maintain ongoing operations. 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. ASO monitors fiscal activity, prepares expenditure and encumbrance reports and detailed budgetary projections to determine availability of funds throughout the year. This office calculates and prepares customer agency merit system invoices and other billings, and monitors receipt of payment.

ASO serves as the agency Open Records Officer by receiving and responding to requests for publicly accessible records. This work is performed in conjunction with the Commission’s Executive Director, Legal Services Office and others as necessary to provide timely responses.

ASO is the designated safety coordinator responsible for developing and maintaining the agency Accident and Illness Prevention Program (AIPP). This includes attending training, preparing, and submitting periodic information and reports.

Procurement related responsibilities include purchasing goods and services, equipment, maintenance and repair agreements, rental agreements, office supplies, etc. ASO 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 office space.

ASO is responsible for human resource related duties and serves as a liaison to 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 complement and operations. These duties include oversight of internal security, coordinating meetings with deferred compensation representatives, and other activities.
On June 28, 2018, Governor Tom Wolf signed into law Act 71 of 2018. This Act authorized the Commission to conduct periodic audits of the classified service to ensure compliance with the law and regulations promulgated by the Governor’s Office of Administration (OA) and to audit the application of veterans’ preference to ensure compliance with Military Affairs Code, 51 PA.C.S.PT.V.

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

In preparation for conducting audits, Commission staff received training on how to apply U.S. Government Accountability Office, Generally Accepted Government Auditing Standards (GAGAS), also known as the Yellow Book. This included identification and application of GAGAS rules of evidence; risk management and internal control concepts when performing audits; methodologies for auditing including various analytical tools; data gathering and analytical techniques for compiling sufficient evidence; developing findings and recommendations; and preparing and presenting audit briefings.

Act 71 of 2018 defines which positions in the Commonwealth workforce are merit covered. These positions are commonly referred to as civil service. The law identifies positions that may be exempt from the classified service such as those that participate in policy decisions or those hired for a fixed or limited period of time. 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 FY 2020-21, the Commission reviewed and approved nine exemption requests from agencies including the Pennsylvania Department of Health, Pennsylvania Municipal Retirement System, State Employees’ Retirement System, Pennsylvania Liquor Control Board, Pennsylvania Department of Drug and Alcohol Programs, and Pennsylvania Emergency Management Agency.
The Legal Services Office (LSO) provides support to the State Civil Service Commissioners in their role as adjudicators conducting hearings of disputed personnel actions. LSO prepares appeals for review at the Commission’s monthly meetings and distributes orders and hearing notices based on rendered decisions. LSO also provides legal advice to the Commission’s Executive Director and staff. The Civil Service Appeal Activity Charts show statistical information on the volume, source, subject matter, and final disposition of civil service appeals. (See pages 17-18)

<table>
<thead>
<tr>
<th>Type of Action Being Appealed</th>
<th>Type of Discrimination Alleged</th>
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</thead>
<tbody>
<tr>
<td>Appointment</td>
<td>Age</td>
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<tr>
<td>Compensation Change (with noted exceptions)</td>
<td>Disability</td>
</tr>
<tr>
<td>Demotion</td>
<td>Disparate Treatment</td>
</tr>
<tr>
<td>Denial of Leave of Absence</td>
<td>Labor Union Affiliation</td>
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<tr>
<td>Denial of Veterans’ Preference</td>
<td>National Origin</td>
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<tr>
<td>Downward Reclassification</td>
<td>Other Non-Merit Factors</td>
</tr>
<tr>
<td>Eligibility</td>
<td>Political Opinion/Affiliation</td>
</tr>
<tr>
<td>Employee Performance Review</td>
<td>Race</td>
</tr>
<tr>
<td>Extension of Probationary Period</td>
<td>Retaliation</td>
</tr>
<tr>
<td>Forced Resignation</td>
<td>Religious Opinion/Affiliation</td>
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<tr>
<td>Furlough</td>
<td>Sex</td>
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<tr>
<td>List Removal</td>
<td>Violation of Act 2018 Rules/Regulations</td>
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<tr>
<td>Other</td>
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<tr>
<td>Promotion</td>
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<td>Reassignment</td>
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<td>Removal</td>
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<td>Suspension</td>
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<td>Transfer</td>
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</tbody>
</table>

*Note: Oral and written reprimands or Interim Employee Performance Reviews are not appealable personnel actions.*

In FY 2020-21, a video hearing solution was developed to conduct fair and impartial civil service appeal hearings. During this period, nearly all hearings were conducted via video. A protocol was developed for conducting video hearings and necessary equipment was purchased. This included creating a video hearing guide for appeal parties, establishing teams of organizers to facilitate the hearings, and revising scheduling procedures. The Commission’s Docket System, which is used to track and schedule appeal hearings, was updated to reflect the new hearing protocol.

The Legal Services Office would like to thank all involved for their patience during this transition period.
Civil Service Appeal Activity Report

Number of Appeals Filed

- FY 2020-2021: 186
- FY 2019-2020: 289

*Includes state and local government covered agencies.

Appeals by Agency

 Appeals by Personnel Actions

*Appointment, compensation change (except salary increment, general pay increase or special pay such as, overtime or temporary out-of-class work), demotion, forced resignation, leave of absence, list removal, promotion, reclassification, reinstatement, transfer, etc.
This annual report of the Pennsylvania State Civil Service Commission highlights the fiscal year beginning July 1, 2020 and ending June 30, 2021.

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Comments:
Michele Whiting, Executive Secretary
micwhiting@pa.gov