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CIVIL SERVICE ACT

Act of August 5, 1941 (P.L. 752, No. 286)



COMMONWEALTH OF PENNSYLVANIA STATE CIVIL SERVICE COMMISSION

Contains all amendments up to and including the ACT OF JUNE 28, 2004 (P.L. 461 No. 50)

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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.

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

That a system of personnel administration is hereby established for the regulation and improvement of the civil service of certain departments and agencies of the Commonwealth.

ARTICLE I GENERAL PROVISIONS

Section 1. Short Title--This act shall be known and cited as the "Civil Service Act".

Section 2. Purpose--Greater efficiency and economy in the administration of the government of this Commonwealth is the primary purpose of this act. The establishment of conditions of service, which will attract to the service of the Commonwealth qualified persons of character and ability and their appointment and promotion on the basis of merit and fitness are means to this end.

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

(a) "Commission" means State Civil Service Commission as created by "The Administrative Code of 1929," and its amendments.

(b) "Director" means the Executive Director.

(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, 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.

(6) Unskilled Labor.

(7) All professional positions attached to the department head's office which function in press and/or public relations, legislative liaison or development of executive policy.

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 unclassified service than are allowed by Federal merit system standards.

((c) amended Nov. 27, 2002, P.L.1129, No.140)

(d) "Classified service" includes:

(1) All positions now existing or hereafter created in the Department of Public Welfare, including the county boards of assistance but excluding positions in the general hospitals not otherwise included in the classified service;

(2) All positions now existing or hereafter created in the Department of Labor and Industry which are charged with the administration of the Unemployment Compensation Law and also those positions which are charged with the administration of the Workmen's Compensation Act and the Occupational Disease Act, including the positions of workmen's compensation referees but not including the positions of members of the Workmen's Compensation Board and members and employees of the State Workmen's Insurance Board and fund.

((2) amended Feb. 8, 1972, P.L.53, No.14)

(3) All positions now existing or hereafter created under the Pennsylvania Liquor Control Board;

(4) All positions now existing or hereafter created under the State Civil Service Commission;

(5) All positions now existing or hereafter created under the Pennsylvania Board of Parole;

(6) All positions now existing or hereafter created in the Department of Mental Health;

(7) All positions now existing or hereafter created in the Department of Education, including positions in the Vocational Education Management Information Systems and excluding the presidents, faculty members and student employees of the State colleges, the heads and faculty members of the department's other educational institutions and excluding also county superintendents, assistant county superintendents and supervisors of special education;

((7) amended July 1, 1981, P.L.175, No.50)

(8) All positions now existing or hereafter created in the Department of Health, excluding patient employes at institutions operated by that department;

(9) All positions now existing or hereafter created in the Department of Banking;

(10) All positions now existing or hereafter created in the Department of Insurance;

(11) ((11) repealed July 1, 1978, P.L.598, No.116)

(12) All positions now existing or hereafter created under the professional licensing boards and the State Employees' Retirement Board in the Department of State;

(13) All positions now existing or hereafter created in any department or agency under the Governor's jurisdiction which (i) are required to be under a merit system in order to qualify the agency or department for the receipt of funds from the United States Government, or any agency or instrumentality thereof, (ii) were designated as professional or technical by the Executive Board of the Commonwealth on or before October 1, 1962, (iii) were covered by Civil Service under the terms of an agreement entered into between the department or agency and the commission on or before October 1, 1962, other than those agreements arising out of the Executive Board resolution of September 10, 1956, as amended and supplemented;

(14) The following positions in the Department of Highways: Engineers, geologists, chemists, planning specialists, statisticians, economists, geodesists, photogrammetrists, architects, landscape architects, cartographers, draftsmen and surveyors; and

(15) All positions in local civil defense organizations, which political subdivisions were authorized to bring under the provisions of this act by the act of April 28, 1961 (P.L.129), upon the exercise of such authority.

(16) All positions now existing or hereafter created in the Pennsylvania Labor Relations Board, excluding the Executive Director, Secretary of the Board, Regional Directors, Attorneys, and Attorney Examiners.

((16) added Dec. 3, 1975, P.L.465, No.133)

Notwithstanding the provisions of this clause, the classified service shall not include any position included in the unclassified service under clause (c) of this section.

(e) "Appointing authority" means the officers, board, commission, person or group of persons having power by law to make appointments in the classified service.

(f) "Position" means a group of current duties and responsibilities assigned or delegated by competent authority requiring the full-time or part-time employment of one person.

(g) "Class" or "class of positions" means a group of positions in the classified service which are sufficiently similar in respect to the duties and responsibilities thereof that the same descriptive title may be used for each of such positions, the same requirements as to experience, knowledge and ability are demanded of incumbents, the same tests of fitness may be used to choose qualified appointees, and the same schedule of compensation may be made to apply with fairness under like working conditions.

(h) "Permanent position" means a position in the classified service, which does not have an expiration date.

((h) amended Nov. 27, 2002, P.L.1129, No.140)

(i) "Temporary position" means a position in the classified service, which arises out of temporary pressure of extra work and is likely to continue for a period of twelve months or less.

((i) amended Nov. 27, 2002, P.L.1129, No.140)

(j) "Employee" means a person legally occupying a position in the classified service.

(k) "Regular employe" means an employe who has been appointed to a position in the classified service in accordance with this act after completing his probationary period.

(l) "Entrance examination" means an examination for positions in a particular class, admission to which is not limited to persons employed in the classified service.

(m) "Promotion examination" means an examination for positions in a particular class, admission to which is limited to employes in the classified service who have held a position in another class.

(n) "Employment list" means a list of persons who have been found qualified by an entrance examination for appointment to a position in a particular class.

(o) "Promotion list" means a list of persons who have been found qualified by a promotion examination for appointment to a position in a particular class.

(p) "Eligible list" means an employment list, a promotion list or a reemployment list.

(q) "Eligible" means a person whose name is on an eligible list.

(r) "Demotion" means the voluntary or involuntary movement of an employe to a class assigned to a pay range with a lower maximum salary.

((r) amended Nov. 27, 2002, P.L.1129, No.140)

(s) "Furlough" means the termination of employment because of lack of funds or of work.

(t) "Probationary period" means a preliminary period of employment the purpose of which is to determine the fitness of an employe for regular status.

((t) amended Nov. 27, 2002, P.L.1129, No.140)

(u) "Promotion" means the movement of an employe to another class in a pay range with a higher maximum salary.

((u) amended Nov. 27, 2002, P.L.1129, No.140)

(v) "Removal" means the permanent separation from the classified service of an employe who has been permanently appointed.

(w) "Unskilled labor" means any person occupying or assigned to a position for which the principal job requirement is good physical condition as related to the duties of the particular position.

(3 amended Aug. 27, 1963, P.L.1257, No.520)

Compiler's Note: The act of July 1, 1981, P.L.175, No.50, which amended section (3)(d)(7), contained the following implementing provision:

Section 2. (a) The following positions and incumbents occupying positions in the following program are hereby placed in the Department of Education: Vocational Education Management Information Systems.

(b) The incumbents of these positions shall be governed by all of the appropriate personnel rules, regulations and policies as other Department of Education employes, and the incumbents of these positions shall be granted probationary status and serve the probationary period appropriate for their classifications as provided for in section 603 of the act.

(c) The Department of Education shall provide for the integration, training, employment and classification of all current Bureau of Information Systems employes who are engaged in functions associated with the Vocational Education Management Information Systems program in accordance with the written agreement entered into between the American Federation of State, County and Municipal Employes and the Department of Education on April 29, 1981.

ARTICLE II CIVIL SERVICE COMMISSION AND EXECUTIVE DIRECTOR AND THEIR POWERS

(Hdg. amended June 21, 1947, P.L.835, No.348)

Section 201. State Civil Service Commission--(a) The State Civil Service Commission shall consist of three full-time 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. 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) The chairman of the commission shall receive a salary of sixty-five thousand dollars (\$65,000.00) per annum. Each other member of the commission shall receive a salary of sixty-two thousand five hundred dollars (\$62,500.00) per annum.

(b.1) The commissioners shall receive annual cost-of-living increases under section 3(e) of the act of September 30, 1983 (P.L.160, No.39), known as the "Public Official Compensation Law." Each commissioner shall be entitled to receive actual traveling expenses.

(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.

(201 amended Nov. 27, 2002, P.L.1129, No.140)

Section 202. Meetings of Commission--The commission shall meet at least once each month. Meetings may be canceled with appropriate public notice. The chairman of the commission shall cause reasonable notice to be given to each member of the commission and to the director of the time and place of each meeting. Meetings shall be held at the call of the chairman, the Governor, or any member of the commission. Two members of the commission shall constitute a quorum at any meeting.

(202 amended Nov. 27, 2002, P.L.1129, No.140)

Section 203. Duties of Commission--It shall be the duty of members of the commission as a body--

(1) After public hearing, as hereinafter set forth, to establish, adopt and amend rules, either on its own motion or upon recommendation of the director, for making effective the provisions of this act.

(2) Upon request or on its own motion, as herein provided, in cases of demotion, furlough, suspension and removal to conduct investigations, hold public hearings, render decisions on appeals and record its findings and conclusions.

(3) To make investigations on its own motion and, in its discretion, on petition of a citizen concerning any matter touching the enforcement and effect of the provisions of this act and to require observance of the provisions of this act and the rules and regulations thereunder.

(4) To make such investigations as may be requested by the Governor or the legislature and to report thereon.

(5) To report on an annual basis, beginning June 1, 1975 and each June first, thereafter, to the General Assembly on all complaints, grievances, and cases arising from questions by veterans with regard to the application of and the results attained by use of the veterans' preference provisions of this act with regard to hiring, promotion, and firing of employes covered by this Act.

(6) Upon its own motion and subject to the specific terms and conditions imposed, to delegate authority to the Director to promote the efficient and effective performance of the administrative duties of the commission.

(203 amended Nov. 27, 2002, P.L.1129, No.140)

Section 204. Legal Counsel--(204 repealed Oct. 15, 1980, P.L. , No.164)

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.

(204.1 added June 26, 1989, P.L.47, No.10)

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

(205 amended June 26, 1989, P.L.47, No.10)

Section 206. Powers and Duties of Director--Under the direction and supervision of the commission, the director, except as otherwise provided in this act, shall direct and supervise the administrative work of the commission. The director shall have power and the duty--

(1) To appoint such staff to classified service positions 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 such data as the director considers desirable and pertinent.

(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.

(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.

(8) To make an annual report in writing, not later than November first of each year concerning the administrative and legal work performed by the commission during the preceding fiscal year.

(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.

(206 amended Nov. 27, 2002, P.L.1129, No.140)

Section 207. Cooperation by Officers and Employes of the Commonwealth-- Upon the written request of the director, all officers and employes in the service of the Commonwealth shall, during the usual business hours, furnish the commission such facilities, assistance and information as it may require in carrying on its functions.

Section 208. Public Hearings--Before adopting or amending its rules, the commission shall hold a public hearing at which any citizen shall have the right to appear and be heard. Public notice of such public hearing shall be given at least seven days in advance of the hearing by posting on a bulletin board maintained in or near the commission's principal office, in a place accessible to the public during business hours, a statement of the time and place of the hearing and of the matter to be considered, also by furnishing at least twenty copies of such notice to the newspaper correspondents' office in the State Capitol and one copy of such notice to the Governor, each appointing authority and each member of the General Assembly. The commission may give further public notice of such hearings as it deems advisable.

(208 amended Aug. 27, 1963, P.L.1257, No.520)

Section 209. Oaths, Testimony and Production of Papers--Each member of the commission, the director, and any other employe or agent authorized by the commission, shall have the power to administer oaths in matters pertaining to the work of the commission. The commission shall have the power to secure by subpoena the attendance and testimony of witnesses and the production of books and papers. Any judge of a court of record, either in term time or in vacation, shall, upon proper application of the commission, compel the attendance of witnesses, the production of books and papers and the giving of testimony before the commission by attachment for contempt, or otherwise, in the same manner as the production of evidence may be compelled before such court.

Section 210. Records Open to the Public--The minutes of the commission shall be preserved as permanent records. The correspondence, eligible lists, other papers and records of the commission, applications, examination records, other documents submitted by candidates and records of candidates who do not report for one or more parts of an examination shall be maintained for periods established in the commission's records retention schedule, which may, upon publication of notice in the Pennsylvania Bulletin, be changed at the discretion of the commission to meet the criteria and needs of the commission. The commission and its director, in its deliberations, may rely on computerized or electronically or mechanically reproduced records. On written request, supported by justification acceptable to the 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 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. 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.

(210 amended Nov. 27, 2002, P.L.1129, No.140)

Section 211. Receiving Funds and Allocating or Apportioning Costs--The commission shall have power to receive funds from the United States of America or any agency thereof, or from any other source whatsoever, for the administration of this act and the commission and the budget secretary shall have the power to allocate among the departments and agencies thereunder the cost of administering this act, or any part thereof.

(211 amended Aug. 27, 1963, P.L.1257, No.520)

Section 212. Service to State Departments, Boards and Commissions or Agencies and Political Subdivisions; Cooperation with Other Civil Service Agencies--(a) The services and facilities of the commission and its staff shall be available to the State departments, boards and commissions set forth in clause (d) of section three of this act and to other State departments, boards, commissions or agencies and political subdivisions of this Commonwealth upon such terms and conditions as may be prescribed by the rules of the commission, which rules shall provide for the payment to and reimbursement of the Commonwealth for the reasonable cost of such services and facilities.

((a) amended Aug. 27, 1963, P.L.1257, No.520)

(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 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.

((b) amended June 26, 1989, P.L.47, No.10)

(c) Any money payable to the commission by way of reimbursement shall be paid into the General Fund through the Department of Revenue, shall be credited to the annual appropriation made to the commission out of the General Fund for the proper conduct of its work under this act and shall be available for the same purposes for which any such appropriation is available. In case any State department, board, commission or agency which is supported out of the General Fund becomes liable to the commission, under the provisions of this section, such liability shall be defrayed out of the current appropriation to such State department, board, commission or agency for the proper conduct of its work, and any such appropriation is hereby appropriated for such purpose. In addition, as much money as may be necessary is hereby appropriated to the commission, from time to time, from the State Stores Fund, to meet the cost of the services and facilities of the commission, as may be attributable to the work of the

commission, with respect to the Pennsylvania Liquor Control Board, and as much as may be necessary is hereby appropriated from the Administrative Fund to meet the cost of services and facilities of the commission, as may be attributable to the work of the commission, with respect to the work of the Department of Labor and Industry under the Unemployment Compensation Law. In the event any other State department, board, commission or agency which is supported out of a special fund becomes obligated to the commission, under the provisions of this section, as much money as may be necessary is hereby appropriated, from time to time, out of such special fund to meet the cost of services and facilities of the commission, as may be attributable to the work of such administrative department, board, commission or agency. Such amounts as are appropriated out of said special funds shall, from time to time, be transferred from such funds to the General Fund, shall be credited to the current appropriation made to the commission out of the General Fund for the proper conduct of its work, and are hereby appropriated to the commission for the same purposes as the aforesaid appropriation out of the General Fund is appropriated.

((c) amended Aug. 27, 1963, P.L.1257, No.520)

(d) The commission shall have power from time to time to enter into agreements with other public personnel agencies in this or any other State and with agencies of the federal government for the purpose of using and exchanging information and services. The commission shall have power to become a member of or subscribe to any association or service having as its purpose the interchange of information relating to the technique of personnel administration.

(212 amended May 21, 1943, P.L.516, No.231)

Section 213. Federal Standards--Notwithstanding any other provisions of this Act, the Commonwealth and its political subdivisions are authorized and directed to take such action with respect to matters involving personnel administration as may be necessary to assure the continued eligibility of the Commonwealth and its political subdivisions for Federal grants-in-aid.

(213 added Aug. 27, 1963, P.L.1257, No.520)

Section 214. Legislative Representation for Collective Bargaining--The President pro tempore of the Senate and the Speaker of the House of Representatives may jointly appoint a competent industrial relations specialist, who shall not be a member of the General Assembly, to represent the General Assembly at collective bargaining negotiations relating to persons in the classified service by observing the proceedings and submitting reports of the proceedings to the President pro tempore of the Senate and the Speaker of the House of Representatives.

(214 added Oct. 7, 1974, P.L.676, No.226)

**ARTICLE III
CLASSIFICATION OF POSITIONS IN THE CLASSIFIED SERVICE**

Section 301. Establishment of Classes--(301 repealed Aug. 27, 1963, P.L.1257, No.520)

Section 302. Allocation of Position to Classes--(302 repealed Aug. 27, 1963, P.L.1257, No.520)

Section 303. Additions and Amendments to Classes--(303 repealed Aug. 27, 1963, P.L.1257, No.520)

Section 304. Reporting and Classification of New Positions.--(304 repealed Aug. 27, 1963, P.L.1257, No.520)

Section 305. Use of Classification Titles.--(305 repealed Aug. 27, 1963, P.L.1257, No.520)

**ARTICLE IV
COMPENSATION OF EMPLOYES IN THE CLASSIFIED SERVICE**

Section 401. Compensation Schedules--(401 repealed Aug. 27, 1963, P.L.1257, No.520)

Section 402. Rates of Pay--(402 repealed Aug. 27, 1963, P.L.1257, No.520)

Section 403. Changes in Compensation--(403 repealed Aug. 27, 1963, P.L.1257, No.520)

**ARTICLE V
SELECTION OF EMPLOYES FOR ENTRANCE TO
OR PROMOTION IN THE CLASSIFIED SERVICE**

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;

(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.

(501 amended Nov. 27, 2002, P.L.1129, No.140)

Section 502. Nature of Examinations--The director shall give examinations to establish employment and promotion lists. Such examinations may be written or oral, or a demonstration of skill, or an evaluation of experience and education, or a combination of these, which shall fairly appraise the fitness and ability of competitors. Such examinations shall be practical in character and shall relate to the duties and responsibilities of the position for which the applicant is being examined and shall fairly test the relative capacity and fitness of persons examined to perform the duties of the class of positions to which they seek to be appointed or promoted. An applicant may be required to possess scholastic education qualifications only if the position for which the applicant is being examined requires professional or technical knowledge, skills and abilities or if such scholastic qualifications are required to assure the continued eligibility of the Commonwealth for Federal grants-in-aid. No greater credit for experience gained during a provisional, emergency or temporary appointment under this act or acts repealed hereby shall be given to any person in any examination than is given in such examination for experience in the same type of work performed in a similar position not under the provisions of this act or acts repealed hereby. In evaluating experience in order to compute the final rating in any examination to establish employment and promotion lists, persons discharged other than dishonorably, after active service during any war or armed conflict in which the United States engaged, from any branch of the armed service of the United States, or from any women's uniformed service directly connected therewith, shall not be given less credit for experience than would be given for continued experience in the position held at the time of induction in the service. No question in any examination shall relate to the race, gender, religion or political or labor union affiliation of the candidate.

(502 amended Nov. 27, 2002, P.L.1129, No.140)

Section 503. Holding Examinations and Rating Competitors--The director shall have charge of the preparation and holding of examinations of the rating of the work of competitors and of the preparation of resulting eligible lists. He may call on other persons not on the regular staff of the commission, either within or without the classified service, for assistance.

(503 amended Aug. 27, 1963, P.L.1257, No.520)

Section 504. Public Notice of Examinations--The director shall give public notice of all examinations for positions or promotions in the classified service at least two

weeks in advance of the final date for filing applications as prescribed by the rules of the commission.

(504 amended Nov. 27, 2002, P.L.1129, No.140)

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 notice by 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.

(505 amended Aug. 27, 1963, P.L.1257, No.520)

Section 506. Establishment of Eligible Lists--The director shall establish and maintain such eligible lists as are necessary or desirable to meet the needs of the service. These lists shall contain the names of those persons who have been found qualified for and have successfully passed the examination and shall be arranged in the order of final earned ratings.

(506 amended Nov. 27, 2002, P.L.1129, No.140)

Section 507. Duration of Eligible Lists--The duration of an eligible list shall be fixed by the director with the approval of the commission for a period of up to four years. An existing eligible list 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.

(507 amended June 26, 1989, P.L.47, No.10)

ARTICLE VI APPOINTMENT AND PROMOTION OF EMPLOYEES IN THE CLASSIFIED SERVICE

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. 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 may authorize selective certifications based on standards to be prescribed by the commission. 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.

(601 amended Nov. 27, 2002, P.L.1129, No.140)

Section 602. Selection and Appointment of Eligibles--If a vacant position is to be filled, an appointing authority may request the director to issue an appropriate certification of 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. The certification of eligibles shall be valid for sixty-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. 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 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.

(602 amended Nov. 27, 2002, P.L.1129, No.140)

Section 602.1. Substitutes During Military Leave--Whenever an employe in the classified service is granted military leave, the position so vacated shall be filled only by substitute appointment or promotion, and the employe so appointed or promoted shall vacate the position upon return of the employe from military leave. Any such substitute employe, when required to vacate such position upon the return of the regular employe, shall have the right to return to his previous civil service position and status. Such substitute appointments or promotions shall be made from lists certified by the State Civil Service Commission in keeping with the provisions of this act.

(602.1 added Sept. 29, 1951, P.L.1636, No.428)

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 and shall not exceed twenty-four months. At any time during 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 the duties satisfactorily or that the employe's dependability does not merit continuance in the service. Upon such removal, the appointing authority shall notify the employe in a manner prescribed by the rules of the commission.

(b) If the employe's work has been satisfactory, the employe shall be notified by the appointing authority in writing prior to the completion of the probationary period that the employe will attain regular status in the classified service upon completion of the probationary period.

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

(603 amended Nov. 27, 2002, P.L.1129, No.140)

Section 604. Provisional Appointments--(a) Whenever there is a great and urgent public need for filling a vacancy in any position in the classified service, and when the director is unable to certify an eligible for the vacancy from an eligible list, or arrange for a reassignment, transfer, promotion or other means of filling the vacancy with a qualified employe, and when there is no regular examination immediately available, the director may authorize an accelerated examination program for the position to be filled.

(b) The accelerated examination program will include such elements as abbreviated, localized advertising for the position, so as to insure open competition; rapid processing and evaluation of the qualifications of applicants, ranking them as well qualified, qualified and not qualified; and certification of those determined to be well qualified and qualified to the position.

(c) The appointing authority shall appoint from among those determined to be well qualified. If insufficient well qualified applicants are available, the appointment shall be made from among the qualified group.

(d) The appointee shall serve a six-month working test period upon successful completion of which he shall be granted probationary status. Failure to successfully complete the working test period shall result in termination.

(e) Successive provisional appointments of the same person shall not be made to the same position or classification.

(f) The acceptance of a provisional appointment shall not confer upon the appointee any rights of promotion, reinstatement or reassignment to another classification while in provisional status.

(g) Within six months of the effective date of this act, the commission shall conduct examinations and establish eligible lists as defined in Articles V and VI, or in subsections (a) through (d) to cover all provisional employes as of the effective date of this act. If the commission fails to conduct examinations as indicated, the provisionals shall be granted probationary status at the end of six months after the effective date of this act.

(h) Any State employe who, on the effective date of this act, has been in a provisional status for a twelve-month period, shall assume the status of a probationary employe for a period of six months.

(604 amended Oct. 4, 1978, P.L.996, No.208)

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 twelve months or less, the appointing authority shall request the director to certify the name of a qualified person from an appropriate list of eligibles or by other means authorized by this act. In such request the appointing authority shall state the cause of the extra work, the probable length of employment and the duties, which the appointee is to perform.

(605 amended Nov. 27, 2002, P.L.1129, No.140)

Section 606. Emergency Appointments--Any appointing authority or any subordinate authorized by him may, to prevent serious impairment of the public business when an emergency arises and time will not permit securing the authorization from the director for the appointment of a certified eligible, appoint any qualified person during the emergency for a period not exceeding thirty days and may with the approval of the commission be extended for a further period not to exceed thirty days. The existence of a vacancy of which the appointing authority has had reasonable notice or of employment conditions of which the appointing authority had previous knowledge shall not be considered an emergency. Persons thus appointed shall be known as emergency employes. Appointing authorities shall forthwith report to the director all emergency appointments, and such appointments shall not be renewed.

(606 amended June 21, 1947, P.L.835, No.348)

Section 607. Status of Employes Holding Positions When Act Takes Effect--(607 repealed Nov. 27, 2002, P.L.1129, No.140)

ARTICLE VII THE REGULATION OF EMPLOYES IN THE CLASSIFIED SERVICE

Section 701. Training Programs--(701 repealed Nov. 27, 2002, P.L.1129, No.140)

Section 702. Health Programs--(702 repealed Nov. 27, 2002, P.L.1129, No.140)

Section 703. Holidays, Hours of Work, Attendance and Leaves--(703 repealed Aug. 27, 1963, P.L.1257, No.520)

Section 704. Performance Ratings--(a) Performance evaluations shall be considered for such purposes as the rules of the commission shall provide.

(b) Agencies shall evaluate the performance of their employes during their probationary period and at least once a year thereafter.

(c) Performance evaluation forms and procedures shall be reviewed and approved by the director prior to utilization.

(704 amended Nov. 27, 2002, P.L.1129, No.140)

Section 705. Transfers and Reassignments--(a) The transfer of a classified service employe from a position under the jurisdiction of one appointing authority to a position in the same class under the jurisdiction of another appointing authority may be made with the approval of the director and both appointing authorities.

(b) An appointing authority may at any time reassign a classified service employe under its jurisdiction from one position to another in the same class or in a similar class at the same pay range for which the employe qualifies.

(c) Transfers and reassignments shall be accomplished in a manner prescribed in the rules of the commission.

(d) Any transfer or reassignment of an employe from a position in one class to a position in a class for which a higher maximum salary is prescribed shall be deemed a promotion and may be accomplished only in the manner provided for in this act.

(e) No person shall be transferred or reassigned from a position in the unclassified service to a position in the classified service unless appointed to such latter position after certification of the person's name from an eligible list in accordance with the provisions of this act.

(705 amended Nov. 27, 2002, P.L.1129, No.140)

Section 705.1. Further Rights of Transferred Employes--(705.1 repealed Nov. 27, 2002, P.L.1129, No.140)

Section 706. Demotions--(a) An appointing authority may demote to a vacant position in a lower class any employe in the classified service who does not satisfactorily perform the duties of the position to which the employe was appointed or promoted and who is able to perform the duties of the lower class. In case of such demotion the employe shall have all rights of appeal as provided in this act. No employe shall be demoted because of the employe's race, gender, religion or political, partisan or labor union affiliation.

(b) A voluntary demotion may be made by an appointing authority upon written request of the employe and with the approval of the Director.

(706 amended Nov. 27, 2002, P.L.1129, No.140)

Section 707. Classification and Compensation--The classification of positions and the compensation of employees in the classified service shall conform to standards and rules adopted by the Executive Board. In the development of such classification standards for adoption by the Executive Board, the Budget Secretary shall consult with the Executive Board and with the staff of the commission in so far as such standards relate to the examination functions of the commission.

(707 added Aug. 27, 1963, P.L.1257, No.520)

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

(707.1 added June 26, 1989, P.L.47, No.10)

Section 708. Other Personnel Standards and Rules--With respect to such other personnel management matters as hours of work, paid holidays, vacations and sick leave and employee training, employees in the classified service shall conform to standards and rules established by the Governor and the Executive Board for Commonwealth employees generally.

(708 added Aug. 27, 1963, P.L.1257, No.520)

ARTICLE VIII SEPARATION OF EMPLOYEES FROM THE CLASSIFIED SERVICE

Section 801. Temporary and Permanent Separations--An employee may be temporarily separated from the classified service through furlough, leave of absence or suspension and may be permanently separated through rejection on probation, retirement, resignation or removal.

Section 802. Furlough--(a) In case a reduction in force is necessary in the classified service, no employee shall be furloughed while any probationary or provisional employee is employed in the same class in the same department or agency, and no probationary employee shall be furloughed while a provisional employee is employed in the same class in the same department or agency. An employee shall be furloughed only if at the time of furlough, the employee is within the lowest quarter among all employees of the employer in the same class on the basis of their last regular service ratings, and within this quarter the employee shall be furloughed in the order of seniority unless there is in existence a labor agreement covering the employees 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 employees in the same class, classification series or other grouping of employees 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 employee shall have the right of return to any class and civil service status which 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 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 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 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.

(802 amended June 26, 1989, P.L.47, No.10)

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. Suspensions, including suspensions pending internal investigation, shall not exceed sixty working days in one calendar year; however, suspensions pending investigation by external agencies may be maintained up to thirty working days after the conclusion of the external investigation. No person shall be suspended because of race, gender, 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, therefore, 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.

(803 amended Nov. 27, 2002, P.L.1129, No.140)

Section 804. Removal during Probationary Period--The appointing authority may remove an employe from the classified service at any time before the expiration of the probationary period. The person so removed shall be considered permanently separated from his position, but the director may, if he considers such action appropriate, place the name of the person thus removed on the employment list of the appropriate class for future certification to other appointing authorities.

(804 amended Aug. 27, 1963, P.L.1257, No.520)

Section 804.1. Rights of Promoted Employe During Probationary Period--(a) An employe serving a probationary period which has resulted from a promotion, may be removed from the classified service only for just cause.

(b) During the first three months of the probationary period, the employe has the option to return to the position previously held. At any time after the first three months, an employe in probationary status may return to the previous position or classification with written consent of the appointing authorities.

(c) If the employe's performance during the probationary period is not satisfactory to the appointing authority, the employe shall be returned to the position or class held immediately prior to such promotion without necessity of appeal or hearing.

(804.1 amended Nov. 27, 2002, P.L.1129, No.140)

Section 805. Retirement--(805 repealed Nov. 27, 2002, P.L.1129, No.140)

Section 806. Resignation--The rules of the commission shall state what shall constitute resignation from the classified service. 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 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 shall be made or shall be valid unless it bears the signature of the person resigning and the date of the resignation.

(806 amended June 26, 1989, P.L.47, No.10)

Section 807. Removal--No regular employe in the classified service shall be removed except for just cause.

(807 amended Aug. 27, 1963, P.L.1257, No.520)

Section 807.1. Leave of Absence--An employe who has been granted a leave of absence at the discretion of an appointing authority shall, upon expiration of the leave of absence, have the right of return to the class and civil service status from which leave was granted, or to any class and civil service status which he previously held, provided such class is contained in the current class plan of the agency, or to any class and civil service status in the same or lower grade, provided that he meets the minimum qualifications given in the classification plan of the agency, provided that in all three instances there is a vacancy with the same appointing authority. If there is no vacancy to which the employe on leave can be returned, he shall retain priority of return to the class from which the leave of absence was granted for a period of one year following the date of expiration of the leave, and during this time shall have precedence for employment over employes furloughed from the same class.

(807.1 amended Aug. 27, 1963, P.L.1257, No.520)

Section 807.2. Seniority--(a) Seniority is established for the classified service, classification series and for each class.

(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.

(807.2 amended June 26, 1989, P.L.47, No.10)

ARTICLE IX PROHIBITIONS, PENALTIES AND ENFORCEMENT

Section 901. Director's Certificate of Legality of Employment--(901 repealed Nov. 27, 2002, P.L.1129, No.140)

Section 901.1. Commission to Make Periodic Audits of Employees.--The commission is hereby authorized to and is held responsible for conducting audits of changes in employment and promotions of employees in the various departments, bureaus and agencies under its jurisdiction, to assure strict compliance with this act and the commission rules and regulations.

(901.1 added Sept. 29, 1951, P.L.1636, No.428)

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 for a period of time to be determined by the commissioners and, if appointed or promoted, be summarily removed.

(902 amended Nov. 27, 2002, P.L.1129, No.140)

Section 903. Certain Acts Made Misdemeanors--Any person who wilfully by himself or in collusion with one or more other persons defeats, deceives or obstructs any person in respect to his right of examination, appointment or employment according to this act or according to any rules made thereunder, or who corruptly or falsely marks, rates, grades, estimates or reports upon the tests or proper standing of any person tested or certified pursuant to the provisions of this act, or aids in so doing, or who wilfully makes any false representations concerning the same or concerning the persons tested, or who wilfully furnishes to any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined or certified or to be examined or certified, or who impersonates any person or permits or aids in any manner any other person to impersonate him in connection with any examination or request to be examined, certified or appointed, or who furnishes any false information about himself or about any other person in connection with any request to be examined, certified or appointed, or who makes an appointment to office or selects any person for employment contrary to this act or to any rules made thereunder, or who refuses to comply therewith, or who wilfully or through culpable negligence violates any

of the provisions of this act or of any rules made thereunder, shall for each offense be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00), and not exceeding three thousand dollars (\$3,000.00), or to serve imprisonment for a period not exceeding 3 years, or both, in the discretion of the court.

Section 904. Prohibition of Political Activity--(904 repealed June 26, 1989, P.L.47, No.10)

Section 905. Prohibition of Assessments--(905 repealed June 26, 1989, P.L.47, No.10)

Section 905.1. Prohibition of Discrimination--No officer or employe of the Commonwealth shall discriminate against any person in recruitment, examination, appointment, training, promotion, retention or any other personnel action with respect to the classified service because of political or religious opinions or affiliations because of labor union affiliations or because of race, national origin or other non-merit factors.

(905.1 added Aug. 27, 1963, P.L.1257, No.520)

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 of not more than one hundred twenty working days, if it finds that the violation does not warrant termination.

((f) amended Nov. 27, 2002, P.L.1129, No.140)

(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.

(905.2 added June 26, 1989, P.L.47, No.10)

Section 906. Removal and Disqualification of Officers and Employees--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 be ineligible for reappointment to any position in the classified service for a period of time to be determined by the commissioners.

(906 amended Nov. 27, 2002, P.L.1129, No.140)

ARTICLE IX.I NOTICE AND HEARINGS

(Hdg. added Aug. 27, 1963, P.L.1257, No.520)

Section 950. Notice--Written notice of any personnel action taken pursuant to the provisions of this act shall be provided to the affected employe. Such notice shall be furnished within time limits prescribed by the rules of the commission. Copies of such notices shall be provided to the director upon request. The notice shall in the case of the permanent separation, suspension for cause, or involuntary demotion of a regular employe set forth the reason or reasons for the action.

(950 amended Nov. 27, 2002, P.L.1129, No.140)

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.

(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.

(c) All final decisions of the commission shall be reviewable 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.

(951 amended June 26, 1989, P.L.47, No.10)

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.

(952 added June 26, 1989, P.L.47, No.10)

ARTICLE X SCHEDULE

Section 1001. Transfer of Records--All lists of eligibles previously established or certified which have not been replaced by later lists of eligibles on the effective date of this Act, and all books, papers, records, documents, supplies, materials and equipment relating to or used in connection with any merit system in the service of the Commonwealth in effect on the effective date of this act are hereby transferred from the department, board or agency heretofore charged with the administration of such merit system to the commission on the effective date of this act.

Such lists of eligibles shall be used for appointments by the commission in the same manner as hereinbefore provided until examinations shall have been held by the commission and new lists of eligibles prepared pursuant thereto. All persons whose names remain on any existing list of eligibles shall be retained thereon for at least one year from the date when the list was established and thereafter until the list is replaced by a more recently prepared list. If any applications have been filed for an examination or any examinations have been held, but no lists of eligibles established, in connection with any merit system in the service of the Commonwealth in effect on the effective date of this act, such applications and examinations transferred to the commission shall have the same force and effect as if the applications had been filed with or the examinations held by the commission.

Section 1002. Employment Board Abolished--The Employment Board in the Department of Public Assistance is hereby abolished, and the terms of all of its members in office are hereby terminated on the effective date of this act.

Section 1003. Appropriation--The sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be found necessary, is hereby specifically appropriated out of the General Fund to the State Civil Service Commission for the biennial period ending the thirty-first day of May, one thousand nine hundred forty-three for the payment of salaries, wages and other compensation of the commission, the director and experts, statisticians, clerks, stenographers and other assistants and employees for the payment of traveling expenses for advertising, postage, stationery, equipment, printing, supplies and for any other expenses necessary for the proper conduct of the work of the commission and of the director. In addition to the aforesaid amount, as much money as may be necessary, is hereby appropriated to the commission from the State Stores Fund to meet such portion of the above expenses of the commission as may be attributed to the work of the commission with respect to the

Pennsylvania Liquor Control Board, and as much as may be necessary is hereby appropriated to the commission from the Administration Fund to meet such portion of the above expenses of the commission as may be attributable to the work of the commission with respect to the Department of Labor and Industry. Such additional amounts shall from time to time be transferred from the aforesaid special funds to the General Fund, shall be credited to the aforesaid appropriation made from the General Fund, and are hereby appropriated to the commission for the aforesaid purposes.

Section 1004. Effective Date of This Act--This act shall become effective immediately upon its final enactment, except that any department, commission, board, agency or person charged with administering the merit systems in the service of the Commonwealth in effect on the effective date of this act shall individually continue, until thirty days after the director of the Civil Service Commission is appointed as herein provided, to administer for their respective appointing authorities such merit systems in accordance with the provisions of this act, and during this time, wherein in this act certain powers and duties pertaining to examinations, eligible lists, appointments, promotions, demotions, furloughs, suspensions, removals and appeals are imposed on the director and the commission, such powers and duties shall be imposed individually upon such department, commission, board, agency or person herein referred to.

Section 1005. Repealer--The following laws or parts of laws are hereby repealed:

Section two of the act, approved the twentieth day of December, one thousand nine hundred thirty-three (Pamphlet Laws, eighty-nine (1933-34)), entitled, "An act appropriating the moneys in The State Stores Fund", as added by the act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, one thousand three hundred sixteen).

Section two hundred eight of the act, approved the fifth day of December, one thousand nine hundred thirty-six (Pamphlet Laws (1937), two thousand eight hundred ninety-seven), entitled, "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties", and the amendments thereto.

Section three hundred two of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (Pamphlet Laws, fifteen (1933-34)), entitled, as amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell

such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties", and the amendments thereto.

Section 2504-A and 2505-A of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined", as added by the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (Pamphlet Laws, two thousand three).

Section four, clause (k), and section seven, clause (b), of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (Pamphlet Laws, two thousand fifty-one), entitled, "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Board of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board", as amended by the act, approved the twenty-sixth day of June, one thousand nine hundred and thirty-nine (Pamphlet Laws, one thousand ninety-one).

Section seven, clause (a), of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (Pamphlet Laws, two thousand fifty-one), entitled, "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of

Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board", as amended by the act, approved the twenty-sixth day of June, one thousand nine hundred and thirty-nine (Pamphlet Laws, one thousand ninety-one), to the extent that it is inconsistent with this act.

All other acts and parts of acts inconsistent with this act are hereby repealed.

APPENDIX
Supplementary Provisions of Amendatory Statutes

1963, AUGUST 27, P.L.1257, NO.520

Section 28. Status of Certain Employees--On effective date of this amendatory act: (a) any person occupying a position in the classified service as defined in section 3 (d), which, on the day preceding the effective date of this amendatory act, was under any type of merit system by virtue of legislative or executive authority, shall be accorded the status he held on such date, except that any person occupying a position in the classified service as defined in section 3 (d) (5), who attained regular status or held probationary status after October 1, 1962, and any person who held regular or probationary status in a position in the classified service, as defined in section 3 (d) (13) (ii) or section 3 (d) (14), shall, except as hereinafter provided, serve the maximum probationary period authorized by section 603 as amended by this amendatory act beginning on the effective date of this amendatory act.

(b) Any person occupying a position in the classified service as defined in section 3 (d), which, on the day preceding the effective date of this amendatory act, was not under any type of merit system, shall, except as hereinafter provided, serve the maximum probationary period authorized by section 603 as amended by this amendatory act beginning on the effective date of this amendatory act.

(c) Any person serving such probationary period may, at any time within such period (i) upon written notification of satisfactory work being submitted to the director by the appointing authority, countersigned by the Budget Secretary, receive regular employment status, or (ii) upon written notification of unsatisfactory work being submitted to the director by the appointing authority, countersigned by the Budget Secretary, be separated from the classified service without the right of appeal. If no prior notification is given as provided in (i) or (ii) above before any person serving such probationary period receives regular employment status, the written notification of satisfactory work required by section 603 (b) shall be submitted to the director, countersigned by the Budget Secretary. If the written notification to the director at such time, countersigned by the Budget Secretary, is of unsatisfactory work or in the absence of the written notification of satisfactory work, such person shall be separated from the classified service without the right of appeal.

(d) Any employe who holds a position which is required to be under a merit system by reason of the receipt of Federal grants-in-aid and which is brought into the classified service pursuant to this amendatory act shall be deemed to be and shall possess the rights of a regular employe under the provisions of the act to which this is an amendment, insofar as necessary to ensure the continued eligibility of the Commonwealth and its political subdivisions for such Federal grants-in-aid. Beyond such necessity any such employe shall be required to comply with all the foregoing provisions, which are applicable to the position so held.

Compiler's Note: Act 520 added or amended sections 3, 203, 205, 206, 208, 211, 212 and 213, repealed sections 301, 302, 303, 304, 305, 401, 402 and 403, amended sections 501, 502, 503, 504, 505, 506, 507, 603 and 604, repealed section 703 and added or amended sections 705, 706, 707, 708, 802, 804, 804.1, 806, 807, 807.1, 807.2, 901, 904, 905.1 and 906 and article IX of act 286 section 30. Nothing contained in this amendatory act shall be construed to remove from the classified service any position, which was in the classified service in the service of the Commonwealth immediately prior to the effective date of this amendatory act.

1974, OCTOBER 7, P.L.676, NO.226

Section 4. Nothing contained in this amending act shall be construed to repeal or supersede the provisions of the act of May 22, 1945 (P.L.837, No.337), entitled, as amended, "An act providing for and requiring in certain cases preference in appointments to and retention in public position or on public works for honorably discharged persons who served in the military or naval service during any war or armed conflict in which the United States engaged or served therein since July 27, 1953, or hereafter so serves including service in Vietnam; and in certain cases for the widows and wives of such persons," or the provisions of the act of July 8, 1957 (P.L.557, No.309), known as the "Veterans Preference Act of 1957," or to detract from the preference given to any civil service employee who is a veteran or a veteran's widow or wife.

Compiler's Note: Act 226 added or amended sections 203, 214, 601, 602 and 802 of Act 286.

