
MANAGEMENT DIRECTIVE

580.11
Amended
Number

COMMONWEALTH OF PENNSYLVANIA GOVERNOR'S OFFICE

Subject:

Documentation of Classified Service Personnel Actions

By Direction Of:



Jeffrey T. Wallace, Executive Director, State Civil Service Commission

Date:

June 27, 2006

States documentation requirements for notification of classified service employees for specific personnel actions and their appeal rights, where applicable. This amendment contains major changes; therefore, marginal dots have been excluded.

1. SCOPE. Applies to all classified service employees in state agencies identified in § 3(d), *Civil Service Act of August 5, 1941, P. L. 752, as amended*, and political subdivisions of the Commonwealth which have contracts with the State Civil Service Commission (SCSC) for services and facilities as provided for in § 212, *Civil Service Act*.

2. POLICY.

a. Advance written notification shall be given to classified service employees for personnel actions listed in *Guidelines for Documentation of Personnel Actions* (see Enclosure 1). Such advance notice must be at least one workday, except in circumstances of unusually serious infraction, where continued employment would be detrimental, or unless a longer period of time is specified for the particular action by the Director, SCSC. **Exceptions:**

(1) Written notice of acceptance of voluntary resignations shall be provided to the employee not later than 15 calendar days after receipt of the resignation;

(2) Written notice of suspensions shall be provided to the employee not later than ten workdays after the effective date of the action;

(3) Written notice of reclassification shall be provided to the employee not later than ten workdays after receipt of the final approval to reclassify;

(4) Notice of furlough shall be received by the affected employees at least ten workdays before the furlough effective date; unless the furlough is a direct result of the Commonwealth not enacting a budget by midnight June 30th of each calendar year, in which case written notice shall be provided to the employee at least one workday before the furlough effective date.

b. Notices shall provide sufficient reason(s) for the action being taken and appeal rights, if appropriate. Include Form SCSC-4112, *Appeal Request Form*, when appeal rights apply (see Enclosure 2). Notices shall be signed by the agency head or authorized designated subordinate.

c. When signatory responsibility has been delegated, the delegation must identify the designee by specific work title; follow a rational line of responsibility; and be in writing to the Director, SCSC. Subordinates properly delegated signatory authority shall not further delegate that authority. The signature element on written notices where signatory authority has been delegated will be as follows:

John Q. Doe (signature)
JOHN Q. DOE (typed name)
Human Resource Officer (title)
For: SAM E. EXPERIMENTAL
Secretary of Department XYZ

d. Each agency shall provide the Director, SCSC, with a copy of the written delegation of signatory authority for the actions identified in Enclosure 1, Form SCSC-5280, *Delegation of Signatory Authority*, is to be used when an agency delegates signatory authority in accordance with this directive (see Enclosure 3). Revisions to the appointing authority or signatory authority require submission of a new Form SCSC-5280. **Exception:** The agency is not required to submit written delegation of signatory authority for a supervisor to sign a performance rating.

e. References: § 950, *Civil Service Act*; 4 Pa. Code §§ 105.1, 105.2, 105.3, 105.4, and 105.5; *Management Directives* 580.8, 580.16, 580.24, 580.26, 580.28, 580.30, and 580.35; *Manual M580.2*; and applicable collective bargaining agreements or memoranda of understanding.

3. PROCEDURES.

a. For the specific personnel action, prepare the notice and supporting documentation identified in Enclosure 1.

b. When applicable, attach copies of Form SCSC-4112, *Appeal Request Form*, to the notice.

c. Forms SCSC-4112 and SCSC-5280 can be obtained from the Commission's Human Resource website at www.scsc.state.pa.us. Appointing authorities are encouraged to replenish stock by use of their own reproduction facilities. Forms may also be obtained from the:

State Civil Service Commission
Reproduction and Distribution Unit
Basement, Strawberry Square Complex
320 Market Street
Telephone: 717/787-5632

Or, for U. S. Postal Service deliveries:

P.O. Box 569
Harrisburg, PA 17108-0569

d. A copy of the notice, as identified in Enclosure 1, shall be retained in the employee's official personnel file. Copies of suspension and furlough letters shall also be sent to the Director, SCSC in care of (c/o):

State Civil Service Commission
Bureau of Technical and Information Services
3rd Floor, Strawberry Square Complex
320 Market Street

Or, for U. S. Postal Service deliveries:

P. O. Box 569
Harrisburg, PA 17108-0569

Or, by email: ra-cs-personnelnotify@state.pa.us

Enclosures:

- 1 – *Guidelines for Documentation of Personnel Actions*
- 2 – Form SCSC-4112, *Appeal Request Form*
- 3 – Form SCSC-5280, *Delegation of Signatory Authority*

This directive replaces, in its entirety, *Management Directive 580.11* dated June 6, 2001.

GUIDELINES FOR DOCUMENTATION OF PERSONNEL ACTIONS

General

- (1) All written notices shall include the employee's name, the last four digits of the social security number (e.g., XXX-XX-0001), and effective date of action. Notices to state employees shall also contain the personnel number
- (2) In addition to the required documentation listed below, written notices shall include other information appropriate to the specific personnel action.
- (3) Written notices of adverse personnel actions shall clearly describe the employee's conduct that precipitated the adverse personnel action and shall inform employee of appeal rights. Notices determined to be defective may result in reversal of the personnel action.

ACTION	DOCUMENTATION	APPLICABLE FOOTNOTES
Appointment	<p>Notice to appointee shall state the effective date, rate of pay, job title, and civil service status and conditions as follows:</p> <ul style="list-style-type: none"> (1) Emergency – State that employment will be terminated on or before a specified date, not to exceed 60 workdays. (2) Temporary – State that employment is for a specified period, and is to terminate on or before a specified date, which must be less than 12 months (defined as less than 365 calendar days). (3) Provisional – Appointment letter shall include the conditions of employment found in <i>Management Directive 580.16, Provisional Employment in the Classified Service</i>. It shall be accompanied by a copy of the informational pamphlet, “<i>Working Test Period – What is it?</i>” State that the employee's name will be removed by the SCSC from the eligible list for the job title. (4) Probationary – State length of probationary period and that the employee's name will be removed by the SCSC from the eligible list for the job title and placed in the inactive file for all equal and lower level job titles. (5) Probationary for substitute and limited term employees – State the length of employment and probationary period. If satisfactory, the employee will receive regular status. Inform employees of their reemployment rights, if applicable. (6) Qualifier – State type of qualifying examination (whether competitive or noncompetitive), the method by which probationary or regular status will be assigned, and conditions for continued employment. Reference <i>4 Pa. Code § 95.8</i> 	---

ACTION	DOCUMENTATION	APPLICABLE FOOTNOTES
Promotion	<p>Notice to employee shall state job title, change in bargaining unit, if applicable, the effective date, rate of pay, length of probationary period, and give specific right of return to previously held position. Reference <i>4 Pa. Code § 97.38</i> and <i>Management Directive 580.26, Transfer or Reassignment of Classified Service Employees</i>.</p> <p>Also state that the SCSC will remove the employee's name from the eligible list for the job title and place it in the inactive file for all equal and lower level job titles.</p>	---
Reassignment	<p>Notice to employee shall state the effective date, rate of pay, job title, change in bargaining unit, if applicable, civil service status and conditions thereof.</p>	A
Demotion, Voluntary	<p>Appointing authority's written approval shall state job title, the effective date, rate of pay, civil service status and conditions thereof, and change in bargaining unit, if applicable. Inform probationary status employees that their names may be restored to employment eligible lists by submitting a written request to the Director, SCSC.</p>	A
Demotion, Involuntary	<p>Notice to employee shall state the effective date, rate of pay, job title, civil service status, change in bargaining unit, if applicable, detailed reasons, and right of appeal. Inform probationary status employees that their names may be restored to employment eligible lists by submitting a written request to the Director, SCSC.</p>	A, B, & C
Reallocation to a Lower Class	<p>Notice to employee shall state job title, effective date, rate of pay, civil service status, and change in bargaining unit, if applicable. Inform employee that reclassification to a lower class is not construed as a demotion. Reference <i>4 Pa. Code § 99.41</i>. Inform probationary status employees that their names may be restored to employment eligible lists by submitting a written request to the Director, SCSC. Reference <i>Management Directive 580.28, Reallocation to a Lower Class in the Classified Service</i>.</p>	A & B
Suspension	<p>Notice to employee shall state job title, effective date, civil service status, number of workdays involved, date of return, detailed reason(s), and right of appeal.</p> <p>When the employee is suspended pending investigation in accordance with <i>4 Pa. Code § 101.21(b)</i>, provide above information excluding number of workdays and date of return. Also, inform the employee:</p>	B, C, D, & G

ACTION	DOCUMENTATION	APPLICABLE FOOTNOTES
Suspension	<p>(1) "When the investigation has not revealed cause for disciplinary action, the suspension shall be retracted and expunged from all records, with the employee receiving back pay for the full period of suspension."; and</p> <p>(2) "When the investigation has revealed cause for disciplinary action, the suspension shall be converted, either in whole or in part, to a disciplinary action."</p> <p>Provide a copy of the employee notice to the Director, SCSC.</p>	
Removal	<p>FROM THE CLASSIFIED SERVICE. Notice to employee shall state job title, civil service status, detailed reason(s), and right of appeal.</p> <p>FROM PROBATIONARY STATUS AFTER PROMOTION. Notice to employee shall state reason(s) for removal, right of appeal, job title, civil service status, and that the employee is to be returned to the previously held position and civil service status.</p> <p>Note: If removal is to be from the classified service, the employee shall be terminated from service from the job title that the employee last held regular civil service status. Advise the employee that appeal rights are the same as a regular status employee. (The employee must be transactionally returned to the job title that the employee most recently held regular civil service status prior to effecting termination. The employee does not have to be physically returned).</p>	<p>B & C</p> <p>B & C</p>
Resignation/ Retirement in Lieu of Removal	<p>When the appointing authority advises an employee, orally or in writing, that the employee may resign or retire "in lieu of removal," the employee must be advised, in writing, of the following:</p> <p>(1) The employee's history will reflect "in lieu of removal," and the employee shall not have reinstatement rights. (To reflect this, state agencies must use the appropriate SAP transaction code. Local government agencies must use transaction code 288.0 or 289.0, as appropriate.)</p> <p>(2) The employee may withdraw the resignation or retirement within ten workdays of the submission of the written resignation or notice of retirement.</p>	B
Resignation/ Retirement Voluntary	<p>The appointing authority's acceptance letter shall state job title, civil service status, and inform regular employees of eligibility for reinstatement from resignation pursuant to <i>4 Pa. Code § 101.54</i>. Inform probationary status employees that their names may be restored to employment eligible lists by submitting a written request to the Director, SCSC.</p>	F

ACTION	DOCUMENTATION	APPLICABLE FOOTNOTES
Furlough	<p>Notice to furlougee shall include job title, civil service status, reason(s) for furlough, reemployment rights, and right of appeal. <i>Reference 4 Pa. Code § 101.1 and Manual M580.2, Furlough of Classified Service Employees Not Covered by Labor Agreements.</i></p> <p>Inform probationary status employees that their names may be restored to employment eligible lists by submitting a written request to the Director, SCSC.</p> <p>Provide a copy of the employee notice to the Director, SCSC.</p>	B & E
Transfer, Interagency	<p>Notice to employee shall state job title, effective date, rate of pay, civil service status and conditions thereof, change in bargaining unit, if applicable, and right of return pursuant to <i>4 Pa. Code § 99.26 and Management Directive 580.26, Transfer or Reassignment of Classified Service Employees.</i></p>	A
Leave of Absence Without Pay	<p>Notice shall state starting and ending dates of leave, job title, and civil service status. The approval also shall include information on reemployment rights as set forth in <i>Management Directive 580.30, Classified Service Leave Without Pay and Return Rights.</i> For extension of leave, notice shall state appointing authority's approval of employee's written request including new starting and ending dates.</p>	---
Reinstatement	<p>Notice shall state job title, effective date, rate of pay, increment or longevity eligibility date, bargaining unit, if applicable, and civil service status and conditions thereof.</p>	---
Extension/Reduction of Probationary Period	<p>Notice to employee shall state the new probationary period ending date. An extension requires reason(s) for the action.</p>	---
Compensation Changes	<p>Notice to employee shall state both current and new rates of pay. Copies of these notices are not to be submitted to the SCSC. The SCSC will regard computerized employee history files as meeting its notification requirement.</p>	---
Classified Service Service to Non-Classified	<p>Refer to the documentation requirements for Voluntary Resignation or Leave of Absence Without Pay, as applicable. One of these actions must occur if the employee is to have the opportunity for reemployment in the classified service.</p> <p>Exception: Classified service employees entering the Senior Management Service (SMS) need not request a leave of absence. However, the notice to such employees of their appointment to the SMS position shall state that leave has been granted pursuant to <i>4 Pa. Code §§ 101.61(c) and 101.62(d).</i></p>	---

ACTION

DOCUMENTATION

**APPLICABLE
FOOTNOTES**

**Non-Classified
Service to
Classified Service**

Refer to the documentation requirements for Appointment or Reinstatement, as applicable. Employees also may enter the classified service under the provisions of *Act 285* or with qualifier status or probationary status pursuant to *4 Pa. Code §§ 95.7(d)(4)* and *95.8*. The notice to the employee shall include all items required for appointment and cite the pertinent authority for the action.

FOOTNOTES

A. Include information relative to civil service status, as applicable. If in:

(1) Regular status, will retain such status in the new job title or position, unless demoted or reassigned to a trainee job title. Such employees will be assigned probationary status and have right of return to previous job.

(2) Probationary status, continue to serve the remainder of the probationary period. However, the probationary period may be extended to provide adequate opportunity for the employee to demonstrate competency.

B. Provide two copies of Appeal Request Form, SCSC-4112. Include the following in the written notification to each employee: "Your rights in this personnel action are explained in Parts II and III of Appeal Request Form, SCSC-4112, copies of which are attached." Appointing authorities shall give the written notification directly to each employee and obtain the employee's signed and dated acknowledgment. As an alternative, appointing authorities may forward written notifications to employees by U.S. Postal Service Certified Mail – Return Receipt Requested.

C. Include a clear, detailed statement of the reason(s) for the action, sufficient to inform the employee of the grounds upon which it is based. Identify the specific tasks, responsibilities, or behavior in which the employee has been found deficient. In the case of misconduct, sufficient details including when, where, or with whom the incident(s) occurred must be stated in order to enable the employee to fully understand the basis for the charges. If the action is appealed, the SCSC will hear arguments only on the charges which have been identified as the cause for the action.

D. The notice must be given to the employee not later than ten workdays after the effective date of the action.

E. The notice must include information relative to reemployment under the *Civil Service Act* (refer to *M580.2* for details), or recall under collective bargaining agreements or memoranda of understanding (refer to applicable agreement or memorandum for details). Inform probationary status furloughees who did not hold regular status immediately prior to their probationary appointment that the SCSC will automatically restore their names to eligible lists if their eligibility thereon has not expired.

F. The appointing authority's written acceptance of resignation must be made not later than 15 workdays after the actual date of the making thereof.

G. 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.

PART III - ALL PERSONS/EMPLOYEES ALLEGING DISCRIMINATION

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.

Discrimination Appeals. — Any person who is aggrieved by an alleged violation of Section 905.1 of the Civil Service Act may appeal in writing WITHIN TWENTY (20) CALENDAR DAYS OF THE ALLEGED VIOLATION. The Civil Service Commission, if it determines that there has been a sufficient allegation of discrimination, may schedule and hold a public hearing.

M1. EMPLOYEES WHO DO NOT HAVE REGULAR STATUS AND NON - EMPLOYEES WHO ARE ALLEGING DISCRIMINATION MAY ONLY APPEAL UNDER THIS PART. REGULAR STATUS EMPLOYEES ALLEGING DISCRIMINATION ALSO MAY APPEAL UNDER THIS PART. CHECK THE APPLICABLE BOXES TO INDICATE THE TYPE(S) OF ACTION(S) BEING APPEALED AND THE TYPE(S) OF DISCRIMINATION. YOU MUST BE PREPARED TO PROVE YOUR STATEMENTS IF A HEARING IS GRANTED.

TYPE OF ACTION BEING APPEALED:

- Checkboxes for: REMOVAL, DEMOTION, NON-APPOINTMENT/PROMOTION (TO WHAT JOB TITLE), SUSPENSION, REASSIGNMENT, FURLOUGH, PERFORMANCE EVALUATION REPORT (Interim PER is not appealable), EXTENSION OF PROBATIONARY PERIOD, TRANSFER, DENIAL LEAVE OF ABSENCE, OTHER (SPECIFY)

TYPE OF DISCRIMINATION ALLEGED:

- Checkboxes for: POLITICAL OPINIONS/AFFILIATIONS, RELIGIOUS OPINIONS/AFFILIATIONS, LABOR UNION AFFILIATIONS, NATIONAL ORIGIN, RACE, AGE, SEX, DISABILITY, VIOLATION OF CIVIL SERVICE ACT/RULES, OTHER NON-MERIT FACTORS (EXPLAIN)

Section 951 (b)

M2. REASONS: ANSWER THE FOLLOWING QUESTIONS AS COMPLETELY AS POSSIBLE. FAILURE TO DO SO MAY RESULT IN DENIAL OF YOUR APPEAL. (Attach additional sheets if necessary.)

- A. What action(s) occurred which led you to believe you were discriminated against?
B. Where and when did this action occur?
C. Who discriminated against you? Provide name(s) and job title(s).
D. Do you believe the Civil Service Act and/or Rules were violated? If so, what section(s) ?
E. Provide any other information which you believe is relevant.

DELEGATION OF SIGNATORY AUTHORITY, FORM SCSC-5280

SCSC-5280 3-95	Commonwealth of Pennsylvania State Civil Service Commission P.O. Box 569, Harrisburg, PA. 17108-0569	DELEGATION OF SIGNATORY AUTHORITY	
INSTRUCTIONS			
<ul style="list-style-type: none"> ● Item 1 and 2 - Self-explanatory. ● Item 3 - Identify all persons and/or positions delegated signatory authority. If persons, include job titles. ● Item 4 - For each person or position list the notices and/or documents for which signatory authority has been delegated. Enter "All" if the delegation is not limited to selected notices and documents. ● Item 5 - Original signature of Agency Head should be sent to SCSC. ● General - Use additional copies of this form if more space is needed for Items 3 or 4. 			
1. AGENCY		2. EFFECTIVE DATE OF DELEGATION	
3. SIGNATORY AUTHORITY IS DELEGATED TO		4. NOTICES AND/OR DOCUMENTS IDENTIFIED IN MANAGEMENT DIRECTIVE 580.11	
5. SIGNATURE AND TITLE OF AGENCY HEAD			
_____ (Signature)		_____ (Title)	
<i>[Use this form in connection with Management Directive 580.11.]</i>			