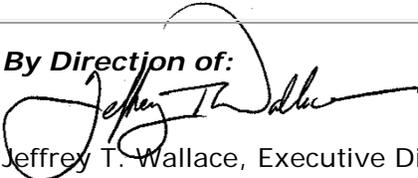


# MANAGEMENT DIRECTIVE

## Commonwealth of Pennsylvania Governor's Office

<b>Subject:</b> Pennsylvania Residency Requirements for the Classified Service	<b>Number:</b> 580.18 Amended
<b>Date:</b>  August 31, 2011	<b>By Direction of:</b>  Jeffrey T. Wallace, Executive Director, State Civil Service Commission
<b>Contact Agency:</b> State Civil Service Commission, Bureau of Technical and Information Services, Telephone 717.787.5855	

**This directive establishes policy, responsibilities, and procedures regarding Pennsylvania residency requirements for employment in the classified service. Marginal dots are excluded due to major changes.**

- 1. PURPOSE.** To establish policy, responsibilities, and procedures regarding Pennsylvania residency requirements for employment in the classified service.
- 2. SCOPE.** Applies to all state agencies, which are identified in *Civil Service Act, 71 P.S. § 741.3(d)*, and to state agencies and political subdivisions of the commonwealth which have contracts with the State Civil Service Commission (SCSC) for services and facilities as provided for in *Civil Service Act, 71 P.S. § 741.212*.
- 3. OBJECTIVES.** To ensure that individuals applying for positions or promotions in the classified service are Pennsylvania residents or former residents who meet the requirements set forth in this directive; and to provide guidance to agencies on the procedures for requesting a waiver to the Pennsylvania residency requirements if there is an inadequate supply of well qualified residents within Pennsylvania.
- 4. DEFINITION.**
  - a. Appointing Authority.** Officers, boards, commissions, persons, or a group of people having power by law to affect personnel transactions.
  - b. Eligible.** A person whose name is on an eligible list.

- c. **Eligible List.** An employment list, promotion list or reemployment list.
- d. **Pennsylvania Residency.** A person who resides, and who has manifested the intent to continue to reside in this commonwealth or a former resident of this commonwealth who meets the criteria in paragraphs 5.g.(1) through 5.g.(3) of this directive.
- e. **Vacancy Notice.** A posted advertisement for a vacant position and the recruitment options being considered to fill the vacancy accessible to all potentially interested and qualified employees. Advertisements are to provide sufficient time to balance the appointing authority's hiring needs with the opportunity for employees to apply.

## 5. POLICY.

- a. Persons applying for appointment, promotion, reassignment, transfer, voluntary demotion, or reinstatement in the classified service shall be residents of the Commonwealth of Pennsylvania or former residents of the commonwealth who meet the requirements in paragraphs 5.g.(1) through 5.g.(3) of this directive. **Exception:** Pennsylvania residency is not required for classified service employees who previously held civil service status and are returned to employment from an approved leave of absence or through mandatory reemployment or contractual recall or placement rights.
- b. Evidence of Pennsylvania residency includes, but is not limited to the following:
  - (1) Rent, lease, or purchase of property in Pennsylvania which applicants have made a primary residence.
  - (2) Payment of Pennsylvania state and local taxes.
  - (3) Registration of personal property, such as bank accounts, stocks, bonds, and automobiles in Pennsylvania.
  - (4) Possession of a current Pennsylvania driver's license.
  - (5) Current registration to vote in Pennsylvania.
- c. Students who are Pennsylvania residents immediately prior to their current enrollment and attendance at colleges, universities, or technical schools outside of Pennsylvania and who have Pennsylvania mailing addresses are eligible to apply for positions requiring Pennsylvania residency.
- d. Students who currently reside and are enrolled in colleges, universities, or technical schools in Pennsylvania and who have Pennsylvania mailing addresses are eligible to apply for positions requiring Pennsylvania residency.
- e. Active duty military personnel and their spouses who were Pennsylvania residents immediately prior to their enlistment and are within 90 calendar days of discharge are eligible to apply for positions requiring Pennsylvania residency. After discharge, their status as Pennsylvania residents will be determined by using the criteria set forth in this directive.

- f. Active duty military personnel and their spouses who reside in Pennsylvania during their current enlistment are eligible to apply for positions requiring Pennsylvania residency.
- g. Former residents of the commonwealth who relocated out of state for academic or employment purposes, must establish Pennsylvania residency within six months of beginning employment in the classified service and must have:
  - (1) Graduated from a high school in Pennsylvania or completed home education requirements under Pennsylvania law within five years of applying for a position in the classified service; or
  - (2) Attended a school in Pennsylvania at least 80 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 high school in Pennsylvania or completed home education requirements under Pennsylvania law and graduated from a post secondary institution in Pennsylvania within five years of applying for a position in the classified service.
- h. Upon written petition of an appointing authority, the Executive Director, SCSC, may waive the residency requirements for a job title if there is an inadequate supply of qualified Pennsylvania residents. In exceptional situations of a compelling nature, the Executive Director, SCSC, may waive the residency requirements for a specific position in a job title upon the written request of an appointing authority.
- i. Appointing authorities considering nonresident applicants for appointment must advise them, in writing, that the Pennsylvania residency requirements have been waived, that the waiver may be rescinded after their appointment and of the consequences if the waiver is rescinded.
- j. When waiver of Pennsylvania residency is rescinded:
  - (1) Nonresidents of Pennsylvania whose names are on affected eligible lists will be notified that their names are being removed.
  - (2) Nonresident employees will retain their positions. However, they are not eligible for promotion or movement to other positions that are restricted to Pennsylvania residents. **Exception:** Employees may change to other job titles by reason of position reclassification or in an exceptional situation as referenced in paragraph 5.h. of this directive.
  - (3) Applications in process will be reviewed and nonresidents will be notified of their ineligibility.
  - (4) Applications of nonresidents received after the rescission will be returned.

- k. Classified service employees who change their residences to locations outside Pennsylvania can retain their current positions. However, they are not eligible for promotion or movement to other positions that are restricted to Pennsylvania residents. **Exception:** Employees may change to other job titles by reason of position reclassification.
- l. Upon written petition of an appointing authority, the Executive Director, SCSC, may limit certification for appointment or promotion to eligibles who are residents of a county or other administrative district. The limitations will not be imposed for a class for which residence in this commonwealth has been waived.
- m. **References:** *Civil Service Act, 71 P.S. §§ 741.501; 4 Pa. Code §§ 95.1.a and 95.2; Management Directive 580.19, Promotion in the Classified Service without Examination; and Management Directive 580.34, Removal of Eligibles for Certification or Appointment in the Classified Service.*

## 6. RESPONSIBILITIES.

### a. Appointing Authorities shall:

- (1) Ensure vacancy notices contain language indicating if Pennsylvania residency is required or has been waived for the applicable position.
- (2) Make certain that employees who are applying for appointment, promotion, reassignment, transfer, voluntary demotion, or reinstatement in the classified service meet applicable Pennsylvania residency requirements, and if a Form SCSC-90, Request for Certification, is needed to process the personnel action, include a statement in the remarks section of the form indicating the employee meets the Pennsylvania residency requirements.
- (3) Contact the SCSC if an eligible on an eligible list no longer meets the Pennsylvania residency requirements to confirm if the eligible may still be considered for the vacancy. Contact should be directed to the:

State Civil Service Commission  
Bureau of Technical and Information Services  
3<sup>rd</sup> Floor, Strawberry Square Complex  
320 Market Street  
Telephone: 717.783.7097  
Fax: 717.783.0419

Or for U.S. Postal Service deliveries:  
P.O. Box 569  
Harrisburg, Pennsylvania 17108-0569

Or Email at: [ra-listmaintenance@pa.gov](mailto:ra-listmaintenance@pa.gov)

**b. The State Civil Service Commission shall:**

- (1) Review requests for waivers of the Pennsylvania residency requirements and maintain a listing of all job titles for which Pennsylvania residency requirements have been waived on the SCSC's Human Resource Professional website at [www.scsc.pa.gov](http://www.scsc.pa.gov).
- (2) Determine if eligibles meet the Pennsylvania residency requirements when the eligibles' data record with the SCSC is changed to an address outside of Pennsylvania.
- (3) Investigate alleged violations of Pennsylvania residency requirements.
- (4) Review certification requests for appointment, promotion, reassignment, transfer, voluntary demotion, or reinstatement in the classified service to ensure the applicable Pennsylvania residency requirements are met.

**7. PROCEDURES.**

- a.** Requests for waivers of Pennsylvania residency must be submitted, in writing, to the:

State Civil Service Commission  
Executive Director  
4th Floor, Strawberry Square Complex  
320 Market Street  
Fax: 717.783.8736

Or for U.S. Postal Service deliveries:  
P.O. Box 569  
Harrisburg, Pennsylvania 17108-0569

- b.** Requests for waivers of Pennsylvania residency must include the following information for the job title for which the waiver is requested:
- (1) Number of existing or contemplated vacancies.
  - (2) Description of specific recruitment efforts within Pennsylvania and their results.
  - (3) Reasons why additional recruitment efforts directed at Pennsylvania residents would be similarly unsuccessful.
- c.** Requesting appointing authorities will be notified, in writing, of the determination made by the Executive Director, SCSC.
- d.** Affected appointing authorities will be notified promptly of rescissions of residency waivers.

**This directive replaces, in its entirety, *Management Directive 580.18*, dated February 15, 2005.**