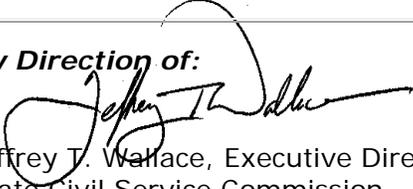


# MANAGEMENT DIRECTIVE

## Commonwealth of Pennsylvania Governor's Office

<b>Subject:</b> Veterans' Preference on Classified Service Employment Certifications	<b>Number:</b> 580.21 Amended
<b>Date:</b>  February 16, 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 veterans' preference on classified service employment certifications. Marginal dots are excluded due to major changes.**

- 1. PURPOSE.** To establish policy, responsibilities, and procedures regarding veterans' preference as it applies to classified service employment certifications **with the exception** of Agency Promotion Certifications (Code 13), Commonwealth Agency Promotion Certifications (Code 15), Commonwealth Interagency Promotion Certifications (Code 16), and Seniority Promotion Certifications (Code 50) established by the State Civil Service Commission (SCSC) as a result of examinations held pursuant to *Article V, Civil Service Act of August 5, 1941, P. L. 752, as amended*.
- 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 SCSC for services and facilities as provided for in *Civil Service Act, 71 P.S. § 741.212*.
- 3. OBJECTIVE.** To identify the documentation necessary to establish veterans' preference and to provide policy and procedures applicable when veterans appear on certifications established by the SCSC.
- 4. DEFINITIONS.**
  - a. Age Preference.** Applicable only to the Pennsylvania Department of Aging (PDA) and all Area Agencies on Aging local subdivisions with classified service employees, to facilitate preference in selection of eligibles 60 years of age or older.

- b. **Appointing Authority.** Officers, boards, commissions, persons, or a group of people having power by law to effect personnel transactions.
  - c. **Certification.** The referral of one or more eligibles by the Executive Director, SCSC, to an appointing authority in order to fill one or more positions or take appropriate classification action.
  - d. **Commonwealth Promotion Certification.** A list of persons who are employees, both classified and unclassified, of state agencies and derived from open, competitive examinations.
  - e. **Eligible.** A person whose name is on a certification of eligibles.
  - f. **Employment Certification.** A list of persons who have been found qualified by an entrance examination for appointment to a position in a particular class.
  - g. **Promotion.** The movement of an employee to another class in a pay range with a higher maximum salary.
  - h. **Rule-of-Three.** The requirement that the appointing authority choose from among the three highest-ranking available eligibles on a certification of eligibles. The Rule-of-Three may consist of more than three eligibles, but does not prohibit the appointing authority from making an appointment if there are fewer than three available eligibles.
  - i. **Veterans' Preference.** Benefits given to applicants who pass examinations to positions covered by the SCSC in recognition of their military service. Also, eligible for veterans' preference are spouses of disabled veterans and widows or widowers of veterans.
5. **POLICY.** Veterans' preference applies to certifications with the exception of Agency Promotion Certifications (Code 13), Commonwealth Agency Promotion Certifications (Code 15), Commonwealth Interagency Promotion Certifications (Code 16), and Seniority Promotion Certifications (Code 50), as follows:
- a. Eligible veterans are: persons who served in an active duty capacity in the armed forces of the United States since July 27, 1953, including completion of basic training; completed their military service commitment; and, were honorably discharged; or, persons who served in an active duty capacity in the armed forces of the United States since August 2, 1990, including members of the national guard and reserve components who were honorably released from active duty (other than active duty for training). Service must have included completion of basic training.
  - b. Eligible veterans, spouses of disabled veterans, and widows or widowers of veterans:
    - (1) Receive ten additional points on their final earned ratings, provided they pass the examination.
    - (2) Have mandatory appointment preference over non-veterans when their names appear together within the Rule-of-Three on certifications covered by this policy.

- (3) At the discretion of the appointing authority, may be given preference for selection from certifications covered by this policy regardless of their rank on the certification.

**NOTE:** Disabled veterans (military service connected) may transfer their preference to their spouses. Transferred preference will not be simultaneously awarded to disabled veterans.

- c. Persons who take a civil service examination **before** being honorably discharged or released from active duty will not be entitled to receive an additional ten points added to that test score. However, upon being honorably discharged or released from active duty, they will immediately become eligible for selection preference as a veteran. Thereafter, if such persons retest or take other examinations successfully, they will receive both the ten additional points and selection preference.
- d. The applicant's most recent discharge or release from active duty must have been under conditions that are honorable, general, good, satisfactory, indifferent or special order to be eligible for veterans' preference. An applicant awarded a discharge or release from active duty that is characterized as dishonorable, bad conduct, undesirable, a dismissal or any other type of discharge or release given under conditions other than honorable would **not** be entitled to veterans' preference.
- e. Current classified service employees holding less than full-time permanent employment in intermittent, seasonal, limited-term, part-time, emergency, and temporary positions continue to receive entitlements set forth in paragraph 5.b. of this directive while employed in one of the aforementioned positions.
- f. Current classified service employees assigned regular or probationary status, except for those occupying positions described in paragraph 5.e. of this directive, are **not** eligible for the entitlements in paragraph 5.b. of this directive if that action results in a promotion for the employee.
- g. **References.** *Housing Authority of the County of Chester v. Pennsylvania State Civil Service Commission*, 556 Pa. 621, 730 A.2d 935 (1999); *Hoffman v. Township of Whitehall*, 544 Pa. 499, 677 A.2d 1200 (1996); *Cutler v. State Civil Service Commission (Office of Administration)*, 924 A.2d 706 (Pa. Commw. 2007) (*Petition for Allowance of Appeal Denied*, 2007); *Sicuro, et al. v. City of Pittsburgh*, 684 A.2d 232 (Pa. Commw. 1996); *Herskovitz v. Commonwealth, State Civil Service Commission*, 534 A.2d 160 (Pa. Commw. 1987); Official Opinion of the Attorney General No. 89-52 (May 12, 1989); Military Code, 51 Pa.C.S. §§ 7103(a) and 7104(b) and (c); Article V, Civil Service Act, 71 P.S. §§ 501–507 and 601-602; 4 Pa. Code §§ 91.3, 95.46, 97.1-97.4; *Management Directive 580.2, Civil Service Availability Survey/Interview Notice; Management Directive 580.10, Rights of Certified Eligibles in the Classified Service; and Manual 580.1, Certification of Eligibles for the Classified Service.*

## 6. RESPONSIBILITIES.

### a. **State Civil Service Commission** shall:

- (1) Determine eligibility for veterans' preference.
- (2) Calculate veterans' final earned ratings, adding ten points to the score, when applicable.
- (3) Identify which eligibles are entitled to veterans' preference by placing a "V" next to their names on certifications issued to appointing authorities.
- (4) Audit certifications to ensure the rights of veterans have not been violated by appointing authorities filling classified service positions.
- (5) Investigate alleged violations of veterans' preference.
- (6) Convene hearings, when applicable, regarding alleged violations of veterans' preference.
- (7) Issue findings and orders which may call for disciplinary action, up to and including termination, or which may direct eligibles to either be removed from or placed in classified service positions.

### b. **Appointing Authorities** shall ensure if one or more of the eligibles within the Rule-of-Three on a certification is identified as a veteran and is not selected for the vacant position, that a non-veteran will not be appointed from that certification. **Exception:** Applicable only to PDA and all Area Agencies on Aging local subdivisions with classified service employees, eligibles with age preference, as designated by an "A" next to their name on certifications, may be selected before a veteran within the same Rule-of-Three, since age preference and veterans' preference have equal standing.

### c. **Eligibles**, in order to establish veterans' preference, shall submit a copy of service discharge, DD Form 214 or other military document(s) acceptable to the SCSC showing date of entry, successful completion of basic training, character of service, and completion of the military service commitment.

- (1) Widows or widowers of veterans must submit a copy of the spouses' documents as indicated in paragraph 6.c. of this directive and a certified copy (not a photocopy) of the death certificate of the spouse.
- (2) Spouses of disabled veterans must submit a copy of the spouses' documents as indicated in paragraph 6.c. of this directive and a United States Department of Veterans Affairs letter dated within the past six months verifying that the veteran is receiving compensation for a service connected disability and a signed statement from the disabled veteran showing social security number and agreeing to transfer credit to the spouse.

## 7. PROCEDURES.

- a. **State Civil Service Commission** will determine eligibility for veterans' preference, annotate certifications, and identify eligibles entitled to veterans' preference.
- b. **Appointing Authorities** will:
  - (1) After requesting and receiving a certification as part of its hiring process, survey eligibles for availability using Form SCSC-98, Availability Survey/Interview Notice, and annotate the certification as appropriate in order to establish a Rule-of-Three. Annotations may be found in *Manual 580.1, Certification of Eligibles for the Classified Service*.
  - (2) If a veteran(s), identified by a "V" next to the eligibles' name, appears in the Rule-of-Three, non-veterans appearing on the certification may not be selected and, therefore, should not be scheduled for interview. The appointing authority may choose to interview the veteran(s) in the Rule-of-Three, may interview other available veterans on the certification, or may interview any combination thereof.
  - (3) Use and return certifications in accordance with *Management Directive 580.2, Civil Service Availability Survey/Interview Notice*, and *Management Directive 580.10, Rights of Certified Eligibles in the Classified Service*. Certifications, copies of Form SCSC-98, Availability Survey/Interview Notice, and relevant supporting documentation shall be returned to the:

State Civil Service Commission  
Bureau of Technical and Information Services  
Technical Assistance and Certification Division  
3<sup>rd</sup> Floor, Strawberry Square Complex  
320 Market Street

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

- c. **State Civil Service Commission** will audit all certifications after receipt.

**This directive replaces, in its entirety, *Management Directive 580.2*, dated May 5, 2008.**