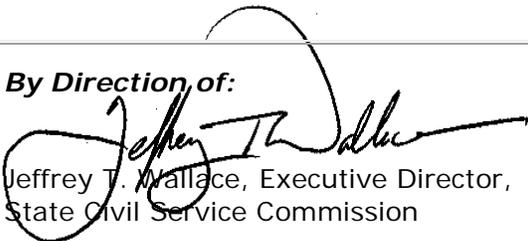


MANAGEMENT DIRECTIVE

Commonwealth of Pennsylvania Governor's Office

Subject: Civil Service Leave of Absence and Return Rights	Number: 580.30 Amended
Date: September 7, 2010	By Direction of:  Jeffrey T. Wallace, Executive Director, State Civil Service Commission
Contact Agency: State Civil Service Commission, Bureau of Technical and Information Services, Telephone 717-787-5855	

This directive establishes policy, responsibilities, and procedures regarding requests for a civil service leave of absence and return rights to the classified service. Marginal dots are excluded due to major changes.

- 1. PURPOSE.** To establish policy, responsibilities, and procedures for requesting a civil service leave of absence and return rights to the classified service.
- 2. SCOPE.** Applies to all commonwealth agencies with classified service positions identified in *Civil Service Act, 71 P.S. § 741.3(d)*, and to political subdivisions of the commonwealth that 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. OBJECTIVE.** To explain policy, responsibilities, and procedures for requesting a civil service leave of absence and to ensure appointing authorities follow proper procedures at the expiration of the civil service leave of absence or when an employee submits a request to return from a civil service leave of absence prior to its expiration.
- 4. DEFINITION.**
 - a. Appointing Authority.** Officers, boards, commission, persons, or a group of people having power by law to affect personnel transactions.

- b. **Civil Service Leave of Absence.** A temporary interruption of employment for which the employee is given a specified period of leave for purposes such as illness, school attendance, military duty or training, or employment in a non-civil service position.
- c. **Job Specification.** A written description of a job which defines and describes representative duties and responsibilities and sets forth the experience and training which provide the knowledge, skills, and abilities essential to the performance of the work of the job classification.
- d. **Pay Scale Group.** A range of pay rates to which specific jobs are assigned.
- e. **Preferred Reemployment List.** A list of persons who had regular or probationary status and could not be returned from a civil service leave of absence due to the lack of a vacant position.
- f. **Senior Management Service.** Positions in the commonwealth unclassified service which have broad policy participation and management responsibility.
- g. **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.

5. POLICY.

- a. An employee may be temporarily separated from the classified service through leave of absence.
- b. With the exception of a military leave of absence, a leave of absence granted to a classified service employee to occupy a position in the Senior Management Service, or a leave of absence mandated by a collective bargaining agreement for the purposes stated therein, a civil service leave of absence may be granted at the discretion of the appointing authority.
- c. A civil service leave of absence must be granted for a definite period of time, usually in two year increments. **Exceptions:**
 - (1) For military service, a civil service leave of absence will extend for the period of service.
 - (2) For employment in a position in the Senior Management Service, a civil service leave of absence will extend until the employee leaves the Senior Management Service.
 - (3) For collective bargaining agreement mandates, the civil service leave of absence will extend in accordance with the terms of the agreement.
 - (4) For illness or disability, a civil service leave of absence may be extended beyond the initial period granted by the appointing authority, if the circumstances indicate that the illness or disability will render the employee temporarily incapable of efficiently performing the duties of the position at the scheduled termination of the leave.

- (5) For employment in the unclassified service, the initial civil service leave of absence may be granted for a maximum of two years. Subsequent renewals of the civil service leave of absence may be granted, but may not exceed two years in each instance. The maximum amount of time an employee may be placed on a civil service leave of absence to accept employment in the unclassified service is 12 years from the effective date that the employee was placed in the initial unclassified service position. Movement of an employee from one unclassified service position to another unclassified service position will not restart this timeframe.
- d. An employee on a civil service leave of absence for military service or leave as mandated by a collective bargaining agreement has a guaranteed right of return to the appointing authority, job title, and civil service status from which leave was granted. **Exception:** If the job title held by the employee no longer exists or is no longer used by the appointing authority, the employee must be returned to a job title identified by the SCSC as most comparable.
- e. An employee on a civil service leave of absence for employment in a position in the Senior Management Service:
- (1) Has a guaranteed right of return to a position not below the last pay scale group and civil service status held in the classified service prior to the civil service leave of absence. Should a comparable position not exist at the time of return to the classified service, the appointing authority must establish a position not below the employee's pay scale group and civil service status prior to entering the Senior Management Service.
 - (2) Can be returned to the classified service at the employee's request, the request of the appointing authority, or in instances where the Senior Management Service position either ceases to exist or no longer meets the criteria for inclusion in the Senior Management Service because of an appointing authority's reorganization.
 - (3) When returning to the classified service, will be placed in a position with the appointing authority that selected the employee for the Senior Management Service job title. **Exception:** If a Senior Management Service position was transferred from one appointing authority to another, the gaining appointing authority will bear the obligation for placing the employee in a classified service position.
- f. Provided the appointing authority that granted the civil service leave of absence has a vacancy, an employee granted a civil service leave of absence, other than those referenced in paragraphs 5.d. and 5.e. of this directive, upon expiration of the civil service leave of absence:
- (1) Has the right of return to the job title and civil service status from which leave was granted; OR

- (2) Has the right of return to any job title and civil service status which was previously held, provided such job title is contained in the current job specification plan of the appointing authority; OR
 - (3) Has the right of return to any job title and civil service status in the same or lower pay scale group, provided the employee meets the minimum qualifications indicated in the job specification plan of the appointing authority.
- g. If at the expiration of the civil service leave of absence, or if the employee requests return to the classified service prior to the expiration of the civil service leave of absence, there are no vacancies to which the employee can be returned, the employee will be placed on a preferred reemployment list. For one year from the date the employee is placed on this list, the employee will have priority of return to the appointing authority and job title from which the civil service leave of absence was granted, at any location for which available. During this year, employees on preferred reemployment lists have precedence for employment over employees furloughed from the same job title.
- h. If at the expiration of the civil service leave of absence, or if the employee requests return to the classified service prior to the expiration of the civil service leave of absence, more than one applicable vacancy exists, but not in the job title from which the civil service leave of absence was granted, reemployment rights are to the highest pay scale group vacancy. If there are multiple vacancies within the same pay scale group, the appointing authority will allow the employee to choose which position to accept. Additionally, employees reemployed to a position within the classified service but not in the job title from which the civil service leave of absence was granted, will be placed on the preferred reemployment list. For one year from the date an employee is placed on this list, the employee will have priority of return to the appointing authority and job title from which the civil service leave of absence was granted, at any location for which available. During this year, employees on preferred reemployment lists have precedence for employment over employees furloughed from the same job title.
- i. An appointing authority may require an employee to serve at least three months in a classified service position following a civil service leave of absence totaling two or more years before granting the employee any further civil service leave of absence. **Exceptions:** Civil service leave of absence requests may not be denied for military service, employment in positions in the Senior Management Service, or service as mandated by a collective bargaining agreement.
- j. An employee's right of return is not restricted to vacancies at the location from which the civil service leave of absence request was granted.
- k. An employee requesting return from a civil service leave of absence who does not have a guaranteed right of return as indicated in paragraphs 5.d and 5.e of this directive, and those on a preferred reemployment list have equal priority to vacancies in the appointing authority and job title from which the civil service leave of absence was granted.

- l.** All employees returned from civil service leave of absences or hired from a preferred reemployment list must meet the minimum experience and training requirements as indicated on the job specification.
- m.** Pennsylvania residency is not required for preferred reemployment.
- n.** If an appointing authority attempts to fill a vacancy by use of the preferred reemployment list and the employee on such list rejects the job offer, the employee will lose all preferred reemployment rights.
- o.** If an appointing authority approves an employee's request for a civil service leave of absence to accept employment in the unclassified service and during the course of that approved timeframe the employee is placed in another unclassified service position, the civil service leave of absence will continue, without need for review until the expiration date provided in the employee's most recent civil service leave of absence approval notification letter.
- p.** Political activity prohibitions as provided for in *Civil Service Act, 71 P.S. § 741.905* do not apply to employees who are on an approved civil service leave of absence. Upon return to the classified service the employee must immediately cease the political activities prohibited by the Civil Service Act. An employee elected to public office while on a civil service leave of absence, who returns to the classified service, may serve out the remaining portion of the present term of office if the duties of the office are not among those prohibited by the Civil Service Act. The employee may not run for or be nominated for a new term of office.
- q.** An employee who permanently separates from the appointing authority while on a civil service leave of absence may be reinstated in accordance with *Management Directive 580.23, Resignation From and Reinstatement to the Classified Service*.
- r.** An employee who is on an approved civil service leave of absence may be considered for promotion without examination provided the employee meets all other criteria set forth in the vacancy notice.
- s.** When calculating civil service seniority for an employee who is currently on an approved civil service leave of absence, do not count the time when the employee was not working in a civil service position in the overall seniority calculations. For example, an employee who worked ten years in a civil service position and was placed on an approved civil service leave of absence to accept employment in the unclassified service will receive seniority credit for the ten years but will not accumulate additional seniority while in the unclassified service position.

- t. **References.** *Civil Service Act, 71 P.S. §§ 741.602.1, 741.801, 741.807.1 and 741.807.2; 4 Pa. Code §§ 101.61 through 101.71, and § 103.11(b); Management Directive 580.11, Documentation of Classified Service Personnel Actions; Management Directive 580.19, Promotion in the Classified Service Without Examination; Management Directive 580.23, Resignation From and Reinstatement to the Classified Service; Management Directive 580.25, Political Activities of Classified Service Employees; Management Directive 580.26, Transfer or Reassignment of Classified Service Employees; Manual 580.1, Certification of Eligibles for the Classified Service; the Military Code of August 1, 1975, P. L. 233, as amended; and applicable collective bargaining agreements.*

6. RESPONSIBILITIES.

a. Employees shall:

- (1) Submit requests for a civil service leave of absence and extensions for the approved civil service leave of absence, in writing, to the Human Resource Office of the appointing authority from which leave is being requested. **Exceptions:** Employees who are placed on a civil service leave of absence to accept employment in a position in the Senior Management Service do not need to submit written requests.
- (2) Meet the minimum experience and training requirements for the job title to which being returned for re-entry to the classified service.

b. Appointing Authorities shall:

- (1) Review requests for civil service leave of absences, and extensions thereof, and provide the employee with written notification as to whether the leave request has been approved or disapproved.
- (2) Ensure that electronic personnel records accurately reflect if an employee has been granted a civil service leave of absence and, upon the expiration of the civil service leave of absence, that those records are changed accordingly.
- (3) Send written notification to the employee two weeks prior to the end date of the civil service leave of absence stating that such leave will be expiring and the steps necessary, if applicable, to seek an extension.
- (4) Ensure that upon expiration of the civil service leave of absence, there is a position to which an employee on leave can return to, if the employee has a guaranteed right of return.
- (5) Submit to the SCSC, in writing, the name, social security number, job title, job code, and applicable letters as indicated in paragraphs 7.f. and 7.g. of this directive of any employee on a civil service leave of absence who was unable to be returned to the classified service job title from which the civil service leave of absence was granted.

c. SCSC shall:

- (1)** Determine a comparable job title to be used for placement of an employee being returned from a civil service leave of absence when the job title from which the civil service leave of absence was granted either no longer exists or is no longer contained within the job specification plan of the appointing authority.
- (2)** Ensure requests received from appointing authorities to place an employee on a preferred reemployment list are in compliance with the Civil Service Act and other relevant guidelines.
- (3)** Maintain and issue preferred reemployment lists.
- (4)** Remove an employee from the preferred reemployment list if the appointing authority reports through regular certification clearance procedures in accordance with *Manual 580.1, Certification of Eligibles for the Classified Service*, that the employee rejected an employment offer for the job title from which the civil service leave of absence was granted at any location for which the employee indicated availability.

7. PROCEDURES.

- a.** An employee, with the exception of those employees entering a Senior Management Service position, shall submit a written request for a civil service leave of absence to the appointing authority's Human Resource Office.
- b.** The appointing authority shall review the request and provide written notification to the employee indicating whether or not the civil service leave of absence request was granted. If granted, the notice shall include the starting and ending dates of the leave, job title, civil service status, and reemployment rights as set forth in this directive. The appointing authority will also ensure that the appropriate transaction is recorded in the employee's electronic personnel records to reflect the civil service leave of absence.
- c.** The appointing authority will send written notification to the employee two weeks prior to the end date of the civil service leave of absence stating that such leave will be expiring and the steps necessary, if applicable, to seek an extension.
- d.** If an employee who was granted a civil service leave of absence to accept employment in the unclassified service does not respond to this notification by the ending date of the civil service leave of absence, the employee may be separated from the classified service. The appointing authority will ensure that the appropriate transaction is recorded in the employee's electronic personnel records to reflect the civil service leave of absence has expired.

- e. An employee who requests an extension shall do so in writing to the appointing authority's Human Resource Office. The appointing authority shall review the request and, if approved, provide written notification to the employee including new starting and ending dates. If the appointing authority denies the extension request, it shall notify the employee in writing of the disapproval and provide reemployment rights as set forth in this directive.
- f. If an employee requests return from a civil service leave of absence and is placed in a job title which differs from the job title for which the civil service leave of absence was granted, the appointing authority shall request a certification in accordance with *Manual 580.1, Certification of Eligibles for the Classified Service*, for the appropriate job filling action, such as demotion or reassignment. Additionally, the appointing authority will notify the SCSC so the employee may be placed on a preferred reemployment list. The notification shall include the employee's name, social security number, job title, job code, initial request for the civil service leave of absence, the appointing authority's approval of the request, and any documentation relevant to the employee's return to the classified service.
- g. An appointing authority unable to return an employee from an approved civil service leave of absence in accordance with paragraphs 5.d. through 5.h. of this directive, shall promptly submit to the SCSC the name, social security number, job title, job code, and all relevant notification letters, such as, the employee's initial request, the appointing authority's approval letter, the appointing authority's follow-up letter sent two weeks prior to the civil service leave of absence expiration, and any applicable response letters from the employee.
- h. Notification required in paragraph 7.f. or documentation required in paragraph 7.g. of this directive may be submitted to the SCSC by one of the following methods:

State Civil Service Commission
Bureau of Technical and Information Services
3rd Floor, Strawberry Square Complex, 320 Market Street
Telephone: 717-787-5855 – Fax: 717-783-0419

or

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

or

E-mail at: ra-cs-taad@pa.gov

- i. The SCSC will place any employee unable to be returned from a civil service leave of absence or any employee who requested return from a civil service leave of absence but was placed into a job title differing from the job title from which the civil service leave of absence was granted on to a preferred reemployment list. The SCSC will contact the employee to determine counties of availability. A Reemployment – Leave of Absence (Code 31) certification will be issued automatically when the preferred list takes precedence over another personnel action that has been requested.

- j. The SCSC will remove a former employee's name from the preferred reemployment list when the employee accepts or rejects a reemployment offer made by the appointing authority in the job title from which the leave was granted at any location for which the employee indicated availability; or when the one year preferred reemployment period has expired.

This directive replaces, in its entirety, *Management Directive 580.30* dated March 24, 1986.