

MANAGEMENT DIRECTIVE

Commonwealth of Pennsylvania Governor's Office

Subject:

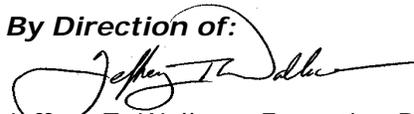
Employees Placed in the Classified Service by Position Reallocation

Number:

580.35 Amended

Date:

August 29, 2011

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 employees whose positions have been reallocated into the classified service from the unclassified service by proper classification authority. Marginal dots are excluded due to major changes.

1. **PURPOSE.** To establish policy, responsibilities, and procedures for employees whose positions have been reallocated into the classified service from the unclassified 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. **OBJECTIVE.** To explain policy, responsibilities, and procedures for requesting the reallocation of an employee's position into the classified service from the unclassified service and to ensure employees are granted the appropriate status based upon SCSC determinations.
4. **DEFINITIONS.**
 - a. **Eligible List.** An employment list, promotion list or reemployment list.
 - b. **Employee.** A person legally occupying a position in the classified service.

- c. **Examination.** A test, series of tests, or assessments used to determine the degree to which applicants or employees are qualified for appointment or promotion and includes; but is not limited to, written tests, oral tests, ratings of qualifications, performance tests, medical tests, physical or agility tests, personality or interest inventories, and biographical inventories.
- d. **Executive Board.** An organization consisting of the governor, as Chairman, and six agency heads designated by the governor, with the power to regulate management and administrative activities in agencies under the governor's jurisdiction in accordance with *Section 204 of The Administrative Code of 1929 (71 P.S. § 64)*.
- e. **Minimum Experience and Training.** The education, experience, licensure, certification or other requirements which are established in the classification specifications for a class and which must be met by applicants or employees seeking appointment or promotion.
- f. **Probationary Period.** A preliminary period of employment for the purpose of determining the fitness of an employee for regular status.
- g. **Qualifier.** An employee whose position has been placed in the classified service by proper authority and who may be required to take and pass an examination in order to continue in the position.
- h. **Reallocate.** To reclassify or to change the classification of a position from one class title and code to another class title and code.
- i. **Regular Status.** A standing achieved by a classified service employee who has successfully completed a probationary period.

5. POLICY.

- a. Reallocation of an unclassified service employee to the classified service may occur when:
 - (1) A reorganization of one or more agencies, as approved by the Executive Board, places positions into agencies covered by the *Civil Service Act*.
 - (2) A position is reclassified from a non-civil service classification to a civil service covered classification.
 - (3) Action by the General Assembly results in the placement of a position into the classified service, but is silent on the status of the incumbent.
 - (4) Action of the Federal Government requires placement of a position into the classified service to assure continued eligibility for federal funding.
- b. If, with the approval of SCSC, an employee is placed in the classified service through position reallocation, SCSC will decide whether the employee must take a qualifying examination and, as a result, will be granted probationary or qualifier status as follows:

- (1) An employee who has held the position which is being reallocated for 24 or more months of continuous service and meets the minimum experience and training requirements will be granted probationary status and not be required to take an examination.
 - (2) An employee who has held the position which is being reallocated for greater than 12 but less than 24 months of continuous service and meets the minimum experience and training requirements will be granted noncompetitive qualifier status and be required to take and pass a civil service examination for the classified service position to which reallocated. Any employee who refuses to take or does not attain a passing grade on the examination shall be removed from the position.
 - (3) An employee who has held the position which is being reallocated for less than 12 months of continuous service and meets the minimum experience and training requirements will be granted competitive qualifier status and be required to take, pass, and be legally appointed from an eligible list. Any employee who refuses to take the examination, does not attain a passing grade on the examination or cannot be legally appointed due to not being among the three highest ranking available persons on the eligible list, shall be removed from the position. **Note:** In determining if an employee can be legally appointed, veterans' preference and age preference policies are applicable. Reference should be made to *Management Directive 580.21, Veterans' Preference on Classified Service Employment Certifications*, for these policies and *Manual 580.1, Certification of Eligibles for the Classified Service*.
- c. An employee who has been granted probationary status in accordance with paragraphs 5.b.(1) through 5.b.(3) of this directive shall receive regular civil service status upon satisfactorily completing the probationary period for the respective job title. An employee performing unsatisfactorily shall be separated from the classified service before the end of the probationary period.
- d. **References.** *Civil Service Act, 71 P.S. §§ 741.602 and 741.603; 4 Pa. Code § 95.8; Management Directive 580.8, Classified Service Probationary Periods; Management Directive 580.11, Documentation of Classified Service Personnel Actions; Management Directive 580.21, Veterans' Preference on Classified Service Employment Certifications; and Manual 580.1, Certification of Eligibles for the Classified Service.*

6. RESPONSIBILITIES.

a. Agencies shall:

- (1) Submit requests for reallocation from the unclassified service to the classified service in writing and include justification as to why the position is being reallocated.

- (2) Ensure the employee reallocated from the unclassified service to the classified service is notified in writing of the personnel action in accordance with *Management Directive 580.11, Documentation of Classified Service Personnel Actions*.
 - (3) Identify either in SAP for state agencies or on Form SCSC-100, Report of Personnel Transactions for Non-State Employees, for local government agencies, the appropriate job title and status to which the employee is assigned.
 - (4) Promptly remove from the classified service any employee who: refuses to take the examination; or is unsuccessful on the examination; or is successful on the examination but cannot be legally appointed from the resulting certification.
- b. Governor's Office of Administration, Appropriate State Funding Agency, or SCSC, Bureau of Technical and Information Services.** If applicable, shall determine if it is appropriate to request a reallocation from the unclassified service to the classified service and, if so, submit such request in accordance with paragraphs 7.d. and 7.e. of this directive.
- c. State Civil Service Commission** shall:
- (1) After investigation, determine whether to approve or deny the request for reallocation and notify the requesting agency of its decision.
 - (2) Ensure that any employee being reallocated meets the minimum experience and training requirements for the classified service position.
 - (3) Identify if a qualifying examination is appropriate, if the examination should be competitive or noncompetitive and, if applicable, schedule and conduct the examination and notify the employee and agency of the results of the examination.

7. PROCEDURES.

- a.** Requests from state agencies for approval to reallocate an employee from the unclassified service to the classified service, in accordance with Section 95.8 of the Rules of the Civil Service Commission, must be routed through the:

Governor's Office of Administration
Office of Human Resources Management
Room 517, Finance Building

Or for U.S. Postal Service deliveries:
P.O. Box 1323
Harrisburg, Pennsylvania 17120-1323

- b.** Requests from political subdivisions must be sent through the appropriate state funding agency.

- c. Requests from applicable Housing Authorities or other entities having a contract with SCSC for services and facilities not referenced above must be routed to the SCSC, Bureau of Technical and Information Services (BTIS), at the following address:

State Civil Service Commission
Bureau of Technical and Information Services
3rd Floor, Strawberry Square Complex
320 Market Street
Telephone: 717.787.5855

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

Or Email at ra-cs-taad@pa.gov

- d. As applicable, the Governor's Office of Administration, appropriate state funding agency or BTIS on behalf of covered Housing Authorities or other contract entities will submit the request in writing to the:

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

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

- e. Each request must reference this directive and include the following:

- (1) Name of agency making request.
- (2) Date prepared.
- (3) Justification as to why the position is being reallocated and relevant effective dates associated with the reallocation.
- (4) Name of employee impacted by the reallocation.
- (5) Current and projected job title.
- (6) A completed Form SCSC-1, Application for Employment/Promotion, for the employee impacted by the reallocation.
- (7) Organizational chart identifying the position impacted by the reallocation.

- (8)** Job description for the employee impacted by the reallocation. For state agencies, Form STD-370, Position Description, should be used.
- (9)** Name, title and telephone number of the agency's designated contact person who may answer questions pertaining to the reallocation request, if necessary.
- f.** The SCSC will review the request and, if approved, determine whether a qualifying examination is necessary by utilizing the criteria identified in paragraphs 5.b.(1) through 5.b.(3) of this directive. If a qualifying examination is required, the SCSC will coordinate with the agency to ensure the reallocated employee is tested in a timely manner. After which the employee and agency will be notified in writing of the examination results. If the request is denied, the SCSC will notify the agency in writing of the denial.
- g.** An employee who successfully examines for the classified service job title and has held the position that is being reallocated for greater than 12 but less than 24 months of continuous service, will be granted probationary status effective the date of passing the examination. Agencies must identify either in SAP for state agencies or on Form SCSC-100, Report of Personnel Transactions for Non-State Employees, for local government agencies that probationary status has been assigned and notify the employee in writing of the personnel action.
- h.** An employee who successfully examines for the classified service job title, has held the position that is being reallocated for less than 12 months of continuous service and can be legally appointed, will be granted probationary status effective the date the applicable certification is issued. Agencies must identify either in SAP for state agencies or on Form SCSC-100, Report of Personnel Transactions for Non-State Employees, for local government agencies that probationary status has been assigned and notify the employee in writing of the personnel action.
- i.** An employee who does not successfully examine for the classified service job title or who is successful on the examination, but cannot be legally appointed from the resulting certification, must be removed from the classified service position immediately. Agencies must identify either in SAP for state agencies or on Form SCSC-100, Report of Personnel Transactions for Non-State Employees, for local government agencies that the employee has been removed from the classified service job title and notify the employee in writing of the personnel action.
- j.** The SCSC will audit all certifications after receipt and, if required, monitor the timely removal of an employee from the classified service.

- k. Form SCSC-100, Report of Personnel Transactions for Non-State Employees, can be obtained by visiting the SCSC's website at www.scsc.pa.gov and logging on the human resource professional website. Agencies 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, Pennsylvania 17108-0569

This directive replaces, in its entirety, *Management Directive 580.35*, dated March 29, 1988.