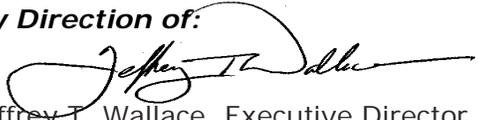


MANAGEMENT DIRECTIVE

Commonwealth of Pennsylvania Governor's Office

Subject: Promotion by Appointment and Temporary Higher-Level Assignment of Unclassified Service Employees into the Classified Service	Number: 580.37 Amended
Date: July 26, 2012	By Direction of:  Jeffrey T. Wallace, Executive Director, State Civil Service Commission
Contact Agency: State Civil Service Commission, Bureau of Policy and Information Services, Telephone 717.787.5855	

This directive establishes policy, responsibilities and procedures for unclassified service employees to compete against classified service employees for promotion into the classified service, and supplements other promotion procedures set forth in *Manual 580.1, Certification of Eligibles for the Classified Service*; and provides policy, responsibilities and procedures for temporarily assigning unclassified service employees to classified service job titles. Marginal dots are excluded due to major changes.

- 1. PURPOSE.** To establish policy, responsibilities and procedures when requesting Commonwealth Agency Promotion Certifications (Code 15) or Commonwealth Interagency Promotion Certifications (Code 16); and when temporarily assigning unclassified service employees to classified service job titles.
- 2. SCOPE.** Applies to all state agencies, which are identified in *Civil Service Act, 71 P.S. § 741.3(d)*, and to state agencies 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 understand the policy, responsibilities and procedures associated with requesting, using and, if applicable, hiring an employee from a Commonwealth Agency Promotion Certification (Code 15) or Commonwealth Interagency Promotion Certification (Code 16); and for temporarily assigning unclassified service employees to higher-level classified service job titles.

4. DEFINITIONS.

- a. **Commonwealth Agency Promotion Certification (Code 15).** List of eligibles who are employees, both classified and unclassified service, of the requesting commonwealth agency and derived from open-competitive examinations.
- b. **Commonwealth Interagency Promotion Certification (Code 16).** List of eligibles who are employees, both classified and unclassified service, of all commonwealth agencies and derived from open-competitive examinations.
- c. **Higher-Level Classification.** A position or classification that has a higher maximum hourly rate than the maximum hourly rate of an employee's current position or classification.
- d. **Minimum Experience and Training Requirements.** The education, experience, licensure, certification or other requirements which are established in the classification standards for a job title and which must be met by applicants or employees seeking appointment or promotion into the classified service.
- e. **Professional and Technical Classes.** Classes designated by the Governor's Executive Board as professional and technical.
- f. **Promotion.** The movement of an employee to another classification in a pay range with a higher maximum salary.
- g. **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 an appointing authority from making an appointment if there are fewer than three available eligibles.
- h. **Temporary Higher-Level Assignment.** An assignment of higher-level work which is distinguishable from an employee's current job duties and responsibilities by virtue of the circumstances under which it is performed and the frequency with which it is performed.

5. POLICY.

- a. Unclassified service employees who meet the required eligibility criteria and are within a logical career path will be able to compete equally for promotions into classified service positions with classified service employees and may be able to receive temporary higher-level assignments to classified service positions.
- b. Promotions shall be effected from open-competitive examinations by use of one of the following certification types:
 - (1) Commonwealth Agency Promotion Certifications (Code 15).
 - (2) Commonwealth Interagency Promotion Certifications (Code 16).

c. Eligibility requirements for placement of classified service employees on Commonwealth Agency Promotion Certifications (Code 15) and Commonwealth Interagency Promotion Certifications (Code 16):

(1) Meets the minimum experience and training requirements.

(2) Passed all parts of the examination for the job title.

d. Eligibility requirements for placement of unclassified service employees on Commonwealth Agency Promotion Certifications (Code 15) and Commonwealth Interagency Promotion Certifications (Code 16):

(1) Meets the minimum experience and training requirements.

(2) Passed all parts of the examination for the job title.

(3) Has a minimum of two years of continuous commonwealth service in a permanent part-time or permanent full-time position.

(4) Promotions within the same pay schedule shall not result in movement that exceeds two pay scale groups. Promotions between different pay schedules shall not exceed a 20 percent increase in pay. **Exception:** Appointing authorities may request an exception to this paragraph for promotions exceeding two pay scale groups within the same pay schedule or for promotions resulting in a greater than 20 percent increase in pay between different pay schedules, by submitting a written request to the Executive Director, SCSC. The request must include sufficient justification that demonstrates the employment action represents a logical career progression for the employee(s), and serves the interest of the appointing authority and the merit system. These requests require pre-approval and are restricted to movement between specifically approved job titles. Requests may be sent to:

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

e. Rule-of-Three applies.

f. Veterans' preference does not apply.

g. The promoted employee must satisfactorily complete a six-month probationary period in the new position.

- h. The right of return for classified service employees shall be in accordance with *Management Directive 580.8, Classified Service Probationary Periods*. The right of return for unclassified service employees shall be consistent with provisions in applicable collective bargaining agreements. For unclassified service employees in management positions, the right of return, if any, is as established by the Governor's Office of Administration (OA).
- i. Eligibility requirements for unclassified service employees to receive a temporary higher-level assignment to a classified service job title:
 - (1) Meets the minimum experience and training requirements.
 - (2) Has a minimum of two years of continuous commonwealth service in a permanent part-time or permanent full-time position.
 - (3) Temporary higher-level assignment within the same pay schedule shall not result in movement that exceeds two pay scale groups. Temporary higher-level assignment between different pay schedules shall not exceed a 20 percent increase in pay.
- j. The Executive Director, SCSC, reserves the right to challenge selections of unclassified service employees because the employee selected was not in a logical career path or continuously employed by the commonwealth in a permanent part-time or permanent full-time position.
- k. **References.** *Civil Service Act, 71 P. S. §§ 741.501, 741.804.1; 4 Pa. Code §§ 95.7, 97.38; Manual 580.1, Certification of Eligibles for the Classified Service; Management Directive 525.4, Temporary Assignment in Higher Classification; and Management Directive 580.8, Classified Service Probationary Periods.*

6. RESPONSIBILITIES.

a. **Appointing Authorities** shall:

- (1) Ensure that positions being filled by Commonwealth Agency Promotion Certifications (Code 15), Commonwealth Interagency Promotion Certifications (Code 16), or through temporary higher-level assignments are properly classified according to appropriate classification specification guidelines.
- (2) Be able to establish a logical career path between the classification held by unclassified service employees and the classification to which appointed or temporarily assigned.
- (3) If appointing an unclassified service employee from a Commonwealth Agency Promotion Certification (Code 15) or Commonwealth Interagency Promotion Certification (Code 16), return the applicable certification and documentation referenced in paragraph 7.e. of this directive, within five workdays of the appointment effective date. **Note:** This does not prevent an appointing authority from submitting the certification and documentation prior to the effective date or from seeking preapproval for the appointment prior to establishing an effective date.

- (4) Not assign an unclassified service employee to a classified service job title prior to receiving written approval from the Executive Director, SCSC, for a temporary higher-level assignment.

b. State Civil Service Commission shall:

- (1) Maintain and issue Commonwealth Agency Promotion Certifications (Code 15) and Commonwealth Interagency Promotion Certifications (Code 16).
- (2) Audit Commonwealth Agency Promotion Certifications (Code 15) and Commonwealth Interagency Promotion Certifications (Code 16) to ensure compliance with applicable policies and procedures.
- (3) Review requests for temporary higher-level assignments of unclassified service employees to classified service job titles and provide appointing authorities with written notification as to whether the request has been approved or disapproved.

7. PROCEDURES.

- a. Appointing authorities requesting Commonwealth Agency Promotion Certification (Code 15) or Commonwealth Interagency Promotion Certification (Code 16) for professional and technical classes can use electronic or paper processes.
- b. Appointing authorities requesting Commonwealth Agency Promotion Certification (Code 15) or Commonwealth Interagency Promotion Certification (Code 16) for classes that are not professional and technical must use the paper Form SCSC-90, Request for Certification, to request certifications. Such requests will be reviewed by the Executive Director, SCSC, prior to the issuance of a list of eligible candidates. The Executive Director, SCSC, shall reject any request that, in his discretion, is inconsistent with the purpose of this directive. For example, it would be inconsistent with the purpose of this directive to issue a Commonwealth Agency Promotion Certification (Code 15) or Commonwealth Interagency Promotion Certification (Code 16) for non-professional and technical classes where entry level appointments are typically made, e.g., Clerk 1 or 2 or Clerk Typist 1 or 2.
- c. Eligible employees will be contacted and interviewed in accordance with the procedures in *Manual 580.1, Certification of Eligibles for the Classified Service*.
- d. In the notice of appointment, the appointing authority shall state whether or not the employee promoted has a right of return to his/her previously held position.
- e. Appointing authorities appointing unclassified service employees from a Commonwealth Agency Promotion Certification (Code 15) or Commonwealth Interagency Promotion Certification (Code 16) must submit the following documents with the certification when returned to the SCSC within five workdays after the appointment effective date:
 - (1) Selected employee's unclassified service job description;

- (2) Organization chart indicating selected employee's unclassified service position;
 - (3) Classified service job description;
 - (4) Organization chart indicating classified service position; and
 - (5) Brief justification as to the logical progression from the unclassified service position to the classified service position.
- f. Appointing authorities desiring to request certifications based on administrative districts must submit justification to the Executive Director, SCSC.
- g. Appointing authorities requesting to temporarily assign unclassified service employees to higher-level classified service positions must receive written approval from the Executive Director, SCSC, prior to assigning the higher-level duties. Written requests may be submitted to the Executive Director, SCSC, at the address indicated in paragraph 5.d.(4) of this directive. Requests must include:
- (1) Selected employee's unclassified service job description;
 - (2) Organization chart indicating selected employee's unclassified service position;
 - (3) Classified service job description;
 - (4) Organization chart indicating classified service position; and
 - (5) Brief justification as to the logical progression from the unclassified service position to the temporary higher-level classified service position.

This directive replaces, in its entirety, *Management Directive 580.37*, dated May 5, 2008.