

MANUAL

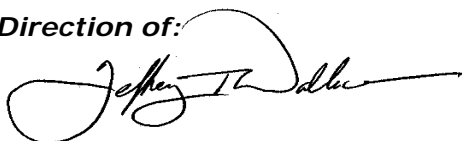
Commonwealth of Pennsylvania Governor's Office

Subject:

Furlough of Classified Service Employees Not Covered by Labor Agreements

Number:

Manual 580.2 Amended

By Direction of:

Jeffrey T. Wallace, Executive Director
State Civil Service Commission

Date:

June 13, 2017

Contact Agency:

State Civil Service Commission, Bureau of Policy and Information Services, Telephone 717.787.5855

This manual provides guidance on the civil service rules and regulations for implementing a furlough and indicates the placement rights of employees prior to the effective date of a furlough and the reemployment rights employees have after a furlough. If any provision of this manual conflicts with the *Civil Service Act* or the *Rules of the Civil Service Commission*, the *Civil Service Act* or the *Rules of the Civil Service Commission* shall be controlling, as applicable.

This document is not intended to be used to determine if and when a furlough should occur since furloughs only occur because of lack of funds or lack of work; nor should it be used to determine the number and type of positions to be eliminated.

All classified service employees in state agencies identified in *Section 3(d), Civil Service Act of August 5, 1941, P. L. 752, as amended*, and political subdivisions of the commonwealth that have contracts with the State Civil Service Commission (SCSC) for services and facilities, as provided for in *Section 212, Civil Service Act*, are expected to comply with this manual. If an employee is subject to the furlough provisions of a collective bargaining agreement or memorandum of understanding, such provisions shall be controlling.

For additional information regarding human resource actions and appeal rights for classified service employees, refer to *Management Directive 580.11, Documentation of Classified Service Personnel Actions; Rules of the Civil Service Commission §§ 91.3, 95.2, 101.1, 101.64, 101.71 and 105.1 through 105.5; Civil Service Act, §§ 801, 802, 807.1, 807.2 and 950; and the Military Affairs Act, Chapter 71, § 7107.*

Questions regarding this manual should be routed through agency Human Resource Directors to:

State Civil Service Commission
Bureau of Policy and Information Services
5th 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, by email: ra-cs-paad@pa.gov

This manual replaces, in its entirety, Manual 580.2, dated May 16, 2014.

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PART A – DEFINITIONS

AVAILABILITY. Counties where furloughees indicated a willingness to work as expressed on the Form SCSC-1R, Application for Placement/Reemployment – Furlough.

BREAK-IN-SERVICE. Any of the following shall constitute a break-in-service: resignation; retirement; failure to report after notification of reappointment; failure to report after leave; and acceptance of other permanent employment while on a leave of absence. If service is broken for one of these reasons, the employee shall lose accrued seniority. If an employee is returned within one year of the break-in-service, the employee is entitled to seniority credit for the time accrued up to the break-in-service, but is not entitled to credit for the time represented by the break-in-service.

DEPARTMENT, AGENCY OR APPOINTING AUTHORITY. Unless otherwise stated, department, agency or appointing authority means the agency from which an employee is furloughed.

EMERGENCY STATUS EMPLOYEE. A qualified person hired by an appointing authority to meet an unexpected need and whose tenure will not be more than 60 workdays.

EMPLOYEE PERFORMANCE REVIEW (EPR). A periodic work performance review by the rater of how much, how well and the manner by which an employee performed his or her duties and responsibilities during the evaluation period.

FURLOUGH. The termination of employment due to lack of work or lack of funds.

FURLOUGHEE. An employee terminated from employment because of lack of work or lack of funds.

FURLOUGH UNIT. All employees in the job title within an affected institution, division, bureau or a combination of institutions, divisions or bureaus within an agency.

INTERIM EPR. A work performance review by the rater that takes place between regularly scheduled EPRs. Generally, occurs when a change takes place within an evaluation period, such as in supervision, job duties or decreased work performance.

MANDATORY REEMPLOYMENT LIST. A list established for the furloughing appointing authority that contains the names of furloughees from a given job title in that appointing authority. It is valid for one year from date of furlough and is established according to furloughees' availability.

MANDATORY REEMPLOYMENT RIGHT. The right of a furlougee to reemployment in the same job title and appointing authority from which furloughed in any county for which available for one year from the date of furlough.

OPTIONAL REEMPLOYMENT LIST. A list established for use by all appointing authorities that contains the names of furloughees and the job title from which furloughed, as well as all equal and lower level job titles for which qualified. It is valid for one year from the date of furlough and is established according to furlougee's availability.

OPTIONAL REEMPLOYMENT PREFERENCE. The preference extended to a furlougee for reemployment in any agency, to any vacancy in the job title from which furloughed and equal and lower level job titles for which qualified, and in any counties where the furlougee is available. Optional reemployment preference is valid for one year from the date of furlough.

PREFERRED REEMPLOYMENT LIST. A list containing the names of employees who were not able to be reemployed in the job title from which a civil service leave of absence was granted.

PRE-FURLOUGH PLACEMENT RIGHT. The right of employees who have received written notice of furlough to vacant positions which the appointing authority intends to fill in any job title and status previously held by the employee, or to a job title and status in the same or lower level, if qualified, in any county for which the employee is available.

PROBATIONARY PERIOD. A preliminary period of employment, the purpose of which is to determine the fitness of an employee for regular status.

PROBATIONARY STATUS EMPLOYEE. A person serving a probationary period prior to acquiring regular status in a classified service position.

PROVISIONAL EMPLOYEE. A person selected by an accelerated examination program and serving a six-month working test period prior to the required probationary period.

QUALIFIER STATUS EMPLOYEE. A person whose position has been placed in the classified service by proper authority and who will be required to take and pass an examination in order to continue in the position.

REGULAR STATUS EMPLOYEE. An employee who has been appointed to a position in the classified service under the *Civil Service Act* after completing the probationary period.

SCSC-1R, APPLICATION FOR PLACEMENT/REEMPLOYMENT – FURLOUGH. The form used by a furlougee to designate the counties where the furlougee is willing to accept employment; and to determine the jobs for which a furlougee is qualified in the same or lower job titles as the job from which the furlougee is furloughed.

SENIORITY. The length of continuous service in the classified service provided there has been no break-in-service, plus time spent in the active military service of the United States Armed Forces during the following periods:

- World War II.....December 7, 1941 to September 2, 1945.
- KoreaJune 25, 1950 to July 27, 1953.
- Vietnam.....August 5, 1964 to January 28, 1973.
- Persian Gulf.....August 2, 1990 to August 31, 1991.
- War on Terrorism.....September 11, 2001 to date determined by the Department of Military and Veterans Affairs pursuant to *51 Pa.C.S. § 7101*.

TEMPORARY STATUS EMPLOYEE. A qualified person appointed to a position from an eligible list or reinstated to the classified service for a period not to exceed 12 months.

**PART B – PROCEDURES FOR ESTABLISHING FURLOUGH UNITS AND
SEPARATING EMPLOYEES IN THE FURLOUGH UNIT**

- 1. Establishing Furlough Units.** New and revised furlough units will be determined by the appointing authority and must be approved by the Executive Director, SCSC, prior to their use in any furlough. Appointing authorities cannot effect a furlough without the establishment of approved furlough units. Requests to establish or revise furlough units should 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

Questions regarding the establishment or revision of furlough units may be directed to SCSC, Bureau of Policy and Information Services at ra-cs-paad@pa.gov or 717.787.5855.

2. Order of Separation of Employees in the Furlough Unit.

- a.** Classified service employees not covered by labor agreements are furloughed by job title within the furlough unit. Prior to furloughing any probationary or regular status employees, classified service employees in the furlough unit **within the same job title** must be separated by civil service status in the following order:

1st – Emergency	3rd – Provisional
2nd – Temporary	4th – Qualifier

- b.** Probationary status employees will be separated prior to the furlough of any regular status employee based on seniority in the job title, e.g., if an appointing authority were furloughing one employee and Employee A has held probationary status in the job title designated for furlough for three months and Employee B has held probationary status in the job title for five months, then Employee A would be the employee furloughed. The appointing authority should inform probationary status employees that their names may be restored to employment lists, provided the employee's time on list has not expired, by submitting a written request to the Executive Director, SCSC.
- c.** Probationary status employees who have achieved such status as a result of promotion from a regular status position, including by reclassification, shall be notified in writing that they are being returned to the agency, job title and status previously held, but will maintain mandatory and optional reemployment rights to the probationary status job title from which furloughed. If such employees are subsequently furloughed from their regular status position, in accordance with the provisions of this manual, the employees will receive additional written notification indicating their mandatory and optional reemployment rights applicable to the regular status position.

Example: A regular status employee was promoted from a Program Analyst 2 to a Program Analyst 3. While in probationary status as a Program Analyst 3, the employee received notice from the appointing authority that he was being furloughed. The employee has placement rights to job titles that are equal to and lower than the pay grade for the Program Analyst 3 job title; will be placed on the appointing authority's mandatory reemployment list for Program Analyst 3 positions for one year from the effective date of the furlough; may be placed on optional reemployment lists, dependent on the submission of and information provided on Form SCSC-1R, Application for Placement/Reemployment – Furlough, for a period of one year from the effective date of the furlough; and is to be returned to a Program Analyst 2 position with regular status. If the employee is subsequently furloughed from the Program Analyst 2 job title, the employee will be placed on the appointing authority's mandatory reemployment list for Program Analyst 2 positions; and may be placed on optional reemployment lists, dependent on the submission of and information provided on Form SCSC-1R, Application for Placement/Reemployment – Furlough, for a period of one year from the effective date of the furlough. Therefore, the employee may appear on mandatory reemployment lists simultaneously for the Program Analyst 2 and Program Analyst 3 job titles. **Note:** An employee's removal from mandatory or optional reemployment lists may occur as indicated in PART D of this manual.

3. Furloughing Regular Status Employees. An appointing authority shall furlough only those regular status employees who, at the time of furlough, are within the lowest quarter among employees in the furlough unit on the basis of their last annual or probationary Employee Performance Review (EPR).

4. Use of Employee Performance Reviews (EPRs).

a. Policy.

- (1) EPRs must be used in determining furloughs. EPR forms must be approved by the Executive Director, SCSC, prior to being used in any furlough. Requests to create or revise EPR forms should be sent to the address indicated in PART B.1. of this manual.
- (2) All employees in the furlough unit must have been evaluated on the same type of EPR form.
- (3) Interim EPRs are not to be used for furlough purposes.
- (4) Before any employee may be furloughed, an annual or end of probationary period EPR must have been completed within the 12 months immediately preceding the effective date of the furlough for all regular status employees in the furlough unit. When no EPR dated within the previous 12 months is available, a current EPR must be prepared and used to determine the employee(s) to be furloughed. Such EPR will not be considered an interim report. **Exception:** For employees returned to a previous position due to not successfully completing the probationary period, the EPR used in conjunction with returning the employee to the formerly held position may not be used in determining the furlough. Instead the appointing authority will use the most recent EPR, provided it was completed within the past 12 months as indicated by the date the employee signed the EPR or, in the event that an employee had refused to sign the EPR, then the date the rater documented "Employee Refused to Sign" will be used. If no EPR dated within the previous 12 months is available, then a current EPR must be prepared in accordance with this manual.

- (5) EPRs that are due on or before the effective date of the furlough must be completed and used in determining the order of furlough, provided that the EPRs have been completed in the 12 month period immediately preceding the date of furlough. EPRs due after the effective date of the furlough should not be used to determine the order of furlough.
- (6) When the most recent, required EPR cannot be completed due to reasons beyond the control of the appointing authority, such as the absence of the employee on medical or military leave, the affected employee's performance will be considered to be equal to that of the regular status employee in the furlough unit with the highest rating.

b. Determination of Lowest Quarter for State and Local Government Employees.

- (1) Determine numerical values for employees in the furlough unit using the appropriate annual or probationary EPR. Assign numerical values to each job factor. Appointing authorities using Form 363L or Form STD-315 should assign numerical values as follows:

Form 363L		Form STD-315	
Rating	Numerical Value	Rating	Numerical Value
Outstanding.....	4	Excellent	24, 22, 20
Commendable.....	3	Very Good	18, 16, 14
Satisfactory	2	Good.....	12, 10, 8
Needs Improvement ...	1	Fair	6, 4, 2
Unsatisfactory.....	0	Unsatisfactory	0

- (2) Add the numerical values of job factors common to each employee to determine each employee's numerical score. Exclude the overall rating in determining the numerical score.
- (3) If the furlough unit is comprised of four or fewer employees, the employee(s) with the lowest score constitute the lowest quarter. Tie scores are resolved based on classified service seniority as shown below:

Employees	EPR Scores
Employee A	25
Employee B	24
Employee C	18
Employee D	18

The lowest score is 18 and two employees have a score of 18. Therefore, two employees, Employee C and Employee D, instead of one, will be assigned to the lowest quarter. If one employee is to be furloughed, the employee with the least amount of continuous classified service seniority will be separated.

- (4) To determine the number of employees in the lowest quarter when the number of employees in the furlough unit is more than four, divide the number of employees by four and round to the nearest whole number. For example, if there are six employees in the furlough unit, at least two employees will constitute the lowest quarter ($6 \div 4 = 1.5$, which is rounded to 2). The number of employees in the lowest quarter, depending on the number of employees in the furlough unit as follows:

Number of Employees in Furlough Unit	Minimum Number of Employees in Lowest Quarter
5	1
6	2
7	2
8	2
9	2
10	3
11	3
12	3

- (5) Assign the required number of employees to the lowest quarter based on their numerical scores on their EPRs. The lowest numerical scores constitute the lowest quarter as shown below:

Furlough Unit	EPR Scores
Employee E	24
Employee F	23
Employee G	15
Employee H	16
Employee I	24
Employee J	17
Employee K	18

Since there are seven employees in the furlough unit, at least two employees will be in the lowest quarter. **Note:** There may be more in the case of tied EPR scores. Employee G and Employee H have the lowest numerical scores on their EPRs; therefore, they are assigned to the lowest quarter.

- (6) The employee in the lowest quarter with the least amount of continuous classified service seniority is furloughed first. Once employees are assigned to the lowest quarter, seniority, not numerical score, determines the order of furlough.
- (7) When the number of employees to be furloughed exceeds the number in the lowest quarter, first furlough those in the lowest quarter. Then, considering only the remaining employees, establish a new lowest quarter. Repeat this process until the required number of furloughs is affected.
- (8) All documentation pertaining to the scoring of EPRs and determination of the lowest quarter shall be retained by the appointing authority in case an appeal is filed.

5. Seniority.

a. Policy.

- (1) Periods of furlough and approved non-military civil service leaves of absence are not breaks-in-service. However, periods of furlough or civil service leaves of absence are not counted toward seniority.
- (2) Military leave of absence will be deemed continuous classified service and seniority will accrue during this type of leave of absence.
- (3) Removal for cause shall result in the loss of all accrued seniority up to the effective date of the removal.

b. Application. Employees determined to be in the lowest quarter shall be furloughed in the inverse order of seniority, e.g., the least senior employee is furloughed first and the most senior last. Any break-in-service must be considered in determining an employee's seniority.

EXAMPLE: An appointing authority must eliminate three positions. Six employees are in the lowest quarter. The employees and their corresponding service follow:

- Employee L – Three years
- Employee M – Three years, resigned for two years, returned for two years
- Employee N – Eight years, furloughed for two years, returned for two years
- Employee O – One year as an employee in a substitute position, then six years in a permanent position
- Employee P – One year as a temporary employee, separated for six months, returned for three years
- Employee Q – Three years, two years on a civil service leave of absence to accept a non-civil service job, returned to civil service for five years

Rank employees according to seniority:

- Employee N – Ten years (expiration of furlough reemployment rights constituted a break-in-service but return was within one year of the break-in-service so all accrued seniority is counted)
- Employee Q – Eight years (approved civil service leave of absence is not a break-in-service)
- Employee O – Seven years (all time in classified service counts)
- Employee P – Four years (break-in-service less than a year, entitled to time accrued)
- Employee L – Three years
- Employee M – Two years (break-in-service, loss of accrued seniority)

Which three employees are designated for furlough?

- First – Employee M
- Second – Employee L
- Third – Employee P

PART C – WRITTEN NOTIFICATION

1. Delegation of Signatory Authority.

- a. Furlough notices shall be signed by the agency head or a designated subordinate. If this responsibility is delegated, complete and send Form SCSC-5280, Delegation of Signatory Authority (see Enclosure 1), to the:

State Civil Service Commission
Bureau of Policy and Information Services
5th Floor, Strawberry Square Complex
320 Market Street

Or for U.S. Postal Service deliveries:
P.O. Box 569
Harrisburg, Pennsylvania 17108-0659

- b. The Delegation of Signatory Authority must be received by the SCSC before furlough notices are signed by designated subordinates.
- c. Subordinates who are properly delegated signatory authority shall not further delegate that authority.

2. Written Notice Requirements.

Employees, who are designated for furlough, including those who are placed as a result of pre-furlough placement rights, shall be notified in writing and the following provisions shall apply:

- a. **Time.** Except in the case of emergencies, written notice of furlough shall be received by the affected employee(s) at least ten workdays before the furlough effective date. However, if the furlough is a direct result of either a federal action which immediately halts funding for state employees whose positions are funded in-full or part by federal funds, or the Commonwealth not enacting a budget by midnight on June 30th of each calendar year, written notice shall be provided to the affected employee(s) at least one workday before the furlough effective date. In no instance may an affected employee be given less than one workday notice before the furlough effective date.

A copy of the written notice shall be sent immediately to the SCSC at the:

State Civil Service Commission
Bureau of Policy and Information Services
5th Floor, Strawberry Square Complex
320 Market Street

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

Or by email: ra-cs-personnelnotify@pa.gov

- b. Signature.** Written notice shall be signed by the agency head or a subordinate who has been properly delegated signatory authority. The signature element on the furlough notice, when signed by a subordinate delegated signatory authority, must be structured as follows:

Signature of Subordinate
Typed Name of Subordinate
Title of Subordinate
For:
Typed Name of Agency Head
Title of Agency Head, Agency Name

- c. Content.** Written notice shall include the furlougee's most recent job title and civil service status, effective date of furlough, the reason for furlough, and an explanation of the furlougee's reemployment and appeal rights. Additionally, for state agencies, the written notice shall include the employee's personnel number. (See Example 1 for the contents and structure of a written furlough notice.)

- d. Enclosures.** In addition to the written notice, the appointing authority must provide each furlougee with the following:

- SCSC-1R, Application for Placement/Reemployment – Furlough (Enclosure 2).
- SCSC-1RA, Guidance for Completing SCSC-1R (Enclosure 3).
- SCSC-1RB, Placement and Reemployment under Civil Service Furlough Procedures (Enclosure 4).
- SCSC-4112, Appeal Request Form (Enclosure 5).

These forms can be obtained by visiting the SCSC's website at <http://www.scsc.pa.gov> and logging on to the Human Resource Professional website. Appointing authorities are encouraged to replenish stock by use of their own reproduction facilities. Forms may also be obtained from the:

State Civil Service Commission
Support Services 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

EXAMPLE 1
WRITTEN FURLOUGH NOTICE

Portions offset by parentheses should be modified to meet the specifics of the furlougee and position being addressed in your letter. The paragraph preceded by # should be used for probationary status employees being furloughed, who did not hold regular civil service status immediately prior to their probationary appointment. Additional information may be added to meet the needs of individual situations.

(Agency Name)
(Agency Address)
(Agency Address)
(Date)

(Personnel Number)
(Job Title)
(Civil Service Status)

(Furlougee's Name)
(Furlougee's Address)
(Furlougee's Address)

Dear (Furlougee's Name):

As a result of the (reason for furlough indicating lack of work or lack of funds, e.g., unprecedented shortfall in revenues requiring steps be taken to reduce operational expenses, or reorganization resulting in a lack of work in your job title, etc.), I regret to inform you that it will be necessary to furlough you from your (civil service status), (job title) position with the (agency name) effective the close of business (date).

Prior to the effective date of the furlough, you will have rights to vacant positions which the (agency name) intends to fill in any job title and status previously held, or to any job title and status in the same or lower levels for which you are qualified, in any county for which you make yourself available. In order to activate referral to these positions for which you may be qualified and to indicate counties where you make yourself available for work, you must complete the enclosed Form SCSC-1R, Application for Placement/Reemployment – Furlough, and return it to the (agency name and address).

Effective upon your furlough, you will have mandatory reemployment rights for one year to (job title) positions within the (agency name) in any county for which you have made yourself available. Optional reemployment preference is also available for one year for any vacancy in any agency in the (job title) position and any equal or lower level job title for which you are qualified and in any county for which you have made yourself available. Your rights and responsibilities for placement and reemployment before and after furlough are further explained in the attached Form SCSC-1RB, Placement and Reemployment under Civil Service Furlough Procedures.

This action is being taken in accordance with the rules and procedures prescribed by the State Civil Service Commission (SCSC) and Section 802 of the Civil Service Act. You have the right to appeal this furlough action under the SCSC procedure. Your civil service rights in this personnel action are explained in Parts II and III of the attached Form SCSC-4112, Appeal Request Form. You have 20 calendar days from the date you receive this notice to file an appeal with the State Civil Service Commission.

- # As a probationary status employee who did not have regular status immediately prior to your probationary appointment, you may make a written request to the State Civil Service Commission to have your name restored to any civil service eligible lists for which your eligibility has not expired.

Sincerely,

(Signature block as established
by the furloughing agency)

Enclosures

**GUIDANCE FOR COMPLETING FORM SCSC-1R,
APPLICATION FOR REEMPLOYMENT AFTER FURLOUGH**

To improve your chances for job placement and/or reemployment, it is important that you complete and return Form SCSC-1R, ***Application for Reemployment after Furlough***, to your human resource office as soon as possible.

Form SCSC-1R will be used by your appointing authority to determine the counties in which you will accept employment before and after furlough. You may circle as many, or as few, counties as you wish. **Give careful thought to selecting counties in which you will work. If you decline employment in a county that you circled, you will lose placement and reemployment rights, not only for the job title that you refused, but for all equal and lower job titles.**

Your human resource office will send your Form SCSC-1R to the State Civil Service Commission (SCSC) after its review. The SCSC will evaluate the experience and training you describe in items 11 and 12 to determine the job titles you qualify for that are equal to and lower than the job title from which you are designated for furlough based on the salary and occupational areas you indicated in item 5. It is very important that you complete item 12 as thoroughly as possible. Be sure to give details of the work you performed. Attach additional sheets if the space provided is not sufficient to fully describe all of the jobs you have held. If you have post high school training, please attach copies of your transcripts or a list of courses successfully completed. The more job titles you qualify for, the greater your chances for employment.

The SCSC will place your name on optional reemployment lists for job titles equal to and lower than the job title from which you are designated for furlough. The SCSC will notify you in writing of the optional reemployment lists on which your name appears. If you do not complete and return a Form SCSC-1R to your human resource office, your name will only appear on the list for the job title, department and county from which you were furloughed.

PLACEMENT AND REEMPLOYMENT UNDER CIVIL SERVICE FURLOUGH PROCEDURES

Your placement and reemployment rights and preferences before and after furlough follow:

BEFORE FURLOUGH

From the time you receive written notice of your impending furlough, until the effective date of furlough, you have rights to vacancies in the department from which you are to be furloughed.

Vacancies

You have rights to vacancies in:

1. Job titles that you previously held; and
2. Job titles at the same or lower pay grade as your present job title for which you qualify.

Location

You have rights to the aforementioned vacancies in counties where you made yourself available for placement as indicated on Form SCSC-1R. **If you do not complete and return a Form SCSC-1R to the department, you will only be given rights to vacancies in the *job title* and *county* from which you are to be furloughed.**

Acceptance or Refusal of Placement

1. **Same job title.** If you accept or refuse placement in the same job title as your present one, all placement and reemployment rights cease.
2. **Same pay grade.** If you accept or refuse placement in a different job title with the same pay grade as your present job title, you lose placement and reemployment rights to all vacancies **except** to those in your present job title.
3. **Lower pay grade.** If you accept or refuse placement in a job title with a lower pay grade than your present job title, you lose placement and reemployment rights to vacancies in job titles with pay grades the same as and lower than the job title for which you accepted or refused placement. You still have rights to vacancies in job titles with pay grades higher than the one for which you accepted or refused placement and the same as your present job title.

AFTER FURLOUGH

Mandatory Reemployment Rights – For one year from your date of furlough, you have a right to vacancies in the job title and department from which you were furloughed at locations you indicated availability on Form SCSC-1R. To assist you in exercising this right, the SCSC will place your name on a mandatory reemployment list that includes the job title from which you were furloughed and the counties that you are available for reemployment. The department must use this list when filling vacancies in the job title from which you were furloughed, unless the vacancy is reserved for employees on leave of absence or a preferred reemployment list is in place.

If you accept or refuse mandatory reemployment at a location for which you are available, but other than the location from which furloughed, you retain reemployment rights solely to the location from which furloughed.

If you accept or refuse mandatory reemployment at the location from which furloughed, you lose all mandatory rights and optional reemployment consideration.

Optional Reemployment Consideration – For one year from your date of furlough, you will be given consideration for vacancies in all agencies at locations you indicated availability on Form SCSC-1R in:

- (a) The job title from which you were furloughed; and
- (b) Job titles with equal and lower pay grades than the one from which furloughed and for which you qualify.

Your name will be placed on optional reemployment lists for job titles described in (a) and (b) based on the information you provide on Form SCSC-1R. You may be considered for reemployment from optional reemployment lists, unless vacancies are reserved for employees on approved leave of absence or a preferred or mandatory reemployment list is in place. **An agency that considers you for reemployment and does not select you will notify you of your non-selection and the reason(s) thereof. If you feel your non-selection was due to discrimination, you have the right to file an appeal to the State Civil Service Commission within 20 calendar days of receiving notice of your non-selection, stating the reasons that support your discrimination claim.**

The results of acceptance or refusal of optional reemployment are the same as those detailed in the BEFORE FURLOUGH section.

If you are not returned to Commonwealth employment within one year of your date of furlough, all furlough reemployment rights and consideration will expire. However, you are eligible for reinstatement to any civil service position that you qualify for at a pay grade equal to or lower than the job title from which you were furloughed. You will be entitled to any amount of civil service seniority that was earned up to the date of furlough and that seniority will continue if you are reinstated to a civil service position. However, any time between the furlough date and time of reinstatement will not count toward seniority.

PART D – FURLOUGHEE PLACEMENT AND REEMPLOYMENT RIGHTS

1. Placement Rights Prior to Furlough. From the date of written notification to the employee until the effective date of the furlough, the employees designated for furlough have rights to vacancies that the appointing authority is in the process of filling or intends to fill. **Exception:** This does not supersede the rights of employees who hold contractual rights to vacancies, the rights of employees who are on preferred reemployment lists or those vacancies that are reserved for employees who are on approved civil service leaves of absence.

a. Furloughees Rights to Vacancies. Employees designated for furlough shall have rights to vacant positions in the appointing authority in:

(1) Any job title and status previously held; or

(2) Any job title for which the employee meets the minimum qualifications provided that the job title has the same or lower pay grade as the job title held immediately prior to furlough.

Note: A position is considered to be vacant until it is officially occupied by an individual. A job offer with an impending effective date shall not bypass furloughees' rights. For example, a job offer is made to an individual on March 1st establishing an effective date of appointment for May 1st. On April 15th, written notification is provided to employees that a furlough will be effective April 25th. If any employees designated for furlough meet the minimum qualifications for the offered job title and the job title is in the same or lower pay grade, the employment offer made March 1st must be withdrawn and offered to one of the designated furloughees.

b. Documentation Required to Determine Eligibility and Availability. Employees will be considered available for work in those counties where they have expressed a willingness to work on Form SCSC-1R. The information provided by the employee in regard to education and training may also be used to determine what job titles the employee meets the minimum qualifications for.

Note: If more than one employee can be considered for the vacant position, the appointing authority has the discretion to choose which employee will fill the position but must make its decision using merit-based factors. In the event of an appeal, the agency will be responsible for justifying why one employee was selected over other employees.

c. Written Notice Requirements. If an appointing authority has a position for which a furloughee holds placement rights, the employment offer must be made in writing. **(Example 2 is a sample of a Furlough Placement Letter.)**

d. Impact of Acceptance or Refusal on Placement Rights.

(1) **Same Job Title.** Employees who accept or refuse placement in the same job title from which they are designated for furlough in counties where they indicated availability on Form SCSC-1R shall lose all placement and reemployment rights.

- (2) **Same Pay Grade.** Employees who accept or refuse placement in a job title with the same pay grade as the job title from which they are designated for furlough in counties where they indicated availability on Form SCSC-1R shall retain rights only to the job title from which they are designated for furlough.
- (3) **Lower Pay Grade.** Employees who accept or refuse placement in a job title with a lower pay grade than the job title from which they are designated for furlough, lose placement and reemployment rights to job titles with pay grades the same as, and lower than, the job title that they accepted or refused. Employees retain rights to job titles with higher pay grades than the job title to which they accepted or refused placement and equal to the job title from which they are designated for furlough. For example, an employee designated to be furloughed from a pay grade 9 job title, who accepts placement in a job title at pay grade 7 will retain reemployment rights to all job titles at pay grades 8 and 9 for which the employee qualifies and is available. The employee has no further rights to job titles at pay grade 7 and lower.

Note: For appointing authorities with more than one position that they are in the process of filling or intend to fill, if one of the vacant positions is in the same job title from which the employee was being furloughed, the employee should be offered that vacancy. If there are two vacancies at the same pay grade but not in the same job title as the one from which the employee was furloughed, it is at the appointing authority's discretion as to which position to offer the employee. If there is a vacancy in a different job title but at the same pay grade and another vacancy at a lower pay grade, the employee should be offered the position in the same pay grade.

- e. Employees who receive written notification of a furlough, but prior to the effective date of furlough voluntarily transfer, reassign, promote or demote to another appointing authority shall lose all placement and reemployment rights. Those employees who are promoted in these circumstances and do not successfully complete the probationary period for the higher-level job title, shall be returned to the former agency and immediately furloughed effective the date of return, assuming the circumstances that led to the furlough still exist.

2. Reemployment Rights after Furlough.

- a. **Mandatory Reemployment Rights.** Furloughees have mandatory reemployment rights to vacancies in the same job title and appointing authority from which furloughed in counties for which available as indicated on Form SCSC-1R, for one year from the date of furlough.

- (1) **Mandatory Reemployment After Furlough Certification, Code 70.** Agencies must contact the Veterans' Preference and Certification Division when attempting to fill a job title for which a furloughee has mandatory reemployment rights in order to request a Code 70 Certification. Requests should be sent to:

State Civil Service Commission
Veterans' Preference and Certification Division
5th 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 by email: ra-cs-certs@pa.gov

- (a) Code 70 Certifications take precedence over all other types of certifications to fill vacancies **except** preferred reemployment lists, vacancies reserved for employees who are on approved civil service leaves of absence and reclassification requests.
 - (b) Code 70 Certifications are valid for 60 workdays.
 - (c) Furlougees on Code 70 Certifications are rank ordered based on EPR scores. In cases of tied EPR scores, furlougees with greater seniority will have priority in reemployment. Reemployment must be offered in rank order (the first furlougee on the Code 70 Certification must be offered reemployment before an offer is extended to the second furlougee on the Code 70 Certification, etc.).
 - (d) Furlougees whose names are certified **prior** to their one year expiration may be reemployed from a Code 70 Certification **after** the expiration of the one-year period.
- (2) Pennsylvania residency is **not** required for mandatory reemployment.
- (3) Retirement after furlough will **not** affect a furlougee's mandatory reemployment rights.
- (4) Furlougees who are not reemployed within one year of the effective date of the furlough may be reemployed through reinstatement, provided the furlougee meets the provisions of reinstatement.
- (5) **Impact of acceptance or refusal on mandatory reemployment rights.**
- (a) Furlougees who accept or refuse mandatory reemployment in a county for which they indicated availability on Form SCSC-1R, but other than the county from which they were furloughed, shall retain mandatory reemployment rights solely to the county from which they were furloughed.
 - (b) Furlougees who accept or refuse mandatory reemployment in the county from which they were furloughed shall **lose** all mandatory and optional reemployment rights and consideration. **(Example 3 is a sample of a Mandatory Reemployment Letter.)**
- (6) Furlougees who return as a result of mandatory reemployment rights are to be placed in the same status held at the time of furlough, e.g., if an employee held regular status at the time of furlough, the employee shall be assigned regular status upon return.

b. Optional Reemployment Preference. The preference extended to a furlougee for reemployment is to any agency, to any vacancy in the job title from which furloughed and equal and lower level job titles for which qualified, and in any county where the furlougee indicated availability on Form SCSC-1R. Optional reemployment preference is valid for one year from the date of furlough.

(1) Optional Reemployment After Furlough Certification, Code 72. Issued by the SCSC to all appointing authorities to consider furloughees for optional reemployment preference.

(a) An appointing authority may select any furlougee appearing on a Code 72 Certification. However, consideration must be given to all of the available furloughees on the Code 72 Certification. Form SCSC-98, Availability Survey/Interview Notice, is to be used when canvassing furloughees to determine their availability. Form SCSC-98 can be found on the SCSC's Human Resource Professional website at www.scsc.state.pa.us under Forms.

(b) Appointing authorities with vacancies will receive Code 72 Certifications along with other requested certifications and **may** appoint from either one. **State Agencies are required to interview all optional furloughees who have indicated that they are available prior to making an appointment from another certification,** unless the appointing authority receives a waiver from the Executive Director, SCSC. Local Government Agencies must review any Code 72 Certification received and, although not required to contact or interview the optional furloughees, must be able to defend not considering furloughees from a Code 72 Certification as one of their recruitment methods in the event an appeal is filed. **Optional available furloughees interviewed but not selected for the position must be given written notification, including the reasons for their nonselection and appeal rights.** A copy of the notice must be provided to the SCSC along with the Code 72 Certification and applicable Availability Surveys.

(c) Furloughees whose names are certified within one year of their date of furlough may be reemployed from a Code 72 Certification **after** the expiration of the one-year period.

(2) Pennsylvania residency is required unless it is waived for the job title.

(3) Retirement after furlough will **not** affect a furlougee's optional reemployment preference.

(4) Impact of acceptance or refusal of reemployment.

(a) Same pay grade. Furloughees who accept, indicate that they are waiving the position on Form SCSC-98, Availability Survey/Interview Notice, or refuse reemployment in the same job title from which they were furloughed or in a job title with the same pay grade as the job title from which they were furloughed shall **forfeit** all optional reemployment preference, but retain mandatory reemployment rights.

- (b) **Lower pay grade.** Furlougees who accept, indicate that they are waiving the position on Form SCSC-98, Availability Survey/Interview Notice, or refuse reemployment in a job title with a pay grade lower than the job title from which they were furloughed shall retain reemployment preference for job titles with pay grades higher than the job title to which reemployment is offered and equal to the job title from which they were furloughed. Reemployment preference is forfeited for all job titles with pay grades equal to and lower than the job title to which reemployment is offered.
- (5) Appointing authorities must direct furlougees who refuse reemployment offers to do so in writing. Appointing authorities must include the furlougee's rejection notification with the Code 72 Certification when returning the certification to the SCSC.
- (6) Furlougees who return as a result of optional reemployment preference are to be placed in the same status held at the time of furlough, e.g., if an employee held regular status at the time of furlough, the employee shall be assigned regular status upon return. **Exception:** If a furlougee is placed in a trainee job title, the furlougee shall be placed in probationary status until satisfactorily completing the full training program, as no reductions of training periods will be authorized.

c. Provisions that Apply to Local Government Agencies.

- (1) **Mandatory Reemployment Rights.** Furlougees' mandatory reemployment rights are to the same job title and appointing authority from which furloughed. Local government agencies at the county level are usually subdivided into program areas, e.g., children, youth and families; drug and alcohol; mental health/intellectual disabilities; and aging. Furlougees of program areas shall have mandatory reemployment rights to classified service vacancies in the job title and appointing authority from which furloughed, regardless of the program area. If two or more counties comprise a joinder, mandatory reemployment rights are to all counties that comprise the joinder. However, mandatory reemployment rights for furlougees of housing authorities are restricted to the furloughing housing authority. **Note:** Furlougees of joinder counties who do not want to be considered for mandatory reemployment in counties other than the county in which they were working at the time of furlough, must notify the SCSC in writing:

State Civil Service Commission
Veterans' Preference and Certification Division
5th 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 by email: ra-cs-certs@pa.gov

(2) Optional Reemployment Preference. Furloughees will be considered for reemployment in vacancies in **any appointing authority** under the merit system in the job title from which they were furloughed, any equal or lower level job title for which they are qualified, and in any county for which they indicated availability on Form SCSC-1R. Appointing authorities with vacancies will receive Code 72 Certifications along with other requested certifications and **may** appoint from either one.

3. Filling Vacancies Subsequent to Furlough. This section applies to the furloughing appointing authority only.

- a. If a mandatory list is active, then no personnel actions other than the following are permitted: appointments from preferred reemployment lists; filling of vacancies reserved for employees on approved civil service leave of absences; reclassification of a position either upward or downward; promoted employees exercising a right of return to their former regular status position; and reassignment of an employee in the same appointing authority from one position to another in the same job title.
- b. Appointing authorities must ensure that no mandatory or optional reemployment list exists prior to processing any personnel actions using a blanket certification number, except those stated in 3.a.
- c. The SCSC will not issue any other type of certification of eligibles, except those stated in 3.a., if a mandatory reemployment list exists. Appointing authorities with access to SCSC automated systems may use the Agency Certification Menu screen, Furlough Reemployment List Inquiry, to determine if a mandatory reemployment list exists. Appointing authorities without access to SCSC automated systems may determine if a reemployment list exists by contacting the Veterans' Preference and Certification Division, SCSC, at 717.783.7097 or by email at ra-cs-vpcd@pa.gov. If a mandatory reemployment list exists, the SCSC will issue a Code 70 Certification. If there is no mandatory reemployment list, the SCSC will issue the requested certification.
- d. When the appointing authority is considering filling a position by transfer, reassignment in a different job title, demotion, reinstatement or promotion without examination, the appointing authority shall access the Furlough Reemployment List Inquiry screen to determine if there are optional furloughees. When a list does exist, the appointing authority shall request a Code 72 Certification. When no such list exists, the appointing authority should print and retain a copy of the screen indicating that there are no furloughees. Regardless of whether or not furloughees subsequently are placed on the optional reemployment list, the appointing authority may proceed to interview and make selections. The appointing authority will have 30 workdays from the date of the printout to submit Form SCSC-90, Request for Certification, for the specific action or to transact the personnel action. A copy of the printout must be included with Form SCSC-90, Request for Certification. **Note:** The appointing authority shall not use the information obtained from the Furlough Reemployment List Inquiry printout as a means to bypass any optional furlougee(s) from its own appointing authority whose name(s) may have been added to the Furlough Reemployment List subsequent to the date the screen was printed.
- e. When the appointing authority is considering filling a position by use of a civil service list (e.g., Codes 11, 12, 13, 14, 15, 16, 21 and 22) the SCSC will automatically issue a Code 72 Certification at the time of the request.

**EXAMPLE 2
FURLOUGHEE PLACEMENT LETTER**

If placement is to a job title in a lower pay grade, do not refer to the placement as a demotion in lieu of furlough or as a demotion for any reason. Hand deliver, email with delivery receipt confirmation or send certified mail. Portions set off by parentheses should be modified to meet the specifics of the employee and position being addressed in your letter. Additional information may be added to meet the needs of individual situations.

(Agency Name)
(Agency Address)
(Agency Address)
(Date)

(Personnel Number)
(Job Title)
(Civil Service Status)

(Furlougee's Name)
(Furlougee's Address)
(Furlougee's Address)

Dear (Furlougee's Name):

We are pleased to offer you employment as a (job title) in the (agency name) at (employment address) (job description enclosed). This is a (type employment, e.g. full-time, part-time, limited-term, etc.), (civil service status) position. You are entitled to this position according to the provisions of *Section 802* of the *Civil Service Act, Furlough*.

If you accept this offer, please report to (name) on (date) at (time), to begin your employment. (Name of person to which reporting) is located at (address).

This is the only placement offer that you will receive before you are furloughed.

(Use the following if the placement offer is to the same job title as the one from which the employee is designated for furlough in a county where the employee indicated availability on Form SCSC-1R.) **If you accept or reject this offer, you will forfeit all of your placement and reemployment rights.**

(Use the following if the placement offer is to a job title with the same pay grade as the one from which the employee is being furloughed, in a county where the employee indicated availability on Form SCSC-1R.) **If you accept or reject this offer, you will forfeit your placement and reemployment rights to all positions with pay grades equal to or lower than (job title from which employee is being furloughed), and you will retain rights only to (job title from which employee is being furloughed) positions.**

(Use the following if the offer is to a job title with a lower pay grade than the one from which the employee is being furloughed, in a county where the employee indicated availability on the Form SCSC-1R.) **If you accept or reject this offer, you will retain rights to positions with pay grades higher than (job title being offered) and equal to the (job title from which employee is being furloughed), but you will forfeit your placement and reemployment rights to all positions with pay grades equal to and lower than (the job title being offered).**

You must return the attached placement offer, signed and dated within (number of workdays. If hand delivered or emailed, furloughee should be given a minimum of two workdays to respond; or if sent via certified mail, furloughee should be given five workdays to respond) workdays of receipt of this offer. Failure to notify this office within this allotted timeframe will be treated as a rejection of this offer. Return form to:

(Agency Name)
(Agency Address)
(Agency Address)

Please contact (agency contact person) at (telephone number) if you have any questions regarding this offer.

Sincerely,

(Signature block as established
by the furloughing agency)

Enclosures

ENCLOSURE EXAMPLE OF EMPLOYMENT OFFER

In response to the offer of employment for a (type employment, e.g. full-time, part-time, limited-term, etc.), (civil service status) (job title) position with the (agency name), this is to confirm that I, (furloughee's name): (Place an X in the appropriate blank)

Accept this offer. _____

Reject this offer. _____

(Signature)

(Date)

**EXAMPLE 3
MANDATORY REEMPLOYMENT LETTER**

This is an example of a Mandatory Reemployment letter that may be modified as applicable by the appointing authority to meet the needs of individual situations. Send certified mail. Portions set off by parentheses should be modified to meet the specifics of the furlougee and position being addressed in your letter.

(Agency Name)
(Agency Address)
(Agency Address)
(Date)

(Personnel Number)
(Job Title)
(Civil Service Status)

(Furlougee's Name)
(Furlougee's Address)
(Furlougee's Address)

Dear (Furlougee's Name):

We are pleased to offer you employment as a (job title) in the (agency name) at (employment address) (job description enclosed). This is a (type employment, e.g. full-time, part-time, limited-term, etc.), (civil service status) position. You are entitled to this position according to the provisions of *Section 802* of the *Civil Service Act, Furlough*.

If you accept this offer, please report to (name) on (date) at (time), to begin your employment. (Name of person to which reporting) is located at (address).

(Use the following if the offer is in the county from which furloughed.) This is the only offer that you will receive. **If you accept or reject this offer, you will forfeit all reemployment rights and consideration.**

(Use the following if the offer is in a county where the employee indicated availability on Form SCSC-1R, other than the county from which furloughed.) **If you accept or reject this offer, you will forfeit all reemployment rights to all positions except in the county from which you were furloughed.**

You must return the attached placement offer, signed and dated within five workdays of receipt of this offer. Failure to notify this office within this allotted time frame will be treated as a rejection of this offer. Return form to:

(Agency Name)
(Agency Address)
(Agency Address)

Please contact (agency contact person) at (telephone number) if you have any questions regarding this offer.

Sincerely,

(Signature block as established
by the furloughing agency)

Enclosures

ENCLOSURE EXAMPLE OF EMPLOYMENT OFFER

In response to the offer of employment for a (type employment, e.g. full-time, part-time, limited-term, etc.), (civil service status) (job title) position with the (agency name), this is to confirm that I, (furloughee's name): (Place an X in the appropriate blank)

Accept this offer. _____

Reject this offer. _____

(Signature)

(Date)

PART E – TRANSACTION CODES

1. Local Government Classified Service Employees Only.

Transaction Name	Code
Furlough Separation while in Regular Status.....	274.0
Furlough Separation while in Probationary Status.....	274.1
Reassignment of a Furlougee	374.1
Promotion after Furlough under Appropriate Labor Agreement or <i>Civil Service Rules</i>	475.0
Placement of a Furlougee in a Lower Pay Grade under <i>Civil Service Rules</i>	475.1
Reinstatement from Furlough.....	802.0

2. State Classified Service Employees Only.

Collective Bargaining	Management/Non-Rep
Certification #99474: To bump an employee without a break-in-service to any job title to which entitled within the same agency, in accordance with applicable labor agreement/memorandum.	Not applicable.
Certification #99374: To place a furlougee through mandatory contractual rights provided there is no break-in-service; OR, to reassign a furlougee to the same job title provided there is no break-in-service; OR to move a furlougee to a job title in the same or lower pay grade provided there is no break-in-service and the furlougee has held regular or probationary civil service status in the job title to which being placed, is currently on list for the job title to which being placed or the job title is a lower level job title that is in the same classification series as the job title that the furlougee currently holds or a job title that regular or probationary civil service status was previously held.	Certification #99374: To reassign a furlougee to the same job title provided there is no break-in-service; OR to move a furlougee to a job title in the same or lower pay grade provided there is no break-in-service and the furlougee has held regular or probationary civil service status in the job title to which being placed, is currently on list for the job title to which being placed or the job title is a lower level job title that is in the same classification series as the job title that the furlougee currently holds or a job title that regular or probationary civil service status was previously held.

Collective Bargaining	Management/Non-Rep
Certification #99130: To recall a furlougee to any job title to which entitled in accordance with appropriate labor agreement/memorandum; OR to reemploy a furlougee through mandatory contractual rights after a break-in-service to any agency.	Code 70 or 72 Certification: To reemploy a furlougee to a job title to which entitled as a result of the employee's rights under the Civil Service Act.
Certification #99475: To promote a furlougee who was moved into a job title with a lower pay grade as a result of the furlough provided there is no break-in-service and the furlougee has held regular of probationary civil service status in the job title to which being promoted or is on list for the job title to which being promoted.	Certification #99475: To promote a furlougee who was moved into a job title with a lower pay grade as a result of the furlough provided there is no break-in-service and the furlougee has held regular or probationary civil service status in the job title to which being promoted or is on list for the job title to which being promoted.

For all other personnel transactions, submit the applicable request for certification.