

MANAGEMENT DIRECTIVE

Commonwealth of Pennsylvania Governor's Office

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| Subject: Promotion in the Classified Service Without Examination | Number: 580.19 Amended |
| Date: August 31, 2009 | 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 for promoting classified service employees without examination. Marginal dots are excluded due to major changes.

1. **PURPOSE.** To establish policy, responsibilities, and procedures for promoting classified service employees without examination.
2. **SCOPE.** Applies to all agencies with classified service positions in state agencies 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 the policy, responsibilities, and procedures associated with promoting a classified service employee without examination competitively or noncompetitively.
4. **DEFINITIONS.**
 - a. **Break in Service.** Resignation; retirement; failure to report after notification of appointment through mandatory, preferred or optional reemployment rights; expiration of mandatory, preferred or optional reemployment rights; or failure to report after leave and acceptance of other permanent employment while on leave of absence without pay. If service is broken for one of these reasons, the employee shall lose accrued seniority. If an employee is returned within one year after this type of break in service, the employee is entitled to credit for seniority purposes 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. Periods of furlough and approved leave of absence are not considered to be breaks in service, but the period of time on furlough or on approved leave of absence will not be counted toward seniority.

- b. Collective Bargaining Agreement.** A labor agreement or memorandum of understanding, or other such agreement between the Commonwealth of Pennsylvania or a political subdivision and a certified collective bargaining unit organization.
- c. Examination.** Any 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, rating of experience and training, performance tests, medical tests, physical or agility tests, personality or interest inventories, and biographical inventories.
- d. Meritorious Service.** An employee's work record as reflected in official records such as employee performance reviews, commendations, citations, leave use, all documented discipline, special pay increases, and any other information about the employee's past performance, including work products and supervisory recommendations. The appointing authority shall determine the elements to be included in these criteria.
- e. Next Lower Classification.** A position in:

 - (1) The next lower classification in the same classification series; or
 - (2) A lower level classification for which the appointing authority can establish a logical occupational, functional or career development relationship to the higher position; or
 - (3) A lower level classification for which the appointing authority can demonstrate a clear linkage between most of the required knowledge, skills, and abilities with those needed for the higher position.
- f. Seniority.** The length of continuous service of an employee in one or more classifications, determined by the appointing authority to be the next lower classification, provided there has been no break in service. Removal or demotion for cause shall terminate any seniority accrued in the classification from which removed or demoted. Periods of classified service employment in more than one of the listed next lower classifications may be combined to meet the established seniority criteria. If the Executive Board or an official action for local government agencies causes a change in the classification title or pay grade, but the duties and responsibilities remain essentially the same, all time served in both titles and/or pay grades shall be counted for the classification title.
- 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. (See Enclosure 1, Contents of Vacancy Notices.) Advertisements are to provide sufficient time to balance the appointing authority's hiring needs with the opportunity for employees to apply.

5. POLICY.

- a. In accordance with *Civil Service Act, 71 P.S. § 741.501* and *§ 741.601*, positions in the classified service may be filled through promotion without examination. Except as noted in paragraph 5.d. of this directive, promotions without examination shall be based on meritorious service and seniority.
- b. Employees selected for competitive or noncompetitive promotion without examination must:
 - (1) Presently hold or have held regular civil service status in the next lower classification with no break in service;
 - (2) Meet the minimum experience and training requirements for the vacant classification; and
 - (3) Meet agency established criteria for meritorious service and seniority.
- c. Appointing authorities opting to establish special condition in excess of, or different from, the official minimum experience and training requirements, shall request and receive prior SCSC approval for such action, as provided in *Management Directive 580.15, Selective Certification of Classified Service Eligibles*.
- d. Exceptions to paragraph 5.a. and 5.b. of this directive include:
 - (1) When a position is changed due to upward reclassification, the incumbent shall remain in the reclassified position and be promoted without examination, provided the incumbent has probationary or regular status and meets the minimum experience and training requirements for the new classification.
 - (2) When a position is subject to the provisions of a collective bargaining agreement, promotion without examination procedures contained within the labor agreement shall take precedence.
 - (3) For end-of-training promotions, refer to *Management Directive 535.5, Use of Trainee Classes in the Classified Service*.
 - (4) For promotions of unskilled employees into the classified service, refer to *Management Directive 580.24, Promotion of Employees in Unskilled Positions into the Classified Service*.
- e. Appointing authorities shall **not** develop and/or administer any type of examination under the promotion without examination provisions of the *Civil Service Act*. If appointing authorities need to assess employees for promotion through examinations, they shall request the SCSC to administer promotion examinations. The SCSC retains exclusive authority to develop, administer, and/or authorize examinations for promotion in the classified service.
- f. Employees whose last overall employee performance review was "Unsatisfactory" or "Fails to Meet Standards" shall **not** be promoted without examination.

- g. Employees who are on an approved civil service leave of absence may be considered for promotion without examination provided they meet all other criteria set forth in the vacancy notice.
- h. When calculating civil service seniority for employees who either were furloughed, or were on, or are 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 for ten years in a civil service position and was placed on an approved civil service leave of absence to accept a non-civil service appointment, shall receive seniority credit for the ten years but will not accumulate additional seniority while in the non-civil service position.
- i. No employment commitments shall be made before a certification of eligible listing is issued.
- j. Employees may be transferred and promoted without examination from one appointing authority to another. The appointing authority that posted the vacancy is responsible for developing the criteria used to determine meritorious service and seniority.
- k. Reinstatement and simultaneous promotion without examination is **not** permitted.
- l. **References.** *Civil Service Act, 71 P.S. §§ 741.501, 741.601, 741.707a, and 741.809; 4 Pa. Code §§ 95.a through 95.7, and § 101.71; Management Directive 535.5, Use of Trainee Classes in the Classified Service; Management Directive 580.15, Selective Certification of Classified Service Eligibles; Management Directive 580.24, Promotion of Employees in Unskilled Positions into the Classified Service and Manual 580.1, Certification of Eligibles for the Classified Service; and applicable collective bargaining agreements.*

6. RESPONSIBILITIES.

a. Agencies shall:

- (1) Ensure that the position being filled is properly classified according to appropriate classification specification guidelines.
- (2) Develop vacancy notices that contain the required data elements as outlined in Enclosure 1, Contents of Vacancy Notices.
- (3) Ensure that competitive promotion without examination and noncompetitive promotion procedures comply with the provisions of the *Civil Service Act* regarding open and fair consideration of all applicants.

b. The State Civil Service Commission shall:

- (1) Review competitive promotion without examination and noncompetitive promotion actions submitted to ensure compliance with the *Civil Service Act* and other relevant guidelines.

- (2) Approve and issue the appropriate certification of eligible listing for those requests that are in compliance with the *Civil Service Act* and other relevant guidelines.
- (3) Return documentation to the agency for those requests that are not in compliance with the *Civil Service Act* and other relevant guidelines.

7. PROCEDURES.

- a. Procedures for competitive promotion without examination established by the appointing authority shall include; but need not be limited to, the following:
 - (1) Post the vacancy notice, indicating that competitive promotion without examination is being considered and identify other methods that may be considered to fill the vacancy. (See Enclosure 1, Contents of Vacancy Notices.)
 - (2) Review responding or bidding employees' requests and identify employees who meet the criteria for competitive promotion without examination because the employees:
 - (a) Meet the minimum experience and training requirements for the vacant classification;
 - (b) Have or have held regular civil service status in the next lower classification as established by the appointing authority with no break in service; and
 - (c) Meet the appointing authority's established criteria for meritorious service and seniority.
 - (3) Interview all employees who meet the criteria as stated in paragraph 7.a.(2) of this directive.
 - (4) Make a selection using merit related criteria as established by the appointing authority.
 - (5) Submit the following documents to the SCSC for the selected candidate:
 - (a) Form SCSC-1, Application for Employment/Promotion. **Exception:** If the employee occupies a position in the next lower classification (i.e., Human Resource Analyst 1 to 2) in the same classification series to the higher level classification or if the employee's name is on a current eligible list for the job title to which promotion is being requested, an SCSC-1, Application for Employment/Promotion, is **not** required.

- d. Documentation 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

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

or, by email: ra-cs-elmSCSC90@pa.gov

or, by fax: 717-783-0419

- e. Appointing authorities are responsible for maintaining all supporting documentation used in making the promotion without examination decision.
- f. Form SCSC-90, Request for Certification, can be obtained by visiting the SCSC's Web site at www.scsc.pa.gov and logging on the human resource Web site. 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
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, PA 17108-0569

Enclosure 1 - Contents of Vacancy Notices

This directive replaces, in its entirety, *Management Directive 580.19*, dated December 4, 2001.

CONTENTS OF VACANCY NOTICES

Vacancy Notices shall contain the following:

1. Vacancy Information:

- Job Code/Title
- Work Location
- Type of Employment (i.e., full-time, part-time, limited term, substitute, etc.)
- Salary or Salary Range (annual or biweekly amount)
- Work Hours
- Brief Job Description

2. A statement whether the promotion is or is not subject to the promotion provisions of a collective bargaining agreement or memorandum of understanding.

3. Identify any alternative methods to promotion without examination which may be used to fill the vacancy.

4. Eligibility requirements, as appropriate:

- Minimum experience and training as they appear in the class specification
- Pennsylvania residency required or waived
- Have or have held regular civil service status
- Identify next lower class(es). When all of the next lower classes cannot be identified and/or you wish to increase the size of the candidate pool, then the posting shall state that applications will be reviewed to determine if employees previously held regular status or currently hold regular status in a class for which there is a logical occupational, functional, or career development relationship to the posted position, or if there is clear linkage between the required knowledge, skills, and abilities of the previously or currently held class with those needed for the posted position.
- Geographic or program area restrictions
- Any special requirements previously approved by the State Civil Service Commission

5. Selection criteria: List factors, within the definitions of meritorious service and seniority that will be considered in determining applicant's promotability.

6. How to apply:

- Final date to apply
- Required application materials (i.e., bid form, letter of interest, civil service application, recent employee performance review, etc.)
- To whom the request should be submitted, including address
- How to obtain additional information, telephone number and/or email address