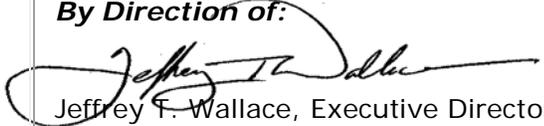


# MANAGEMENT DIRECTIVE

## Commonwealth of Pennsylvania Governor's Office

<b>Subject:</b> Resignation from and Reinstatement to the Classified Service	<b>Number:</b> 580.23 Amended
<b>Date:</b>  July 22, 2013	<b>By Direction of:</b>  Jeffrey F. Wallace, Executive Director, State Civil Service Commission
<b>Contact Agency:</b> State Civil Service Commission, Bureau of Policy and Information Services, Telephone 717.787.5855	

**This directive establishes policy, responsibilities and procedures for resignation from and reinstatement to the classified service. Marginal dots are excluded due to major changes.**

1. **PURPOSE.** To establish policy, responsibilities and procedures for resignation from and reinstatement to the classified 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 ensure that employees who resign from and reinstate to the classified service understand their responsibilities; and that appointing authorities correctly transact these personnel movements and provide employees with proper written notification associated with these personnel actions.
4. **DEFINITIONS.**
  - a. **Appointing Authority.** Officers, boards, commissions, persons or group of persons having power by law to effect personnel transactions in the classified service.
  - b. **Contractual Personnel System.** A system maintained by the SCSC that contains the personnel transactions documenting an employee's work history.

- c. **Demotion.** The voluntary or involuntary movement of an employee to a class assigned to a pay range with a lower maximum salary except when the movement is the result of a valid reclassification downward.
- e. **Employee.** A person legally occupying a position in the classified service.
- f. **Job Specification.** A written description of a job which defines and describes representative duties and responsibilities and sets forth the experience and training which provide the knowledge, skills and abilities essential to the performance of the work of the job classification.
- g. **Probationary Period.** A preliminary period of employment for the purpose of determining the fitness of an employee for regular civil service status.
- h. **Promotion.** The movement of an employee to another class in a pay range with a higher maximum salary.
- i. **Reassignment.** The movement of an employee from one position to another position, in the same class or another class for which the employee qualifies, at the same maximum salary.
- j. **Reemployment List.** A list of persons who have been found qualified by review of their civil service application and either were furloughed from positions not covered by collective bargaining or could not be returned from a civil service leave of absence due to the lack of a vacant position.
- k. **Regular Status.** Standing achieved by a classified service employee who has successfully completed a probationary period.
- l. **Reinstatement.** The return to the classified service of a former employee who resigned or otherwise left in good standing.
- m. **Resignation.** The voluntary termination of employment by an employee, usually evidenced by the employee's written notice.

## 5. POLICY.

### a. Resignation.

- (1) A resignation shall consist of a voluntary termination of employment evidenced by written notice containing:
  - (a) An affirmative statement of the employee's intent to resign.
  - (b) The employee's signature.
  - (c) The date of signature and the date the resignation is to take effect.  
**Note:** A written resignation specifying no effective date shall take effect upon its acceptance by the appointing authority in writing.
- (2) Unless the employee is being investigated or a removal action is pending, an appointing authority may not reject a written resignation, proper in form, which gives at least ten workdays' notice.

- (3) The acceptance of a resignation may not bar an appointing authority from giving notice of removal thereafter for causes which occur or become known during the period between the acceptance and the effective date of the resignation.
- (4) A resignation submitted, but not yet accepted, in writing, by the appointing authority, may be withdrawn by the employee at any time prior to acceptance or the effective date.
- (5) Acceptance of resignation shall be evidenced by written notice to the resigning employee within 15 calendar days after the appointing authority's receipt of the written notice of resignation.
- (6) A written resignation submitted and accepted by the appointing authority may not be withdrawn without the written consent of the appointing authority.
- (7) When the appointing authority advises an employee, orally or in writing, that the employee may resign or retire in lieu of removal, the employee must be advised, in writing, of the following:

  - (a) The employee's history will reflect "in lieu of removal," and the employee shall not have reinstatement rights. To reflect this, state agencies must use the appropriate SAP transaction code and local government agencies must use transaction code 288.0 (Resignation in Lieu of Removal) or 289.0 (Retirement in Lieu of Removal), as appropriate.
  - (b) The employee may withdraw the resignation or retirement notice within ten workdays of the submission of the written resignation or notice of retirement.
- (8) A voluntary resignation submitted during or at the termination of a civil service leave of absence shall be effective on the date thereof.
- (9) An employee who voluntarily demotes, reassigns, promotes or transfers from a classified service position to an unclassified service position, without an approved civil service leave of absence, will be considered as resigning from the classified service effective on the date of the movement and will have no guaranteed rights of return to the classified service position.
- (10) An employee who fails to return to or report for work as assigned, and who has not submitted a written resignation, may be terminated. In accordance with *Management Directive 580.11, Documentation of Classified Service Personnel Actions*, the written notification shall state the job title, civil service status, detailed reason(s) for termination, right of appeal and that the employee shall not have reinstatement rights.

**b. Reinstatement.**

- (1) An appointing authority may request the reinstatement of an employee to a position in any job title equal to or lower than the job title in which regular status was held, provided the employee left in good standing, meets the minimum experience and training requirements for the job title as reflected in the job specification effective the date of reinstatement, no one holds rights to the position for which the reinstatement is sought, and the employee meets the Pennsylvania residency requirements, if applicable. In addition, an appointing authority may return current classified service employees to higher level job titles in which regular status was formerly held by means of reinstatement. For example, a regular status Human Resource Analyst 3 who was downward reclassified, placed as a result of furlough, or voluntarily demoted to a Human Resource Analyst 1, can be reinstated to the Human Resource Analyst 2 or 3 job titles through reinstatement.
- (2) A probationary status employee who resigns due to accepting a classified service position in another appointing authority may be reinstated to the gaining appointing authority provided the movement is within 15 workdays of the effective date of the resignation and all other conditions set forth in this directive are met. **Note:** This occurs when an employee moves from one local government appointing authority to another local government appointing authority, from a local government appointing authority to a commonwealth appointing authority, or from a commonwealth appointing authority to a local government appointing authority.
- (3) When an employee has more than one separation code indicated in the employee's work history, the most recent separation code will be used to determine if the employee is eligible for reinstatement.
- (4) An employee removed for cause or who retires or resigns in lieu of removal is not eligible for reinstatement. To be reemployed, the employee must be competitively selected from a certification of eligibles.
- (5) Retroactive reinstatement is not permitted, unless approved by the SCSC in special circumstances.
- (6) Reinstatement with simultaneous promotion without examination is not permitted.
- (7) If a former employee is reinstated within two years of the separation, the appointing authority may waive the probationary period and place the employee in regular status. If more than two years have passed, the reinstated employee must serve the probationary period prescribed for the job title to which returned. **Exceptions:**
  - (a) If the employee is reinstated to a trainee job title, the employee shall serve the full probationary period for the trainee job title to which returned, regardless of the length of time of the separation.

- (b) When a regular status employee, whose work history does not indicate a break-in-service, has been returned from furlough, downward reclassified or has demoted voluntarily to a lower level job title and is subsequently promoted to a job title equal to or lower than the job title previously held, the appointing authority may waive all or part of the probationary period for the higher class to which being reinstated. For example, if a regular status Human Resource Analyst 3 voluntarily demoted to a Human Resource Analyst 1 and five years later was reinstated to the Human Resource Analyst 3 job title, the appointing authority, if it so chooses, may assign regular status to the reinstated employee.
- (8) Requests for reinstatement of former regular status employees will be approved by the SCSC when:
  - (a) The most recent separation code on the employee's work history indicates the employee resigned or otherwise left while in good standing.
  - (b) The former employee meets the minimum experience and training requirements as reflected in the job specification effective the date of reinstatement and Pennsylvania residency requirements, if applicable, for the job title to which reinstatement is requested.
  - (c) No conflict exists with collective bargaining agreements.
  - (d) The rights of persons whose names appear on preferred or mandatory reemployment lists would not be violated.
  - (e) The appointing authority provides written certification that the former employee is in all respects qualified and able to serve in the job title. This requirement may be satisfied by entering "The former employee is in all respects qualified and able to serve in the job title" in Item 17 on Form SCSC-90, Request for Certification. **Exception:** If the appointing authority is reinstating the former employee to a job title in which regular status was held; to a lower level job title within the series of the job title in which regular status was held, e.g., regular status was held as a Human Resource Analyst 3 but the job title being filled is a Human Resource Analyst 2; or to a job title for which the employee is currently on list, and provided the other criteria as indicated in this directive is met, the appointing authority may use blanket certification number 99040 to process the reinstatement.
- c. **References.** *Civil Service Act, 71 P.S. §741.806; 4 Pa. Code §§97.34(b), 101.51, 101.52, 101.54, 101.55 and 101.61; Management Directive 580.8, Classified Service Probationary Periods; Management Directive 580.11, Documentation of Classified Service Personnel Actions; Manual 580.1, Certification of Eligibles for the Classified Service; Manual 580.2, Furlough of Classified Service Employees Not Covered by Labor Agreements; and the Contractual Personnel System Transaction Manual.*

## 6. RESPONSIBILITIES.

- a. **Employees** resigning from classified service positions should provide written notice to the appointing authority of intent to resign, effective date of the resignation and should sign and date the notice. Employees seeking to reinstate to the classified service must submit their written request to the appointing authority for which they would like to be hired. The completion of a civil service application, agency job bid form or other like documents may be required, as directed by the appointing authority or SCSC.
- b. **Appointing Authorities** shall:
  - (1) Ensure written notifications to employees contain the required information, as directed in *Management Directive 580.11, Documentation of Classified Service Personnel Actions*.
  - (2) Ensure that employees' work histories reflect the appropriate separation codes.
  - (3) Determine if reinstatement will be used as an option to fill vacant positions and, if so, ensure former regular status employees meet the requirements for reinstatement indicated in this directive.
- c. **The State Civil Service Commission** shall:
  - (1) Review reinstatement requests submitted by appointing authorities.
  - (2) Approve and issue reinstatement certifications for those requests that are in compliance with the *Civil Service Act* and this directive.
  - (3) Notify appointing authorities when requests are not in compliance with the *Civil Service Act* and this directive.
  - (4) Audit appointing authorities use of blanket certification number 99040 for conformance with the *Civil Service Act* and this directive.

## 7. PROCEDURES.

### a. Resignation.

- (1) Within 15 calendar days of being informed of an employee's resignation, the appointing authority shall provide written notice to the employee including the job title, civil service status, and:
  - (a) For regular status employees resigning in good standing, inform them of eligibility for reinstatement from resignation pursuant to 4 Pa. Code § 101.54.
  - (b) For probationary status employees resigning in good standing, inform them that their names may be restored to employment eligible lists, provided their list life has not expired, by submitting a written request to the Executive Director, SCSC.

- (c) For regular status employees, whose tendered resignation will not be accepted by the appointing authority, inform them of reason(s) for the involuntary separation, that they shall not have reinstatement rights and provide appeal rights.
  - (d) For probationary status employees, whose tendered resignation will not be accepted by the appointing authority, inform them of reason(s) for the involuntary separation and provide appeal rights.  
**Note:** If the employee is in probationary status as the result of a promotion, the employee is to be advised that the appeal rights are the same as a regular status employee and that there are no reinstatement rights.
  - (e) For regular or probationary status employees who retire or resign in lieu of removal, provide appeal rights and inform them that their work history will reflect "in lieu of removal," they will not have reinstatement rights, and they may withdraw the resignation or retirement within ten workdays of the submission of the written resignation or notice of retirement.
- (2) Apply the proper resignation, retirement or dismissal transaction to the employee's work history.
- (a) For state agencies, select the appropriate SAP action reason code. Documentation is not required to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.
  - (b) For political subdivisions of the commonwealth which have contracts with the SCSC for services and facilities as provided for in the *Civil Service Act* and who are authorized to enter data into the Contractual Personnel System, reference should be made to the Contractual Personnel System Transaction Manual to ensure the appropriate transaction is used. Separation codes are located on page 1 of the manual and the mandatory data items associated with the separation code are located on page 7 of the manual. No documentation need be forwarded to the SCSC, unless specifically requested by an SCSC staff member.
  - (c) For political subdivisions which receive commonwealth funding for human services programs and that do not have authorization to enter data into the Contractual Personnel System, submit Form SCSC-100, Report of Personnel Transactions for Non-State Employees, within five business days of the effective date of the personnel action to the appropriate state funding agency. Reference should be made to pages 1 and 7 of the Contractual Personnel System Transaction Manual to ensure the appropriate transaction is used and all necessary data fields are completed. No documentation need be forwarded to the SCSC, unless specifically requested by an SCSC staff member.

- (d) For applicable Housing Authorities or other entities having a contract with SCSC for services and facilities not referenced in paragraphs 7.a.(2)(b) or 7.a.(2)(c) of this directive submit a copy of the written notice referenced in paragraph 7.a.(1) of this directive and Form SCSC-100, Report of Personnel Transactions for Non-State Employees, within five business days of the effective date of the personnel action to the following address:

State Civil Service Commission  
Bureau of Policy and Information Services  
3rd Floor, Strawberry Square Complex  
320 Market Street  
Telephone: 717.787.5855  
Fax: 717.783.0419

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

Or, by e-mail at: [ra-cs-taad@pa.gov](mailto:ra-cs-taad@pa.gov)

Reference should be made to pages 1 and 7 of the Contractual Personnel System Transaction Manual to ensure the appropriate transaction is used and all necessary data fields are completed.

**b. Reinstatement.**

- (1) Prior to reinstating an employee, the appointing authority must ensure that there are no former employees or current employees who have rights to the job title being filled. Former employees on preferred reemployment lists, e.g. code 31 (Reemployment – Leave of Absence) and code 70 (Mandatory Reemployment after Furlough, Non-Collective Bargaining) have priority of return over reinstatement candidates. In addition, if the position is subject to promotion provisions of a labor agreement, the terms and procedures of such labor agreement shall be controlling.
- (2) If there are any eligibles on the code 72 (Optional Placement after Furlough, Non-Collective Bargaining), those eligibles must be considered for the job title being filled prior to submitting a request for certification to reinstate a former employee or prior to reinstating a former employee by use of blanket certification number 99040. For additional information on the use of code 72 certifications, reference should be made to *Manual 580.2, Furlough of Classified Service Employees Not Covered by Labor Agreements*.
- (3) If the former employee previously held regular status in the job title to which reinstatement is requested; held regular status in a job title and the reinstatement is to a lower level job title within the same class series; or if the former employee is currently on list for the job title, the appointing authority may use blanket certification number 99040 to process the reinstatement action as follows:

- (a) For state agencies, blanket certification number 99040 is to be used to process the reinstatement. Documentation is not required to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.
- (b) For political subdivisions which receive commonwealth funding for human services programs, submit Form SCSC-100, Report of Personnel Transactions for Non-State Employees, using transaction code 802.0 (Reinstatement from Furlough), code 803.0 (Reinstatement by Adjudication), code 806.0 (Reinstatement from Resignation), code 807.0 (Reinstatement from Resignation and Simultaneous Reassignment) or code 808.0 (Reinstatement from Resignation and Simultaneous Demotion) and blanket certification number 99040, to the appropriate state funding agency within five business days of the effective date of the personnel action. Reference should be made to page 11 of the Contractual Personnel System Transaction Manual to ensure that all necessary data fields are completed. Documentation is not required to be forwarded to the SCSC, unless specifically requested by an SCSC staff member.
- (c) For applicable Housing Authorities or other entities having a contract with SCSC for services and facilities not referenced in paragraphs 7.a.(2)(b) or 7.a.(2)(c) of this directive submit Form SCSC-100, Report of Personnel Transactions for Non-State Employees, using transaction code 802.0 (Reinstatement from Furlough), code 803.0 (Reinstatement by Adjudication), code 806.0 (Reinstatement from Resignation), code 807.0 (Reinstatement from Resignation and Simultaneous Reassignment) or code 808.0 (Reinstatement from Resignation and Simultaneous Demotion) and blanket certification number 99040, within five business days of the effective date of the personnel action to the address in paragraph 7.a.(2)(d) of this directive; and a copy of the written notification letter referenced in paragraph 7.b.(7) of this directive. Reference should be made to page 11 of the Contractual Personnel System Transaction Manual to ensure the appropriate transaction is used and all necessary data fields are completed.
- (4) For reinstatement transactions for which blanket certification number 99040 does not apply, appointing authorities must submit Form SCSC-90, Request for Certification, requesting a code 40 (Reinstatement from Resignation) type certification in Item 7, and stating in Item 17 that "The former employee is in all respects qualified and able to serve in the job title." A completed Form SCSC-1, Application for Employment/Promotion, must be included with the request. Requests should be sent to:

State Civil Service Commission  
Veterans' Preference and Certification Division  
3rd Floor, Strawberry Square Complex  
320 Market Street  
Telephone: 717.787.2900  
Fax: 717.783.0419

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

Or, by e-mail at: [ra-cs-elmscsc90@pa.gov](mailto:ra-cs-elmscsc90@pa.gov)

- (5) For approved requests, the SCSC will issue a certification to the appointing authority. The reinstatement action may then be processed as shown in 7.b.(3) of this directive by using the certification number issued instead of blanket certification number 99040.
- (6) For those requests that are not approved, the SCSC will notify appointing authorities of the disapproval.
- (7) Appointing authorities that receive approval to reinstate the former employee shall notify the employee in writing of the reinstatement. The notice to the employee must include the job title, effective date, rate of pay, increment or longevity eligibility date, bargaining unit, if applicable, civil service status and conditions thereof, and indicate that if the employee's name appears on any civil service eligible lists that the employee's name will be inactivated by the SCSC from the eligible list for the job title which reinstated and for all equal and lower level job titles.

**This directive replaces, in its entirety, *Management Directive 580.23*, dated March 12, 1990.**