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**INDEPENDENT REGULATORY REVIEW COMMISSION
COMMONWEALTH OF PENNSYLVANIA
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HARRISBURG, PA 17101**

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(717) 783-5417
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January 16, 2004

Katherine E. Holtzinger Conner, Chairman
State Civil Service Commission
320 Market Street
Bowman-Worth Building, 4th Floor
Harrisburg, PA 17108

Re: Regulation #61-5 (IRRC #2379)
State Civil Service Commission
Act 140 of 2002 Implementation

Dear Chairman Conner:

We received your letter informing us of your intent to toll the subject regulation and your revisions to the regulation on January 16, 2004. The Independent Regulatory Review Commission (IRRC) does not object to your request.

Because this was the sole regulation scheduled for IRRC's January 22, 2004 meeting and the regulation has been tolled, that meeting has been canceled.

Pursuant to Section 5.1(g)(3) of the Act (71 P.S. § 745.5a(g)(3)), IRRC will act on this regulation at its public meeting *tentatively* scheduled for February 12, 2004. Therefore, the review period for the Standing Committees will expire on February 11, 2004.

If you have any questions, please contact me at 783-5506 or bobn@irrc.state.pa.us.

Sincerely,

Robert E. Nyce
Executive Director
evp

cc: Honorable Bob Allen, Majority Chairman, House Labor Relations Committee
Honorable Robert E. Belfanti, Jr., Democratic Chairman, House Labor Relations Committee
Honorable Charles D. Lemmond, Jr., Chairman, Senate State Government Committee
Honorable Anthony H. Williams, Minority Chairman, Senate State Government Committee
Robert A. Mulle, Esq., Office of Attorney General
David J. DeVries, Esq., Office of General Counsel
Randall Breon, State Civil Service Commission



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January 15, 2004

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Re: Regulation #61-5 (IRRC #2379)
State Civil Service Commission
Act 140 of 2002 Implementation

Dear Chairman Conner:

In our review of this regulation, we noted drafting errors and provisions that could be clarified. We discussed these items with your staff on January 14, 2004. We recommend that you consider tolling the review period to address the following matters:

1. Section 91.3. Definitions.
 - The Preamble notes that the definition of “permanent position” is being changed. However, the Annex does not reflect this change.
2. Section 95.2. Residence requirements.
 - Subsection (a)(1) states, in part, the following: “Evidence of intent to continue to reside in Pennsylvania includes, but is not limited to the following:” The phrase, “but is not limited to” is redundant and should be deleted.
3. Section 95.33. Content and publication of examination announcements.
 - A period should be inserted after the title of this Section.
4. Section 97.13. Removal of eligible.
 - This Section adds the phrase “using the process established by the Director.” The Civil Service Commission has indicated that the process being referred to is contained in Management Directive No. 580.34 entitled “Removal of Eligibles for Certification or Appointment in the Classified Service.” A reference to this Directive should be added.
5. Section 105.14d. Prehearing conferences.
 - This Section should include an additional subsection that states that this Section supplements 1 Pa. Code § 35.113. (See 1 Pa. Code § 13.38 (relating to Special

Katherine E. Holtzinger Conner

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Rules of Administrative Practice and Procedure.)) Also, Section 1.8, relating to Rules of Administrative Practice and Procedure, found on page 3 of the *Pennsylvania Code & Bulletin Style Manual*, provides guidance in this area.

- Under Subsection (a)(5), the word "issued" should be changed to "issues."
- Paragraph (b)(8) lists subparagraphs (i) and (ii). However, there is a third subparagraph that is not numbered.

If you choose to toll the review period, your agency must deliver written notice to the Senate State Government Committee, House Labor Relations Committee and the Independent Regulatory Review Commission on the same day. The written notice must be delivered before any Committee action on the regulation, or before the end of the Committees' review period on February 11, 2004, whichever occurs first.

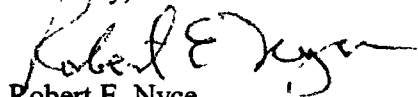
As required by Section 307.5 of our regulations, written notice must include:

1. A citation to the section(s) the Department is considering revising,
2. A description of the revisions the agency is considering, and
3. An explanation of how the revisions will satisfy the concerns listed above.

If your written notice includes revisions that are beyond the scope of our recommendations, the Commission may object to tolling the review period. We are required to notify you and the Committees within two business days after receipt of your tolling notice if we object. In the event the Commission objects to your tolling notice, the review period will not be tolled and your regulation will be considered by the Commission at our public meeting on January 22, 2004. If the Commission does not object, the review period is tolled for up to 30 days beginning with receipt of your letter and ending on the day you resubmit the regulation.

If you have any questions, please call me at 783-5506.

Sincerely,



Robert E. Nyce
Executive Director

evp

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Honorable Robert E. Belfanti, Jr., Democratic Chairman, House Labor Relations Committee
Honorable Charles D. Lemmond, Jr., Chairman, Senate State Government Committee
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