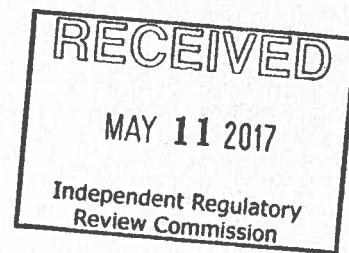


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PA BOARD OF PROBATION AND PAROLE
1101 SOUTH FRONT STREET, SUITE 5100
HARRISBURG, PA 17104-2517

May 10, 2017



OFFICE OF THE CHAIRMAN

Pennsylvania Independent Regulatory Review Commission
333 Market Street
14th Floor
Harrisburg, PA 17101

Re: Pennsylvania State Civil Service Commission
Proposed Regulation #61-6
Implementation of Act 69 of 2016 and Act 167 of 2016
IRRC Identification Number 3167

Dear Commissioners:

On April 22, the Pennsylvania State Civil Service Commission (SCSC) had published in the Pennsylvania Bulletin, proposed regulations for Act 69 of 2016 and Act 167 of 2016. The Pennsylvania Independent Regulatory Review Commission (IRRC) 30-day comment period on the proposed regulations is open from April 22 to May 22. The Pennsylvania Board of Probation and Parole has concerns regarding the impact the proposed regulations will have on us and are providing comments to the proposed regulations. Please note that SCSC did not contact us to solicit our input on these proposed regulations.

Last year, the General Assembly passed and Governor Wolf signed into law Acts 69 and 167 of 2016. These laws made very significant and important changes to the Pennsylvania Civil Service Act (the Act). In short, these statutory amendments were enacted to modernize how hiring is done through the SCSC and to improve service delivery. The changes would make it easier for candidates to apply for positions, create a larger pool of candidates from which agencies could choose, and give the agencies the ability to decide the method of examinations to be used in evaluating candidates for positions. Instead of implementing the law as written, we believe the SCSC has proposed regulations which will minimize the intended purpose of the laws.

Approximately 96 percent of PBPP positions are covered by the SCSC. Therefore, we have a very significant stake in having the laws implemented as written and intended. We are providing the below specific examples of how the legislative changes will allow PBPP to improve services and how the proposed regulations will negatively impact our service delivery.

Section 95.1. Application requirements.

Act 167 amended Section 212 (d) of the Act was amended to provide: "The commission shall enter into an agreement to utilize the form and method of an employment application that is standard across departments and agencies that are under the Governor's jurisdiction for the purpose of entrance to, or promotion in, the classified service." 71 P.S. §741.212(d).

This change to the law was made to make it easier for people to apply for state jobs by having a single site for both non-Civil Service and Civil Service positions. For Civil Service positions at PBPP, this change would be important because we have both civil service and non-civil service positions. Having two different processes is very confusing for potential candidates and can ultimately result in lost opportunities for applicants as well as lost candidates for the PBPP. Having one application process in one location is a smart business practice that will improve efficiency, internally and demystify the process for potential candidates.

Section 95.20. Authority to Select Method of Examination.

Act 167 amended Section 502 of the Act to allow the appointing authority (the agency), and not SCSC, to determine the method of the "examinations." SCSC currently uses written tests or experience and training ("E&T) to evaluate candidates for positions. However, PBPP is in a better position to know how candidates can best be evaluated for our specific positions. For example, Parole Hearing Officers, Parole Auditors, Parole Managers, Parole Communication Operators, and Parole Staff Technicians are agency specific positions that would be very well-served utilizing the E&T process for evaluation. This is primarily because there are a very limited number of actual positions available within each of the job classifications. Also, many of these positions are commonly filled internally, using the bidding process.

With written tests, a much greater commitment of time is required of the candidate to apply, in addition to a greater uncertainty as to when or even if an applicant will be considered for a position. This may be a contributing factor and one of the primary reasons for a lack of candidates on certain civil service lists; i.e. Parole Staff Technicians. However, in instances where there is a large candidate pool, such as the Parole Agent 1 position, written exams are beneficial in evaluating and ranking potential candidates.

Section 97.11. Appointment Process – Use of Alternative to Rule-of-Three.

Act 69 amended Section 601 to allow expansion of hiring eligible lists other than the standard "Rule-of-Three." With the standard Rule-of-Three, PBPP has difficulty filling certain positions -- For example, the Parole Agent 1 position. All candidates selected to fill Parole Agent 1 positions must attend a two-month Basic Training Academy. Since we interview for multiple positions

simultaneously the Rule-of-Three often requires the PBPP to move forward candidates that have not interviewed well, in order to reach additional better-suited candidates to fill open positions and attend the Basic Training Academy. While the exam is beneficial in evaluating candidates, the Rule-of-Three often undermines PBPP's interview and selection ability.

In addition, the regulations have onerous requirements that were not in the Act 69 amendment.

First, the regulation requires specification of the job classification or classification series to which the alternative rule will apply. This language ignores the concept of "vacancy-based" hiring. Act 69 amended Section 602 of the Act to permit vacancy-based postings. This regulatory requirement would preclude PBPP from seeking an alternative to the Rule-of-Three for vacancy-based postings. For PBPP, the regulations pose a significant potential negative impact. *PBPP hires up to 60 Parole Agent 1 candidates, 2-3 times each year. Hiring a large class at one time requires us to utilize and interview a high volume of candidates from the list, and can result in unsuitable candidates blocking us from reaching acceptably qualified candidates located further down the list. We either have to put an undesirable candidate in a position, or not fill vacancies.*

Second, the regulation forces us to keep the alternative to the Rule-of-Three in place for at least 12 months. This could dissuade PBPP from using an alternative to the Rule-of-Three, especially regarding Parole Agent 1 positions, because when filling a small class size the Rule-of-Three may be sufficient. However, when filling a larger class size, an alternative to the Rule-of-Three would be more efficient. There will be uncertainty as to how effective the alternative Rule is for these positions until it is implemented, and assessed. In the event the alternative Rule is not effective, the regulation would have PBPP stuck using the alternative Rule for at least one year. Therefore, PBPP will likely have to continue using the Rule-of-Three for most or all positions.

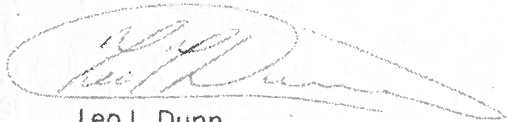
Section 98.1 and 98.2. Vacancy-Based Hiring.

Act 69 was intended to allow agencies to fill vacant positions as they occur through "vacancy-based" job postings. This is how jobs are posted in the private sector and how PBPP wants to post most of its job openings. We specifically want to use vacancy-based postings for Parole Hearing Officer, Parole Auditor, Parole Manager, Parole Communication Operator, and Parole Staff Technician, which are a relatively small number of hires per year.

In addition, PBPP believes that we, are in a better position to know which jobs should be done through vacancy-based posting. For example, with non-Civil Service positions such as our Regional Probation and Parole Directors and other similar senior management jobs. Similarly, we want to use vacancy-based postings for Civil Service positions but believe the regulation is an impediment to do so.

PBPP appreciates the Commission's review of our comments to the proposed regulations and your consideration of the many negative effects of the proposed regulations on this agency if they are adopted as written. Please contact me if you need any additional information on the matters addressed in this letter.

Best Regards,

A handwritten signature in dark ink, appearing to read "Leo L. Dunn", is written over a faint, circular stamp or watermark. The signature is fluid and cursive.

Leo L. Dunn,
Chairman