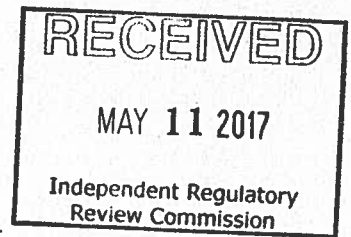


3167



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION  
300 NORTH STREET  
HARRISBURG, PENNSYLVANIA 17120-0024  
www.phmc.state.pa.us

EXECUTIVE DIRECTOR

May 10, 2017

Pennsylvania Independent Regulatory Review Commission  
333 Market Street  
14<sup>th</sup> 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) 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 Historical and Museum Commission (PHMC) has serious 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 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, SCSC has decided to issue proposed regulations which will undermine the intended purpose of the laws and give SCSC the ability to thwart the implementation of them.

Approximately 41 percent of PHMC positions are covered by the SCSC. Therefore, we have a very significant and personal stake in having the laws implemented as written and intended.

Overall the proposed regulations would have no positive impact on PHMC and would not meet the goals of the legislation as it was revised. The PHMC strongly supported the amendment of Act 69 of 2016 and Act 167 of 2016, but the proposed regulations do not seem to conform to the spirit of those amendments, which was to make the hiring process more flexible and efficient. Our specific concerns are outlined below:

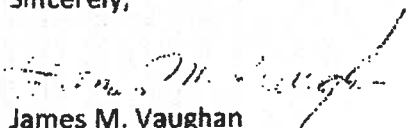
Act 167 amended Section 502 of the Act to allow the appointing authority (the agency), and not SCSC, to determine the method of the "examinations." Section 95.20 reserves that authority to the director of SCSC instead. We believe that PHMC is in the best position to determine how candidates should be evaluated for professional positions within PHMC. For example, archivists and librarians undergo training and education that looks very similar to those who do not understand the differences between manuscripts/records (the normal purview of archivists) and published materials (the normal purview of libraries), and testing these different skill sets with the written tests rather than Experience and Training has proven ineffective.

The same can be said about museum curators. That classification covers a wide variety of disciplines, such as fine art, history, archaeology, zoology, botany, etc. with each subject area requiring very different skillsets and bodies of knowledge. As stated before, in our experience, testing these different skill sets with the written tests rather than Experience and Training has proven ineffective.

Act 69 amended Section 601 to allow expansion of hiring eligible lists other than the standard "Rule-of-Three." Many of our positions draw from a limited pool of applicants (there are few archivists or curators living in the Harrisburg area), and our search must often weigh the relative value of experience versus education. In a pool of six applicants, for example, it is in the best interest of the PHMC to interview all six and weigh their relative strengths rather than be limited to the Rule of Three.

PHMC 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.

Sincerely,



James M. Vaughan  
Executive Director