

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p><small>(All Comments submitted on this regulation will appear on IRRC's website)</small></p>		<p><b>INDEPENDENT REGULATORY REVIEW COMMISSION</b></p> <p>APR 12 2023</p> <p>Independent Regulatory Review Commission</p>	
<p>(1) Agency</p> <p>Pennsylvania State Civil Service Commission</p>		<p>IRRC Number: 3371</p>	
<p>(2) Agency Number: 61</p> <p>Identification Number: 13</p>			
<p>(3) PA Code Cite:</p> <p>4 Pa. Code §§ 93.6(b) and 93.6(c), 95.1—95.71, 97.1—97.63, 99.2, 99.11, 99.13—99.15, 99.21—99.25, 99.27, 99.32, 99.34, 99.41, 99.43, 99.52, 101.1—101.71, 103.5—103.23, 105.1, 105.3, 105.5, and 105.18</p>			
<p>(4) Short Title:</p> <p>Rules of the Civil Service Commission</p>			
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Alina L. Andreoli, Assistant Counsel, (717) 783-1444, <a href="mailto:alandreoli@pa.gov">alandreoli@pa.gov</a>                  Secondary Contact: Elizabeth C. Lawson, Chief Counsel, (717) 783-1444, <a href="mailto:ellawson@pa.gov">ellawson@pa.gov</a></p>			
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input type="checkbox"/> Proposed Regulation  <input type="checkbox"/> Final Regulation  <input checked="" type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation;  <input type="checkbox"/> Certification by the Governor  <input type="checkbox"/> Certification by the Attorney General</p>	
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>This rulemaking will amend Section 93.6 of the Rules of the Civil Service Commission by deleting subsections (b) and (c). The remaining regulations listed in Item 3 will be rescinded in their entirety. The authority for these regulations no longer exists and has been superseded by the promulgation of Act 71 of June 28, 2018, P.L. 460, No. 71 (Act 71).</p> <p>On March 28, 2019, Act 71 modified the responsibilities and duties of the State Civil Service Commission. The State Civil Service Commission is no longer responsible for the administration of classified service employment. The State Civil Service Commission has retained appellate and audit functions.</p>			

(8) State the statutory authority for the regulation. Include specific statutory citation.

The State Civil Service Commission's authority to rescind regulations is set forth in Section 506 of the Act of April 9, 1929, P.L. 177, No. 175, known as the Administrative Code of 1929, 71 P.S. § 186.

Public notice of intention to rescind the regulations under the procedures set forth in Sections 201 and 202 of the Commonwealth Documents Law, 45 P.S. §§ 1201 and 1202, was omitted as authorized under Section 204(3) of the Commonwealth Documents Law, 45 P.S. § 1204(3). Section 204(3) of the Commonwealth Documents Law permits an agency to omit such procedures based on a finding that the procedures are, under the circumstances, impracticable, unnecessary, or contrary to the public interest.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

There are no federal or state laws, court orders, or federal regulations mandating this final omitted rulemaking. There are no relevant state or federal court decisions.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Statutory changes have rendered the regulations obsolete. The public will benefit because the regulations as they currently appear in the *Pennsylvania Code* could be misleading if retained.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

Not applicable.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Not applicable.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

Public notice of intention to rescind the regulations under the procedures set forth in Sections 201 and 202 of the Commonwealth Documents Law, 45 P.S. §§ 1201 and 1202, was omitted as authorized under Section 204(3) of the Commonwealth Documents Law, 45 P.S. § 1204(3). Public comment is unnecessary under the circumstances because this rulemaking is only to rescind obsolete regulations.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

No one will be affected because this rulemaking is only to rescind obsolete regulations.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

No one will be required to comply with the regulations because this rulemaking is only to rescind obsolete regulations.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

There will be no financial, economic, or social impact because this rulemaking is only to rescind obsolete regulations.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

There will be no cost or adverse effects because this rulemaking is only to rescind obsolete regulations. Additionally, the public will benefit because the regulations could be misleading if they remain unchanged in the *Pennsylvania Code*.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There will be no costs or savings to the regulated community because this rulemaking is only to rescind obsolete regulations.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There will be no costs or savings to the local governments associated with compliance because this rulemaking is only to rescind obsolete regulations.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There will be no costs or savings to the state government associated with the implementation of the regulations because this rulemaking is only to rescind obsolete regulations.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

Not applicable. There are no impacts to the regulated community, local governments, or state government because the rulemaking is only to rescind obsolete regulations.

(22a) Are forms required for implementation of the regulation?

No.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

Not applicable.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

There will be no fiscal impact because this rulemaking is only to rescind obsolete regulations.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Savings</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>COSTS:</b>						
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Costs</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Revenue Losses</b>	\$0	\$0	\$0	\$0	\$0	\$0

(23a) Provide the past three year expenditure history for programs affected by the regulation.

No programs will be affected by the rescission of the obsolete regulations. The State Civil Service Commission is no longer responsible for the duties reflected in the obsolete regulations. As of March 28, 2019, Act 71 of June 28, 2018, P.L. 460, No. 71 modified the responsibilities and duties of the State Civil Service Commission and established within the Commonwealth of Pennsylvania, Governor's Office of Administration (OA) duties and responsibilities for classified service employment in Pennsylvania. Because OA took over the responsibilities of classified service employment in March 2019, the State Civil Service Commission did not have any expenditures for these responsibilities during the fiscal years of July 1, 2019 – June 30, 2020, July 1, 2020 – June 30, 2021, and July 1, 2021 – June 30, 2022. Nor will there be any expenditures for the current fiscal year of July 1, 2022 – June 30, 2023.

Program	FY -3	FY -2	FY -1	Current FY
N/A	\$0	\$0	\$0	\$0

N/A	\$0	\$0	\$0	\$0
N/A	\$0	\$0	\$0	\$0
N/A	\$0	\$0	\$0	\$0
N/A	\$0	\$0	\$0	\$0
N/A	\$0	\$0	\$0	\$0
N/A	\$0	\$0	\$0	\$0

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The rescission of the obsolete regulations will not have any adverse impact on small businesses.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

The rulemaking does not include any special provisions to meet the particular needs of affected groups or persons because the rulemaking is only to rescind obsolete regulations.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

There are no alternative regulatory provisions which have been considered or rejected. This rulemaking is only to rescind obsolete regulations.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting

requirements for small businesses;

- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

No small businesses will be affected by the rescission of the regulations.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data is not the basis for this rulemaking. The State Civil Service Commission is seeking to rescind the regulations because they are obsolete.

(29) Include a schedule for review of the regulation including:

- |   |   |
|---|---|
| A. The length of the public comment period:   | <u>Not applicable</u>   |
| B. The date or dates on which any public meetings or hearings will be held:                   | <u>Not applicable</u>   |
| C. The expected date of delivery of the final-form regulation:                                | <u>Spring 2023</u>  |
| D. The expected effective date of the final-form regulation:                                  | <u>Upon publication of final-omitted regulation in the Pennsylvania Bulletin.</u> |
| E. The expected date by which compliance with the final-form regulation will be required:     | <u>Upon publication of final-omitted regulation in the Pennsylvania Bulletin.</u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>Not applicable</u>   |

**(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.**

No plan is required because the State Civil Service Commission is seeking to rescind obsolete regulations.



**FISCAL NOTE FOR DOCUMENTS  
FILED WITH THE LEGISLATIVE REFERENCE BUREAU**

February 3, 2023

**Agency:** State Civil Service Commission

**Agency Identification Number:** 61-13

**Subject of Regulation:** Regulations to be Rescinded

Pursuant to Section 612 of the act of April 9, 1929 (P.L. 177, No. 175), known as the Administrative Code of 1929, I am submitting the following fiscal note for publication in the *Pennsylvania Bulletin* to accompany this notice of regulatory action or administrative procedure.

FISCAL NOTE AS REQUIRED BY SECTION 612  
Administrative Code of 1929  
(See also 4 Pennsylvania Code § 7.231, et seq. [9 Pennsylvania Bulletin])

This action will not result in a loss of revenue or an increase in program costs to the commonwealth or its political subdivisions.

The Secretary of the Budget recommends adoption of this regulatory action or administrative procedure.

 for

\_\_\_\_\_  
Secretary of the Budget

CDL-1

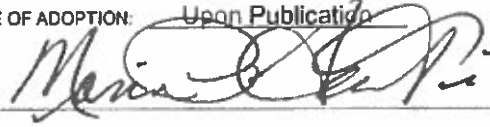

**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU  
(Pursuant to Commonwealth Documents Law)**

**RECEIVED**

APR 12 2023

Independent Regulatory  
Review Commission

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>Pennsylvania State Civil Service Commission</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>61-13</u></p> <p>DATE OF ADOPTION: <u>Upon Publication</u></p> <p>BY: <u></u></p> <p>TITLE <b>MARIA P. DONATUCCI CHAIRWOMAN</b></p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: <u></u> <b>Elizabeth C. Lawson</b></p> <p><u>4/12/23</u> DATE OF APPROVAL</p> <p>(Chief Counsel, Independent Agency)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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**NOTICE OF FINAL OMITTED RULEMAKING**

**PENNSYLVANIA STATE CIVIL SERVICE COMMISSION**

**REPEAL OF OBSOLETE CHAPTERS AND SECTIONS**

4 Pa. Code §§ 93.6(b) and 93.6(c), 95.1—95.71, 97.1—97.63, 99.2, 99.11, 99.13—99.15, 99.21—99.25, 99.27, 99.32, 99.34, 99.41, 99.43, 99.52, 101.1—101.71, 103.5—103.23, 105.1, 105.3, 105.5, and 105.18

## **Title 4 – ADMINISTRATION**

### **CIVIL SERVICE COMMISSION**

**[4 Pa. Code Subpart A, Chapters 93, 95, 97, 99, 101, 103, and 105]**

#### **Rescission of Obsolete Regulations Pertaining to the Administration of Classified Service Employment**

The State Civil Service Commission proposes to amend Chapters 93, 95, 97, 99, 101, 103, and 105 of Title 4 of the *Pennsylvania Code* by rescinding all obsolete sections related to the administration of classified service employment in Pennsylvania. The obsolete sections to be rescinded are set forth in Annex A.

Specifically, the State Civil Service Commission proposes to rescind Chapters 95, 97, 101, and 103 in their entirety. With regard to Chapter 93, the State Civil Service Commission only intends to amend Section 93.6 to remove subsections (b) and (c) which are obsolete. The State Civil Service Commission will retain subsection (a) of Section 93.6. The remaining sections of Chapter 93 (4 Pa. Code §§ 93.1-93.5 and 93.7-93.8) will also be retained.

As for Chapter 99, the State Civil Service Commission intends to rescind all but one section. The section to be retained is Section 99.31 (4 Pa. Code § 99.31). Lastly, pertaining to Chapter 105, the State Civil Service Commission intends to rescind Sections 105.1, 105.3, 105.5, and 105.18 in their entirety. The remaining sections of Chapter 105 (4 Pa. Code §§ 105.2, 105.4, and 105.11-105.17) will be retained.

#### ***Statutory Authority***

The State Civil Service Commission issues this final-omitted rulemaking under the authority provided in: 1) Section 506 of the Act of April 9, 1929, P.L. 177, No. 175, known as the Administrative Code of 1929 (71 P.S. § 186); 2) Executive Order 1996-1, Regulatory Review and Promulgation; and 3) Section 204(3) of the Act of July 31, 1968, P.L. 796, No. 240, known as the Commonwealth Documents Law (CDL) (45 P.S. § 1204(3)).

#### ***Omission of Proposed Rulemaking***

Public notice of intention to rescind the regulations under the procedures set forth in Sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) was omitted

as authorized under Section 204(3) of the CDL (45 P.S. § 1204(3)) because the State Civil Service Commission finds these procedures are, under the circumstances, unnecessary. The continuing presence of the obsolete regulations serves no purpose and may, in fact, confuse the public.

### ***Purpose and Background***

Upon taking effect on March 28, 2019, Act 71 modified the responsibilities and duties of the State Civil Service Commission and established within the Governor's Office of Administration (OA) duties and responsibilities for classified service employment in Pennsylvania. As a result, the State Civil Service Commission is no longer responsible for the administration of classified service employment in Pennsylvania. Therefore, the State Civil Service Commission's regulations related to the administration of classified service employment are obsolete. Additionally, retaining the obsolete regulations could confuse the public because OA has promulgated temporary regulations to carry out its new responsibilities at 4 Pa. Code Chapters 601a-607a. Accordingly, the State Civil Service Commission is seeking to rescind the obsolete sections of its regulations in their entirety.

Specifically, this final-omitted rulemaking rescinds sections of the State Civil Service Commission's regulations which have been rendered obsolete by Act 71. This final-omitted rulemaking also amends Section 93.6 of the State Civil Service Commission's regulations by deleting two obsolete subsections. The State Civil Service Commission intends to make additional amendments in subsequent rulemakings.

### ***Summary of Proposed Regulation***

This final-omitted rulemaking will delete obsolete regulations in Chapters 95, 97, 99, 101, 103, and 105 of Title 4 of the *Pennsylvania Code*. This final-omitted rulemaking will also amend Section 93.6 of Title 4 of the *Pennsylvania Code* by deleting two obsolete subsections.

### ***Persons Likely to be Affected***

No groups or entities will be affected by the rescission of the obsolete regulations. The continuing presence of the obsolete regulations serves no purpose and may, in fact, confuse the public.

### ***Paperwork Requirements***

The rescission of the obsolete regulations will not result in an increase in paperwork for any individuals or entities.

### ***Fiscal Impact***

There will be no fiscal impact because this rulemaking is only to rescind obsolete regulations.

### ***Effective Date***

The final-omitted rulemaking will be effective upon final publication in the *Pennsylvania Bulletin*.

### ***Contact Person***

Individuals interested in further information may contact Alina L. Andreoli, Assistant Counsel, State Civil Service Commission, Legal Services Office, Strawberry Square Complex, P.O. Box 569, Harrisburg, PA 17108-0569, by telephone (717) 783-1444, by fax (717) 772-5120, or via email at [ra-cs-legalsvcsOandA@pa.gov](mailto:ra-cs-legalsvcsOandA@pa.gov).

### ***Public Comment***

Public notice of intention to rescind the regulations under the procedures set forth in Sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) was omitted as authorized under Section 204(3) of the CDL (45 P.S. § 1204(3)) because the State Civil Service Commission finds these procedures are, under the circumstances, unnecessary. The continuing presence of the obsolete regulations serves no purpose and may, in fact, confuse the public.

### ***Regulatory Review***

Under Section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on April 12, 2023, the State Civil Service Commission submitted a copy of the final-omitted rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Labor and Industry and Senate Committee on State Government. On the same day, the final-omitted rulemaking

was submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101–732-506).

In addition to submitting the final-omitted rulemaking, the State Civil Service Commission provided IRRC and the Committees with a copy of the Regulatory Analysis Form prepared by the State Civil Service Commission. A copy of this form is available to the public upon request.

The Attorney General approved the final-omitted rulemaking on \_\_\_\_\_, 2023. Under Section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), the rulemaking was deemed approved by the House and Senate Committees on \_\_\_\_\_, 2023. At a hearing on \_\_\_\_\_, 2023, IRRC approved the rulemaking.

### ***Findings***

The State Civil Service Commission finds:

1) The amendments as set forth in Annex A are necessary and appropriate to repeal obsolete regulations related to the administration of classified service employment.

2) Public notice of the State Civil Service Commission's intention to repeal its regulations under the procedures set forth in Sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) has been omitted for good cause as authorized under Section 204(3) of the CDL (45 P.S. § 1204(3)) because the State Civil Service finds that these procedures are, under the circumstances unnecessary. The regulations related to the administration of classified service employment have been superseded by the promulgation of the Act of June 28, 2018, P.L. 460, No. 71.

3) This final-omitted rulemaking is necessary, appropriate, and in the public interest.

### ***Order***

The State Civil Service Commission, acting under its authorizing statute, orders:

1) Section 93.6 of the Rules of the Civil Service Commission, 4 Pa. Code § 93.6, shall be amended by deleting subsections (b) and (c).

2) The following Sections of the Rules of the Civil Service Commission are rescinded in their entirety: 4 Pa. Code §§ 95.1—95.71, 97.1—97.63, 99.2, 99.11, 99.13—99.15, 99.21—99.25, 99.27, 99.32, 99.34, 99.41, 99.43, 99.52, 101.1—101.71, 103.5—103.23, 105.1, 105.3, 105.5, and 105.18

3) The State Civil Service Commission shall submit this final-omitted regulation to the Office of the Attorney General for approval as to form and legality as required by law.

4) The State Civil Service Commission shall submit this final-omitted regulation to IRRC and the House and Senate Committees as required by law.

5) The State Civil Service Commission shall certify this final-omitted regulation and deposit them with the Legislative Reference Bureau as required by law.

6) This final-omitted regulation shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

  
MARIA P. DONATUCCI  
Chairwoman, State Civil Service Commission

# **Annex A**

## **PART IV. CIVIL SERVICE COMMISSION**

### **Subpart A. RULES OF THE CIVIL SERVICE COMMISSION**

\* \* \* \* \*

#### **CHAPTER 93. CIVIL SERVICE COMMISSION AND EXECUTIVE DIRECTOR**

\* \* \* \* \*

##### **§ 93.6. Records open to the public.**

- (a) An employe of the Commission shall be present at the inspection of records open to the public.
- (b) **[Test material shall be held confidential and may not be subject to inspection, except as provided in this subpart.] [Reserved].**
- (c) **[A person may not have the privilege of making notes of or copying any type of test material.] [Reserved].**

\* \* \* \* \*

#### **CHAPTER 95. [SELECTION OF EMPLOYEES FOR ENTRANCE TO, OR PROMOTION IN, THE CLASSIFIED SERVICE] [Reserved].**

**§§ 95.1—95.71 [Reserved].**



**CHAPTER 97. [APPOINTMENT AND PROMOTION OF  
EMPLOYEES IN THE CLASSIFIED SERVICE] [Reserved].**

**§§ 97.1—97.63 [Reserved].**

**CHAPTER 99. [EMPLOYEES IN THE CLASSIFIED SERVICE] [Reserved].**

**§§ 99.2. [Trainees.] [Reserved].**

**[The Director may initiate examination programs for trainees, recruited competitively. Trainees will be given training in general or specialized areas of governmental operations and shall be promoted, at the successful completion of the training period to a position for which they have been trained and have become qualified.]**

**\* \* \* \* \***

**Subchapter B. [SERVICE STANDARDS AND RATINGS] [Reserved].**

**§ 99.11. [Establishment of system.] [Reserved].**

**[(a) The Director, in cooperation with the appointing authorities, will establish a job-related system of performance evaluations for each class in the classified service.**

**(b) Performance evaluations will be based upon job-related factors appropriate for determining the manner in which the employee performs the duties and carries out the responsibilities of the position occupied. To provide a uniform and equitable basis for rating employees, the Director, in cooperation with appointing authorities, may establish work performance guides.**

**(c) Performance evaluation forms and procedures will be reviewed and approved by the Director prior to utilization.]**

**\* \* \* \* \***

**§ 99.13. [Reporting of performance evaluations.] [Reserved].**

**[Performance evaluations for probationary status employees shall be completed and provided to the employees prior to the scheduled expiration of the probationary period by the appointing authority. Other performance evaluation reports shall be completed at least once each year, unless a different schedule is approved by the Director, and copies retained in the employee's official personnel file. Upon request by the Director, performance evaluation reports shall promptly be made available for audit.]**

**§ 99.14. [Review of performance evaluations.] [Reserved].**

**[Every employee for whom a performance evaluation is submitted will be shown the component parts of the evaluation by the supervisor as soon as practicable after the evaluation is made. The employee will be given an opportunity to review the component parts with the rater and the reviewing officer. Evidence of the review shall be indicated by the employee's signature on the completed evaluation form. Refusal to sign the form will be reported in writing to the reviewing officer by the rater. Every employee shall have the right to be informed of this part and standards used in determining the evaluation.]**

**§ 99.15. [Application of performance evaluations.] [Reserved].**

**[Performance evaluations shall be utilized for purposes of determining eligibility for promotion, to assist in establishing priority for promotion, or for determining order of furlough as provided for in the rules covering these subjects.]**

**Subchapter C. [REASSIGNMENTS AND TRANSFERS] [Reserved].**

**§ 99.21. [Reassignments and transfers authorized.] [Reserved].**

**[(a) An employee may be:**

**(1) Reassigned in the same appointing authority from one position to another in the same class or in a similar class for which the employee qualifies.**

**(2) Transferred from one position to another position in the same class or in a similar class under a different appointing authority.**

**(b) A similar class means one:**

- (1) Having the same maximum salary rate in the compensation plan.**
- (2) Involving essentially the same or lower level duties and responsibilities.**
- (3) Requiring essentially the same or lower level minimum qualifications.**
- (4) Calling for essentially the same or lower level knowledges, skills, and abilities.]**

**§ 99.22. [Initiation of transfer.] [Reserved].**

**[A transfer shall be initiated by the appointing authority having jurisdiction over the position to which the transfer is sought, and shall be made upon a form the Director authorizes. Transfer requires the written consent of the employee and the present employer.]**

**§ 99.23. [Limitations on transfer.] [Reserved].**

**[A transfer may be disapproved by the Director in the following circumstances:**

- (1) When the consent and approvals required by law and this subpart have not been given.**
- (2) When a Departmental reemployment list is in existence, appropriate for filling the position to which transfer is sought.**
- (3) When the employe sought to be transferred has a disqualification which would bar that person from qualifying for the position sought.]**

**§ 99.24. [Effect of transfer on probationary period.] [Reserved].**

**[The probationary period of a transferee shall continue to be served in the position to which transferred, unless the appointing authority having jurisdiction over the position, with the consent of the prospective transferee, requires service of a full probationary period in the position as a condition of the transfer.]**

**§ 99.25. [Effect of reassignment on promotion rights.] [Reserved].**

**[An employe who has been reassigned will not lose rights to promotion from the position from which reassigned during a period equivalent to the probationary period prescribed for the new position.]**

\* \* \* \* \*

**§ 99.27. [Transfer of classified service employees entering the Senior Management Service.] [Reserved].**

**[When a classified service employee accepts a Senior Management Service position, under a different appointing authority, the employee shall be transferred to the agency having the Senior Management Service position. The return right of a Senior Management Service employee shall be to a position in the classified service under the same appointing authority in which the Senior Management Service position is located.]**

**Subchapter D. REDUCTIONS IN PAY OR DEMOTIONS**

\* \* \* \* \*

**§ 99.32. [Demotions to a different class.] [Reserved].**

**[An appointing authority may demote an employee who requests the demotion or who does not satisfactorily perform the duties of the position to which appointed or promoted, to a position in any class in the classified service in which the employee previously had the status of a regular employee, or to any position for which the employee is qualified.]**

\* \* \* \* \*

**§ 99.34. [Effect of demotion on status.] [Reserved].**

**[Employees returned under § 97.38 (relating to probation following promotion) or demoted under § 99.32 (relating to demotions to a different class) shall be assigned status as follows:**

- (1) *Regular status employees.* An employee who has achieved regular status shall be assigned regular status in the class to which returned or demoted.**

**(2) Probationary status employees.** An employee who has never held regular status in a classification shall be assigned probationary status in the class to which returned or demoted and shall be required to successfully complete the probationary period begun at a higher level. An employee who held regular status in a lower level class shall be assigned regular status in the class to which the employee is returned or demoted.]

**Subchapter E. [STATUS OF INCUMBENTS OF RECLASSIFIED POSITIONS] [Reserved].**

**§ 99.41. [Effect of reclassifications.] [Reserved].**

[When an employee's job duties change or the Executive Board changes a class and a reallocation of the position becomes necessary, the employee shall be reclassified to the new class if the employee meets the established requirements. This reclassification, if it is to a lower level, will not be construed as a demotion and the reclassified employee shall be credited with seniority acquired in the higher class.]

\* \* \* \* \*

**§ 99.43. [Effect of reclassification on probationary period.] [Reserved].**

[Incumbents reclassified laterally or downward shall retain current status.]

**Subchapter F. [COMPENSATION] [Reserved].**

\* \* \* \* \*

**§ 99.52. [Effect of change in compensation schedules.] [Reserved].**

[Revision of the established schedule of compensation for a class, with no significant change in classification standards as determined by the Director, will have no effect upon the status and seniority of employees. Changes in compensation may not be construed as promotions or demotions.]

CHAPTER 101. [SEPARATION OF EMPLOYEES FROM CLASSIFIED SERVICE] [Reserved].

§§ 101.1—101.71 [Reserved].

CHAPTER 103. [PROHIBITIONS, PENALTIES AND ENFORCEMENT] [Reserved].

§§ 103.5—103.23 [Reserved].

CHAPTER 105. NOTICE AND HEARINGS

NOTICE

§ 105.1. [Written notice required.] [Reserved].

**[(a) Each appointing authority shall give employees written notice of personnel actions affecting them. At the time that the appointing authority notifies an employee of a furlough or a suspension, it shall simultaneously submit a copy of the notice to the Director.]**

**[(b) The notice requirements in this subsection are mandatory. Failure to adhere to the requirements set forth in this section and §§ 105.2—105.5 may nullify the personnel action.]**

\* \* \* \* \*

§ 105.3. [Statement of reasons.] [Reserved].

**[Notices of removal, involuntary demotion or suspension issued to regular employees shall include a clear statement of the reasons therefore, sufficient to apprise the employee of the grounds upon which the charges are based. Notices determined to be defective may result in the reversal of the personnel action.]**

\* \* \* \* \*

**§ 105.5. [Time limits.] [Reserved].**

**[Written notices of personnel actions shall be provided to employees in advance of the effective dates of these actions, except in cases of suspension, acceptance of resignation or reclassification. Advance notice shall be at least 1 work day, except in circumstances of unusually serious employe infractions where continued employment would be detrimental to the appointing authority, its other employes or its clients. Notice of suspension or acceptance of resignations shall be given no later than 10 work days after the effective dates of the action. Notice of acceptance of resignation shall be given within 15 calendar days after the appointing authority's receipt of the employee's written notice of resignation. Notice of reclassification shall be given within 10 work days after the final decision to reclassify the employee has been made.]**

\* \* \* \* \*

**HEARINGS**

\* \* \* \* \*

**§ 105.18. [Procedure under section 951(d) of the act (71 P.S. § 741.951(d)).] [Reserved].**

**[(a) Investigative hearings shall be convened at the sole discretion of the Commission. The burden of going forward to present the matters to be reviewed shall be assessed upon the moving party but may be modified at hearing at the discretion of the presiding Commissioner.**

**(b) When a properly notified party fails to appear at a hearing, the Commission may impose the fullest penalty available under section 906 of the act (71 P.S. § 741.906), or other statutory provision as appropriate, unless the matter is withdrawn.]**



MARIA P. DONATUCCI  
Chairwoman

GREGORY M. LANE  
Commissioner

PAMELA M. IOVINO  
Commissioner

JEFFREY T. WALLACE  
Executive Director

April 12, 2023

(717) 783-1444  
FAX (717) 772-5120

David Sumner  
Executive Director  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17120

**RE: Final-Omitted Regulation No. 61-13**

Dear Mr. Sumner:

Please find enclosed a copy the Final-Form Regulation Packet for the State Civil Service Commission's Final-Omitted Regulation No. 61-13. The Final-Form Regulation Packet includes the:

1. Face Sheet;
2. Preamble;
3. Annex A – Final-Form Regulation; and
4. Regulatory Analysis Form.

This final-omitted rulemaking proposes to amend Chapters 93, 95, 97, 99, 101, 103, and 105 of Title 4 of the *Pennsylvania Code* by rescinding all obsolete sections related to the administration of classified service employment in Pennsylvania. On March 28, 2019, the Act of June 28, 2018, P.L. 460, No. 71 (Act 71) modified the responsibilities and duties of the State Civil Service Commission and established within the Governor's Office of Administration duties and responsibilities for classified service employment in Pennsylvania. As a result, the State Civil Service Commission is no longer responsible for the administration of classified service



employment. The State Civil Service Commission has retained appellate and audit functions. Accordingly, the State Civil Service Commission is submitting the final-omitted regulations to the Independent Regulatory Review Commission for review pursuant to the Regulatory Review Act. Assistant Counsel Alina L. Andreoli is available to discuss this final-form regulation with you and your staff at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria P. Donatucci", written in a cursive style.

Maria P. Donatucci  
Chairwoman

Enclosures

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

**I.D. NUMBER:** 61-13

**SUBJECT:** Rescission of obsolete regulations pertaining to the administration of classified service employment

**AGENCY:** State Civil Service Commission

**TYPE OF REGULATION**

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - With Revisions       Without Revisions

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APR 12 2023

Independent Regulatory  
Review Commission

**FILING OF REGULATION**

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
		<u>HOUSE COMMITTEE - Labor and Industry</u>
<u>4/12/23</u>	<u>Electronic Service</u>	<u>MAJORITY CHAIR</u> <u>Jason Dawkins</u>
<u>4/12/23</u>	<u>Kendra Widschold</u>	<u>MINORITY CHAIR</u> <u>Ryan E. MacKenzie</u>
		<u>SENATE COMMITTEE - State Government</u>
<u>4/12/23</u>	<u>Electronic Service</u>	<u>MAJORITY CHAIR</u> <u>Cris Dush</u>
<u>4/12/23</u>	<u>Electronic Service</u>	<u>MINORITY CHAIR</u> <u>Amanda M. Cappelletti</u>
<u>4/12/23</u>	<u>Electronic Service</u>	<u>INDEPENDENT REGULATORY REVIEW COMMISSION</u>
<u>4/12/23</u>	<u>Electronic Service</u>	<u>ATTORNEY GENERAL (for Final Omitted only)</u>
<u>          </u>	<u>                                  </u>	<u>LEGISLATIVE REFERENCE BUREAU (for Proposed only)</u>



MARIA P. DONATUCCI  
Chairwoman

GREGORY M. LANE  
Commissioner

PAMELA M. IOVINO  
Commissioner

JEFFREY T. WALLACE  
Executive Director

April 18, 2023

(717) 783-1444  
FAX (717) 772-5120

David Sumner  
Executive Director  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17120

**RECEIVED**

APR 12 2023

Independent Regulatory  
Review Commission

**RE: Final-Omitted Regulation No. 61-13**

Dear Mr. Sumner:

On April 12, 2023, the State Civil Service Commission delivered its Final-Form Regulation Packet for Final-Omitted Regulation No. 61-13 to the standing committees, the Attorney General's Office, and the Independent Regulatory Review Commission. Prior to delivering the Final-Form Regulation Packet, I spoke with each of the parties to determine their preferred method of delivery. All but one of the parties indicated electronic service by email was preferable. The Final-Form Regulation Packet was delivered according to the parties' preferred method of service. Of the parties who were served electronically, only Senator Cris Dush's Office did not confirm receipt. Enclosed is a timeline of my efforts to obtain a confirmation email from Senator Dush's Office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alina L. Andreoli'.

Alina L. Andreoli  
Assistant Counsel

Enclosures

**Andreoli, Alina**

---

**From:** Marques, Diana <Diana.Marques@pasenate.com>  
**Sent:** Thursday, April 13, 2023 9:40 AM  
**To:** Andreoli, Alina  
**Cc:** Lawson, Elizabeth  
**Subject:** Re: Final-Omitted Regulation No. 61-13  
**Attachments:** Face Sheet.pdf; Preamble.pdf; Annex A.pdf; Regulatory Analysis Form.pdf; 61-13 Signed Fiscal Note.pdf

Good Morning:

These documents were successfully received on Wednesday, April 12th.

Thanks,

Diana R. Marques, MSS  
*Chief of Staff*  
pronouns: she-her-hers  
State Senator Amanda Cappelletti | 17<sup>th</sup> District

Harrisburg and All Scheduling Requests: (717) 787-5544  
District and All Constituent Services:  
221 W. Main St. Norristown - (610) 768-4200  
110 Ardmore Ave. Ardmore - (610) 896-2832  
Cell: (610) 392-5454

[www.pasenatorcappelletti.com](http://www.pasenatorcappelletti.com) | [@SenCappelletti](https://twitter.com/SenCappelletti)

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APR 12 2023

Independent Regulatory  
Review Commission

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**From:** Andreoli, Alina <[alandreoli@pa.gov](mailto:alandreoli@pa.gov)>  
**Sent:** Wednesday, April 12, 2023 1:37 PM  
**To:** PA Senator Amanda Cappelletti <[cappelletti@pasenate.com](mailto:cappelletti@pasenate.com)>  
**Cc:** Lawson, Elizabeth <[ellawson@pa.gov](mailto:ellawson@pa.gov)>  
**Subject:** Final-Omitted Regulation No. 61-13

Dear Senator Cappelletti:

Please find enclosed a copy the Final-Form Regulation Packet for the State Civil Service Commission's Final-Omitted Regulation No. 61-13. The Final-Form Regulation Packet includes the:

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classified service employment in Pennsylvania. On March 28, 2019, the Act of June 28, 2018, P.L. 460, No. 71 (Act 71) modified the responsibilities and duties of the State Civil Service Commission and established within the Governor's Office of Administration duties and responsibilities for classified service employment in Pennsylvania. As a result, the State Civil Service Commission is no longer responsible for the administration of classified service employment. The State Civil Service Commission has retained appellate and audit functions. Accordingly, the State Civil Service Commission will be submitting this final-omitted regulation to the Independent Regulatory Review Commission for review pursuant to the Regulatory Review Act. I am available to discuss this final-form regulation with you and your staff at your convenience.

Sincerely,

**Alina L. Andreoli** | Assistant Counsel  
State Civil Service Commission | Legal Services Office  
Strawberry Square Complex, P.O. Box 569 | Harrisburg, PA 17108-0569  
Phone: 717.783.1444 | Fax: 717.772.5120  
Email: [alandreoli@pa.gov](mailto:alandreoli@pa.gov)

**PRIVILEGED AND CONFIDENTIAL COMMUNICATION**

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## Andreoli, Alina

---

**From:** Detrick, Johnathan <JDetrick@pahouse.net>  
**Sent:** Thursday, April 13, 2023 7:33 AM  
**To:** Andreoli, Alina; Dawkins, Jason  
**Cc:** Lawson, Elizabeth  
**Subject:** RE: Final-Omitted Regulation No. 61-13

Alina,

Thank you so much for sending this. We received it yesterday.

Thank you,

Johnathan Detrick  
he/him/his  
Senior Legislative Assistant  
State Representative Jason Dawkins, 179<sup>th</sup> District  
Labor & Industry Committee, Majority Chairman  
150 Main Capitol  
717.787.1354 (x6018)  
[jdetrick@pahouse.net](mailto:jdetrick@pahouse.net)  
**Better Jobs, Better Schools, Better Communities**

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APR 12 2023

Independent Regulatory  
Review Commission

**From:** Andreoli, Alina <alandreoli@pa.gov>  
**Sent:** Wednesday, April 12, 2023 1:35 PM  
**To:** Dawkins, Jason <JDawkins@pahouse.net>  
**Cc:** Detrick, Johnathan <jdetrick@pahouse.net>; Lawson, Elizabeth <ellawson@pa.gov>  
**Subject:** Final-Omitted Regulation No. 61-13

Dear Representative Dawkins:

Please find enclosed a copy the Final-Form Regulation Packet for the State Civil Service Commission's Final-Omitted Regulation No. 61-13. The Final-Form Regulation Packet includes the:

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**Andreoli, Alina**

---

**From:** Elliott, Amy M. <aelliott@attorneygeneral.gov>  
**Sent:** Thursday, April 13, 2023 8:33 AM  
**To:** Andreoli, Alina  
**Cc:** Trotter, Carolyn; Lawson, Elizabeth  
**Subject:** RE: [ EXTERNAL ] Final-Omitted Regulation No. 61-13

Good morning,

Receipt of final-omitted regulation #61-13 on 3/12 by the OAG is confirmed.

Thanks, Amy

Amy M. Elliott  
Chief Deputy Attorney General  
Legal Review Section  
717-783-6316 (w)  
717-941-0523 (c)  
aelliott@attorneygeneral.gov

**RECEIVED**

APR 12 2023

Independent Regulatory  
Review Commission

**From:** Andreoli, Alina <alandreoli@pa.gov>  
**Sent:** Wednesday, April 12, 2023 1:40 PM  
**To:** Elliott, Amy M. <aelliott@attorneygeneral.gov>  
**Cc:** Trotter, Carolyn <ctrotter@attorneygeneral.gov>; Lawson, Elizabeth <ellawson@pa.gov>  
**Subject:** [ EXTERNAL ] Final-Omitted Regulation No. 61-13

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chief Deputy Elliott:

Please find enclosed a copy the Final-Form Regulation Packet for the State Civil Service Commission's Final-Omitted Regulation No. 61-13. The Final-Form Regulation Packet includes the:

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2. Preamble;
3. Annex A – Final-Form Regulation; and
4. Regulatory Analysis Form.

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Commission for review pursuant to the Regulatory Review Act. I am available to discuss this final-form regulation with you and your staff at your convenience.

Sincerely,

**Alina L. Andreoli** | Assistant Counsel  
State Civil Service Commission | Legal Services Office  
Strawberry Square Complex, P.O. Box 569 | Harrisburg, PA 17108-0569  
Phone: 717.783.1444 | Fax: 717.772.5120  
Email: [alandreoli@pa.gov](mailto:alandreoli@pa.gov)

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