

# MANAGEMENT DIRECTIVE

## Commonwealth of Pennsylvania Governor's Office

<b>Subject:</b> Personnel Rules	<b>Number:</b> 505.7 Amended
<b>Date:</b>  November 9, 2010	<b>By Direction of:</b>  Christian L. Soura, Secretary of Administration
<b>Contact Agency:</b> Governor's Office of Administration, Office of Human Resources Management, Human Resources Service Center, Telephone 717-787-8001	

This directive establishes policies and responsibilities for commonwealth human resources programs. The policy numbering is not consecutive because of the many references in other directives, on-line policies and various publications. Therefore, to keep other policy references accurate the numbering sequence does not run consecutive but does run in numeric order. This amendment adds policy for Salary Deductions from the Pay of Exempt Employees indicated by marginal dots on Page 38.

1. **PURPOSE.** The purpose of this directive is to provide guidelines on commonwealth human resources policies and responsibilities.
2. **SCOPE.** This directive is applicable to all state agencies, independent boards and commissions under the Governor's jurisdiction.
3. **OBJECTIVE.** To ensure commonwealth human resources programs are administered consistently and in accordance with established requirements.
4. **POLICY.** In cases where a provision of an approved labor agreement is inconsistent with this directive, the labor agreement provision takes precedence.

This directive replaces *Management Directive 505.7* dated September 1, 2009.

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## CHAPTER 1. DEFINITIONS

### Definitions.

- 1.1 Definitions.** The following words and terms, when used in this directive, have the following meanings unless the context clearly indicates otherwise:

***Absence Without Leave.*** Unauthorized absence from work.

***Act 111.*** *Act 111 of 1968*, known as the "*Policemen and Firemen Collective Bargaining Act*," P.L. 237; 43 P.S. § 217.1. Effective June 24, 1968, this law authorizes collective bargaining between police officers and firefighters and their public employers and provides for compulsory arbitration to resolve bargaining impasses in lieu of the right to strike.

***Act 195.*** *Act 195 of 1970*, known as the "*Public Employee Relations Act*," P.L. 563; 43 P.S. § 1101.101. Effective October 1970, this law establishes rights of public employees to organize and bargain collectively through selected representatives; provides mediation and fact-finding for collective bargaining impasses; defines the scope of collective bargaining; and permits strikes under limited conditions.

***Active Pay Status.*** The condition during which an employee is eligible for pay.

***Administrative Code.*** *Act 175 of 1929*, known as "*The Administrative Code of 1929*," P.L. 177; 71 P.S. § 51.

***Agency.*** An administrative department, board, commission, or other agency.

***Agency Head.*** An official who is accountable for the operation of an agency or is appointed by the Governor such as Secretary of Administration, Secretary of Health, or a member of the Governor's Senior Staff.

***Alternate Work Schedule (AWS).*** An agency and Office of Administration approved work schedule that permits employees to work pre-established additional hours (beyond the regular 7.5 or 8.0 hours per day) on certain workdays within a pre-established time period (e.g., week, pay period, month) in order to accumulate and receive an equivalent number of additional hours off on a pre-established day or part of a day during that time period.

***Annual Performance/Increment Date.*** The annual performance/increment date of an employee will be one year from the date of appointment. Thereafter, the annual performance/increment date will be one year from the month of the most recently scheduled annual (not probationary) performance evaluation or, for those employees eligible for annual increments, one year from the month of the most recent annual increment. This term is commonly known as the "anniversary date."

***Appointment.*** The hiring of a person to perform designated duties in a commonwealth agency in exchange for compensation. It does not refer to employees who transferred from other state agencies, or individuals who are compensated through a contractual agreement.

**At-Will Employment Relationship.** The right reserved by the commonwealth, subject only to the express terms of any applicable labor agreement or statute, to terminate an individual's employment at any time for any reason or no reason except as prohibited by law.

**Benefits.** Services or goods given to a person by his or her employer or money given indirectly to a person by his or her employer. The term includes but is not limited to:

- (a) Health insurance.
- (b) Life insurance.
- (c) Other insurances.
- (d) State's share to retirement and social security.
- (e) Health and welfare contributions.

**Break in Employment.** A voluntary or involuntary interruption in an individual's employment status with the commonwealth. A break in employment may be caused by such events as retirement, resignation, furlough, death, or involuntary separation. The term does not include leaves without pay of any kind, legal strike absences, suspensions, or transfers regardless of their duration.

**Civil Service Positions.** Those positions which are included in the definition of the classified service under *Article 1, Section 3(d) of the "Civil Service Act,"* Act of August 5, 1941, *P.L. 752*, as amended, *71 P.S. §741.1*.

**Civil Service Senior Level Positions.** Chief Information Technology Managers; Administrative and Management Services Directors; Agency Human Resource Directors; Equal Opportunity Managers/Specialists; Agency Budget and Fiscal Officers; Department of Transportation County Maintenance Managers; and other positions as defined by *Management Directive 515.16, Appointment to Senior Level Positions*.

**Class.** See **Job**.

**Class Standard or Class Specification.** See **Job Specification**.

**Classification.** The assignment of a position to one of the classes in the classification plan.

**Collective Bargaining Agreement.** A formal agreement between the commonwealth and an employee organization that establishes an equitable procedure for the resolution of differences between labor and management and establishes rates of pay, hours of work and other conditions of employment.

**Commercial Drivers License Drug and Alcohol Testing and Licensing Program (CDL).** A program that requires employees whose job duties include operation of commercial motor vehicles to comply with federal regulations which require drug and alcohol testing.

**Compensation.** Pay and benefits granted directly or indirectly to employees.

**Condition of Continued Employment (COCE).** Last chance agreement that may be offered, in lieu of termination, whereby an employee is required to participate successfully in evaluation and counseling/treatment (as recommended by the State Employee Assistance Program (SEAP)) for personal problems through the SEAP. A COCE must receive approval from the agency, the Office of Administration and the union, if the employee is covered by a collective bargaining agreement or memorandum of understanding.

**Confidential Employee.** An individual who is employed in a central human resources agency or in the human resources office of an operating agency and has access to information subject to use by the commonwealth in collective bargaining, or works in close continuing relationship with individuals associated with collective bargaining on behalf of an agency of the commonwealth.

**Continuously Scheduled Employee.** An employee who is expected to be in an active pay status every pay period.

**Demotion.** Movement of an employee in a job classification to another job classification assigned to a pay scale group with a lower minimum hourly rate. The actual minimum hourly rate of the pay scale group assigned to a class will be used to determine if an action is a demotion, even in those cases where an above minimum hiring rate has been approved for the job classification.

**Disability.** When this term is used relative to the *Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.*, it is defined as a physical or mental impairment that substantially limits or is regarded as limiting one or more major life activities of an individual. For work-related injuries, it means any absence from work which is related to a work-related injury.

**Discrimination.** Unequal treatment of a protected class of persons or the consequence of an action, policy, or practice resulting in unequal treatment of a particular protected class. Discrimination may involve a single act or it may involve a continuing policy or practice.

**Dismissal.** The involuntary termination of employment for reasons other than lack of funds or work.

**Domestic Partner.** A same-sex partner of the employee for whom a relationship has been confirmed on a properly completed "Commonwealth of Pennsylvania Leave Benefits Domestic Partnership Verification Statement."

**Dual Employment.** The hiring of an employee already on a payroll or on contract with the commonwealth, whether in a different agency, on a separate payroll or contract, or in a separate position in the same agency.

**Employee.** A person who has been hired by an agency subject to "The Administrative Code of 1929," Act 175 of 1929, P.L. 177; 71 P.S. § 51, and whose employment has not yet been terminated.

**Employee Mobility Information Program.** A commonwealth-wide program that collects and assesses data on the reasons new employees select the commonwealth as their employer and existing employees transfer to other jobs and/or leave commonwealth service. The information gathered is to be analyzed and used for human resource management and administration, workforce and succession planning and the formulation of recruitment and retention strategies.

**Equal Employment Opportunity.** A system of employment practices which ensures equal access to all aspects and levels of employment and under which no individual is excluded from participation, advancement, terms and conditions or benefits because of his/her race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender identity or expression, national origin, Human Immunodeficiency Virus (HIV) or Acquired Immunodeficiency Syndrome (AIDS) status or disability.

**Essential Functions.** Those functions of a position that an employee must be able to perform unaided or with the assistance of a reasonable accommodation.

**Evaluation Period.** The period of time since the last regularly scheduled performance evaluation took place.

**Excluded Positions.** All positions in the following categories are excluded from the provisions of this directive unless explicitly provided otherwise:

- (a) Officers and all other positions of state agencies not under the Governor's jurisdiction.
- (b) Members of boards and commissions and heads of departments appointed by the Governor.
- (c) Patient employees and inmate help at state institutions.
- (d) Crew leaders and crew members of the Pennsylvania Conservation Corps.

**Exempt Employee.** An employee in a position or a classification that has been identified as being exempt from the overtime provisions of the Federal *Fair Labor Standards Act (FLSA)*.

**First-level Supervisor.** An employee who functions as a supervisor in the lowest level of supervision not supervising other supervisors.

**Flex-Time.** An agency and Office of Administration approved work schedule wherein employees work five days per week, 7.5 or 8.0 hours per day, but may vary their beginning and ending work times on a daily basis around pre-established core hours.

**Full-Time Employee.** An employee who is expected to be in an active pay status 75 or 80 hours every pay period, depending upon the pay schedule, and all agency heads. The use of this term does not change or alter in any way the at-will employment relationship between the commonwealth and its employees.

**Furlough.** The removal of an employee from his or her position due to lack of work or funds or for other operational reasons.

**Furlougee.** An employee who is removed from his or her position because of lack of work or funds or for other operational reasons and who meets one of the following criteria:

- (a) Is on a furlough recall list as prescribed in the *Civil Service Act* or the appropriate labor agreement.
- (b) If not subject to the recall provisions of a labor agreement, has been furloughed within the past 36 months.

**Inactive Pay Status.** The condition during which an employee is not receiving pay.

**Inappropriate Workplace Behavior.** Inappropriate behavior includes actions unacceptable for the workplace. Inappropriate workplace behavior may include, but is not limited to, attendance problems, decreased productivity, inconsistent work patterns, poor on-the-job relationships, unusual/changed behavior, personal conflicts, disruptive behavior and fighting.

**Integrated Enterprise System (IES).** The integrated computerized data system where the human resource and payroll records of each employee and position in state government are maintained.

**Interim Evaluation.** An evaluation which takes place between regular scheduled performance evaluations.

**Intermittently Scheduled Employee.** An employee who is expected not to be in an active pay status every pay period.

**Irregular Work Hours.** Uncertain number or times of work hours from pay period to pay period.

**Job.** A group of positions sufficiently similar with respect to duties and responsibilities so that the same title and code, including parenthetical title and code, may be used to describe all positions included in the group and so that the positions may be treated alike for recruitment, selection, pay and other human resource purposes. Sometimes referred to as "class."

**Job Specification.** A written description of a job which defines and describes representative duties and responsibilities and sets forth the experience and training which provides the knowledge, skills and abilities essential to the performance of the work of the job classification. Sometimes referred to as "class specification."

**Leave.** Absence from work, with or without compensation, for an authorized purpose.

**Leave Calendar Year.** The calendar year for leave purposes begins with the first full pay period in January and continues through the end of the pay period in which December 31 falls.

**Limited Term Position.** A position that has a specified date of expiration, regardless of duration.



**Longevity Date.** The month and year an employee, paid in accordance with the standard pay schedule or another schedule based on the standard pay schedule, becomes eligible for a longevity increment.

**Management Level Employee.** An individual who is involved directly in the determination of policy or who responsibly directs the implementation of policy. The term includes all employees above the first level of supervision.

**Meet and Discuss.** The obligation of the commonwealth to meet at reasonable times and discuss recommendations submitted by representatives of commonwealth employees, provided that any decisions or determinations on matters so discussed will remain with the commonwealth and be deemed final on any issue or issues raised.

**Memorandum of Understanding.** A nonbinding understanding, between the commonwealth and an employee organization which represents first level supervisory employees, that establishes an equitable procedure for the resolution of differences between labor and management and establishes rates of pay, hours of work and other conditions of employment.

**Non-Civil Service Positions.** Those positions in agencies under the Governor's jurisdiction other than civil service positions.

**Non-Civil Service Senior Level Positions.** Senior Management Service (SMS), executive and special assistants, all personal staff of agency heads, legislative liaisons, policy liaisons, press secretaries, community relations representatives, all other professionals in agency press and legislative offices and all other non-civil service positions pay scale group 9 and above.

**Nonexempt Employee.** An employee in a position or a classification which has been determined to be eligible for overtime under the provisions of the Federal *FLSA*.

**Nonpermanent Employee.** An employee who is hired with the expectation of being in an active pay status for less than 12 consecutive months without the expectation of working on an annually recurring basis or who is hired with the expectation of being in an active pay status for less than 9 consecutive months on an annually recurring basis. The use of this term does not change or alter in any way the at-will employment relationship between the commonwealth and its employees.

**Oral Reprimand.** An oral warning to an employee that some action or lack of action or performance on the employee's part is unacceptable and that repetition will result in further disciplinary action.

**Out-Service Training (OST).** Refers to courses, training sessions, conferences, conventions, workshops and instances of distance learning that are sponsored or coordinated by sources other than the commonwealth government and which may require an employee's absence from work. (See *Management Directive 535.3, Out-Service Training*, for full policy and procedure relating to OST.)

**Overall Evaluation.** An average performance rating consistent with all individual factor ratings.

**Overtime Work.** Work performed by an employee in excess of a regular full-time work schedule.

**Part-Time Employee.** An employee who is expected to be in an active pay status fewer than 75 or 80 hours in a pay period, depending upon the pay schedule. The use of this term does not change or alter in any way the at-will employment relationship between the commonwealth and its employees.

**Pay.** Money given directly to a person by his or her employer for services rendered. The term includes but is not limited to salaries, wages, overtime, shift differential, call time, standby time, bonuses and money in lieu of benefits.

**Pay Plan.** The plan which provides an appropriate pay schedule and pay rate for each job classification in the position classification plan.

**Pay Scale Group.** A range of pay rates to which specific jobs are assigned. This term was formerly referred to as a pay range.

**Pay Scale Level.** A single pay rate within a pay scale group. This term was formerly referred to as a pay step.

**Pay Scale Type.** A series of pay scale groups that define pay parameters for a group of jobs in a bargaining unit. This term also is referred to as a pay schedule.

**Per Diem Employee.** An employee who occupies a per diem, or "by the day," position.

**Per Diem Position.** An authorized and individually identified group of duties and responsibilities assigned or delegated by competent authority requiring the full-time or part-time employment of one person for which the pay is based on a daily rate.

**Performance Evaluation.** Commonly known as an Employee Performance Review (EPR). A periodic review and rating by the supervisor of how much, how well and the manner in which an employee performed the duties and carried out the responsibilities of the position occupied during the evaluation period in accordance with performance standards and expectations.

**Performance Factor.** An individual element of performance, such as communication or work results, which contributes to overall performance.

**Performance Objective or Expectation.** A statement of the most important work that is to be accomplished within a specified time period in terms that are measurable.

**Performance Standard.** A statement of how much, how well and in what manner a particular task is to be done.

**Permanent Employee.** An employee who is hired with the expectation of being in an active pay status for more than 12 consecutive months or who is hired with the expectation of being in an active pay status from 9 to 12 consecutive months inclusive and with the expectation of working on an annually recurring basis. The use of this term does not change or alter in any way the at-will employment relationship between the commonwealth and its employees.

**Permanent Position.** A position created without a position expiration date.

**Position.** An authorized and individually identified group of duties and responsibilities assigned or delegated by competent authority requiring the full-time or part-time employment of at least one person.

**Position Classification Plan.** A plan consisting of a schedule of job titles arranged according to series of jobs and occupational services as approved by the Executive Board on July 13, 1956, together with such amendments and revisions that are approved by the Executive Board. The plan also consists of a job standard for each job.

**Promotion.** Movement of an employee in a job classification to another job classification assigned to a pay scale group with a higher minimum hourly rate. The actual minimum hourly rate of the pay scale group assigned to a job classification will be used to determine if an action is a promotion, even in those cases where an above minimum hiring rate has been approved for the job classification.

**Rater.** The immediate supervisor or a supervisor who is familiar with the work performance of employees and prepares the performance evaluation.

**Reasonable Accommodation.** Any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for an individual with a disability to perform the essential functions of the job or receive equal benefits and privileges of employment.

**Reassignment.** The movement of an employee from a position in a job classification to another position or classification assigned to a pay scale group with the same minimum hourly rate. The actual minimum hourly rate of the pay scale groups involved will be used even in those cases where an above minimum hiring rate has been approved for a job classification.

**Reclassification.** The reassignment of a position from one job classification to a different job classification to recognize a change in duties and responsibilities, to correct an error in the original assignment, or to be assigned to a new or revised and more appropriate classification.

(a) **Upward Reclassification of a Position.** The movement of a position to a job classification assigned to a pay scale group with a higher minimum hourly rate.

(b) **Downward Reclassification of a Position.** The movement of a position to a job classification assigned to a pay scale group with a lower minimum hourly rate.

(c) **Lateral Reclassification of a Position.** The movement of a position to a pay scale group with the same minimum hourly rate.

For the purpose of determining whether an action is an upward, downward, or lateral reclassification, the actual minimum hourly rate of the pay scale groups involved will be used even in those cases where an above minimum hiring rate has been approved for a job classification or in those cases where the range is truncated.

**Recruitment.** Active and aggressive efforts by the commonwealth to locate and attract qualified applicants for employment in commonwealth service.

**Regular Work Hours.** The number and times of work hours are predictable from pay period to pay period.

**Resignation.** The voluntary termination of employment.

**Retirement.** The termination of employment followed by a continuing relationship with the State Employees' Retirement System (SERS) based on eligibility criteria for certain benefits as stated in *71 Pa. C.S. § 5101 et seq.* (relating to retirement for state employees and officers).

**Reviewing Officer.** The individual, typically the rater's immediate supervisor, who reviews a performance evaluation.

**Salaried Employee.** An employee who is paid for a regularly scheduled number of hours for a biweekly pay period.

**Salaried Position.** An authorized and individually identified group of duties and responsibilities assigned or delegated by competent authority that require the full-time or part-time employment of at least one person on a regularly scheduled basis for a period of time exceeding six months and is charged against the salaried complement for budgetary control purposes.

**Staggered Work Schedule.** An agency approved work schedule consisting of multiple five days per week, 7.5 or 8.0 hours per day work shifts (five out of seven days schedule), with various specified beginning work times and corresponding ending work times from which employees may be assigned or may request. Although different starting/ending times are available, the employee's starting/ending time does not vary from day to day.

**Standard Work Schedule.** A work schedule generally consisting of a single five days per week, 7.5 or 8.0 hours per day work shift (five out of seven days schedule), which conforms to the official operating hours of the agency as approved by the Executive Board. However, as permitted by contract, a standard work schedule also may consist of any 10 days in a pre-established 14 day schedule.

**State Employee Assistance Program (SEAP).** An evaluation and referral program servicing commonwealth employees and their family members who may be experiencing problems with alcohol, drugs, mental health, emotional, family, financial, marital, or other personal issues.

**State Employee Assistance Program Central Coordinating Office (SEAP-CCO).** A private non-government agency that is under contract to provide and coordinate the delivery and coordination of SEAP evaluation and referral services.

**State Employee Assistance Program (SEAP) Coordinator.** A commonwealth management employee, usually working in a human resources-related position, who is responsible for the implementation of SEAP within the workplace.

**Succession Planning.** An ongoing process that identifies necessary competencies and is used to assess, develop and retain a talent pool of employees in order to ensure a continuity of work for all critical positions. Succession planning is a specific strategy, which defines the particular steps to be followed to achieve the agency mission, goals and initiatives identified in Workforce Planning. It is a planning process that managers can follow, implement and customize to meet the needs of their organization.

**Supervisor.** An individual who has authority to appoint, assign, promote, transfer, suspend, dismiss, evaluate, reward, or discipline other employees; who has responsibility to direct other employees or adjust their complaints or grievances; or who can, to a substantial degree, effectively recommend such action or carry out such decisions, provided that the exercise of such authority is not merely routine or clerical in nature but calls for the use of independent judgment.

**Suspension.** The temporary termination of employment for disciplinary or investigative reasons.

**Temporary Position.** A position created with a position expiration date.

**Terminate.** To end an agreement that provides compensation for a person's time by either the employee or employer.

**Termination.** A break in employment of more than 14 calendar days. The effective date of termination will be the date the initial break in employment occurred.

**Transactions.** All actions affecting changes in the status of personnel or positions.

**Transfer.** The movement of an employee from the jurisdiction of one appointing authority to another appointing authority. A transfer may occur in conjunction with a reassignment, promotion, or demotion.

**Turnover Rate.** The number of voluntary resignations and transfers out, excluding retirements, presented as a percentage of the average number of active employees during a one year period. All turnover rate information should be reported similarly to that in the Governor's Annual Work Force Report.

**Underutilization.** The condition of having fewer members of a specific race/gender group in a particular EEO occupational code than would reasonably be expected by their availability in the labor force.

**Wage Employee.** An employee who is paid on an hourly basis and whose hours must be reported each pay period.

**Wage Position.** An authorized and individually identified group of duties and responsibilities assigned or delegated by competent authority that require the full-time or part-time employment of one person on either:

- (a) A regular schedule for a limited duration of time.
- (b) An intermittent or irregular schedule without regard to the duration of the term of employment.

Wage positions are charged against the wage complement for budgetary control purposes.

**Workforce Planning.** A methodical process that utilizes a strategy and set of procedures to assess future personnel needs, enable organizations to determine the requirements and availability of human resources to meet their objectives and formulate action plans to address those needs. Workforce planning provides managers with a framework for making human resource decisions based on the organization's mission, strategic plan, budgetary resources and desired job knowledge and skills.

**Workplace.** Any commonwealth owned or leased property, location where commonwealth business is conducted or site where an employee is considered "on duty." Commonwealth vehicles or private vehicles being utilized for commonwealth business are included in this definition.

**Workplace Violence.** Violence connected to the workplace. Incidents of workplace violence include, but are not limited to, threats in person, by letter or note, telephone, fax or electronic mail; intimidation; harassment, including sexual harassment; mugging, robbery and attempted robbery; and destruction of commonwealth property. Cases that are considered extremely serious include, but are not limited to, physical assault, rape, murder and bomb threats. Incidents may take place between employees; employees and clients; employees and acquaintances; and employees and strangers. Incidents of workplace violence may occur either at or away from the workplace. The determining factors in assessing whether an incident constitutes workplace violence are the individuals involved and the relationship of the action to the workplace; the location of the incident; and/or whether the violence results from the conduct of commonwealth business.

**Workplace Violence Warning Signs.** A warning sign is an observable behavior which may indicate possible future threats or violence.

**Workplace Violence Worksite Plans and Post-Workplace Violence Incident Plans.** These plans establish sequential steps to be followed in case of a workplace violence incident. The plans should instruct employees on the use of emergency contact numbers and actions to be taken during and immediately after an incident of violence.

**Written Reprimand.** A written warning to an employee that some action or lack of action or performance on the employee's part is unacceptable and that repetition will result in further disciplinary action.

## CHAPTER 2. ORGANIZATION FOR HUMAN RESOURCES MANAGEMENT ADMINISTRATION

Section 2.1	Secretary of Administration
Section 2.2	Deputy Secretary for Human Resources Management
Section 2.3	Director of Enterprise Services and Operations
Section 2.4	Director of Workforce Planning and Development
Section 2.5	Director of Classification and Compensation
Section 2.6	Director of Employee Benefits and Services
Section 2.7	Director of Labor Relations
Section 2.8	Director of Equal Employment Opportunity
Section 2.9	Director of Bureau of State Employment
Section 2.10	State Civil Service Commission
Section 2.11	Agency Heads
Section 2.12	Agency Human Resources Directors
Section 2.13	Agency Managers and Supervisors

**2.1 Secretary of Administration.** The Secretary of Administration, in regards to human resources management responsibilities, will:

- (a) Establish and maintain policies, rules and regulations necessary for an effective and efficient system of human resources management in conformity with all applicable federal and state equal employment and anti-discrimination laws and regulations.
- (b) Integrate the human resource function into the broad management policy direction that is provided to agencies under the Governor's jurisdiction.
- (c) Recommend to the Executive Board amendments to the position classification plan needed to reflect changes in the nature and scope of work of positions in the commonwealth service.
- (d) Recommend to the Executive Board amendments to the pay plan and benefit programs needed to reflect changes in economic conditions and other factors affecting the recruitment and retention of competent employees.
- (e) Establish policy and guidelines for the negotiation of statewide labor agreements.
- (f) Authorize exceptions to the human resources management rules where the application of the rules provides unreasonable results or where necessary in the resolution of disputes.

**2.2 Deputy Secretary for Human Resources Management.** The Deputy Secretary for Human Resources Management will:

- (a) Coordinate the commonwealth's human resources management program and the various elements of the central human resources function.
- (b) Establish and maintain an effective human resources management information system.

- (c) Coordinate a comprehensive management approach to collective bargaining.
- (d) Ensure that the commonwealth's human resources management program and the central human resources function are responsive to the program goals and objectives of the Governor and the agencies under the Governor's jurisdiction.
- (e) Establish policies, rules and regulations that will result in a well-planned, effective and productive workforce.
- (f) Ensure that policies, rules and regulations exist that will value and promote diversity as well as maintain equity within the workforce.

**2.3 Director of Enterprise Services and Operations.** The Director of Enterprise Services and Operations will serve as head of the Bureau of Enterprise Services and Operations, Office of Administration and will be responsible to the Deputy Secretary for Human Resources Management. The Director of Enterprise Services and Operations will:

- (a) Coordinate and maintain an effective human resources management information system.
- (b) Serve as the human resource business systems architect and primary liaison between the human resources, payroll and equal employment opportunities communities and the Office of Administration's, Office for Information Technology, (OIT).
- (c) Administer and manage human resource applications which supplement and enhance SAP HR Systems to obtain a comprehensive enterprise solution which meets users demands and to develop, enhance and support enterprise-wide human resource reporting as well as manage and deploy Employee Self-Service functionality. Manage the commonwealth Human Resources Service Center which provides employees with assistant relative to personal information, payroll options and benefits.
- (e) Review the human resources management of administration activities of the operating agencies, perform process analysis, recommend improvements and monitor their implementation.
- (f) Provide management of the centralized salary and wage complement systems.
- (g) Respond to, develop, and implement new human resources management initiatives based on direction from the Governor and federal or state law or regulation, information received from monitoring and evaluating commonwealth human resources management administration and opportunities presented by new technology.



**2.4 Director of Workforce Planning and Development.** The Director of Workforce Planning and Development will serve as head of the Bureau of Workforce Planning and Development, Office of Administration and will be responsible to the Deputy Secretary for Human Resources Management. The Director of Workforce Planning and Development will:

- (a) Develop policy and programmatic direction for human resources development and workforce planning and analysis in the commonwealth.
- (b) Oversee the development, implementation and administration of enterprise-wide educational programs for commonwealth executives, managers and supervisors.
- (c) Direct the analysis of workforce data in order to determine employment trends, make staffing projections and provide necessary reports and recommendations.
- (d) Provide assistance to agencies on succession management to include workforce planning and analysis, recruitment and retention strategies and human resources development.
- (e) Develop and direct an effective performance management system to achieve an optimum level of performance by commonwealth employees at all levels.
- (f) Oversee the development of initiatives, such as recognition programs, for the purpose of sustaining and enriching the environment of the commonwealth workforce.

**2.5 Director of Classification and Compensation.** The Director of Classification and Compensation will serve as the head of the Bureau of Classification and Compensation, Office of Administration and will be responsible to the Deputy Secretary for Human Resources Management. The Director of Classification and Compensation will:

- (a) Maintain and ensure consistency within and integrity of the commonwealth's classification and pay plan, to include administering decentralized classification authority to agencies and managing the classification post audit program.
- (b) Direct all staff work required in the preparation of amendments to and the maintenance of the position classification and pay plans and benefit programs.
- (c) Administer the reorganization process, including reviewing agency requests to reorganize, coordinating reviews with appropriate entities and submitting reorganization packages to the Executive Board for approval.
- (d) Oversee the administration of the classification grievance process and Joint Evaluation Committee procedures in accordance with all applicable labor agreements.
- (e) Coordinate the classification review and Executive Board approval process for positions considered for inclusion in the SMS.
- (f) Oversee the administration of the commonwealth pay schedules, pay rules and overtime rules.

- (g) Oversee the pay administration for statutory salaried officials and deputy secretaries.
- (h) In cooperation with the Director of Labor Relations, provide direction and assistance to state agencies in the administration and implementation of labor agreements.

**2.6 Director of Employee Benefits and Services.** The Director of Employee Benefits and Services will serve as the head of the Bureau of Employee Benefits and Services, Office of Administration and will be responsible to the Deputy Secretary for Human Resources Management. The Director of Employee Benefits and Services will:

- (a) Provide leadership to agencies in the application of workplace violence, commercial drivers license drug and alcohol testing program, HIV and AIDS programs.
- (b) Coordinate the operation of the SEAP and the commonwealth's substance abuse program.
- (c) Administer the commonwealth's work release approval process.
- (d) Oversee the development and administration of the commonwealth's employee benefits and workplace support services programs.
- (e) Oversee the procurement of administrative services for benefits programs through competitive bidding and ensuring the effective operations of contracted service providers.
- (f) Encourage and cooperate with administrative officials, employees and employee organizations in developing employee health, recreation, and welfare programs which improve organizational productivity.
- (g) Oversee the development and administration of the commonwealth's absence and safety programs.
- (h) Provide support and advice to the management trustees of the Pennsylvania Employees Benefit Trust Fund (PEBTF) Board.

**2.7 Director of Labor Relations.** The Director of Labor Relations will serve as head of the Bureau of Labor Relations and will be responsible to the Deputy Secretary for Human Resources Management. The Director of Labor Relations will:

- (a) Plan and direct all labor relations activities for the commonwealth as the employer, under the "*Public Employee Relations Act*" as it applies to employees under the Governor's jurisdiction, and under the "*Policemen and Firemen Collective Bargaining Act.*"
- (b) Determine the commonwealth's position on the appropriateness of collective bargaining units proposed in petitions for election or certification submitted by state employee organizations.

- (c) Represent the commonwealth at hearings of the Pennsylvania Labor Relations Board concerning election or certification petitions, unfair practice charges and related labor relations matters.
- (d) Direct the negotiation of statewide labor agreements and discussions over memorandums of understanding with representatives of certified employee organizations; oversee and coordinate the negotiation of agreements on local issues in individual agencies and institutions.
- (e) In cooperation with the Human Resources Service Center, provide direction and assistance to state agencies in the interpretation, administration, and implementation of labor agreements, including the administration of grievance procedures under such agreements.
- (f) In cooperation with the Bureau of Workforce Planning and Development, provide staff resources for labor relations training of supervisory and management personnel.
- (g) Provide leadership in the development of labor relations policies in state agencies aimed at achieving effective working relationships between employees and management.

**2.8 Director of Equal Employment Opportunity.** The Director of Equal Employment Opportunity will serve as head of the Bureau of Equal Employment Opportunity, Office of Administration and will be responsible to the Deputy Secretary for Human Resources Management. The Director of Equal Employment Opportunity will:

- (a) Encourage and promote programs directed at ending discrimination against any employee or applicant for employment because of race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender identity or expression, national origin, AIDS or HIV status, or disability.
- (b) Formulate commonwealth-wide equal employment opportunity proposals for approval by the Secretary of Administration.
- (c) Review agency equal employment opportunity plans for consistency with commonwealth policies.
- (d) Design and implement auditing and reporting systems to measure effectiveness of the commonwealth's equal employment opportunity programs.
- (e) Supervise and oversee the commonwealth-wide equal employment opportunity programs.
- (f) Work closely with the Office of Administration, Human Resources Management, and state agencies to ensure that employment is free from discrimination.

**2.9 Director of Bureau of State Employment.** The Director of the Bureau of State Employment will be responsible to the Deputy Secretary for Human Resources Management. The Director of the Bureau of State Employment will:

- (a) Supervise the Temporary Clerical Pool (TCP) program, providing centralized temporary clerical staffing services to state agencies located in the capitol complex and surrounding areas.
- (b) Administer the TCP program so that it acts as a recruiting resource for filling permanent clerical positions.
- (c) Oversee and assist agencies with recruiting applicants for non-civil service vacancies.
- (d) Test, when appropriate, evaluate and investigate applicants for non-civil service positions.
- (e) Refer qualified applicants to agency heads for consideration for appointment to non-civil service positions.
- (f) Maintain a database of non-civil service commonwealth vacancies and active applicants for non-civil service positions.
- (g) Administer the school-to-work program.
- (h) Coordinate placement of furlonghees in accordance with labor agreements.
- (i) Approve and monitor requests from agencies for direct recruitment plans for hard-to-fill vacancies.

**2.10 State Civil Service Commission.** The State Civil Service Commission (SCSC) was established and is governed by the provisions of the *Act of August 5, 1941*, known as the *"Civil Service Act," P.L. 752, as amended, 71 P.S. §741.1*. The SCSC has the responsibility for administering the merit system of the commonwealth in all agencies under the Governor's jurisdiction. The services provided by the SCSC, through its Executive Director, will include those specified in *Title 4, Pa. Code, Part IV*, including the recruitment and certification of eligible job candidates for civil service positions and the hearing of appeals by individuals employed in positions covered by civil service.

**2.11 Agency Heads.** Agency heads, their subordinates and agency human resources directors will be responsible for implementing within their agency the human resources policies and rules of the Governor, the Executive Board, the Secretary of Administration and the SCSC. In addition to these responsibilities, agency heads will:

- (a) Develop the organizational structure and exercise the powers and perform the duties by law vested in and imposed upon the agency.
- (b) Inform and advise the Secretary of Administration on human resources matters.
- (c) Ensure the establishment of auditing and reporting systems to measure the effectiveness of equal employment opportunity programs.

- (d) Ensure the implementation, within their agency, of directives and other publications and direction issued through the Directives Management System and the Secretary of Administration.
- (e) Ensure that their agency complies with policy, standards, reporting systems and procedures issued by the Secretary of Administration for human resources management for administration, labor relations and equal employment opportunity.
- (f) Implement new human resources program initiatives set forth by the Secretary of Administration.

**2.12 Agency Human Resources Directors.** Agency human resources directors will be responsible for implementing and administering human resources management policies, rules and programs in their agency. Agency human resources directors are responsible for implementing and administering, monitoring, advising on and encouraging compliance with mandates from the Governor, Executive Board, Secretary of Administration, Deputy Secretary for Human Resources Management and the SCSC. Agency human resources directors also are responsible for monitoring, advising and encouraging managers and supervisors in their agency in the human resources management responsibilities inherent in those jobs. Agency human resources directors will:

- (a) Develop and administer human resources management programs that meet the needs of the agency and contribute to their agency completing its missions.
- (b) Advise their agency head on policies, procedures and actions necessary to maintain a sound human resources management program and advise on adequate staffing levels for agency activities.
- (c) Advise managers and supervisors on how the commonwealth's human resources management system may best be used to accomplish agency goals and objectives.
- (d) Ensure agency compliance with policy, standards, reporting systems and procedures issued by the Secretary of Administration for human resources management for administration, labor relations and equal employment opportunity.
- (e) Manage and administer human resources management programs which have been decentralized from the Office of Administration to agencies.
- (f) Implement commonwealth policy and agency human resources management program initiatives.
- (g) Regularly communicate with representatives from the Office of Administration on human resources management policy and program issues.
- (h) Maintain records and reporting systems on agency employees and the agency human resources management program.
- (i) Provide guidance to agency employees on use of IES.

- (j) Initiate steps to enhance agency organizational effectiveness through improvements to agency human resources management programs.
- (k) Administer and implement appropriate labor agreements and maintain effective communication with employee organizations.

**2.13 Agency Managers and Supervisors.** Agency managers and supervisors will be responsible for effectively carrying out the human resources management responsibilities inherent in their positions. Human resources management responsibilities found in managerial and supervisory positions include:

- (a) Effectively utilizing employees to successfully carry out the agency's missions.
- (b) Using the workforce efficiently and productively by defining assignments through the preparation of position descriptions, training and developing staff, establishing performance standards and measuring performance.
- (c) Motivating employees to produce at their fullest potential by assigning meaningful work projects, practicing effective leadership and providing recognition for achievement.
- (d) Setting an example for employees by demonstrating competence, professionalism, ethical behavior and responsiveness to others in the agency, the commonwealth and the public.
- (e) Monitoring and measuring employee performance and job-related activities.
- (f) Working with individual employees and with organized employee groups that represent them in a fair and equitable manner.

## CHAPTER 3. EQUAL EMPLOYMENT OPPORTUNITY

### Section 3.1 Equal Employment Opportunity Policy and Plans

### Section 3.2 Disability-Related Policy and Program

#### 3.1 Equal Employment Opportunity Policy and Plans.

- (a) As required by *Executive Order 2003-10, Equal Employment Opportunity*, agencies, independent boards and commissions under the Governor's jurisdiction are prohibited from discriminating against any employee or applicant for employment because of race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender identity or expression, national origin, AIDS or HIV status or disability. Every effort is to be exerted to prevent and eliminate discrimination and to include members of minority groups and women at every level of employment, including recruitment, selection, appointment, promotion, training, delegation and decision-making. All management personnel of agencies, independent boards and commissions must participate in equal employment opportunity planning, implementation and monitoring.
- (b) All management personnel of agencies, independent boards and commissions under the Governor's jurisdiction must ensure that commitment to equal employment opportunity is clearly communicated to all managers, supervisors and employees. Agency heads and management personnel must provide adequate support to staff that is responsible for implementing equal employment opportunity programs.
- (c) The equal employment opportunity staff of state agencies, independent boards and commissions under the Governor's jurisdiction and the Office of Administration, Bureau of Equal Employment Opportunity will monitor all aspects of the human resources management system that have an impact on equal employment. They are to act as consultants to management in identifying equal employment opportunity issues, problem areas and appropriate solutions.
- (d) Each agency, independent board and commission under the Governor's jurisdiction must analyze its workforce for underutilization of minorities and women using the methodology that is established by the Office of Administration, Bureau of Equal Employment Opportunity. Each agency, independent board and commission must establish objectives for increasing the employment opportunities of minorities and women at all job levels where they are not proportionately employed in comparison to their availability in the labor force. Objectives are to be accompanied by detailed action plans for their achievement.
- (e) Pursuant to *Manual 410.3, Guidelines for Equal Employment Opportunity Plans and Programs*, each agency, independent board and commission under the Governor's jurisdiction must prepare and file an annual equal employment opportunity plan with the Office of Administration, Bureau of Equal Employment Opportunity.
- (f) Each agency, independent board and commission under the Governor's jurisdiction must establish an internal tracking system to monitor personnel transactions and training opportunities offered to employees. Annual agency equal employment opportunity plans and quarterly reports will be used to assess percentage and programmatic achievements.

- (g) Each agency, independent board and commission under the Governor's jurisdiction will compile and submit statistical and other reports, as required, to the Office of Administration, Bureau of Equal Employment Opportunity.
- (h) Each agency, independent board and commission under the Governor's jurisdiction must issue a sexual harassment policy statement that is in compliance with *Executive Order 2002-4, Prohibition of Sexual Harassment in the Commonwealth* and *Executive Order 2003-10, Equal Employment Opportunity*. The Bureau of Equal Employment Opportunity will ensure that a systematic review of policies and programs is in place to address issues of sexual harassment, including:
  - (1) Effective strategies to discourage and prevent harassment.
  - (2) An effective complaint mechanism for resolution of harassment complaints. (Reference *Executive Order 2003-10, Equal Employment Opportunity*; *Executive Order 2002-4, Prohibition of Sexual Harassment in the Commonwealth*; *Management Directive 505.30, Prohibition of Sexual Harassment in Commonwealth Work Settings*; and *Management Directive 410.10, Guidelines for Investigating and Resolving Internal Discrimination Complaints*.)
- (i) The Bureau of Equal Employment Opportunity is responsible for providing technical assistance to all agencies, independent boards and commissions under the Governor's jurisdiction in all equal employment opportunity areas. This includes, but is not limited to, developing training manuals, providing orientation and training to new equal employment opportunity staff and developing individual and group training sessions to ensure implementation of the equal employment opportunity program.
- (j) The equal employment opportunity staff of agencies, independent boards and commissions under the Governor's jurisdiction will conduct discrimination investigations pursuant to *Management Directive 410.10, Guidelines for Investigating and Resolving Internal Discrimination Complaints*.

### **3.2 Disability-Related Policy and Program.**

- (a) The commonwealth's overall policy for implementing disability-related policy, including the *Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.*; *Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794*; and the *Act of October 27, 1955, known as the "Pennsylvania Human Relations Act," P.L. 744, as amended, 43 P.S. § 951*, is established by *Executive Order 2002-5, Disability-Related Policy*. These acts and the policy of the commonwealth make it unlawful to:
  - (1) Discriminate against a qualified individual with a disability, because of his or her disability, in regard to job application procedures, hiring, advancement, discharge, compensation, job training, or other terms, conditions and privileges of employment.



- (2) Fail to provide a reasonable accommodation to an applicant or employee with a disability unless the individual is not qualified for the position because the individual is not able to perform the essential functions of a position, with or without accommodation.
  - (3) Exclude or otherwise deny equal jobs or benefits to a qualified individual because that individual has a relationship or association with a person with a disability known to the employer.
- (b) Each agency, independent board and commission under the Governor's jurisdiction is to assign a disability services coordinator. Human resource offices are to respond to requests for accommodation from job applicants and employees. Equal opportunity staff is to conduct complaint investigations pursuant to *Management Directive 410.10, Guidelines for Investigating and Resolving Internal Discrimination Complaints*. (Reference *Executive Order 2002-5, Disability-Related Policy*; *Management Directive 410.10, Guidelines for Investigating and Resolving Internal Discrimination Complaints*; and *Management Directive 205.25, Disability-Related Employment Policy*.)

## CHAPTER 4. LABOR RELATIONS

<b>Section 4.1</b>	<b>Separability</b>
<b>Section 4.2</b>	<b>Employee Rights</b>
<b>Section 4.3</b>	<b>Act 111</b>
<b>Section 4.4</b>	<b>Discrimination Prohibited</b>

### 4.1 Separability.

- (a) In the event that a provision of a labor agreement or arbitration award is found to be inconsistent with existing state or federal statutes or ordinances, the provisions of such statutes or ordinances will prevail.
- (b) In those cases where the Executive Board has adopted the provisions of a labor agreement or an arbitration award, and certain provisions thereof are inconsistent with these rules, those provisions will take precedence insofar as they apply to the employees encompassed by the agreement or award.

### 4.2 Employee Rights.

- (a) In accordance with the "*Public Employee Relations Act*," commonwealth employees, except first-level supervisors, management-level employees and confidential employees, have the right to organize or join employee organizations for the purpose of collective bargaining. Employees also have the right to refrain from any or all such activities except as may be required pursuant to fair share provisions of applicable labor agreements.
- (b) First-level supervisors may not engage in collective bargaining but may organize for the purpose of meeting with commonwealth officials to discuss matters deemed bargainable for public employees covered by paragraph (a) of this section. Any decisions or determinations made by the commonwealth on matters so discussed will be deemed final.

**4.3 Act 111.** Certain commonwealth employees have the right to organize or join an employee organization for the purpose of collective bargaining pursuant to *Act 111*, known as the "*Policemen and Firemen Collective Bargaining Act*," and rulings of the Pennsylvania Labor Relations Board. Appropriate agencies will be notified of the classifications deemed to be covered by *Act 111*.

**4.4 Discrimination Prohibited.** No agency supervisor or management official is to, in any way, interfere with the statutory right of an employee to organize or join an employee organization or discriminate against any employee who is a member of an employee organization.

## **CHAPTER 5. COMPENSATION**

**Subchapter A. PAY**

**Subchapter B. BENEFITS**

### **Subchapter A. PAY**

#### **PAY PLAN AND RULES**

- Section 5.1 Legal Basis for Establishing the Pay Plan**
- Section 5.2 Maintenance of Pay Plan**
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- Section 5.23 Effect of Military Leave on Annual Performance/Increment Dates and Longevity Dates**
- Section 5.24 Effect of Suspension or Leave without Pay on Annual Performance/Increment and Longevity Dates**
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## **EXTRA PAY**

- Section 5.81 Dual Employment**
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## **RESTITUTION OF OVERPAYMENTS**

- Section 5.91 Restitution of Overpayments**
- Section 5.92 Salary Deductions from the Pay of Exempt Employees.**

## **SUBSISTENCE OR MAINTENANCE**

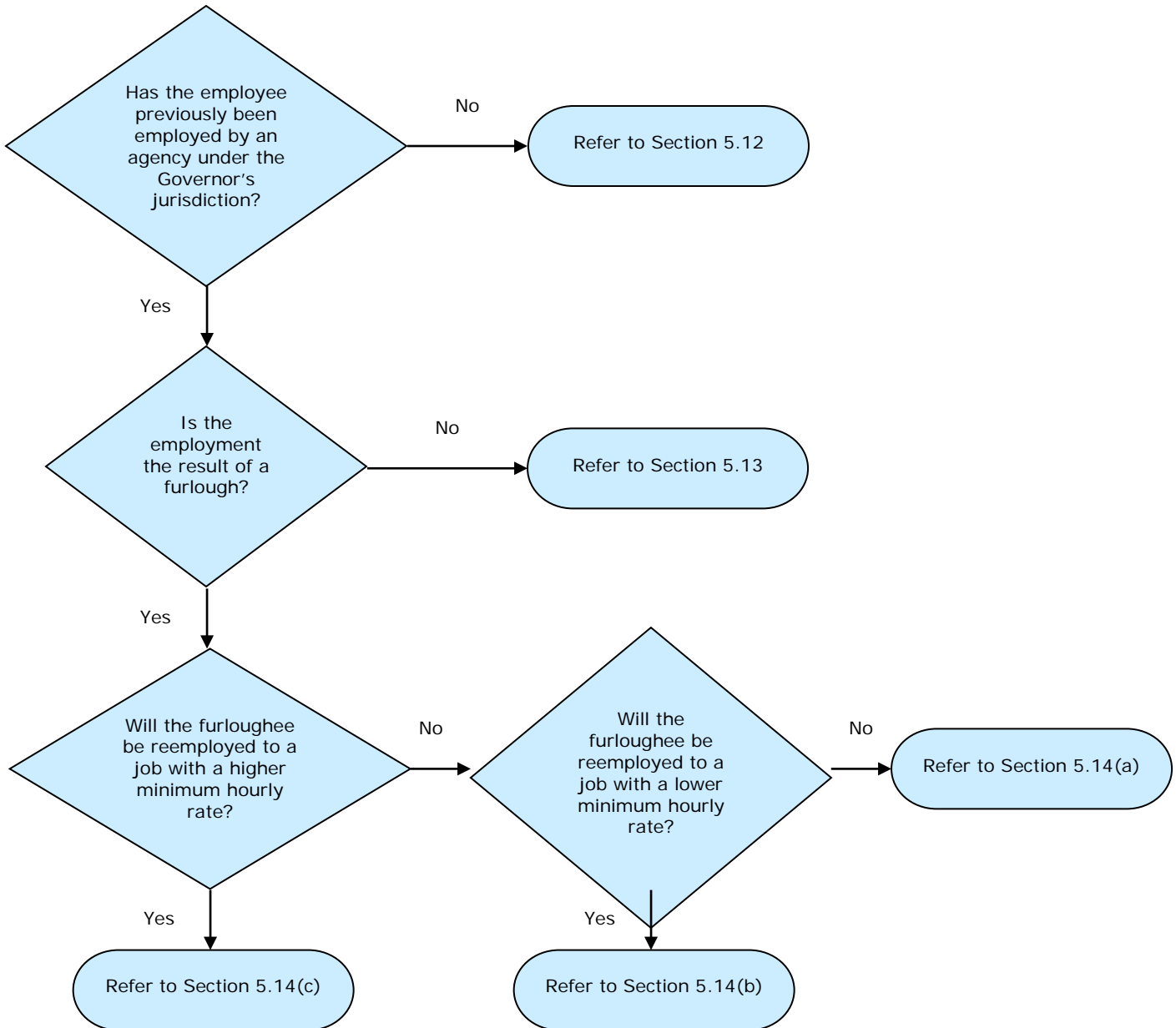
- Section 5.99 Subsistence or Maintenance**

## **PAY PLAN AND RULES.**

- 5.1 Legal Basis for Establishing the Pay Plan.** Pursuant to *Section 709(a) of "The Administrative Code of 1929,"* the pay plan constitutes the official plan for paying all officers and employees of agencies under the Governor's jurisdiction except those officers and employees whose pay is fixed by law, those who are paid according to other pay rates authorized by the Executive Board and those officials whose titles and rates of pay are approved by the Governor in accordance with *Section 211 of "The Administrative Code of 1929."*
- 5.2 Maintenance of Pay Plan.** The Director of Classification and Compensation will make appropriate studies and recommend to the Secretary of Administration amendments to the pay plan that are necessary for its maintenance, within the financial resources of the commonwealth, on a current and equitable basis. Jobs will be assigned pay rates in the pay plan on the basis of the following factors:
- (a) The relationship of the job to other jobs in the pay plan.
  - (b) The duties and responsibilities of positions in the job.
  - (c) The ability of the commonwealth to recruit and retain qualified employees in the job.
  - (d) Prevailing rates for similar employment in the private sector and other public jurisdictions.
  - (e) Cost of living factors.
  - (f) Other factors as may be deemed appropriate.
- 5.3 Other Pay Rates Authorized by Executive Board.** The Executive Board may approve other pay rates if a pay scale group in one of the pay plan schedules is not appropriate.
- 5.4 Pay Rules.** Pursuant to *Section 709 of "The Administrative Code of 1929,"* this subchapter constitutes the official rules for paying all officers and employees in agencies under the Governor's jurisdiction. If the terms of a labor agreement approved by the Executive Board are in conflict with the pay rules, then the terms of the labor agreement will apply to the employees covered by that agreement. The Secretary of Administration may issue further explanations of the implementation of this subchapter through the Directives Management System. Where application of the pay rules involves discretion, care must be exercised to ensure that state and federal statutes relating to discrimination based on non-merit factors are not violated.
- 5.5 Exceptions to the Pay Rules.** This subchapter governs those circumstances that normally occur in pay administration. If unusual circumstances arise which give unreasonable results when applying this subchapter, agencies are to contact the Office of Administration, Bureau of Classification and Compensation. Normally, exceptions will not be granted for employees covered by labor agreements except where application of this subchapter would give windfall pay increases or absurd results that were not intended by the parties to the labor agreement. Exceptions to this subchapter, when granted, must be in writing by the Secretary of Administration.

## ENTRANCE AND REEMPLOYMENT PAY.

### 5.11 Entrance and Reemployment Pay Matrix.



## 5.12 Entrance Pay.

- (a) The entrance pay of employees will normally be the minimum pay scale level of the pay scale group prescribed for the job. An appointment at a pay scale level above the minimum may be made when the action is justified by difficulty in recruiting qualified applicants, by a candidate's outstanding qualifications, or by the requirement for specialized training.
- (b) Agency heads are delegated the authority to set salaries within the limits prescribed by *Management Directive 520.9, Appointments Above the Minimum*, on appointments to civil service and non-civil service positions at a salary above the minimum for management jobs except those used for centralized staff positions functioning in press, policy, legislative liaison and legal offices.
- (c) Appointments above the minimum for which the authority has not been delegated to agency heads must have prior approval of the Office of Administration, Bureau of Classification and Compensation. Requests for those appointments must be supported by a statement of justification, including documentation of the applicant's prior earnings. If the entrance pay for a job is stipulated by a collective bargaining agreement or memorandum of understanding, approved by the Executive Board, the term of the agreement or memorandum will take precedence over the entrance pay rules in this section. When an employee is reemployed, Section 5.13 or Section 5.14 may apply.

**5.13 Reemployment from Resignation.** If an individual was previously employed by any commonwealth agency, the individual may be appointed, at the agency head's discretion, no higher than the last hourly rate received in the last position if it does not exceed the maximum rate of the job to which he or she is reemployed. Provided, however, that if the job to which the employee is appointed would be considered a demotion from the job in which the employee was previously employed, the rate must be adjusted downward consistent with the policies on demotion contained in Section 5.32. If the last hourly rate falls between two pay rates in the assigned pay scale group, the employee may be reemployed at the next higher hourly rate. Agency heads are to take into consideration such things as applicability of previous employment, pay relationships with other employees, difficulty of recruitment and agency budget when using this rule. An employee's longevity date will be set under Section 5.25.

**5.14 Reemployment from Furlough.** When reemploying a furlougee, the following will apply:

- (a) **Reemployed to the same job or a job with the same minimum hourly rate.** The employee will be placed at the rate specified in the pay scale group for the pay scale level held at the time of furlough. The longevity date will be adjusted under Section 5.25.
- (b) **Reemployed to a job with a lower minimum hourly rate.** This will be considered a demotion from the pay scale group and pay scale level held at the time of furlough. The longevity date will be adjusted under Section 5.25.
- (c) **Reemployed to a job with a higher minimum hourly rate.** This will be considered a promotion from the pay scale group and pay scale level held at the time of furlough. The longevity date will be adjusted under Section 5.25.

## **ANNUAL PERFORMANCE/INCREMENT DATES AND PAY INCREMENTS.**

**5.21 Annual Performance/Increment Dates and Pay Increments.** Annual performance/increment dates will be used to determine the dates of the employees' annual performance evaluations for those employees rated on an annual performance/increment date cycle and, for employees covered by certain labor agreements, the effective dates of their annual pay increments. When a performance evaluation is completed or a pay increment is granted, the annual performance/increment date will be changed to one year from the month in which the regular evaluation was scheduled or increment occurred. The effective date of a pay increment will be the first day of the first full pay period in the annual performance/increment date month.

### **5.22 Longevity Dates.**

- (a)** The Executive Board will determine when longevity increments will be granted. When a longevity increment is authorized, it will be effective on the first day of the first full pay period of the month authorized, provided the employee has been employed continuously by the commonwealth for one year as of the last day of the effective month of the longevity increment. Longevity dates will be set one year from the date of the last longevity increment, unless otherwise authorized by the Executive Board.
- (b)** Longevity increments for management employees may be rescinded with the written approval of the Office of Administration for reasons of performance or discipline. The longevity date of a management employee whose longevity increment has been rescinded will be the effective date of the next scheduled longevity increment authorized by the Executive Board.
- (c)** Employees in an inactive pay status, upon return to active pay status, will be entitled to longevity increments authorized by the Executive Board pursuant to subsection (a).
- (d)** Sections 5.22 through 5.26 will apply to all salaried and wage employees who are paid in accordance with the commonwealth's Standard Pay Schedule (Pay Scale Type ST) or other similarly structured pay schedules, under the terms and conditions authorized by the Executive Board. If these provisions conflict with a labor agreement, refer to Section 5.4.

**5.23 Effect of Military Leave on Annual Performance/Increment Dates and Longevity Dates.** Military leave without pay will be construed as continuous service and, therefore, will not change annual performance/increment or longevity dates. An employee who has returned from military leave will be granted annual and/or longevity increments under Sections 5.21 and 5.22. An employee who has returned from military leave will be given a rate of pay which reflects the general pay increases that were granted during his or her absence.



**5.24 Effect of Suspension or Leave without Pay on Annual Performance/Increment and Longevity Dates.**

- (a) Except as noted in subsection (b), suspension or leave without pay, except military leave, will affect the annual performance/increment date and longevity date as follows:
  - (1) Suspension or leave without pay for a continuous period of less than 28 calendar days will not change the annual performance/increment date or longevity date of an employee.
  - (2) Suspension or leave without pay for a continuous period of 28 calendar days or more will extend the annual performance/increment date and longevity date in the following manner.
    - (i) Divide the number of days of suspension or leave without pay by 28.
    - (ii) Add a number of months equal to the number obtained in (i), ignoring fractional remainders to the employee's annual performance/increment date and longevity date.
- (b) Suspension or leave without pay will not affect longevity dates for employees paid on the Standard Pay Schedule (Pay Scale Type ST), Physicians and Related Occupations Standard Pay Schedule (Pay Scale Type DR), Corrections Management Pay Schedule (Pay Scale Type CM), and ERP Project Pay Schedule (Pay Scale Type EP).

**5.25 Effects of Termination and Reemployment on Annual Performance/Increment Dates and Longevity Dates.**

- (a) Except as noted in subsections (b) and (c), the annual performance/increment date and longevity date of an individual terminated from commonwealth service and subsequently reemployed will be established consistent with the provisions for a newly-hired employee. See Sections 5.21 and 5.22.
- (b) The longevity date of an employee who terminated with at least one year of continuous service since the employee's most recent appointment and who is reemployed within six months from the date of termination or furlough will be the first longevity increment effective date authorized by the Executive Board following the employee's reemployment. The longevity date for an employee who meets these conditions and who is reemployed in the effective month of the longevity increment, on or before the first day of the first full pay period, will be the month of the employee's reemployment.
- (c) Subsection (a) will not apply to employees who transfer without a break in employment or to employees with less than a 15 calendar day break in service.

**5.26 Effect of Service with an Independent Agency or with another Branch of Government on Longevity Dates.** Service with an independent agency or with the legislature or judiciary will be used for the purpose of establishing the longevity date if an employee of an independent agency, the legislature, or the judiciary transfers employment to an agency under the Governor's jurisdiction with a break in service of less than six months.

**5.27 Exceptional Pay Increases.** This section pertaining to exceptional pay increases applies only to management, confidential and other employees not covered by a labor agreement.

- (a) An exceptional pay increase of up to two steps in any 12-month period will be limited to employees who have rendered service to the commonwealth beyond that expected in the discharge of their assigned duties and responsibilities.
- (b) Upon delegation of the authority by the Secretary of Administration, exceptional pay increases may be authorized only by the agency head, except:
  - (1) Exceptional pay increases for all employees in policy, press and legislative positions require the approval of the Secretary of Administration.
  - (2) Exceptional pay increases for attorneys under the Office of General Counsel require the approval of the General Counsel.
- (c) Exceptional pay increases may consist of one or two steps and will not affect an employee's longevity date. Exceptional pay increases greater than two steps require the approval of the Secretary of Administration.
- (d) No more than two steps may be approved for an employee in any 12-month period.
- (e) Exceptional pay increases that affect a salary greater than the maximum of the pay scale group may not be granted.
- (f) All approved exceptional pay increases must be fully documented, and the information must be available to the Office of Administration upon request. The Secretary of Administration reserves the right to rescind delegation of authority if a determination is made that exceptional pay increases are being authorized for reasons other than exceptional performance.

## **PROMOTIONS, DEMOTIONS AND TRANSFERS/REASSIGNMENTS.**

### **5.31 Promotions.**

- (a) Unless specified otherwise in a labor agreement, an employee promoted between two jobs on the Standard Pay Schedule or other schedules which have been restructured in a manner consistent with the Standard Pay Schedule will be promoted in the following manner:
  - (1) An employee promoted into a non-management job will be placed at the rate in the higher pay scale group that is four steps higher, per pay scale group promoted, than the employee's current rate; or, the minimum of the pay scale group, whichever is greater.
  - (2) Agency heads may promote an employee into a management level job to any rate in the pay scale group that provides an increase of up to, but no more than four steps for each pay scale group the employee is promoted.

- (b) An employee promoted into a non-management job and between two jobs on a nonstandard pay schedule or on two dissimilar pay schedules will be promoted according to the following procedure.
- (1) The minimum hourly rate of the pay scale group assigned to the new job will be divided by the minimum hourly rate of the pay scale group assigned to the current job. The minimum hourly rate of the pay scale group assigned to the job will be used even in those cases where an above minimum hiring rate has been approved for the job. Subtract one from the result of the division. Multiply the result of the subtraction by 0.67. Add one to the result of the multiplication.
  - (2) The employee's current hourly rate will be multiplied by the answer obtained from (1) and the answer will be rounded to the nearest cent.
  - (3) The employee may be placed in the new pay scale group at any pay scale level up to the hourly rate which is closest to but no less than the rate calculated in (2).
  - (4) This subsection shall not be utilized for employees promoted from non-permanent positions to permanent positions. Contact the Office of Administration, Bureau of Classification and Compensation for appropriate pay placement.
- (c) An employee promoted into a management level job, or between two jobs on a nonstandard pay schedule, or on two dissimilar pay schedules, will be promoted using the method described in (b) above within the limits prescribed in (a)(2).
- (d) When determining an employee's pay in the pay scale group assigned to the new job, a rate of pay not printed for the appropriate pay scale group on the applicable pay schedule will not be assigned.
- (e) An employee previously demoted, furloughed, or terminated will not receive upon promotion a pay rate greater than that which the employee would have received had the employee not been demoted, furloughed, or terminated.
- (f) If unusual circumstances arise which are not covered by this section or if unreasonable results occur when applying this section, refer to Section 5.5.

### **5.32 Demotions.**

- (a) Unless specified otherwise in a labor agreement, an employee demoted between two jobs on the Standard Pay Schedule, or other schedules which have been restructured in a manner consistent with the Standard Pay Schedule, will be placed at the rate in the lower pay scale group which is four steps lower, per pay scale group demoted, than the employee's current rate; or, the maximum of the pay scale group, whichever is the lesser.

- (b) An employee demoted between two jobs on a nonstandard pay schedule or on two dissimilar pay schedules will be demoted according to the following procedure:
  - (1) The minimum hourly rate of the pay scale group assigned to the current job will be divided by the minimum hourly rate of the pay scale group assigned to the new job. The minimum hourly rate of the pay scale group assigned to the job will be used even in those cases where an above minimum hiring rate has been approved for the job. Subtract one from the result of the division. Multiply the result of the subtraction by 0.67. Add one to the result of the multiplication.
  - (2) The employee's current hourly rate will be divided by the answer obtained from (1) and the answer will be rounded to the nearest cent.
  - (3) The employee may be placed in the new pay scale group at the pay scale level which is closest to, but no greater than, the rate calculated in (2).
  - (4) This subsection shall not be utilized for employees demoted from non-permanent positions to permanent positions. Contact the Office of Administration, Bureau of Classification and Compensation for appropriate pay placement.
- (c) If an employee is demoted as a result of a downward reclassification of position, the employee will be demoted to a rate of pay in the new pay scale group that is closest to but no greater than the employee's current hourly rate. If the employee's current hourly rate exceeds the maximum of the new pay scale group, the employee's hourly rate will not be changed.
- (d) An employee previously promoted to a management job may be placed at the pay scale level in the lower pay scale group at which the employee would have been had the employee not been promoted.
- (e) When assigning an employee to a pay rate in the new pay scale group, a rate of pay not printed for the appropriate pay scale group on the applicable pay schedule will not be used.

**5.33 Transfers.** If there is an hourly rate of pay in the pay scale group to which the employee is being transferred that is identical to the employee's current hourly rate of pay, then the employee will be placed at that rate. If the employee's current hourly rate exceeds the maximum of the pay scale group to which the employee is being transferred, then the employee's hourly rate will not be changed. If there is not an identical hourly rate and the employee's current hourly rate is below the maximum of the pay scale group to which the employee is being transferred, then the employee will be placed at the next higher hourly rate in the pay scale group assigned to the employee's new position. When assigning an employee to a pay rate in the new pay scale group, a rate of pay not printed for the appropriate pay scale group on the applicable pay schedule will not be used.

## **WORKING OUT OF CLASS.**

- 5.41 Acting Head of Agency.** In accordance with the *Act of July 25, 1917, P. L. 1201 (No. 415), as amended (71 P. S. §§ 764 and 765)*, when a vacancy occurs in the position of an agency head and the duties of the position are performed by a deputy or other person on an acting basis for a period of one calendar month or more, such deputy or other person will be paid an amount over and above his or her regular salary, which will equalize it with the salary of the agency head during the time served in an acting capacity. If the salary of such deputy or other person is greater than the salary prescribed for the agency head, the salary of such deputy or other person will not be reduced while performing the duties and responsibilities of the agency head. Payment will be effected in accordance with the provisions of *Management Directive 525.4, Temporary Assignment in Higher Classification*.
- 5.42 Acting Deputy Secretary or Equivalent.** Employees assigned to act as deputy secretary or equivalent will have their salary adjusted to a rate approved by the Governor's Office. Payment will be effected in accordance with the provisions of *Management Directive 525.4, Temporary Assignment in Higher Classification*.
- 5.43 Temporary Reassignment.** If an employee is temporarily assigned to work in a position in a higher job, extra payment, if any, will be made in accordance with *Management Directive 525.4, Temporary Assignment in Higher Classification*. Employees in temporary work assignments in higher jobs will be compensated at 4.5% or the minimum of the pay scale level of the pay scale group of the higher job unless otherwise provided for in *Management Directive 525.4, Temporary Assignment in Higher Classification*, or applicable labor agreement.

## **CLASSIFICATION AND PAY AMENDMENTS.**

### **5.61 Amendment to the Position Classification and Pay Plans.**

- (a) An upward revision of a pay scale group for a job without a substantial change in the duties and responsibilities for that job will not be treated as a promotion under the human resources management rules. Affected employees will be placed in the higher pay scale group at the rate of pay which is closest to but not less than their current rate of pay.
- (b) An upward revision of a pay scale group for a job with a substantial change in duties and responsibilities for that job will be treated as a promotion under the human resources management rules. Affected employees will be placed at the appropriate pay scale level for the revised pay scale group.
- (c) A downward revision of a pay scale group for a job will result in the employees being assigned to a rate of pay within the revised pay scale group which is closest to but not more than their current rate of pay.

## **OVERTIME.**

**5.71 Applicability.** In accordance with *Section 709(a) of "The Administrative Code of 1929,"* the provisions of Sections 5.72 – 5.75 will govern the pay for overtime work performed by employees. If the terms of a labor agreement approved by the Executive Board are in conflict with the provisions of Sections 5.72 – 5.75, the terms of the labor agreement will apply to employees covered by that agreement. If the labor agreement is silent on this subject, the provisions of Sections 5.72 – 5.75 will apply to employees covered by that agreement when authorized, in writing, by the Secretary of Administration. If the provisions of Sections 5.72 – 5.75 conflict with the Federal *FLSA*, the requirements of the act will apply to employees covered by the act.

### **5.72 Computation of Overtime Hours.**

- (a) The following items will be regarded as hours worked for the purpose of computing overtime:
- (1) Hours worked.
  - (2) Rest periods.
  - (3) Paid holidays, or any non-workday scheduled in lieu of a holiday.
  - (4) Annual leave.
  - (5) Compensatory time, to be regarded as hours worked during the work period in which it is taken.
  - (6) Holiday leave earned as a result of working on a paid holiday, to be regarded as hours worked during the work period in which it is taken.
  - (7) Personal leave.
  - (8) Sick leave.
  - (9) Administrative leave.
- (b) There will be no duplication or pyramiding of overtime pay for the same hours worked.

### **5.73 Approval of Overtime Work.**

- (a) **Nonexempt employees.** Scheduled or emergency overtime work must be approved by the agency head or designee consistent with rules established by the agency head. Employees may not schedule themselves for overtime work without prior approval for the work from the agency head or designee.

- (b) **Exempt employees.** Scheduled or emergency overtime work must be approved by the agency head or designee consistent with rules established by the agency head. Employees who schedule their own work may not be compensated for overtime work. An employee who directs a bureau or an equivalent or higher organization will not be compensated for overtime work. Institution heads, executive directors of county assistance offices, regional environmental protection directors and highway district engineers are examples of positions equivalent to a bureau director. The Secretary of Administration will make the final determination on which positions are equivalent to bureau directors.

#### 5.74 Approval of Pay for Overtime Work.

- (a) **Nonexempt employees.** Approval by the agency head or designee to perform overtime work also constitutes approval to pay for the overtime work.
- (b) **Exempt employees.** Agency heads are not obligated to compensate exempt employees for overtime work, except where specified by a labor agreement. Exempt employees will not normally be paid for overtime work. If, however, agency heads wish to compensate exempt employees, compensatory time must be used as a first consideration. If it is not feasible to grant compensatory time, refer to *Management Directive 525.15, Overtime*, for provisions on authorizing pay for overtime work. In those cases where labor agreements specify that exempt employees may be paid straight-time overtime pay, approval by the agency head or designee to perform the overtime work also constitutes approval to pay for the overtime work.

#### 5.75 Overtime Rate of Pay.

- (a) **Nonexempt employees.**

- (1) **Rule:** Nonexempt employees will receive their straight-time hourly rate up to 40 hours in a workweek of seven consecutive days and 1-1/2 their hourly rate for work in excess of 40 hours in a workweek of seven consecutive days.

- (2) **Exceptions:**

- (i) Hospitals and institutions engaged in the care of the sick, aged, mentally ill, or disabled may choose, in lieu of a seven day workweek, a work period of 14 consecutive days. The time-and-one-half rate will then apply to work in excess of eight hours in any workday or 80 hours in the 14-day work period.

- (ii) Employees engaged in firefighting or law enforcement activities including correctional officers but excluding all other personnel at correctional institutions also may be paid in accordance with the eight or 80-rule described in subparagraph (2)(i).

- (b) **Exempt employees.** When approved in accordance with *Management Directive 525.15, Overtime*, exempt employees may receive their straight-time hourly rate for specified overtime work.

## 5.76 Compensatory Time in Lieu of Overtime Pay.

- (a) **Nonexempt employees.** Nonexempt employees may be granted compensatory time in lieu of overtime pay, one hour for each hour of pay earned, i.e., if payment would be made at the time-and-one-half rate, compensatory time would be granted at the same rate. For nonexempt employees, maximum accrual of compensatory time hours in lieu of overtime is 240 hours.
- (b) **Exempt employees.** Exempt employees may be granted compensatory time, one hour for each hour of overtime worked.
- (c) **Union-covered employees.** For most union-covered employees, compensatory time must be granted within 120 calendar days succeeding the date on which the overtime is worked. If the leave is not scheduled within the 120 day period, the employee must be compensated at the appropriate rate of pay in lieu of paid time off.
- (d) **Transfer or termination.** Compensatory time not taken before a transfer to another agency or termination from commonwealth service will lapse. Employees covered by labor agreements that provide for payment in lieu of compensatory time that is not granted within a fixed time period or employees deemed non-exempt from the overtime provisions of the Federal *FLSA* will be paid for any compensatory time that would lapse. Payment is made at the employee's rate of pay upon transfer or termination.

## EXTRA PAY.

### 5.81 Dual Employment.

- (a) Any administrative department, independent administrative board or commission, or departmental administrative board or commission wishing to employ the services of a person already on a payroll or on contract with the commonwealth must first attempt to secure the services in accordance with *Section 501 of "The Administrative Code of 1929."* When the primary and secondary employments are within the same agency, compensatory time in accordance with Section 5.76 is to be granted. When compensatory time is not possible and extra pay is required to secure the services of an employee, *Section 215 of "The Administrative Code"* requires Executive Board approval before the services are rendered. The rendering of such services will not conflict with the services for which an employee is already being paid and must clearly be outside the employee's normal duties and responsibilities. Dual employment generally is not considered when the total compensable hours from both the primary and secondary employment would exceed 40 hours in a workweek. *Management Directive 525.11, Dual Employment*, contains instructions for requesting and processing dual employment.
- (b) Dual employment duties will be classified in accordance with Section 6.3. If an appropriate job does not exist in the position classification plan, agencies may request Executive Board approval of special rates of pay or the Secretary of Administration will recommend to the Executive Board reasonable and equitable rates of pay not elsewhere established by the Board.



## 5.82 Shift Differential.

- (a) With prior approval of the Secretary of Administration, a shift differential that has been authorized by the Executive Board may be paid to an employee whose regular shift of 7-1/2 or 8 hours begins before 6:00 a.m. or at or after 12:00 p.m. provided the shift is worked.
- (b) An employee who works overtime immediately before or immediately after his or her regular shift may be paid the shift differential for each hour worked provided the employee is authorized to receive shift differential for the regular shift.

## RESTITUTION OF OVERPAYMENTS.

**5.91 Restitution of Overpayments.** Restitution will be required for overpayments of salaries, wages, or employee benefits in accordance with *Management Directive 315.8, Restitution of Overpayments*. Restitution for overpayments cannot be waived.

## 5.92 Salary Deductions from the Pay of Exempt Employees.

- (a) The Commonwealth of Pennsylvania is required to comply with the federal Fair Labor Standards Act (FLSA) and the U.S. Department of Labor's regulations and rules governing the salary basis pay for exempt employees. Being paid on a salary basis means an employee regularly receives a predetermined amount of compensation each pay period. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to the exceptions listed below, an exempt employee must receive his or her full salary for any workweek in which the employee performs any work, regardless of the number of days or hours they work in a given workweek. Therefore, the Commonwealth of Pennsylvania prohibits any unauthorized deductions from the salary of such exempt employees.
- (b) Deductions from the salary of exempt, salaried employees are prohibited, with the following exceptions:
  - (1) **Personal Reasons.** When an exempt, salaried employee who is absent from work for personal reasons, other than sickness or disability, has no paid leave available, the employee's salary for that week will be reduced for each hour (or fraction of an hour) that the employee is absent for personal reasons.
  - (2) **Sickness or Disability.** When an exempt, salaried employee is absent from work as a result of his or her own sickness or disability, including absences as a result of a work-related accident or injury, the employee will be compensated in accordance with the Commonwealth of Pennsylvania's sick leave, disability or workers compensation policies, as appropriate. If the employee has no leave available and is not eligible for disability benefits, the employee's salary for that week will be reduced for each hour (or fraction of an hour) that the employee is absent due to illness.

- (3) **First and Last Weeks of Employment.** During an exempt, salaried employee's first and last weeks of employment with the Commonwealth of Pennsylvania, the employee will be paid only for the days actually worked.
  - (4) **Unpaid FMLA Leave.** When an exempt, salaried employee takes unpaid leave under the Family and Medical Leave Act, including intermittent leave, the employee's salary will be reduced for each hour (or fraction of an hour) of unpaid leave taken.
  - (5) **Suspensions for Major Safety Rule Violations.** When an exempt, salaried employee is suspended for violation of safety rules of major significance, the employee's salary will be reduced for each hour (or fraction of an hour) of the length of the suspension.
  - (6) **Suspensions for Workplace Conduct Violations.** When an exempt, salaried employee is suspended for one or more full days for violation of one or more of the Commonwealth of Pennsylvania's workplace conduct rules, the employee's salary will be reduced for each day of the suspension. Workplace conduct rules do not include issues with an employee's job performance or attendance.
- (c) This section applies to pay deductions from exempt, salaried employees based on the employee's absence from work. The following salary deductions are not covered by this section: deductions required by federal, state and local laws; deductions under the Commonwealth of Pennsylvania's benefit plans; and any other voluntary deductions authorized by the employee.
- (d) Employees who have had a deduction made from their salary may file a complaint with their human resource office. All complaints must be investigated and resolved within a reasonable period of time. If the investigation reveals that an improper deduction was made, the employee will be reimbursed. Retaliation against an employee for making a complaint under this section is strictly prohibited.

#### **SUBSISTENCE OR MAINTENANCE.**

**5.99 Subsistence or Maintenance.** Pay and benefits will be deemed to provide full compensation for services rendered to the commonwealth by an employee. Lodging, meals and other maintenance or subsistence provided for commonwealth employees at commonwealth institutions or at other facilities will be paid for by employees on the basis of their cost to the commonwealth and in accordance with the schedule of charges approved by the Executive Board in *Management Directive 315.14, Charges for State Employees Residing or Subsisting in Commonwealth Facilities*.

## **Subchapter B. BENEFITS**

### **BENEFITS ADMINISTRATION**

- Section 5.101 Benefits Policies**
- Section 5.102 Agency Responsibilities**

### **HEALTH INSURANCE**

- Section 5.111 Active Employee Health Insurance**
- Section 5.112 Retired Employee Health Insurance**

### **HEALTH AND WELFARE TRUST FUNDS**

- Section 5.121 General**
- Section 5.122 Agency Responsibilities**

### **LIFE INSURANCE**

- Section 5.131 General**
- Section 5.132 Agency Responsibilities**

### **WORK-RELATED INJURY AND DISEASE**

- Section 5.141 General**
- Section 5.142 Agency Responsibilities**

### **ACCIDENT AND ILLNESS PREVENTION (SAFETY) PROGRAM**

- Section 5.143 General**
- Section 5.144 Agency Responsibilities**

### **UNEMPLOYMENT COMPENSATION**

- Section 5.151 General**
- Section 5.152 Eligibility**
- Section 5.153 Benefits**
- Section 5.154 Appeal**
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### **LIABILITY COVERAGE**

- Section 5.161 General**
- Section 5.162 Eligibility**
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### **RETIREMENT**

- Section 5.171 General**

**FAMILY CARE ACCOUNT PROGRAM**

**Section 5.181 General**

**CREDIT UNIONS**

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**BLOOD DONOR PLANS**

**Section 5.201 General**

**DIRECT DEPOSIT OF PAY**

**Section 5.211 General**

**DEFERRED COMPENSATION**

**Section 5.221 General**

**Section 5.222 Responsibility**

## **BENEFITS ADMINISTRATION.**

**5.101 Benefits Policies.** Commonwealth employees receive benefits as specified in collective bargaining agreements, as authorized by the Executive Board, or as mandated by legislation. Benefits may be provided and administered by a variety of organizations; responsibilities for determining policies on eligibility and benefit levels are described below under the individual benefit categories. The Bureau of Employee Benefits and Services, Office of Administration, is responsible for coordinating benefits policy for agencies under the Governor's jurisdiction.

### **5.102 Agency Responsibilities.**

- (a) Agency human resources directors are responsible for benefits administration. Agencies are to ensure that all newly-hired employees are given a formal orientation which is to include counseling concerning their eligibility for benefits and services. Information regarding benefits is to be made available to employees on an ongoing basis.
- (b) Agency human resources staff is to cooperate with and support the benefit providers as needed in their administration of employee benefits.

## **HEALTH INSURANCE**

### **5.111 Active Employee Health Insurance.**

- (a) The health insurance program for active commonwealth employees is provided by the Pennsylvania Employees Benefit Trust Fund (PEBTF). Contributions are paid to the PEBTF by the commonwealth and subscribers in accordance with applicable labor agreements, agreements between the commonwealth and the PEBTF, and guidelines published in Management Directives. The Board of Trustees of the PEBTF has authority over eligibility for benefits and for the level of benefits provided. The PEBTF is responsible for contracting with health insurance carriers or for self-insuring the various coverage options available; for maintaining eligibility files; and for writing and printing the Plan Document, the Summary Plan Description and the PEBTF Administrative Manual.
- (b) Agency human resources staff is responsible for processing initial enrollment forms in order to generate benefit coverage for employees and their dependents and for maintaining current copies of such forms in employees' personnel folders. Agencies must process the appropriate transactions on the commonwealth's SAP system to ensure that eligibility records for benefits are current. Written descriptions of benefits are to be stocked by human resources offices and provided to newly-eligible employees and other employees as necessary. If employee attempts at resolution of eligibility or claim payment issues have been unsuccessful, then human resources offices should contact the PEBTF. (Reference *Management Directive 530.28, Pennsylvania Employees Benefit Trust Fund (PEBTF)*; Management Directives in the 530 series; the PEBTF Summary Plan Description, and the PEBTF Administrative Manual.)

### **5.112 Retired Employee Health Insurance.**

- (a) The health insurance program for retired commonwealth employees is known as the Retired Employees Health Program (REHP) and is administered through the PEBTF on behalf of the Office of Administration. Contributions are paid to the PEBTF by the commonwealth and subscribers in accordance with agreements between the commonwealth and the PEBTF and guidelines published in Management Directives. The PEBTF is responsible for writing, printing and distributing the REHP Benefit Handbook. The PEBTF is responsible for contracting with health insurance carriers or for self-insuring the various coverage options available and for maintaining eligibility files.
- (b) The State Employees Retirement System (SERS) is responsible for processing initial enrollment forms for retirees and for providing eligibility data for retirees to the PEBTF. Agencies must process the appropriate retirement transactions on the commonwealth's SAP system to ensure that coverage for retiring employees who qualify for the REHP is properly continued. (Reference *Management Directive 315.16, Payment of Annuitant Medical and Hospital Benefits*; Management Directives in the 530 series; and the REHP Benefit Handbook.)

### **HEALTH AND WELFARE TRUST FUNDS.**

**5.121 General.** A few Health and Welfare Trust Funds (Funds) provide supplemental health insurance benefits to employees in certain bargaining units. Contributions are paid to Funds by the commonwealth in accordance with applicable labor agreements, agreements between the commonwealth and the Funds, and guidelines published in management directives. The Funds are responsible for contracting with health insurance carriers or for self-insuring the various coverage options available and for maintaining eligibility records for supplemental benefits.

**5.122 Agency Responsibilities.** Agency human resources staff are responsible for processing initial enrollment forms to generate benefit coverage for employees and their dependents and for maintaining current copies of such forms in employees' personnel folders. Agencies must process the appropriate transactions on the commonwealth's SAP system to ensure that eligibility records for benefits are current. Agency human resources offices should contact the appropriate Fund office regarding employee eligibility or claim payment issues if employee attempts at resolution have been unsuccessful.

### **LIFE INSURANCE.**

**5.131 General.** The commonwealth group life insurance program pays death benefits to beneficiaries of eligible employees deceased through any cause, subject to the limitations of the policy in force between the commonwealth and the insurance carrier. Supplemental death benefits are available to beneficiaries of employees in eligible employee units who are deceased as a result of work-related accidents. The commonwealth pays the entire premium for eligible employees in an active pay status including various leaves with benefits. Policy on eligibility is determined by the Office of Administration subject to the *Act of September 26, 1961*, known as the "*State Employees Group Life Insurance Law*," P.L. 1661, as amended, 71 P.S. § 780.1. Details on benefits, eligibility and financing are published through the Directives Management System. (Reference *Manual 530.3, Group Life Insurance Program*.)

**5.132 Agency Responsibilities.** Agency human resources staff are responsible for counseling newly-eligible employees about the coverage and for counseling terminating employees about the impact on their insurance. Agencies must process the appropriate transactions on the commonwealth's SAP system to ensure that eligibility records for benefits are current. Agencies are to maintain stocks of the Group Life Insurance Summary Sheet and provide it to newly-eligible employees. (Reference Management Directives in the 530 series and *Manual 530.3, Group Life Insurance Program.*)

#### **WORK-RELATED INJURY AND DISEASE.**

**5.141 General.** An employee who sustains an incapacitating work-related injury, as determined by a decision issued through the operation of the workers' compensation program, will receive workers' compensation indemnity benefits in accordance with the *Act of June 2, 1915*, known as the "*Pennsylvania Workers' Compensation Act*," P.L. 736, as amended, 77 P. S. §§ 1-1041.4, 2501-2626 and paid or unpaid injury leave in accordance with commonwealth programs. (Reference *Manual 530.2, Injury Leave Manual.*)

#### **5.142 Agency Responsibilities.**

- (a) An employee who sustains an injury or disease that may be work-related must report such incident immediately. The supervisor must complete a workers' compensation claim report which will be submitted to the third party claims administrator. This is accomplished through entry in the commonwealth's SAP system. The third party claims administrator determines the eligibility for benefits under the "*Pennsylvania Workers' Compensation Act.*"
- (b) Agencies are responsible for cost containment efforts to minimize workers' compensation losses. Cost containment practices applicable when incidents occur, whether injury results or not, include: prompt incident reporting, prompt medical treatment, investigation of the cause of the incident, remedial and/or preventative actions to eliminate the cause, medical cost management by the third party claims administrator in coordination with agencies, modified duty programs to return partially incapacitated employees to work and regular contact with employees who cannot work.
- (c) Agencies must process appropriate transactions on the commonwealth's SAP system when an employee is absent from work due to the incident in accordance with Sections 8.81-8.83 and Sections 8.151 and 8.152.

#### **ACCIDENT AND ILLNESS PREVENTION (SAFETY) PROGRAM.**

**5.143 General.** Each agency must maintain a safety program that meets the requirements of the Department of Labor and Industry's Health and Safety Regulations and the requirements of the commonwealth. Safety program goals and objectives, incident investigation, hazards, and identification are just a few of the overall required program elements.

**5.144 Agency Responsibilities.** A safety coordinator must be designated in each agency to coordinate accident and illness prevention in the agency.

## **UNEMPLOYMENT COMPENSATION.**

**5.151 General.** The Act of December 5, 1936, known as the Pennsylvania "Unemployment Compensation Law," P.L. 2897, Special Session No. 2, as amended, 43 P.S. § 751, provides protection against loss of earnings when employees, through no fault of their own, become unemployed. (Reference *Management Directive 530.22, Unemployment Compensation, Noncovered Employment – Major Nontenured Policymaking or Advisory Positions* and *Manual 530.9, Unemployment Compensation Insurance.*)

### **5.152 Eligibility.**

- (a) All separated employees and employees whose work hours are reduced are eligible to apply for unemployment compensation with an unemployment compensation service center.
- (b) The unemployment compensation service center determines eligibility for benefits based on:
  - (1) Definitions of covered employment as stated in the Pennsylvania "Unemployment Compensation Law."
  - (2) Character of separation.
  - (3) Amount of wages earned under covered employment.

**5.153 Benefits.** Both eligibility and the amount of benefits are determined by the unemployment compensation service center in accordance with the Pennsylvania "Unemployment Compensation Law."

**5.154 Appeal.** A separated employee and the employer have the right to appeal decisions made by the unemployment compensation service center within statutorily authorized guidelines.

### **5.155 Cost Containment.**

- (a) Each agency's unemployment compensation coordinator should work within the human resources office to ensure that those involved in employment and termination decisions understand the unemployment compensation ramifications especially when temporary positions are being created.
- (b) Supervisors should be instructed on what they can do to contain unemployment compensation costs: hiring only qualified employees; terminating as soon as possible new employees who are not passing the probationary period; properly documenting any and all disciplinary actions; and giving consideration to employee requests for reasonable accommodations (not necessarily related to disabilities), the lack of which could force the employee to resign.
- (c) Part-time and temporary employees should be employed in such a manner as to minimize the exposure to unemployment compensation liability.



## **LIABILITY COVERAGE.**

**5.161 General.** Automobile and public liability coverage protect commonwealth employees against negligence claims which may arise out of the performance of their duties as commonwealth employees, subject to the conditions of policies in force between the commonwealth and insurance carriers or to the conditions established under any self-insurance program. (Reference *Management Directive 630.2, Reporting of Employee Liability Claims.*)

**5.162 Eligibility.** All paid employees and unpaid board and commission members and volunteers are covered.

**5.163 Amount of Coverage.** The amount of coverage is the amount, within limits determined by the Executive Board, currently in force through either commercial insurance or self-insurance.

**5.164 Premiums.** The commonwealth pays the entire premium for this coverage.

## **RETIREMENT.**

**5.171 General.** *The State Employees' Retirement Code, 71 Pa. C. S. § 5101* and the *Public School Employees' Retirement Code, 24 Pa. C.S. § 8101* contain eligibility requirements for membership in and benefits from the retirement systems. (Reference *Management Directives in the 570 series.*)

## **FAMILY CARE ACCOUNT PROGRAM.**

**5.181 General.** The commonwealth's Family Care Account Program (FCAP) provides employees with the opportunity, through payroll deductions, to use pre-tax income to pay for family care expenses that are incurred to enable them to work. This program allows employees to pay for expenses incurred for eligible employment-related care for children, disabled elder parents and other dependents with salary exempt from federal income and social security taxes. (Reference *Management Directive 505.28, Family Care Account Program.*)

## **CREDIT UNIONS.**

### **5.191 General.**

(a) Payroll deductions are available to employees who wish to participate in an authorized credit union by using the direct deposit of pay option. Payroll deductions directed to credit unions capable of receiving electronic direct deposit transactions will count towards the allowable maximum of three direct deposits. Payroll deductions directed to credit unions without electronic direct deposit capability will continue to be authorized and processed as a separate payroll deduction and will not count toward the allowable maximum of three direct deposits. (Reference *Management Directive 315.7, Employee Payroll Deductions for Credit Unions.*)

(b) An authorized credit union is one that is duly chartered under state or federal statutes and that participates in the commonwealth's payroll deduction program or accepts electronic direct deposit of pay transactions.

- (c) Payroll deduction authorization forms are required only for those credit unions that cannot receive electronic direct deposit transactions and must be executed by and between the employee and an official of the authorized credit union.

#### **BLOOD DONOR PLANS.**

**5.201 General.** An agency head may make blood donor plans available to employees in the area where those employees work. (Reference *Management Directive 530.21, Paid Leave for Blood Donation.*)

#### **DIRECT DEPOSIT OF PAY.**

##### **5.211 General.**

- (a) Direct deposit of pay is mandatory as a condition of employment and will be used for payment of employee salaries, wages and travel reimbursements. Direct deposits may be made to personal savings or checking accounts at up to three financial institutions (including credit unions) of the employee's choice. A separate additional account for travel reimbursements is optional. Procedures and guidelines regarding the direct deposit of pay program are published through the Directives Management System. (Reference *Management Directive 315.17, Direct Deposit of Pay Program.*)
- (b) Employees may not stop direct deposit.
  - (1) In the event that an employee's bank account is closed by the financial institution, the employee must attempt to reestablish direct deposit to another account/institution. If the employee cannot secure another account, to be excused from direct deposit, the employee must provide to the human resources office correspondence from two financial institutions stating the institutions will not grant the employee a checking or savings account for the purpose of direct deposit.
  - (2) Other exemptions are considered by the Office of Administration, Office of Human Resources Management, only for necessary and compelling reasons upon the recommendation of the agency human resources director.

#### **DEFERRED COMPENSATION.**

**5.221 General.** Employees have the option of participating in the commonwealth's deferred compensation program in order to supplement pension benefits. Under this program, employees pay no federal income tax on contributions into the program. Funds are not taxable until they are withdrawn from the program, usually at retirement.

**5.222 Responsibility.** The SERS is charged, by law with administering the program.

## CHAPTER 6. POSITION CLASSIFICATION

- Section 6.1 Position Classification Plan**
- Section 6.2 Job Standards**
- Section 6.3 Amendment of the Position Classification Plan**
- Section 6.4 Classification of Positions**
- Section 6.5 Position Reviews and Maintenance of Position Descriptions**

**6.1 Position Classification Plan.** In accordance with *Section 709(a) of "The Administrative Code of 1929,"* the position classification plan will constitute the official plan for classifying all positions occupied by officers and employees of agencies under the Governor's jurisdiction, except those officers and employees whose pay is fixed by law, those who are classified and paid according to special standards authorized by the Executive Board and agency employees and members of the staff of the Governor whose titles and rates of pay are approved by the Governor.

**6.2 Job Standards.** The Director of Classification and Compensation will, after consulting with the agencies affected, the examinations staff of the SCSC and, where appropriate, after meeting collective bargaining agreement obligations, prepare a written standard for each new job added to the position classification plan and submit it to the Executive Board, through the Secretary of Administration, for approval. The Director of Classification and Compensation may, after appropriate consultations, revise job standards unless, in his or her judgment, the revisions are sufficiently substantive to require Executive Board approval. The Secretary of Administration may waive minimum education and training requirements for the filling of non-civil service management, non-represented and confidential positions on an as needed basis. Procedures for developing and validating job standards are contained in *Management Directive 520.7, Development and Validation of Classification Standards.*

### **6.3 Amendment of the Position Classification Plan.**

**(a) Agency heads.** Whenever, in the opinion of agency heads, it is necessary to establish, revise, or abolish jobs in order to reflect properly the duties and responsibilities of positions under their control, they are to submit to the Director of Classification and Compensation appropriate functional statements, organizational changes and position descriptions. The Director of Classification and Compensation will direct a review and investigation and, if it is found that an amendment to the plan is desirable, recommendations to establish, revise, or abolish jobs will be prepared and submitted to the Secretary of Administration.

**(b) Director of Classification and Compensation.** The Director of Classification and Compensation may, at any time, review any or all positions under the Governor's jurisdiction and, when necessary and after meeting appropriate collective bargaining agreement obligations, prepare and submit recommendations for amending the position classification plan to the Secretary of Administration. The establishment of effective dates for changes to the position classification and pay plan will be in accordance with the policies set forth in *Management Directive 520.8, Pay Action Effective Dates for Changes to Position Classifications and the Classification Plan.*

#### **6.4 Classification of Positions.**

- (a) The Director of Classification and Compensation will classify all positions to appropriate jobs in the position classification plan. Classification authority may be delegated to agency heads, but the Director of Classification and Compensation is responsible for directing a post audit of agency classification decisions to ensure adherence to classification standards. Post audit policies and procedures are published in *Management Directive 520.4, Position Classification Post-Audits*. Classification authority in an agency may not be delegated below the agency human resources director without approval of the Office of Administration, Director of Classification and Compensation.
- (b) The Director of Classification and Compensation will review the position classification plan periodically to ascertain if it accurately reflects existing conditions in the commonwealth service.
- (c) Employees may request a review of their classification through procedures published in *Management Directive 520.7, Development and Validation of Classification Standards*.
- (d) Establishing effective dates for position classification changes will be in accordance with *Management Directive 520.8, Pay Action Effective Dates for Changes to Position Classifications and the Classification Plan*, or in the case of classification grievances, the provisions of the collective bargaining agreement.

#### **6.5 Position Reviews and Maintenance of Position Descriptions.**

- (a) Agency human resources directors who have decentralized classification authority should review 25 percent of their agency's positions on an annual basis.
- (b) Agency human resources directors are to maintain current position descriptions for all positions and ensure that essential functions are identified. These essential functions are to be in writing and appended to each position description.
- (c) The Director of Classification and Compensation will direct the review of agency position reviews and position description maintenance to ensure compliance with the policies set forth in (a) and (b).

## CHAPTER 7. WORKFORCE PLANNING, SUCCESSION PLANNING, RECRUITMENT, APPLICATION AND APPOINTMENT

### Subchapter A. WORKFORCE PLANNING AND SUCCESSION PLANNING

### Subchapter B. RECRUITMENT

### Subchapter C. APPLICATION AND APPOINTMENT

#### Subchapter A. WORKFORCE PLANNING AND SUCCESSION PLANNING

#### Section 7.1 Workforce Planning

#### Section 7.2 Succession Planning

#### 7.1 Workforce Planning.

- (a) Agencies are to engage in active workforce planning and complete a workforce plan and scheduled updates to reflect accomplishments, challenges and continued or revised direction of the agency.
- (b) Agencies are to use workforce planning to assist managers in anticipating change rather than solely reacting to events and to provide strategic methods for addressing present and anticipated workforce needs by:
  - (1) Linking recruitment, deployment and retention strategies and decisions to organizational goals.
  - (2) Aligning targeted development, training and retraining and productivity enhancement with workforce needs.
  - (3) Addressing anticipated programmatic changes that influence work being performed.
  - (4) Linking expenditures to the organization's long-term goals and objectives.
  - (5) Promoting more effective utilization of employees through accurate, efficient alignment of the workforce with strategic objectives.
  - (6) Facilitating replacements to fill critical vacancies.
  - (7) Providing realistic staffing projections for operational and budgetary purposes.
  - (8) Maintaining or improving a diversity profile.

- 7.2 Succession Planning.** Agencies are to engage in active succession planning by aligning succession strategies after workforce planning initiatives have identified the critical required job needs in an organization. Agencies are to utilize a systematic process that is proactive and future focused and that enables managers and supervisors to assess, evaluate and develop a talent pool of individuals who are willing and able to fill positions and who possess the competencies and skills required to meet organizational needs.

## Subchapter B. RECRUITMENT

### Section 7.11 Purpose and Policy

### Section 7.12 Organizational Responsibilities

#### 7.11 Purpose and Policy.

- (a) It will be the policy of the commonwealth to establish and maintain active recruitment practices designed to meet equal opportunity employment standards and attract sufficient qualified applicants to meet the needs of the service on a continuous basis.
- (b) Agencies must emphasize good public relations as an aid to effective recruitment.

#### 7.12 Organizational Responsibilities.

- (a) **Bureau of State Employment.** The Bureau of State Employment will maintain an effective program for recruitment and evaluation to ensure a supply of qualified applicants for non-civil service employment. The Bureau will maintain the Temporary Clerical Pool (TCP) as a source of clerical and support staffing assistance to agencies and as a source of job candidates for permanent clerical positions. The Bureau also administers the school-to-work and furlough placement programs.
- (b) **State Civil Service Commission.** The SCSC will establish and maintain a program for effective recruitment and evaluation to ensure an adequate supply of qualified applicants for civil service examination in accordance with *4 Pa. Code, Chapter 95*.
- (c) **Director of Workforce Planning and Development.** The Director of Workforce Planning and Development will assist the Bureau of State Employment, commonwealth agencies and the SCSC, in cooperation with the Bureau of Equal Employment Opportunity to establish effective recruitment strategies.
- (d) **Operating agencies.** Agency heads, through their human resources directors, will be responsible for maintaining effective recruitment programs to augment the programs of the Bureau of State Employment and the SCSC. They also are responsible for conducting identification, employment and education verification checks. (Reference *Management Directive 515.15, Identification, Employment and Education Verification Checks*.)
- (e) **Employment-related state agencies.** The employment service of Career Link Offices, the Board of Probation and Parole, the Office of Vocational Rehabilitation and other clientele-related state agencies will be used to contribute to effective recruitment.

## Subchapter C. APPLICATION AND APPOINTMENT

- Section 7.21 General Requirements for Commonwealth Service
- Section 7.22 Rejection of Applicants
- Section 7.23 Non-Civil Service Applications and Appointments
- Section 7.24 Civil Service Applications and Appointments
- Section 7.25 Reappointment of Annuitants
- Section 7.26 Persons Having Adverse Interest
- Section 7.27 Identification, Employment and Education Verification Checks
- Section 7.28 *"Immigration Reform and Control Act of 1986" (IRCA)*

**7.21 General Requirements for Commonwealth Service.** Applicants for positions in the commonwealth service must meet the established minimum experience and training requirements of the positions for which they are applying. In addition, the following general requirements will apply to all applications:

- (a) **Pennsylvania residence.** For non-civil service positions, guidelines developed by the Secretary of Administration will apply. For civil service, refer to *4 Pa. Code § 95.2(a)* and *Management Directive 580.18, Pennsylvania Residency and United States Citizenship Requirements for the Classified Service*.
- (b) **Age.** Male and female minors under the age of 18, except those 17 years of age who are high school graduates, are subject to the provisions of the *Act of 1915*, known as the *"Child Labor Law," P.L. 286, as amended, 43 P.S. § 41* and must have an employment certificate issued by their local school district. In addition, minors who are 17 years of age and not high school graduates but who have been declared to have reached their academic potential by the chief administrator of their school district will not need employment certificates. However, verification of the status of these minors will be obtained by contacting the school districts in which such minors reside while attending school.

**7.22 Rejection of Applicants.** Applicants will be rejected for failure to meet the requirements listed in Section 7.21. In addition, applicants may be rejected if they:

- (a) Are physically or mentally unable, with or without reasonable accommodation, to perform the essential functions of the positions to which they seek appointment.
- (b) Are habituated to the intemperate use of alcoholic beverages or the use of harmful drugs.
- (c) Have been convicted of a crime, although conviction of a crime in and of itself is not a bar to employment; each case will be evaluated to determine the relationship between the offense and the duties and responsibilities of the positions to which they seek employment.
- (d) Have been dismissed from public service or other employment for delinquency or misconduct.
- (e) Have made false statements of material facts with respect to gaining commonwealth employment.
- (f) Have an unsatisfactory past employment record, when such record may affect expected job performance in the position they seek.

**7.23 Non-Civil Service Applications and Appointments.**

- (a) **Forms.** Applications for non-civil service employment must be completed on forms provided by and filed with the Bureau of State Employment.
- (b) **False information.** If investigation of statements made on an employment application discloses that an applicant has given false information, the application may be rejected and, if already employed, the individual may be subject to dismissal.
- (c) **Procedures.** Appointments to non-civil service positions will be made according to procedures established by the Bureau of State Employment.

**7.24 Civil Service Applications and Appointments.** Applications for and appointments to civil service positions will be made in accordance with *4 Pa. Code, Chapters 95 and 97*.

**7.25 Reappointment of Annuitants.** In accordance with the *State Employees' Retirement Code*, when in the judgment of an agency head, an emergency creates an increase in the workload such as there is serious impairment of service to the public, an annuitant may, with the approval of the Governor, be returned to commonwealth service for a period not to exceed 95 workdays in any calendar year without loss of annuity. Such employment will be in accordance with procedures established by the SCSC for civil service employment and the Bureau of State Employment for non-civil service employment. The limitation of 95 days' employment will not apply to an annuitant who may perform services for the commonwealth as an independent contractor.

**7.26 Persons Having Adverse Interest.**

- (a) In accordance with the *Act of July 19, 1957*, known as the "*State Adverse Interest Act*," *P.L. 1017, as amended, 71 P. S. § 776.1*, no person having an adverse interest in a contract with a commonwealth agency will be appointed by the agency until the adverse interest has been wholly divested. The phrase, "having an adverse interest," means to be a party to the contract, other than the commonwealth or a state agency, or be a stockholder, partner, member, agent, representative, or employee of such party.
- (b) In addition, the provisions of Sections 13.21 – 13.27 of this directive are to be followed.

**7.27 Identification, Employment and Education Verification Checks.**

- (a) Agencies are required to conduct identification, employment and education verification checks on final candidates selected for initial state employment.
- (b) Agencies must obtain three references and verify the candidate's identification, employment and education.



**7.28** ***“Immigration Reform and Control Act of 1986” (IRCA).*** The *“Immigration Reform and Control Act of 1986” (IRCA)*, 8 U.S.C. § 1101 makes it unlawful to hire, recruit, or refer for a fee unauthorized aliens.

- (a) In order to meet *IRCA* requirements, appointing agencies must verify the candidate's identity and authorization to work in the United States.
- (b) All employees and appointing agencies must complete Form I-9, Employment Eligibility Verification and provide acceptable documentation within three days of employment.
- (c) Acceptable documentation information should be entered into the SAP HR/Payroll System to ensure all appropriate taxes are applied to employees based on citizenship status.
- (d) Documents containing expiration dates of aliens lawfully admitted and authorized by the Immigration and Naturalization Service (INS) to work in the United States should be copied and maintained in a separate *IRCA* tickler file. Agencies must notify employees prior to the expiration date of employment eligibility and terminate an employee unless the employee produces documentation to support the extension by the INS of the employee's employment eligibility.
- (e) Form I-9 must be retained in the employee's official personnel history file indefinitely after date of hire. (Reference *Management Directive 515.15, Identification, Employment and Education Verification Checks.*)

## CHAPTER 8. ATTENDANCE, HOLIDAYS AND LEAVE

### Subchapter A. ATTENDANCE AND HOLIDAYS

### Subchapter B. LEAVE WITH PAY

### Subchapter C. LEAVE WITHOUT PAY

#### Subchapter A. ATTENDANCE AND HOLIDAYS

#### Section 8.1 Office Hours

#### Section 8.2 Hours in Workweek

#### Section 8.3 Workday of Employees

#### Section 8.4 Labor Law

#### Section 8.5 Meal Periods and Rest Periods

#### Section 8.6 Alternate Work Scheduling Arrangements

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**8.1 Office Hours.** The administrative offices of the commonwealth will open and close as prescribed by the Executive Board.

**8.2 Hours in Workweek.** The number of hours a full-time employee is to regularly work each week will be determined by the head of the employing department, board, commission, or council consistent with the public interest and operational requirements of the agency. In no case will the full-time hours be less than 37.5.

(a) Employees whose regular workweek exceeds 37.5 hours may, subject to approval by the Secretary of Administration, be paid in accordance with pay schedules which are proportionately higher than the pay schedules for employees whose regular workweek is 37.5 hours, provided that the greater number of hours in the regular workweek is a result of compelling circumstances, such as those instances where uninterrupted 24-hour work is required and relief for lunch periods is impractical.

(b) The workweek of a part-time employee will be determined by the agency head or designee, consistent with the public interest and operational requirements of the agency.

**8.3 Workday of Employees.**

(a) The hours at which the workday of a full-time employee in an administrative office in an agency begin and end will correspond to the official hours designated for that agency by the Executive Board. Exceptions to this rule may be approved by the agency head or designee in individual cases or may be agreed to through meet and discuss with the employee representative, with the concurrence of the Secretary of Administration or designee, consistent with the public interest and the operational requirements of the agency.

(b) The workday or shift of a person in an employment situation which involves irregular, intermittent, employee-controlled, contractor or vendor-controlled, or continuous operations as in an institution will be determined by the agency head or designee, consistent with the public interest and the operational requirements of the agency.

**8.4 Labor Law.** The work hours of minors employed in any commonwealth agency must conform to the provisions of the *"Child Labor Law," P.L. 286, as amended, 43 P.S. § 41.*

**8.5 Meal Periods and Rest Periods.**

- (a) All employees will be granted a meal period which will fall within the third to fifth hours of their work shift unless otherwise approved by the employer.
- (b) If an employee is required to work more than two hours beyond regular quitting time, the employee will be allowed a meal period at the end of the initial two hour period or sooner. In addition, the employee will be allowed a meal period for each four hours worked beyond each meal period.
- (c) Full-time employees will receive a 15 minute paid rest period during each one-half workday (shift).
- (d) Part-time employees will be granted a 15 minute paid rest period during each 3-3/4 hour work period.

**8.6 Alternate Work Scheduling Arrangements.**

- (a) In accordance with established collective bargaining agreements, memoranda of understanding and commonwealth policy, agencies may establish alternate work scheduling arrangements including flex-time schedules for operational units. An alternate work scheduling arrangement will be approved only when it will result in an improvement in operational efficiency and/or client service, except when the alternate work scheduling arrangement is required for an individual as a reasonable accommodation pursuant to the *Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.* or is approved for other limited term reasons. Under no circumstance should alternate work scheduling arrangements:
  - (1) Increase operational costs.
  - (2) Increase current complement.
  - (3) Affect the commonwealth's ability to meet accreditation and certification criteria.
  - (4) Adversely impact the efficiency of affected operations or standards of service.
  - (5) Contain an unreasonable number of work schedules.
- (b) All alternate work scheduling arrangement proposals must have prior approval from the agency and the Office of Administration before final agreement can be reached with the union or before any commitments can be made to the affected employees.

- (c) If any adverse impact occurs or, for those implemented after July 1, 1996, if the alternate work scheduling arrangement does not increase operational efficiency and/or client service, management can discontinue the alternate work scheduling arrangement with not less than 15 days notice or immediately for emergencies.
- (d) Employee participation in an alternate work scheduling arrangement will be on a voluntary basis, except in those cases for management or supervisory level employees where necessity requires the use of the alternate work scheduling arrangement.
- (e) Employee participation in an alternate work scheduling arrangement must be continuously monitored by local management. A written evaluation, in accordance with pre-established criteria, must be completed after six months for newly implemented alternate work scheduling arrangements and approved by the agency and the Office of Administration to continue the alternate work scheduling. A written, annual evaluation must be completed by the agency for post-audit review by the Office of Administration.
- (f) Staggered work schedules are not considered alternate work scheduling arrangements or flex time schedules and may be approved at the agency level to accommodate individual employees for education, transportation, family care, or other approved reasons.

#### **8.7 Office Closings.**

- (a) Office closings for a partial or entire workday (shift) may be authorized for reasons such as hazardous road conditions, extreme heat, other emergency conditions and other reasons as determined by the Secretary of Administration.
- (b) Office closings for an entire workday are not special holidays.
- (c) Compensation for employees who are authorized to not report for work, employees on leave, and employees required to work during the period when an office closing for an entire workday has been authorized will be treated in accordance with guidelines established through the Directives Management System. (Reference *Management Directive 530.17, Partial and Full-Day Closings of State Offices.*)
- (d) The Secretary of Administration is responsible for authorizing office closings for an entire workday for employees under the Governor's jurisdiction in the Harrisburg area and in those state office buildings designated in *Management Directive 530.17, Partial and Full-Day Closings of State Offices.* Authority to close other work sites is in accordance with *Management Directive 530.17, Partial and Full-Day Closings of State Offices.*

**8.8 Paid Holidays.** Permanent full-time employees will receive leave with compensation for the following holidays, except as provided in appropriate labor agreements (reference Section 8.10):

Paid Holiday	Date
New Year's Day	January 1
Dr. Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25

**8.9 Special Holidays.**

- (a) Special holidays may be declared by the Governor for employees under the Governor's jurisdiction. Such special holidays may represent a full day or part of a day.
- (b) All permanent employees who are required to work on the day on which such holiday hours occur will receive time off with pay for all hours worked up to the number of hours in the employee's normal work shift if a full holiday is declared or up to a pro rata share of the normal work shift if a partial holiday is declared. The employer may elect the option of paying the employee's regular hourly rate of pay in lieu of such equivalent time off with pay.
- (c) Special holidays are office closings.
- (d) Eligible employees in shifts affected by a special holiday will be treated in accordance with Section 8.10 except as stipulated in subsection (c) and except that employees required to work on a special holiday will receive their appropriate rate of pay for that day and not the premium holiday pay outlined under Section 8.10(I).

## **Subchapter B. LEAVE WITH PAY**

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## **LEAVE DONATIONS**

**Section 8.91 General**

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## HOLIDAYS

### 8.10 Holidays.

- (a) A permanent full-time employee will receive leave with compensation for days determined by the Executive Board to be holidays.
- (b) A permanent part-time employee will receive leave with compensation based upon the employee's regular hours worked for days determined by the Executive Board to be holidays.
- (c) Compensation for a holiday will be the employee's regular compensation in effect for the employee's regular classification, subject to conditions established by the Secretary of Administration and published through the Directives Management System relating to temporary assignment in higher classification.
- (d) For an employee on a normal Monday through Friday workweek: if a holiday falls on Sunday, the immediately following Monday will be observed as the holiday; if a holiday falls on Saturday, the immediately preceding Friday will be observed as the holiday. For other employees, the holiday will be deemed to fall on the day on which the holiday occurs.
- (e) A permanent employee, except one who is retiring, is eligible for a holiday if the employee was scheduled to be in an active pay status on the day the holiday was to be observed and if the employee was in an active pay status on the last half of the employee's scheduled workday immediately before and the first half of the employee's scheduled workday immediately after the holiday.
- (f) A permanent employee who is retiring is eligible for a holiday if the employee was scheduled to be in an active pay status on the day the holiday was to be observed and if the employee was in an active pay status on the last half of the employee's scheduled workday immediately before the holiday.
- (g) If a holiday is observed while a permanent employee is on an approved paid leave, excluding injury leave, work-related disability leave, *Act 632/534 Leave*, *Heart and Lung Act Leave* and any leave without pay, that day is considered a holiday and may not be charged against the approved leave.
- (h) Holiday leave is granted on the dates determined by the Executive Board to be holidays or as shown in subsection (d), subject to management's responsibility to maintain efficient operations. An employee required to work on a holiday will receive holiday leave at a later date. If a request for leave is received before or within 45 days after the holiday is worked, holiday leave will, subject to management's responsibility to maintain efficient operations, be scheduled and granted as requested by the employee, before the holiday or within the 120 calendar-day period succeeding the holiday. For employees covered by labor agreements that provide for it, if the holiday leave has not been taken within 120 calendar days of its observance, the employee is paid at the employee's regular rate of pay in lieu of paid time off.



- (i) A permanent employee working other than a regular Monday through Friday schedule is guaranteed the number of days off with pay equal to the number of paid holidays received by employees working a Monday through Friday schedule, subject to the same entitlement requirements.
- (j) When an employee's work shift overlaps the calendar day, the first shift of the employee in which 50 percent or more of the time occurs on the applicable holiday is considered in the holiday period, and the holiday period will end 24 hours after the commencement of that shift.
- (k) If a permanent employee works on days determined by the Executive Board to be holidays, except the day after Thanksgiving, the employee is paid as follows:

	<b>Permanent Employees (Except Management)</b>	<b>Permanent Management Employees</b>
<b>For time during the regularly scheduled shift</b>	Regular hourly rate for hours not worked; 1 1/2 times the regular hourly rate for hours worked; holiday leave for hours worked.	Regular hourly rate for hours worked or not worked; holiday leave for hours worked.
<b>For time worked outside the regularly scheduled shift</b>	1 1/2 times the regular hourly rate for hours worked; holiday leave for hours worked.	Regular hourly rate for hours worked; holiday leave for hours worked.

- (l) If a permanent employee works on the day after Thanksgiving, the employee will be compensated at the employee's regular hourly rate of pay for the hours worked on this holiday. The employee will receive paid time off for the hours worked on the day after Thanksgiving up to a full shift. If the time is worked during the employee's regularly scheduled shift, the paid time off will be in lieu of holiday pay for that time. Paid time off for time worked outside of the employee's regularly scheduled shift may not be in lieu of the holiday pay.
- (m) Holiday leave earned on a holiday may not exceed the number of hours in a regularly scheduled shift. An employee is not entitled to duplicate holiday payment or to the pyramiding of premium pay for the same hours worked.
- (n) Holiday leave for time worked outside an employee's regularly scheduled shift may not be in lieu of the employee's regular pay for the holiday. An employee is not entitled to duplicate holiday payment or to the pyramiding of premium pay for the same hours worked.
- (o) A permanent employee who terminates commonwealth employment or transfers to another agency before earned holiday leave is used will be paid in a lump sum at the employee's regular rate of pay for unused holiday leave accumulated up to the time of termination.

- (p) In the event of the death of an employee, any anticipated holiday leave will be forgiven.

**ANNUAL LEAVE**

**8.11 General.**

- (a) Annual (vacation) leave is time away from the job with compensation to which an employee becomes entitled based on leave service credit as defined in Section 8.13 (relating to credited periods of service).
- (b) The rate of compensation for annual leave is an employee's regular compensation in effect for the employee's regular classification, subject to conditions established by the Secretary of Administration through the Directives Management System relating to temporary assignment in higher classifications.

**8.12 Annual Leave Entitlement.**

- (a) An employee is entitled to use annual leave after 30 days of service with the employer in accordance with leave service credit as follows:

<b>Leave Service Credit *</b>	<b>Rate of Accumulation</b>	<b>Length of Workweek</b>	<b>Maximum Annual Leave Entitlement per Leave Calendar Year</b>
Up to 3 years	3.85% of all hours paid	37.5 hours 40 hours	75 hours (10 days) 80 hours (10 days)
Over 3 years to 15 years inclusive	5.77% of all hours paid	37.5 hours 40 hours	112.5 hours (15 days) 120 hours (15 days)
Over 15 years to 25 years inclusive	7.70% for all hours paid	37.5 hours 40 hours	150 hours (20 days) 160 hours (20 days)
Over 25 years	10% for all hours paid	37.5 hours 40 hours	195 hours (26 days) 208 hours (26 days)
* Includes all periods of commonwealth service in which leave service credit was earned.			

- (b) An employee appointed on a temporary basis may not earn or use annual leave until the employee has been paid for 750 regular hours by the end of the last full pay period in a leave calendar year. Earned, unused annual leave will be carried over to the next leave calendar year and will be immediately available for use. Annual leave is subject to payment at termination. This provision does not apply to a furloughed employee who, during the recall period, returns in a temporary capacity.
- (c) Regular hours paid for the purpose of annual leave earning include all hours paid except overtime, standby time, call-time and full-time out-service training.

### **8.13 Periods Where Leave Service Credit Is Earned.**

- (a) An employee will be credited with a year of service for each 26 pay periods completed in an active pay status provided the position was leave service credit eligible and a minimum of one hour was paid in each pay period. It includes employment in the executive, legislative and judicial branches of commonwealth government.
- (b) Leave service credit also will include military leaves without pay and leave for work-related disability leave. Service in another public jurisdiction and military service prior to commonwealth employment will not be credited.
- (c) Service with the executive, legislative, or judicial branch of the commonwealth government will be included for the purpose of establishing the hire date if an employee transfers to a commonwealth agency provided that any break in service does not exceed 14 calendar days.

### **8.14 Anticipated Annual Leave.**

- (a) Annual leave to which a permanent employee will become entitled during the leave calendar year may be granted at the discretion of the agency head before it is actually earned. Employees appointed on a temporary basis will not be permitted to anticipate annual leave. In no case will annual leave be anticipated beyond the end of the leave calendar year. If, because of leave without pay, an employee earned less annual leave during the leave calendar year than the anticipated entitlement, the deficit will be carried over and charged against the annual leave entitlements of the following year. An employee who anticipates annual leave and is subsequently separated from commonwealth service must reimburse the commonwealth for those hours of annual leave taken but not earned. The commonwealth will make diligent efforts to collect payment for any unearned leave. If the account is determined uncollectible, it will be referred to the Attorney General.
- (b) In the event of the death of an employee, any anticipated annual leave will be treated as earned approved leave.

### **8.15 Transfer of and Payments for Earned Unused Annual Leave.**

- (a) An employee who transfers from a position in one commonwealth agency to a position in another commonwealth agency will be credited in the gaining agency for unused annual leave earned before the transfer occurred if the losing agency meets one of the following conditions:
  - (1) Is subject to the regulatory authority of the Executive Board regarding paid leave under *Section 709(e) of "The Administrative Code of 1929."*
  - (2) Participates in the commonwealth's SAP time module administered by the Office of Administration.
  - (3) Has a reciprocal leave agreement filed with the Office of Administration for the transfer of annual leave.

- (b) An employee who terminates commonwealth employment, transfers to either the legislative or judicial branch of government, or transfers to another agency which does not meet any of the criteria described in subsection (a)(1), (2) or (3) will be paid in a lump sum by the losing agency for unused annual leave earned before the transfer or termination occurs.
- (c) The following provisions govern freezing of annual leave:
  - (1) An employee who is furloughed and is not employed in another position within 14 calendar days of the effective date of the furlough will receive a lump sum payment for earned, unused annual leave unless the employee requests in writing before the end of the 14 calendar days to freeze earned, unused annual leave.
  - (2) An employee may subsequently change a decision to freeze the earned, unused annual leave by submitting a written request for a lump sum payment for the annual leave. Payment will be made within 35 days of the date on which the request is received by the employer and will be at the rate of pay in effect on the last date of employment prior to the date of furlough.
  - (3) If the employee is reemployed during the furlough recall period, annual leave which was frozen will be reinstated. However, if payment was made for annual leave, the employee may not buy it back if the employee is reemployed. If the employee is not reemployed before the expiration of the furlough recall period, the employee will be paid off in lump sum for frozen earned, unused annual leave at the rate of pay in effect on the last date of employment before the date of furlough.

#### **8.16 Scheduling and Carryover of Annual Leave.**

- (a) An agency head shall schedule the work of employees to enable the employees to use the annual leave to which they become entitled during the year. Annual leave will be granted at times determined by the agency head to be consistent with the provision of full service to the public and in the best interest of the agency. Employees will be encouraged to use annual leave during the leave calendar year in which it is earned.
- (b) An employee on injury leave who has been unable to take earned annual leave resulting in an excess carryover at the end of the calendar year is authorized a seven pay period extension upon return from injury leave.
- (c) Unused annual leave may be carried over from one leave calendar year to the next. The amount carried over may not exceed 45 days – 337.5 hours for a 37.5-hour week or 360 hours for a 40-hour week. Employees will be permitted to use annual leave in excess of the 45 day limit in the first seven pay periods of the next leave calendar year. Any days which are not scheduled and used during the first seven pay periods of the next leave calendar year will be converted to sick leave subject to the 300 day limitation in Section 8.27. If an employee terminates employment before the expiration of the seven pay period extension, earned, unused annual leave will be paid in accordance with Section 8.15(b) (relating to transfer of and payment for earned unused annual leave).

## **8.17 Agency Heads and Members of Departmental Boards and Commissions – Annual Leave.**

- (a) An agency head or member of a departmental board or commission may not earn or use annual leave. Vacation time is neither recorded nor charged. However, service as an agency head or member of a departmental board or commission counts as credited service under Section 8.13 (relating to credited periods of service).
- (b) An agency head or member of a departmental board or commission who was an employee of the commonwealth receiving annual leave under this subpart immediately prior to appointment will have unused annual leave frozen at the time of appointment.
- (c) An agency head or member of a departmental board or commission who retires, terminates commonwealth employment, transfers to either the legislative or judicial branch of government, or transfers to an agency that does not meet any of the criteria described in Section 8.15(a) will be paid in a lump sum by the losing agency for unused annual leave frozen under subsection (b). The lump sum will be calculated using the pay rate in effect on the date of transfer or termination for that level of the pay scale group currently assigned to the job the individual occupied immediately before becoming an agency head or member of a departmental board or commission or at the pay rate in effect for the individual when the individual was last eligible to earn annual leave under Section 8.12, whichever pay rate is higher.
- (d) If, after serving as an agency head or member of a departmental board or commission, an individual reverts, without a break in service, to a position that earns leave, the amount of annual leave frozen under subsection (b) will be restored to the employee's leave account.

## **SICK LEAVE**

### **8.21 General.**

- (a) Sick leave is time away from the job with compensation when an employee becomes too ill to work or must be absent for valid sick-related reasons as identified in Section 8.23 (relating to reasons for sick leave).
- (b) The rate of compensation for sick leave is an employee's regular compensation in effect for the employee's regular classification subject to conditions established by the Secretary of Administration through the Directives Management System relating to temporary assignments in higher classifications.

**8.22 Sick Leave Entitlement.**

- (a) An employee will be entitled to use sick leave after 30 days of service with the employer. Sick leave entitlement is as follows:

<b>Rate of Accumulation</b>	<b>Length of Workweek</b>	<b>Maximum Sick Leave Entitlement per Leave Calendar Year</b>
5% of regular hours paid	37.5 hours 40 hours	97.5 hours (13 days) 104 hours (13 days)

- (b) An employee appointed on a temporary basis may not earn or use sick leave until the employee has been paid for 750 regular hours by the end of the last full pay period in a leave calendar year. Earned, unused sick leave will be carried over to the next calendar year and will be immediately available for use. This provision does not apply to a furloughed employee who, during the recall period, returns in a temporary capacity.
- (c) Regular hours paid for the purpose of sick leave earning include all hours paid except overtime, standby time, call-time and full-time out-service training.

**8.23 Reasons for Sick Leave.** Sick leave will be granted when an employee is required to be absent from work for one of the following reasons:

- (a) Illness of the employee.
- (b) Death, as follows:
  - (1) Death of the employee’s spouse, domestic partner, parent, stepparent, child or stepchild, or the child of the employee’s domestic partner, for which a maximum of five days may be granted per occurrence.
  - (2) Death of a brother, sister, grandparent, step-grandparent, grandchild, step-grandchild, son-in-law, daughter-in-law, brother-in-law, sister-in-law, parent-in-law, grandparent-in-law, aunt, uncle, step-brother, step-sister, foster child or any other relative residing in the employee’s household, or the parent, brother, sister, grandparent or grandchild of the employee’s domestic partner, for which a maximum of three days may be granted per occurrence.
- (c) Contact with or exposure to contagious disease rendering the presence of the employee hazardous to fellow employees.
- (d) Necessary medical or dental appointments for the employee or the employee’s immediate family, as defined in subparagraph (e), that cannot be scheduled during non-work hours and that meet one of the following criteria:
  - (1) The immediate family member is physically unable to drive a vehicle or is otherwise unable to reach the medical facility without the employee’s absence.

- (2) The illness of the immediate family member requires the employee's personal attendance.
- (e) Illness of a member of the employee's immediate family which requires the employee's personal attendance and absence from work not to exceed five days in a leave calendar year. Immediate family is defined as the following persons: husband, wife, domestic partner, child, stepchild, foster child, parent, brother, or sister of the employee or child of the employee's domestic partner.
- (f) Where a family member's serious health condition requires the employee's absence from work beyond 20 days (150/160 hours as applicable) in a leave calendar year, permanent employees with at least one year of service may use accrued sick leave in addition to that provided under Section 8.23(e). Family member is defined as the following persons: husband, wife, domestic partner, child, stepchild, foster child, or parent of the employee, child of the employee's domestic partner or any other person qualifying as a dependent under Internal Revenue Service eligibility criteria.
- (1) An employee who meets the eligibility criteria may use accrued sick leave in addition to that provided under Section 8.23(e) in accordance with the following schedule:

<b>Leave Service Credit</b>	<b>Length of Workweek</b>	<b>Sick Family Allowance per Leave Calendar Year</b>
Over 1 year to 3 years	37.5 hours 40 hours	Up to 52.5 additional hours (7 days) Up to 56 additional hours (7 days)
Over 3 years to 15 years	37.5 hours 40 hours	Up to 112.5 additional hours (15 days) Up to 120 additional hours (15 days)
Over 15 years to 25 years	37.5 hours 40 hours	Up to 150 additional hours (20 days) Up to 160 additional hours (20 days)
Over 25 years	37.5 hours 40 hours	Up to 195 additional hours (26 days) Up to 208 additional hours (26 days)

- (2) An employee must use 20 days of paid annual, personal, or sick family leave or unpaid leave for the family member's serious health condition prior to eligibility for the above entitlement. The additional sick family leave may not be charged retroactively for any of the initial 20 days.
- (3) Proof of the family member's serious health condition as defined by the *FMLA of 1993* must be provided on the commonwealth's serious health condition certification form.

#### **8.24 Approval.**

- (a) Proof of illness in the form of a certificate from a physician, other licensed practitioner or christian science practitioner is required in the following instances:
  - (1) A reason under Section 8.23(a), (c), (d) or (e) (relating to reasons for sick leave), if an employee is absent for three or more consecutive workdays.
  - (2) Illness occurs during the annual or personal leave of an employee.
  - (3) The employer has reason to believe that the employee is abusing sick leave privileges.
- (b) An employee will be held to strict accountability for statements made concerning sick leave. A misrepresentation will subject the employee to disciplinary action.

#### **8.25 Anticipated Sick Leave.**

- (a) Sick leave to which a permanent employee will become entitled during the leave calendar year may be granted at the discretion of the agency head before it is actually earned. Employees appointed on a temporary basis will not be permitted to anticipate sick leave. In no case will sick leave be anticipated beyond the end of the leave calendar year. If, because of leave without pay, an employee earned less sick and annual leave during the leave calendar year than the anticipated entitlement, the deficit will be carried over and charged against the sick leave which could be earned the following calendar year. An employee who anticipates sick leave and is subsequently separated from commonwealth service must reimburse the commonwealth for those hours of sick leave taken but not earned. The commonwealth will make diligent efforts to collect payment for any unearned leave. If the account is determined uncollectible, it will be referred to the Attorney General.
- (b) In the event of the death of an employee, any anticipated sick leave will be treated as earned approved leave.

#### **8.26 Transfer of and Payment for Earned Unused Sick Leave.**

- (a) An employee who transfers from a position in one commonwealth agency to a position in another commonwealth agency will be credited in the gaining agency for unused sick leave earned before the transfer occurred if the losing agency meets one of the following conditions:
  - (1) Is subject to the regulatory authority of the Executive Board regarding paid leave under *Section 709(e) of "The Administrative Code of 1929."*
  - (2) Participates in the commonwealth's SAP time module administered by the Office of Administration.
  - (3) Has a reciprocal leave agreement filed with the Office of Administration for the transfer of sick leave.



(b) An employee who terminates commonwealth employment, transfers to either the legislative or judicial branch of government, or transfers to another agency which does not meet any of the criteria described in subsection (a)(1), (2), or (3) will not be paid for unused sick leave.

(c) Payment for earned, unused sick leave is as follows:

(1) Permanent management level employees and permanent employees in units A5, B5, and S5 will receive payment according to the schedule in paragraph (2) upon:

(i) Superannuation retirement with at least five years of credited service under the State or Public School Employees' Retirement Systems and/or TIAA-CREF.

(ii) Disability retirement under the State or Public School Employees' Retirement Systems and/or TIAA-CREF.

(iii) Other retirement with at least 25 years of credited service under the State or Public School Employees' Retirement Systems and/or TIAA-CREF.

(iv) Death prior to retirement or separation after seven years of credited service under the State or Public School Employees' Retirement Systems and/or TIAA-CREF except as provided in paragraph (3).

(2) Payment will be according to the following schedule:

Days Available at Retirement or Death	Percentage Buy-Out	Maximum Days
0 - 100	30%	30
101 - 200	40%	80
201 - 300	50%	150
300+ (in last year of employment)	100% of days over 300	13

(3) In the event of a work-related death of an employee, 100 percent of the employee's earned, unused sick leave will be paid unless the surviving spouse or minor children are entitled to benefits under *Section 1 of the Act of June 24, 1976, P.L. 424, 53 P.S. § 891*, in which case 30 percent of the employee's earned, unused sick leave to a maximum of 90 days will be paid.

(4) Payment will not be made for partial days of earned, unused sick leave. The portion of unused sick leave paid upon retirement will not add to the credited service of the retiring employee or to the retirement-covered compensation of the employee.

**8.27 Carryover.** Unused sick leave may be carried over from one calendar year to the next. The amount carried over may not exceed 300 days, i.e., 2,250 hours for a 37.5-hour week or 2,400 hours for a 40-hour week.

## **8.28 Reemployment within 12 Months.**

- (a)** An individual who is reemployed by a commonwealth agency within 12 months following termination will be credited with earned unused sick leave from the previous commonwealth employment if the previous agency met one of the criteria described in Section 8.26(a) (relating to transfer of and payment for earned unused sick leave).
- (b)** A furlougee who is terminated and subsequently reemployed or recalled from furlough prior to the expiration of the furlougee's recall rights by a commonwealth agency will be credited with unused sick leave earned up to the date of termination if the previous agency met one of the criteria described in Section 8.26(a).
- (c)** An employee who received payment for earned, unused sick leave at retirement under Section 8.26(c) (relating to transfer of and payment for earned unused sick leave) may not be credited with earned, unused sick leave from the previous commonwealth employment upon reemployment as set forth in subsection (a) or (b).

## **8.29 Special Extension.**

### **(a) Initial entitlement.**

- (1)** The head of an agency may consider special extension of sick leave for an employee who:
  - (i)** Is a permanent employee.
  - (ii)** Has at least one year of leave service credit.
  - (iii)** Has used all earned annual, personal and sick leave.
  - (iv)** Has used all annual and sick leave that could be anticipated in the current calendar year.
  - (v)** Can substantiate a serious health condition as defined by the *FMLA of 1993* using the commonwealth's Serious Health Condition Certification form.
  - (vi)** Is expected to return to duty.

(2) Initial entitlements for full-time employees are:

Credited Service	Length of Workweek	Maximum Initial Entitlement
Over 1 year to 2 years	37.5 hours 40 hours	37.5 hours (5 days) 40 hours (5 days)
Over 2 years to 5 years	37.5 hours 40 hours	75 hours (10 days) 80 hours (10 days)
Over 5 years to 10 years	37.5 hours 40 hours	112.5 hours (15 days) 120 hours (15 days)
Over 10 years	37.5 hours 40 hours	150 hours (20 days) 160 hours (20 days)

(3) Initial entitlements for part-time employees are prorated.

(4) If a period of absence due to an employee's serious health condition spans two leave calendar years, the portion of the absence that falls in the second leave calendar year is considered as an initial entitlement for the second leave calendar year.

(5) An approved initial entitlement for special extension of sick leave is not payable for the period after an employee's termination or death.

(6) One copy of the approved form STD-335, Request for Special Extension of Sick Leave, and the commonwealth's Serious Health Condition Certification form for the initial entitlement must be sent to the Bureau of Employee Benefits and Services, Office of Administration.

(7) The Office of Administration will conduct an annual audit of the initial entitlements approved by agency heads during the preceding year. Failure to comply with this subsection will result in the adjustment by approving agencies of individual initial entitlements not in compliance.

(b) **Requests beyond initial entitlement.** Requests beyond initial entitlement must comply with the following:

(1) Upon request of the head of an agency, the Executive Board will consider special extension of sick leave beyond the initial entitlement for an employee who:

(i) Meets the requirements of subsection (a).

(ii) Has a clearly established case of severe hardship.

(2) Documentation used by agency heads to determine severe hardship must be submitted with a second STD-335 Request for Special Extension of Sick Leave and the commonwealth's Serious Health Condition Certification form to the Deputy Secretary for Human Resources Management.

(3) An approved request beyond initial entitlement for special extension of sick leave is not payable for the period after an employee's termination or death.

### **8.30 Agency Heads and Members of Departmental Boards and Commissions – Sick Leave.**

- (a)** An agency head or member of a departmental board or commission may not earn or use sick leave. Time absent for reasons of illness is neither recorded nor charged.
- (b)** An agency head or member of a departmental board or commission who was an employee of the commonwealth receiving sick leave under this subpart immediately prior to appointment will have unused sick leave frozen at the time of appointment.
- (c)** An agency head or member of a departmental board or commission who retires from commonwealth employment will receive payment for the amount of sick leave frozen under subsection (b), under Section 8.26(c) (relating to transfer of and payment for earned unused sick leave). The sick leave payment will be calculated using the pay rate in effect on the date of termination for that level of the pay scale group currently assigned to the job the individual occupied immediately before becoming an agency head or member of a departmental board or commission or at the pay rate in effect for the individual when the individual was last eligible to earn sick leave under Section 8.22, whichever pay rate is higher.
- (d)** An agency head or member of a departmental board or commission who terminates commonwealth employment, transfers to either the legislative or judicial branch of government or transfers to an agency that does not meet any of the criteria in Section 8.26(a) will not be paid for unused sick leave frozen under subsection (b).
- (e)** If, after serving as an agency head or member of a departmental board or commission, an individual reverts, without a break in service, to a position that earns leave, the amount of sick leave frozen under subsection (b) will be restored to the employee's leave account.

## **PERSONAL LEAVE**

### **8.31 General.**

- (a)** Personal leave is time away from the job with compensation for reasons of a personal nature. An employee will not be required to divulge the reason for the leave request as a condition of receiving personal leave.
- (b)** The rate of compensation for personal leave is an employee's regular compensation in effect for the employee's regular classification, subject to conditions established by the Secretary of Administration through the Directives Management System relating to temporary assignment in higher classifications.

### **8.32 Personal Leave Entitlement.**

- (a) Permanent full-time employees are eligible for personal leave days as follows:
  - (1) One paid personal leave day will be earned in the employee's first leave calendar year of employment. An employee must be in an active pay status for at least 150 hours (37.5 hour workweek) or 160 hours (40 hour workweek) during the leave calendar year to qualify for the paid personal leave.
  - (2) One paid personal leave day per one-half leave calendar year will be earned in the employee's second leave calendar year of employment. An employee must be in an active pay status for at least 150 hours (37.5 hour workweek) or 160 hours (40 hour workweek) during the one-half leave calendar year to qualify for the paid personal leave.
  - (3) One paid personal leave day per leave calendar quarter will be earned in the employee's third and subsequent leave calendar years of employment. An employee must be in an active pay status for at least 150 hours (37.5 hour workweek) or 160 hours (40 hour workweek) during the quarter to qualify for that quarter's entitlement.
- (b) A permanent part-time employee who is in an active pay status, the prorated amount of hours in subsection (a) (1), (2), or (3), will receive personal leave days on a pro rata basis to the nearest half day.

### **8.33 Anticipated Personal Leave.**

- (a) Personal leave to which an employee may become entitled during a leave calendar year may be granted at the discretion of the agency head before it is actually earned. An employee who anticipates personal leave and is subsequently separated from commonwealth service must reimburse the commonwealth for those days of personal leave taken but not earned. The commonwealth will make diligent efforts to collect payment for unearned leave. If the account is determined uncollectible, it will be referred to the Attorney General.
- (b) In the event of the death of an employee, any anticipated personal leave will be treated as earned approved leave.

### **8.34 Transfer of and Payment for Earned Unused Personal Leave.**

- (a) An employee who transfers from a position in one commonwealth agency to a position in another commonwealth agency will be credited in the gaining agency for unused personal leave earned before the transfer occurred if the losing agency meets one of the following conditions:
  - (1) Is subject to the regulatory authority of the Executive Board regarding paid leave, *Section 709(e) of "The Administrative Code of 1929."*
  - (2) Participates in the commonwealth's SAP time module administered by the Office of Administration.

- (3) Has a reciprocal leave agreement filed with the Office of Administration for the transfer of personal leave.
- (b) An employee who terminates commonwealth employment, transfers to either the legislative or judicial branch of government, or transfers to another agency which does not meet any of the criteria described in subsection (a)(1), (2) or (3) will be paid for earned unused personal leave in a lump sum by the losing agency before the transfer or termination occurs. An employee who transfers to a position that does not earn personal leave will be paid for earned unused personal leave in a lump sum by the agency where the employee was last eligible to earn leave under Section 8.32.

### **8.35 Scheduling and Carryover of Personal Leave.**

- (a) Personal leave should be scheduled and granted for periods of time requested by an employee subject to the agency's responsibility to maintain efficient operations.
- (b) If an employee on injury leave is unable to take personal leave, the calendar year will be extended seven pay periods for rescheduling purposes. The seven pay period extension will begin upon return from injury leave.
- (c) Unused personal leave may not be carried over from one calendar year to the next, except as provided in subsection (b). Employees will be permitted to use personal leave days into the first seven pay periods of the next leave calendar year. Any days which are not scheduled and used during the first seven pay periods of the next leave calendar year will be lost. An employee who terminates employment prior to expiration of the seven pay period extension will be paid for unused personal leave under Section 8.34(b) (relating to transfer of and payment for earned unused personal leave).

**8.36 Agency Heads and Members of Departmental Boards and Commissions – Personal Leave.** An agency head or a member of a departmental board or commission may not earn or use personal leave. Personal days off are neither recorded nor charged.

## **ADMINISTRATIVE LEAVE**

### **8.41 Reasons for Administrative Leave.**

- (a) Administrative leave is time away from work with compensation for the following purposes, if proper notice is given to the agency and the leave has been approved by the agency head:
  - (1) To vote or serve as a watcher at a labor elections site.
  - (2) To take a state civil service examination administered only during the employee's regular workday. Leave for this purpose is allowed on one occasion during each 1/2 leave calendar year for a permanent employee and may not exceed the lesser of the normal shift or the time required to travel to and from the examination site and to take the examination.
  - (3) To take a physical examination for entering the armed forces.

- (4) To compete in international and world championships as specified in *Management Directive 530.10, Administrative Leave to Compete in International and World Championships* (relating to administrative leave to compete in International World Championships), to a maximum of 30 workdays per leave calendar year.
  - (5) To donate blood, to a maximum of four hours per leave calendar year as specified in *Management Directive 530.21, Paid Leave for Blood Donation*.
- (b) The Secretary of Administration may authorize the use of administrative leave for other reasons. When the reasons for additional administrative leave have general applicability, they will be published through the Directives Management System.

## **CIVIL LEAVE**

**8.51 General.** Civil leave is time away from the job for jury duty, court attendance, firefighting duties, emergency medical technician duties, Civil Air Patrol activities, emergency management rescue work or Red Cross disaster relief work.

### **8.52 Jury Duty, Court and Administrative Hearing Attendance.**

- (a) A permanent employee who fulfills civic duties as a juror or witness in court proceedings and has not volunteered for jury duty and is called for jury duty or is not a party in a civil or criminal court proceeding but is subpoenaed as a witness to attend court proceedings, will be granted civil leave while attending court.
  - (1) Civil leave will be granted for the period of time (including reasonable travel time) when the employee's regularly scheduled work is in conflict with the required court attendance time. An employee will be eligible to receive a maximum of one day's pay at the employee's regular straight time rate (one full shift) for each day of required court attendance.
  - (2) If an employee works a second or third shift and the employee's hours of work are not in conflict with the required court attendance time, the employee will be granted civil leave equal to the required court attendance time plus reasonable travel time up to a full shift for each day of the required court attendance during the employee's regular shift either immediately preceding or subsequent to the court appearance.
- (b) Approval of civil leave to attend court for the reasons in subsection (a) must be obtained in advance from the agency head.
- (c) An employee required to attend court for the reasons in subsection (a) must, insofar as practical, perform normal duties before court convenes or after it adjourns.
- (d) The term court used in this section includes only the following:
  - (1) Minor Judiciary Court.
  - (2) Courts of Common Pleas.

- (3) Commonwealth Court.
- (4) United States District Court.
- (e) A permanent employee who is subpoenaed as a witness or who is a party in the following administrative hearings will be granted civil leave while attending the hearings:
  - (1) Unemployment Compensation.
  - (2) Workers' Compensation.
  - (3) Workers' Compensation Appeal Board.
- (f) A permanent employee who is subpoenaed as a witness in the following administrative hearings will be granted civil leave while attending the hearings:
  - (1) State Civil Service Commission.
  - (2) Human Relations Commission.
- (g) Evidence of the duty in the form of a subpoena or other written notification from the relevant court or administrative authority must be presented to the employee's immediate supervisor as far in advance as practicable.

**8.53 Firefighting, Emergency Medical Technician, Emergency Management, Civil Air Patrol and Red Cross.**

- (a) Permanent employees, while performing firefighting duties, emergency medical technician duties, Civil Air Patrol activities, or emergency management rescue work during a fire, flood, hurricane, or other disaster may be granted civil leave. Certified Red Cross disaster relief volunteers also may be granted civil leave to perform disaster relief work for the Red Cross during a state of emergency declared by a Governor.
- (b) Volunteer participation in firefighting activities, emergency medical technician activities, Civil Air Patrol activities, emergency management rescue work or disaster relief work for the Red Cross requires the prior approval of the agency head. Employees absent from work for reasons under subsection (a) are required to obtain a written statement from the fire company, forest unit, emergency management unit, Red Cross, or other organization with which they served certifying as to their activities during the period of absence.

**EDUCATIONAL LEAVE WITH PAY**

**8.61 General.**

- (a) Educational leave is time away from the job with compensation for the purpose of attending out-service training.



- (b) An employee may be authorized by the agency head or designee to use educational leave with pay for purposes of part-time out-service training, not to exceed 20 days per leave calendar year, under *Management Directive 535.3, Out-Service Training*.
- (c) Educational leave for full-time out-service training may be granted by the Secretary of Administration only for a permanent employee with 2 or more years of service when management sees a need for an employee to pursue full-time courses of study which are related to present or future job assignments and which can be expected to improve the employee's value to the commonwealth. Policies regarding out-service training are contained in *Management Directive 535.3, Out-Service Training*.

## **MILITARY LEAVE WITH PAY**

### **8.71 Military Reserve.**

- (a) Under *51 Pa.C.S. 4102 of Title 51 (Military Affairs)*, a permanent employee of the commonwealth who is a member of reserve components of the Armed Forces of the United States is entitled to military leave with compensation when engaged in the active service of the United States or for all types of training duty ordered or authorized by the Armed Forces of the United States. Such training duty may either be active or inactive duty training and will include, but is not limited to, the following:
  - (1) Annual active duty for training.
  - (2) Attendance at service schools.
  - (3) Basic training.
  - (4) Short tours of active duty for special projects.
  - (5) Attendance at military conferences and participation in a command post exercise or maneuver which is separate from annual active duty for training or inactive duty training.
- (b) For active military service or military training duty as provided under subsection (a), the maximum military leave with compensation will be 15 workdays per leave calendar year.
- (c) The rate of compensation for military leave is the employee's regular compensation for the employee's regular classification, subject to conditions established by the Secretary of Administration through the Directives Management System relating to temporary assignments in higher classifications.

## **8.72 Pennsylvania National Guard.**

- (a) Under *51 Pa.C.S. 4102 of Title 51 (Military Affairs)*, a permanent employee of the commonwealth who is a member of the Pennsylvania National Guard is entitled to military leave with compensation for all types of training duty (active and inactive) or other military duty ordered or authorized by the Armed Forces of the United States. Such duty will include but is not limited to the following:
- (1) Annual active duty for training.
  - (2) Attendance at service schools.
  - (3) Basic training.
  - (4) Short tours of active duty for special projects.
  - (5) Attendance at military conferences and participation in a command post exercise or maneuver which is separate from annual active duty for training or inactive duty training.
  - (6) Other military duty.
- (b) For military training duty or other military duty as provided in subsection (a), the maximum military leave with compensation is 15 workdays per leave calendar year.
- (c) Military leave with compensation also will be granted to a member of the Pennsylvania National Guard on all workdays during which, as a member of the Pennsylvania National Guard, the member is engaged in active state duty ordered by the Governor under the provisions of *Title 51 (Military Affairs), 51 Pa. C.S. § 101*. Military leave with compensation for active state duty is in addition to the 15 days of paid military leave described in subsections (a) and (b).
- (d) The rate of compensation for military leave is the employee's regular compensation for the employee's regular classification, subject to conditions established by the Secretary of Administration through the Directives Management System relating to temporary assignment in higher classifications.

## **8.73 Act 150 of 2006.**

- (a) Under *51 Pa. C.S. § 4102, as amended by Act 150 of 2006*, effective January 8, 2007 and retroactive to January 1, 2005 (relating to leaves of absence for certain government employees), a permanent employee of the commonwealth who is a member of the Pennsylvania National Guard or a member of the Reserve Component of the Armed Forces of the United States is entitled to up to 15 workdays of additional military leave with compensation for military duty as follows:
- (1) Periods of active duty of 30 or more consecutive calendar days authorized under *10 U.S.C. § 12301, § 12302 or § 12304* or under *32 U.S.C. § 502(f)*.

- (2) Duty must be involuntary or under Contingency Operations Temporary Tour of Active Duty (COTTAD), or voluntary in a combat zone, or in response to a domestic emergency.
  - (3) Duty must be performed away from the home station (as temporary duty elsewhere (TDY).
  - (4) Periods of active duty for training and Active Guard Reserve (AGR) duty are excluded.
- (b) For military duty as provided in subsection (a) above, the maximum military leave with compensation is 15 workdays per leave calendar year. These 15 workdays are in addition to the 15 days of military leave with compensation described in 8.71 and 8.72.

## **PAID INJURY LEAVE**

### **8.81 General.**

- (a) Paid injury leave is a leave of absence for which accrued sick, annual, or personal leave is used, at the employee's option, to supplement the indemnity benefits paid under the *"Pennsylvania Workers' Compensation Act."*
- (b) The provisions of Sections 8.82 and 8.83 are consistent with the *Family and Medical Leave Act (FMLA) of 1993, 29 U.S.C. § 2601 et seq.*, and leave granted in accordance with these sections will be designated as leave under the provisions of the Act.

### **8.82 Eligibility for Paid Injury Leave.**

- (a) An employee who sustains an incapacitating work-related injury on or after July 1, 1996, as determined by a decision issued through the operation of the Workers' Compensation Program, is eligible to elect to use paid injury leave. Eligibility ends when eligibility under the Workers' Compensation Program ends or when the supplement ends as provided in Section 8.83.
- (b) Paid injury leave is not applicable to certain employees of the departments of Public Welfare, Corrections, State Police, General Services, Liquor Control Board, Board of Probation and Parole and the Office of Attorney General whose injuries are within the scope of either the *Act of December 8, 1959, P.L. 1718, 61 P.S. §§ 951 and 952, referred to as Act 632/534*, or the *Act of June 28, 1935, known as the "Heart and Lung Act," P.L. 477, 53 P.S. §§ 637 and 638*.

### **8.83 Paid Injury Leave Benefits.**

- (a) An employee will be charged one full day of accrued leave for each day of paid injury leave. While on paid injury leave, an employee will be paid an amount equal to full pay reduced by an amount that yields a net pay, including workers' compensation and social security disability benefits, that is equal to the employee's net pay immediately prior to the injury. Net pay is defined as gross pay minus federal, state and local withholding taxes, unemployment compensation taxes, Social Security and retirement contributions. Paid injury leave is payable for the duration of accrued leave provided no unpaid injury leave is used. If both paid and unpaid injury leave are used, paid injury leave is payable for an aggregate of 12 months or for the duration of the disability, whichever is less. The aggregate of 12 months may not extend beyond three years from the date of injury. Paid injury leave benefits are subject to conditions established by the Secretary of Administration through the Directives Management System.
- (b) Regardless of other provisions in this section, compliance with the *FMLA* must be ensured. Therefore, employees who have been employed at least 12 months (total employment, even if the employment was not continuous) and have been paid at least 1,250 hours (includes regular and overtime hours paid, but excludes holidays and other paid time off) during the previous 12 month period are entitled to use accumulated leave in order to receive paid injury leave for a period of up to 12 weeks (minus any injury leave or any other *FMLA* qualifying leave used within the last 12 months) in a rolling 12 month period.

## **LEAVE DONATIONS**

### **8.91 General.**

- (a) A permanent employee may donate annual and personal leave to a designated permanent employee in the employee's agency who has used all accrued and anticipated paid leave for the current leave calendar year.
- (b) The leave is to be used for the recipient's own catastrophic injury or illness or for the catastrophic injury or illness of a family member, as defined in subsection (d). The leave may be used as bereavement leave if the employee's family member dies and the employee has no accrued or anticipated sick leave available, subject to the limitations for the use of sick bereavement leave.
- (c) Catastrophic injury or illness is defined as a condition that poses a direct threat to life or to the vital function of major bodily systems or organs and would cause the employee to take leave without pay or terminate employment.
- (d) Family member is defined as a husband, wife, domestic partner, child, step-child, or parent of the employee, child of the employee's domestic partner, or any other person qualifying as a dependent under Internal Revenue Service eligibility criteria.

### **8.92 Recipients.**

- (a) A catastrophic injury or illness must be documented on the commonwealth's serious health condition certification form.

- (b) Donated leave may not be used for work-related injuries or illnesses.
- (c) An employee must be absent 20 workdays due to the catastrophic condition in the current leave calendar year to be eligible for donation of leave and may use sick, annual, personal, sick family, holiday, compensatory, or unpaid leave, as appropriate, to cover the 20 days of absence. A separate accumulation period must be met for each catastrophic illness or injury and for each leave calendar year in which donated leave is used. Donated leave may not be applied to the required 20-workday accumulation period.
- (d) All accrued and anticipated annual and sick leave and all accrued personal, holiday and compensatory leave must be used before donations may be received. When used for a family member, five days of sick family and any additional sick family leave to which the employee is entitled must be used before leave donations may be received for a family member.
- (e) Up to 12 weeks of donated leave per leave calendar year may be received for all conditions of the employee and family members cumulatively. Donations may not be received in more than two consecutive leave calendar years.
- (f) The recipient's entitlement to SPF Absence and leave under the Family and Medical Care Leave Act will be reduced, where applicable, by donated leave that is used.

### **8.93 Donors.**

- (a) An employee may voluntarily donate accrued annual and personal leave to another employee within the donor's agency who meets the requirements for donations. Donations may be made to multiple employees, as long as the minimum donation is made to each employee.
- (b) In the event that an employee does not receive sufficient donations from employees within the employee's own agency, the employee needing donations will be permitted to seek donations from permanent employees in other agencies under the Governor's jurisdiction within a reasonable geographic distance through the requesting employee's designated local human resources contact. An exception to the reasonable geographic distance limitation will be allowed for relatives of the employee who wish to make donations.
- (c) Donations must be made in increments of one day, but not more than five days can be donated to any one employee in the same leave calendar year.
- (d) A donating employee's annual leave quota after donation cannot be less than the equivalent of five workdays of leave.

## **Subchapter C. LEAVE WITHOUT PAY**

### **SICK, PARENTAL AND FAMILY CARE (SPF) ABSENCE**

- Section 8.101 General**
- Section 8.102 Absence Requests**
- Section 8.103 Eligibility**
- Section 8.104 Entitlement**
- Section 8.105 Paid Leave**
- Section 8.106 Intermittent or Reduced-Time Absence**
- Section 8.107 Extended Sick, Parental and Family Care (ESPF) Absence**
- Section 8.108 Return to Work Rights**

### **MILITARY LEAVE WITHOUT PAY**

- Section 8.131 General**
- Section 8.132 Granting, Duration and Expiration**
- Section 8.133 Reemployment**
- Section 8.134 Retirement Rights**
- Section 8.135 Loss of Benefits**
- Section 8.136 Annual, Sick and Personal Leave**
- Section 8.137 Physical Examination**
- Section 8.138 Guidelines for Benefits Continuation**

### **REGULAR LEAVE WITHOUT PAY**

- Section 8.141 Non-Civil Service Employees**
- Section 8.142 Civil Service Employees**

### **INJURY LEAVE WITHOUT PAY**

- Section 8.151 General**
- Section 8.152 Eligibility for Injury Leave without Pay**

### **MISCELLANEOUS LEAVE PROVISIONS**

- Section 8.161 Agency Written Leave Management Policies**
- Section 8.162 Records and Reports**
- Section 8.163 Absence without Leave**
- Section 8.164 Resignation Following Leave without Pay**

## **SICK, PARENTAL AND FAMILY CARE (SPF) ABSENCE**

### **8.101 General.**

- (a) The absence provisions described below are consistent with the *FMLA of 1993* except where more generous benefits are granted by the commonwealth. The *FMLA* requires qualifying employers to provide at least 12 weeks of leave (with or without pay) with benefits within a 12 month period for the reasons described below as long as the employee was employed at least one year and worked at least 1,250 hours during the previous 12 month period.
- (b) SPF absence is a paid or unpaid absence from work with benefits due to the serious health condition of an employee, the serious health condition of a qualifying family member when the employee is attending to the medical needs of the family member, or for the birth, adoption or foster care placement of a child. SPF absences are designated as FMLA leave in accordance with the provisions of the *FMLA*.
- (c) SPF absence is only available to permanent employees.
- (d) Details regarding this absence policy are published through the Directives Management System. (Reference *Management Directive 530.30, Sick, Parental and Family Care Absence.*)

### **8.102 Absence Requests.**

- (a) All requests for SPF absences, including paid SPF absences, shall be made at least two weeks in advance, if circumstances permit. When not foreseeable, requests shall be made as soon as practicable to ensure protection under the FMLA.
- (b) This request shall be made in writing on the commonwealth's request for SPF absence form.
- (c) Requests shall include medical information on the commonwealth's serious health condition certification form or for parental reasons, proof of child's birth or custody.

### **8.103 Eligibility.**

- (a) Eligibility is determined based on two factors: One year of service (at least 26 pay periods of leave service credit) and 1,250 hours worked during the 12 month period preceding the date of the first absence of each event. An event is a specific reason or medical condition for which an SPF absence is approved. Regular hours and overtime hours worked and all military absence hours count toward the 1,250 hour requirement; holidays and other paid and unpaid absences do not count.
- (b) Once eligibility is determined for the SPF event, the employee remains eligible for that SPF event for the next 12 months as long as SPF absence entitlement is available and the absence is medically certified as required.

- (c) Eligibility is re-measured at the end of each 12 month period and for each new or different SPF event.

#### **8.104 Entitlement.**

- (a) Employees who meet SPF eligibility are entitled up to six months within a rolling year for all SPF events. If an employee has in excess of six months of paid leave, the entitlement is not limited to six months. Because a rolling year is the 12 month period measured backward from the date of each absence, an employee's entitlement can change by the day.
- (b) All absences for sick leave without pay, parental leave without pay and family care leaves without pay with benefits absences and all paid SPF absences run concurrently with and are deducted from the SPF absence entitlement.
- (c) For a birth, adoption, or foster care SPF event, the absence begins upon the employee's request; however, it may not be used prior to the date of birth, custody, or placement, except when required for adoption or foster care placement to proceed. The SPF event shall expire one year from the date of birth, adoption, or placement for foster care, regardless of whether or not the entire SPF absence entitlement has been used.

#### **8.105 Paid Leave.**

- (a) Upon commencement of each SPF absence, all applicable accrued sick leave (including sick family and additional sick family leave) must be used before any other paid or unpaid absence. Sick leave is only required to be used and may only be used for reasons in which sick leave is ordinarily used.
- (b) After all applicable, accrued sick leave is used, employees may choose to use accrued annual, personal, and holiday leave. Employees also may choose to use anticipated annual, personal and/or sick leave in accordance with anticipation rules.
- (c) All forms of paid leave used, beginning with sick leave, will run concurrently with the commencement of and be deducted from the SPF absence entitlement.

#### **8.106 Intermittent or Reduced-Time Absence.**

- (a) SPF absences that are medically necessary may be taken on an intermittent or reduced-time basis only during the initial 12 weeks of absence in a rolling year. For parental absence, approval is at the agency's discretion.
- (b) For all intermittent or reduced-time absences, the employee shall attempt to develop a schedule, working cooperatively with the supervisor, which meets the employee's needs with consideration to the times that are least disruptive to normal operations, subject to the approval of the health care provider.



- (c) If eligibility is established and entitlement is available, requests for SPF absences after the first 12 weeks of absence in a rolling year shall be approved only when: the period of absence is full-time and is expected and medically certified to be at least two consecutive weeks; or the employee has a catastrophic illness or injury that poses a direct threat to life or to the vital function of major bodily systems or organs; or the employee requests to work on a reduced-time basis for parental reasons and approval for a specific timeframe is granted at the agency's discretion.

#### **8.107 Extended Sick, Parental and Family Care (ESPF) Absence.**

- (a) Employees are entitled to up to six months of ESPF absence without benefits when a request for absence is made in writing, proof of the need for continuing absence is provided on the commonwealth's serious health condition certification form and the absence is contiguous to the expiration of SPF absence.
- (b) When the one year of service eligibility requirement has not been met and the ESPF absence is for at least two consecutive weeks ESPF absence will also be provided. Note: Only one occasion within a rolling year will be approved.

#### **8.108 Return to Work Rights.**

- (a) Upon return from an SPF absence, employees have the right to return to the same or equivalent position held before commencing SPF absence.
- (b) After commencing ESPF absence, employees have limited return rights. Rights usually are to, during the remainder of the six month period, a vacant position in the same or equivalent classification to which there are no seniority claims and which the agency intends to fill. Refusal to return to a position that is offered will terminate these return rights.

### **MILITARY LEAVE WITHOUT PAY**

#### **8.131 General.**

- (a) Employees of the commonwealth who leave their jobs for the performance of duty, voluntarily or involuntarily, in any branch of the Armed Forces of the United States, any of its Reserve components, any of its National Guard components, or the commissioned corps of the Public Health Service for the purpose of training or service must be granted military leave without pay. The provisions of Sections 8.131 through 8.136 are consistent with *Chapter 43, Part III, of Title 38 United States Code* and *Military Code, 51 Pa. C. S. § 7301 et seq.*
- (b) Employees who are on military leave without pay will have their duties performed either by remaining employees and their positions kept vacant or by temporary substitutes.

#### **8.132 Granting, Duration and Expiration.**

- (a) Military leave without pay must be granted for the following military service:
  - (1) For all active duty (including full-time National Guard duty).

- (2) For initial active duty for training.
  - (3) For other active or inactive military training duty. Employees who volunteer for additional duty not required as part of routine training must provide four weeks notice, if possible, to their immediate supervisor prior to the commencement of such duty.
- (b) Military leave without pay is available for five years plus any involuntary service during wartime or national emergency. The five years is cumulative throughout employment with the commonwealth.
- (c) Military leave without pay will expire:
- (1) For periods of more than 180 days, no more than 90 days after the completion of the service.
  - (2) For periods of service of more than 30 days but less than 181 days, no more than 14 days after the completion of the service.
  - (3) For periods of service that were less than 31 days, the first full regularly scheduled work period following the period of service or up to eight hours after an opportunity to return from the place of service to the employee's home.
  - (4) For periods of hospitalization or convalescence from illness or injury incurred during the period of service, up to two years after the period of service or when recovered, whichever occurs sooner.
  - (5) For circumstances beyond an employee's control, the above periods may be extended upon demonstration of such circumstance.

**8.133 Reemployment.** Employees have the right to return to employment at the time of or prior to the expiration of military leave upon notifying the agency head of the desire and availability to return to commonwealth service, provided the following are met:

- (a) The employee is capable of performing the essential functions of the position.
- (b) For temporary employees, the temporary position has not yet expired.
- (c) For periods of service delineated in Section 8.132(c)(1) and (4), written application for reemployment is provided to the agency head.

**8.134 Retirement Rights.** Employees who are granted military leaves may, under conditions provided in the *Military Code (51 P. S. § 7306)* and *Chapter 43, Part III, of Title 38 United States Code*, and in accordance with procedures prescribed by the SERS and the Public School Employees' Retirement System, choose either to continue or discontinue making regular payments into their retirement accounts.

**8.135 Loss of Benefits.** Employees who are separated from the service under other-than-honorable-condition, bad conduct, or dishonorable discharge will not be entitled to any of the benefits of Sections 8.131 through 8.136 except such vested rights as they may have acquired thereto by virtue of payments into retirement accounts.

**8.136 Annual, Sick and Personal Leave.** Employees granted military leaves for active duty may be paid for annual and personal leave, may use annual or personal leave that was accrued prior to the commencement of military duty, or may have annual and personal leave frozen. Sick leave earned and not used at the time of entry into the Armed Forces will be available to employees upon return to work. Employees will not earn annual, sick, or personal leave while on military leave without pay.

**8.137 Physical Examination.** Employees will be granted one day of administrative leave with pay to take any physical examination required in connection with entering the Armed Forces. An extension of such paid leave, not to exceed two additional days, may be approved by the agency if the employee certifies, in writing, that more than one day is required to complete the examination.

**8.138 Guidelines for Benefits Continuation.** Guidelines established by the Secretary of Administration regarding state-paid benefits while on military leave without pay and continuation of state-provided benefits at employees' expense are published through the Directives Management System. (Reference *Management Directive 530.26, Benefit Entitlements for Employees on Military Leave.*)

## **REGULAR LEAVE WITHOUT PAY**

### **8.141 Non-Civil Service Employees.**

- (a) Leave without pay may be granted to non-civil service employees for such purposes and for such periods of time as may be authorized by agency heads. Employees are not required to use accumulated sick or annual leave prior to commencement of a leave without pay. Employees may return to employment within the agency from which the leave without pay was granted at the discretion of the agency head.
- (b) When an employee, granted a leave without pay, is covered by a labor agreement or an arbitration award adopted by the Executive Board, those provisions take precedence.

### **8.142 Civil Service Employees.**

- (a) Leave without pay may be granted to civil service employees by agency heads in accordance with *4 Pa. Code, Chapter 101* and *§ 807.1* of the "*Civil Service Act*." Employees are not required to use accumulated sick or annual leave prior to commencement of a leave without pay. Employees may return to employment within the agency from which the leave without pay was granted, subject to the provisions of *4 Pa. Code, Chapter 101* and *§ 807.1* of the "*Civil Service Act*".
- (b) The provisions of labor agreements with respect to leaves of absence without pay may be applied to civil service employees when they are not in conflict with *4 Pa. Code, Chapter 101*, or *§ 807.1* of the "*Civil Service Act*".

## **INJURY LEAVE WITHOUT PAY**

### **8.151 General.**

- (a) Injury leave without pay with benefits is a leave of absence available to employees who sustain a work-related injury and either have no accrued leave available or elect not to use accrued sick, annual, or personal leave to supplement workers' compensation benefits.
- (b) The provisions of Sections 8.141 and 8.142 are consistent with the *FMLA of 1993*, and leave granted in accordance with these sections will be designated as leave under the provisions of the Act.

### **8.152 Eligibility for Injury Leave without Pay.**

- (a) An employee who sustains an incapacitating work-related injury as determined by a decision issued through the operation of the Workers' Compensation Program is eligible to elect injury leave without pay with benefits. Injury leave without pay with benefits, either alone or in combination with paid injury leave, is available for an aggregate of 12 months or for the duration of the disability, whichever is less. The aggregate of 12 months may not extend beyond three years from the date of injury. For employees with continuing disability, the time between the end of injury leave without pay with benefits and the date that is three years from the date of injury will be leave without pay without benefits. Injury leave without pay is subject to conditions established by the Secretary of Administration through the Directives Management System.
- (b) Regardless of other provisions in this section, compliance with the *FMLA* must be ensured. Therefore, employees who have been employed at least 12 months (total employment, even if the employment was not continuous) and have been paid at least 1,250 hours (includes regular and overtime hours paid, but excludes holidays and other paid time off) during the previous 12 month period are entitled to a period of up to 12 weeks injury leave without pay (minus any injury leave or any other *FMLA* qualifying leave used within the last 12 months) in a rolling 12 month period.
- (c) Injury leave without pay is not applicable to certain employees of the Departments of Public Welfare, Department of Corrections, Department of General Services, Liquor Control Board, Board of Probation and Parole, Pennsylvania State Police and the Office of Attorney General whose injuries are within the scope of either the *Act of December 8, 1959, P.L. 1718, 61 P. S. §§ 951 and 952*, referred to as *Act 632/534*, or the Act of June 28, 1935, known as the "*Heart and Lung Act*," *P.L. 477, 53 P. S. §§ 637 and 638*.

## MISCELLANEOUS LEAVE PROVISIONS

**8.161 Agency Written Leave Management Policies.** Each agency must maintain written leave management policies and procedures for areas that are not specifically addressed in the human resources management rules, the collective bargaining agreements, leave-related management directives, or in *Manual 530.7, Absence Program*. Such policies or practices should include: employee call off procedures due to illness or emergency; notice requirements, if any, for use of non-emergency leave; information to help supervisors identify potential sick leave misuse; leave related disciplinary information; leave auditing information; and other related areas based on each agency's needs.

### **8.162 Records and Reports.**

- (a) Each department and agency must maintain appropriate records of leave entitlements and usage and will be required to prepare such reports as the Secretary of Administration deems necessary to ensure proper leave administration.
- (b) Supervisors and timekeepers must ensure that all time not worked is properly accounted for and all leave is correctly recorded and entered through the commonwealth's SAP time module.

**8.163 Absence without Leave.** An employee who is absent from work without authorization will be considered absent without leave and will not receive compensation for the period of absence.

**8.164 Resignation Following Leave without Pay.** A failure to report for work following the termination of a leave without pay will subject the employee to termination action effective on the first day after the last day of leave without pay.

## CHAPTER 9. EMPLOYEE PERFORMANCE MANAGEMENT

### Subchapter A. PERFORMANCE MANAGEMENT

### Subchapter B. PROBATIONARY PERIODS

### Subchapter C. EMPLOYEE RECOGNITION

#### Subchapter A. PERFORMANCE MANAGEMENT

#### Section 9.1 Performance Management Objectives

#### Section 9.2 Performance Evaluation Systems

#### Section 9.3 Standards of Performance

#### Section 9.4 Raters

#### Section 9.5 Performance Evaluation Review

#### Section 9.6 Training and Development Needs

#### Section 9.7 Evaluations Tied to Furloughs

### 9.1 Performance Management Objectives.

- (a) Performance management involves constructive and creative direction, assessment, training, recognition, motivation and discipline of employees by managers and supervisors.
- (b) Performance evaluation is a key component of effective performance management. It is the duty of every supervisor to be aware of the level of performance of employees who report to him/her. Encouragement and assistance will be given to employees to improve substandard performance and recognition will be given to employees whose performance exceeds the expectations and standards of the position.
- (c) The main objectives of the performance management system are to:
  - (1) Achieve optimum levels of performance by every employee.
  - (2) Develop meaningful and measurable performance standards.
  - (3) Determine the manner in which duties have been performed and responsibilities carried out and provide employees with that information.
  - (4) Assist employees in achieving a higher level of efficiency and effectiveness in the organization through regular supervisory evaluation of their performance.
  - (5) Identify and support employees who demonstrate a capability for work at a higher level.
  - (6) Identify and enhance employees' performance through training.
  - (7) Identify and address unacceptable performance.

## **9.2 Performance Evaluation Systems.**

- (a)** The performance evaluation instrument covering most commonwealth employees is the Employee Performance Review (EPR), Form 363L. This instrument is used for all employees under the Governor's jurisdiction, including management, supervisory and rank and file. The only exceptions are cabinet officials, Liquor Control Board Wine & Spirits Stores personnel, Department of Education teachers in the D4 bargaining unit, attorneys and law clerks under the jurisdiction of the Office of General Counsel and other categories of employees designated by the Office of Administration.
- (b)** The Performance Evaluation Report for Store Personnel, Form PLCB 1678, is used to assess the performance of Pennsylvania Liquor Control Board Wine & Spirits Stores personnel.
- (c)** Forms PDE 426, PDE 427 and PDE 428 are used to assess the performance of teachers in the D4 bargaining unit in the Department of Education.
- (d)** The Attorney Performance Evaluation and Compensation System (APECS) is used to assess performance of attorneys and law clerks under the jurisdiction of the Office of General Counsel and to assign pay increases based on evaluation ratings and other factors.
- (e)** All evaluation methods require employees to be rated annually. At least biannual progress reviews are required for employees evaluated utilizing the EPR-363L Form, PLCB 1678 Form and APECS. Agency heads can determine one annual rating cycle for the agency or different rating cycles for organizational units within the agency. Attorney performance reviews must be completed annually as established by the Governor's Office of General Counsel.

## **9.3 Standards of Performance.**

- (a)** Raters, regardless of performance evaluation system used, are responsible for establishing qualitative and quantitative expectations related to jobs, discussing the expectations with employees and rating the performance of employees with respect to those standards. As duty assignments change, performance standards must be reevaluated for their applicability. Raters may collaborate with employees on developing performance standards and job expectations.
- (b)** Standards and job expectations can be conveyed to employees orally or in writing and in any format that facilitates mutual understanding of the standards and job expectations. However, the method chosen must be consistently applied to all employees in a supervisory unit. In addition, an agency head or designee can determine the method for the agency or organizational segments of the agency.
- (c)** Human resources offices will ensure that raters are trained in the setting of performance standards and job expectations and in the administration of performance evaluations. They also will assist managers and supervisors in developing performance standards and job expectations, as necessary.
- (d)** The relative importance of the performance factors and standards upon which evaluations will be made will be identified and communicated to employees by their supervisor.

- (e) All supervisors are to be evaluated on their compliance with the timely and effective administration of the evaluation process for employees under their supervision.

#### **9.4 Raters.**

- (a) Ratings and progress reviews are to be completed on a timely basis by supervisors familiar with the work performance of employees. Generally, this is the immediate supervisor. However, the person who completes and signs a performance evaluation form as the rater of an employee should not be a member of the same collective bargaining or meet and discuss unit as that of the employee being rated.

- (b) The reviewing officer typically will be the rater's immediate supervisor. The reviewing officer is responsible for ensuring that performance standards are consistently applied to positions of a similar nature and standards are consistent with agency standards and work expectations.

**9.5 Performance Evaluation Review.** If an employee is dissatisfied with a performance evaluation, the employee may request to discuss it with the reviewing officer. Further reviews within the agency may occur but the agency's decision is final. Classified service employees may appeal alleged discrimination to the SCSC pursuant to § 951(b) of the *"Civil Service Act."*

**9.6 Training and Development Needs.** After performance standards/job expectations are established, the rater and employee should discuss the employee's training and development needs as they relate to the achievement of the employee's standards/expectations. When employees are rated, the rater and the employee again should discuss training and development that has been completed and needs for the upcoming rating period.

**9.7 Evaluations Tied to Furloughs.** When a reduction in workforce is necessary, the last regular performance evaluation completed and filed with the human resources office should be used in accordance with requirements described in *4 Pa. Code § 101.1* (relating to furlough) or the provisions of the appropriate labor agreement and *Manual 580.2, Furlough of Classified Service Employees Not Covered by Labor Agreements.*



## Subchapter B. PROBATIONARY PERIODS

### Section 9.11 Probationary Employees

### Section 9.12 Granting of Employment Status

### Section 9.13 Extension of Probationary Periods

#### 9.11 Probationary Employees.

- (a) Civil service employees are required to serve a probationary period when they are hired or promoted. The length of the probationary period varies depending upon the classification. The majority of probationary periods are six months (180 days) but in no case more than 18 months (545 days), except for trainees where the maximum is 24 months (730 days). Probationary periods are to be prorated for part-time positions according to the number of hours in the employee's workweek. Incumbents will be assigned regular status upon satisfactory completion of the required hours.

An employee's probationary period will be adjusted for periods of leave without pay and disability leave. Satisfactory periods of employment in emergency or temporary status may be credited toward completion of the subsequent probationary period in the same job classification provided the service is continuous.

- (b) **Non-Civil Service, Union Represented Employees.** Non-civil service employees who are represented by a union serve a probationary period consistent with the terms of applicable collective bargaining agreements or memoranda of understanding.
- (c) **Civil Service, Union Represented Employees.** Civil service employees who are represented by a union, serve two probationary periods concurrently; one under the *Civil Service Act* and one under the collective bargaining agreement or memorandum of understanding.
- (d) **Non-Civil Service, Non-Union Represented Employees.** Non-civil service employees who are not covered by a collective bargaining agreement or memorandum of understanding do not serve a probationary period. The State Police Cadets are to be evaluated consistent with departmental procedures which mandate an 18 month probationary period.

#### 9.12 Granting of Employment Status.

- (a) **Civil Service Employees.** Supervisors of civil service probationary employees must complete a performance evaluation for the employee and indicate that regular status is recommended in order for regular civil service status to be granted. The appointing authority must notify the employee, in writing, that performance has been satisfactory prior to the expiration of the employee's probationary period and take affirmative action to grant regular status. Failure to officially notify the employee that regular status has been granted will result in continuation of the probationary period up to 18 months for all classifications with the exception of training classes, which will have a maximum probationary period of 24 months.

- (b) **Non-Civil Service, Union Represented Employees.** Prior to the completion of the established probationary periods, raters of non-civil service, union represented employees must complete a performance evaluation indicating that the employee's performance is satisfactory or unsatisfactory. Failure to initiate action to terminate the employee or extend the probationary period consistent with applicable union agreements or memoranda of understanding will result in regular employment status for the employee.
- (c) **Non-Civil Service, Non-Union Represented Employees.** The granting of regular employment status does not apply to non-civil service employees who are not covered by a regular bargaining agreement or memorandum of understanding.

### 9.13 Extension of Probationary Periods.

- (a) Extensions of civil service probationary periods may be granted at the discretion of the agency when employees are not performing satisfactorily in one or more performance factors or when more time is needed to adequately evaluate the employee's performance because of a supervisory change, reassignment, transfer, or similar action during the probationary period. Written notification of the extension must be received by the employee prior to the expiration of the probationary period.
- (b) Extensions of probationary periods for union represented employees (non-civil service and civil service alike) require concurrence of the appropriate union. (Reference *Management Directive 540.7, Employee Performance Review; Management Directive 580.8, Classified Service Probationary Periods; Management Directive 535.5, Use of Trainee Classes in the Classified Service; Management Directive 580.19, Promotion in the Classified Service Without Examination; and Manual 580.2, Furlough of Classified Service Employees Not Covered by Labor Agreements.* See also *Sections 603 and 804 of the "Civil Service Act"* and *4 Pa. Code §§ 97.31 through 97.39, 99.13, 99.14, 99.24 and 101.32.* See also wording contained in appropriate collective bargaining agreements and memoranda of understanding.)

### **Subchapter C. EMPLOYEE RECOGNITION**

**9.14 General.** Employee recognition programs are an effective and cost effective method for stimulating employee motivation and productivity. Each agency must maintain a program to recognize employees for longevity, retirement, outstanding service or accomplishment and significant cost savings to the commonwealth. Guidelines established by the Secretary of Administration and the Secretary of the Budget regarding employee recognition are published through the Directives Management System. (Reference *Management Directive 505.23, Employee Recognition Program* and *Management Directive 505.32, Governor's Awards for Excellence.*)

## CHAPTER 10. SENIOR MANAGEMENT SERVICE

- Section 10.1 Senior Management Service Defined**
- Section 10.2 Assignment of Positions**
- Section 10.3 Criteria for Assignment of Positions**
- Section 10.4 Leaves of Absence for Classified Service Employees**
- Section 10.5 Removal of Employees**
- Section 10.6 Classification of Positions**
- Section 10.7 Compensation of Employees**
- Section 10.8 Audit of Positions**
- Section 10.9 Effects of Classified Service Furloughs While On Leave of Absence**

**10.1 Senior Management Service (SMS) Defined.** The SMS is comprised of positions in the commonwealth unclassified service which have broad policy participation and management responsibility. Bureau directors, some division chiefs, regional and district office managers and comparable level positions which meet the criteria defined in Section 10.3 may be assigned to the SMS.

### **10.2 Assignment of Positions.**

- (a) The Secretary of Administration is responsible for conducting an ongoing review of positions based on the criteria outlined in Section 10.3. The Secretary will make appropriate recommendations to the Executive Board regarding assignment of positions to the SMS.
- (b) Positions will be added to or deleted from the SMS by action of the Executive Board. Before a civil service position can be added to the SMS, the position must be exempted by the SCSC under *Section 3(c)(1)* of the "Civil Service Act."
- (c) The SMS does not include deputies, press officers, legislative liaisons, executive and special assistants and other positions which serve in a direct staff capacity to an agency head.

**10.3 Criteria for Assignment of Positions.** Criteria for assignment of positions to SMS include the following:

- (a) Whether the position description reflects a role in policy formulation and participation in policy decision-making.
- (b) Whether the pay scale group reflects the policy responsibilities of the position.
- (c) Whether the lines of authority and reporting sequence stemming from the position reflect policy responsibilities of the position.
- (d) The degree of impact the program of which the position is a part has on the agency or the commonwealth.
- (e) The degree of administrative discretion the position exercises in carrying out overall departmental policy and in formulating and approving policy.
- (f) Whether the responsiveness and accountability of the position is paramount to achievement of an agency head's goals and objectives.

**10.4 Leaves of Absence for Classified Service Employees.** When an employee in the classified service is selected for a position in the SMS, the employee will be granted a leave of absence from civil service status in accordance with § 807.1 of the *“Civil Service Act”* and 4 Pa. Code § 101.62(b).

**10.5 Removal of Employees.**

- (a) Incumbents of positions in the SMS will serve at the pleasure of the agency head.
- (b) Classified service employees who enter SMS positions will, in addition to the return rights granted under the *“Civil Service Act”* and civil service rules, have retreat rights to a position not below the last pay scale group, pay scale level, and civil service status held in the classified service prior to the leave of absence. Retreat rights can be exercised at the initiation of the employee or the agency and in those instances where SMS positions either cease to exist or no longer meet the criteria for inclusion in the SMS because of an agency’s reorganization.
- (c) The retreat rights of a classified service employee to a civil service position (see subsection (b) of this section) will be the obligation of the same agency which selected the employee for the position in the SMS except in those cases where a SMS position has been transferred from one agency to another, in which case the gaining agency will bear the obligation. Should a comparable position not exist at the time of return to the classified service, the agency will establish a position not below the employee’s pay scale group and civil service status prior to entering the SMS. The employee’s rate of pay will be set at the rate it would have been had he or she not been placed in a SMS position. The principle of retreat rights is to ensure that an employee who has retreat rights is neither advantaged nor disadvantaged by virtue of having entered the SMS.
- (d) The right of return of classified service employees who are being removed from SMS positions will be absolute except in the case of malfeasance in office or other grievous act which in the public interest preclude return to civil service status.

**10.6 Classification of Positions.** Classification of positions in the SMS will be accomplished in accordance with the rules and regulations of the Executive Board and such other policies and rules as the Secretary of Administration may prescribe.

**10.7 Compensation of Employees.** Compensation (pay and benefits) of employees in the SMS will be in accordance with the rules and regulations of the Executive Board and other policies and rules as the Secretary of Administration may prescribe.

**10.8 Audit of Positions.**

- (a) The Secretary of Administration will periodically review all positions assigned to the SMS to determine their continued eligibility for inclusion in the SMS.
- (b) Audits will be conducted in accordance with procedures prescribed by the Secretary of Administration.
- (c) The Secretary of Administration, with approval of the Executive Board, may add positions to the SMS.

**10.9 Effects of Classified Service Furloughs While on Leave of Absence.** When furloughs occur in the civil service classification and furlough unit from which a SMS employee is on a leave of absence, such employee will not be counted as part of the furlough unit. Agencies will, however, calculate the effect, if any, the furlough would have had on the SMS employee and adjust his or her status accordingly so that, upon return from leave of absence, his or her status would be no different than if he or she had been in the classified service position continuously.

## CHAPTER 11. WORKPLACE LEARNING AND DEVELOPMENT

### GENERAL PROVISIONS

#### Section 11.1 General

#### Section 11.2 Policy

### ORGANIZATIONAL RESPONSIBILITIES

#### Section 11.11 Office of Administration

#### Section 11.12 Agencies

### GENERAL PROVISIONS

#### 11.1 General.

- (a) The success of the commonwealth in meeting the needs of its citizens is determined largely by the knowledge, skills and abilities of the state workforce. The commonwealth will ensure that employee competencies remain current and state of the art to provide high quality services and programs to meet the changing needs of Pennsylvanians.
- (b) To accomplish this objective, the commonwealth will provide training and on-the-job development opportunities to help employees obtain, maintain and enhance relevant knowledge and skills for successful job performance and accomplishment of agency goals.
- (c) Employees also have a role in their development. Employees are encouraged to invest in their future by committing their personal resources in efforts to remain competitive in their professions.

#### 11.2 Policy.

- (a) The Office of Administration is responsible for developing policies and programs to support continuous, commonwealth-wide workforce learning and development.
- (b) Agency heads are responsible for workplace learning and development of employees in their respective agencies. Agency heads are to provide active leadership to ensure that workforce learning goals are tied to the agency's mission and that sufficient funds, staff and other resources are provided to accomplish this effort.

### ORGANIZATIONAL RESPONSIBILITIES

**11.11 Office of Administration.** The Bureau of Workforce Planning and Development, Human Resource Development Division will:

- (a) Support the Governor's mission and goals through provision of interagency supervisory and management training development programs.
- (b) Conduct or provide for the delivery of executive training and education consistent with the administration's priorities.

- (c) Develop guidelines and curriculum for executive development.
- (d) Provide consulting services to assist agency training officers and managers in design and delivery of employee development opportunities, conference management, training operations and administration.
- (e) Monitor agency training operations and provide assistance in meeting standards of training policies, procedures and guidelines.
- (f) Assist and encourage agencies in sharing employee training activities, resources, technology, and programs where interagency cooperation would yield cost benefits to maximize developmental opportunities for commonwealth employees.
- (g) Assist agencies in assessment of employee development programs including internships and trainee programs in helping organizations achieve their goals.
- (h) Provide guidelines for agency use of out-service and in-service training to meet organizational and employee learning needs.
- (i) Conduct or provide for developmental opportunities for agency training officers, staff and program trainers to remain current in training practice, theories, knowledge, skills and technology.
- (j) Provide training programs to increase the pool of trained facilitators and instructors.

#### 11.12 Agencies.

- (a) **General.** The agency workplace learning and development function is responsible for establishing, implementing, evaluating and documenting training and development programs. These efforts should ensure quality learning experiences supportive of the Governor's and agency's goals.
- (b) **Agencies will:**
  - (1) Develop an agency training policy consistent with commonwealth policy and with the agency's strategic organizational goals.
  - (2) Define how the training function can help the organization achieve its mission and goals through the effective use of its human resources.
  - (3) Assign agency personnel responsibility for training administration and identify resources to meet agency training program goals.
  - (4) Develop an annual training plan and submit a report based upon assessment of agency workforce training needs essential to attainment of agency goals and objectives. Agencies should identify training resources that can be provided with more cost efficient in-service training methods. (Reference *Management Directive 535.7, Annual Agency Training Plan and Report.*)



- (5) Develop or make available core training programs in these areas:

  - (i) Agency-specific technical training.
  - (ii) Executive/management developmental opportunities to support organizational goals.
  - (iii) Individual employee training plans based on learning needs and personal learning style.
- (6) Ensure that employees receive commonwealth-mandated training as required.
- (7) Evaluate the effectiveness of the agency training program on a continuous basis. (Reference *Management Directive 535.7, Annual Agency Training Plan and Report.*)
- (8) Maintain accurate and current records of all training activities including individual employee records, agency statistical data and training costs. (Reference *Management Directive 535.7, Annual Agency Training Plan and Report.*)
- (9) Develop an internal approval and record keeping process for out-service training requests. Ensure that such requests are applied to essential organizational needs that cannot be furnished by commonwealth training resources or in-service training provisions. (Reference *Management Directive 535.3, Out-Service Training.*)
- (10) Agencies that choose to provide a rotational assignment or fund a Pennsylvania Management Associates (PMA) position are to provide quality training and financial support, as needed, to prepare PMAs for careers in Pennsylvania state government.
- (11) Provide employees in internships and trainee positions with comprehensive training programs to acquire the knowledge, skills and abilities to satisfactorily meet performance standards. (Reference *Management Directive 535.4, Use of State Work Program and Public Services Trainee Classes* and *Management Directive 535.5, Use of Trainee Classes in the Classified Service.*)
- (12) Ensure that agency training is nondiscriminatory and consistent with the commonwealth's Equal Employment Opportunity Policy and the *Americans with Disabilities Act*.
- (13) Support development of training staff and ensure they have the resources to remain current in the latest training trends and issues, methods of delivery and technology.

## CHAPTER 12. PROMOTION, TRANSFER AND DEMOTION

### Section 12.1 Promotion

### Section 12.2 Transfer

### Section 12.3 Demotion

### Section 12.4 Temporary Reassignment

### Section 12.5 Civil Service Employees

#### 12.1 Promotion.

- (a) Employees considered for promotion must possess the established qualifications for the classification. The selection process must conform to provisions of the *"Civil Service Act,"* the agency's equal employment opportunity program, the *Americans with Disabilities Act* and labor agreements, as appropriate. (Reference *Management Directive 205.25, Disability-Related Employment Policy.*)
- (b) A promotion can occur either as a result of moving an employee into a higher level vacant position or as a result of an upward reclassification of the employees' existing position. A promotion will not take place solely to increase the pay of an employee.
- (c) The salary of an employee who is promoted will be set in accordance with Section 5.31.
- (d) The promotion of an employee from either a civil service or a non-civil service position in an agency to a non-civil service position in another agency will require the prior approval and consent of the employee, the gaining agency head and the Bureau of State Employment. The promotion of an employee from either a civil service or a non-civil service position in an agency to a civil service position in another agency will require the prior approval and consent of the employee, the gaining agency head, the SCSC and will be in accordance with Section 99.22 of the civil service rules.
- (e) The losing agency will receive notice of no less than two weeks, unless a shorter period is agreed to. In no case will the losing agency delay a promotion more than 60 calendar days. The length of delay will depend upon whether the vacancy of the position endangers the health and safety of the workforce or the public and the necessity of the employee to complete projects or assignments. These factors will vary based upon the organizational location, level of responsibility and specialized duties, if any, of each individual. The 60 calendar day rule does not apply when employees are moving into trainee classifications that require an exact start date for all participants in the program.

#### 12.2 Transfer.

- (a) An agency head may, in accordance with the agency's equal employment opportunity program, the *Americans with Disabilities Act* and with procedures established by the Office of Administration, the SCSC, and applicable labor agreements, transfer an employee under his or her jurisdiction from one position to another position in the same job classification or reassign an employee under his or her jurisdiction from one position to another in a job classification having the same minimum hourly rate, whichever applies, provided that the employee possesses the minimum qualifications for the position.

- (b) The effect of the transfer on the salary of an employee will be in accordance with Section 5.33.
- (c) The transfer of an employee from either a civil service or a non-civil service position in an agency to a non-civil service position in another agency will require the prior approval and consent of the employee, the gaining agency head and the Bureau of State Employment and must be consistent with any contractual seniority provisions. The transfer of an employee from either a civil service or a non-civil service position in an agency to a civil service position in another agency will require the prior approval and consent of the employee, the gaining agency head and, if there is another simultaneous action, such as a promotion or demotion, the SCSC and must be consistent with any contractual seniority provisions and Section 99.22 of the civil service rules.
- (d) The effective date of the transfer will be negotiable between the losing and gaining agency heads. In no case will the losing agency delay a transfer more than 60 calendar days. The length of delay will depend upon whether the vacancy of the position endangers the health and safety of the workforce or the public and the necessity of the employee to complete projects or assignments. These factors will vary based upon the organizational location, level of responsibility and specialized duties, if any, of each individual. The 60 calendar day rule does not apply when employees are moving into trainee classifications that require an exact start date for all participants in the program.
- (e) Subsection (d) does not apply when there is a reorganization of functions from one agency to another and employees are transferred with no change in classification.

### **12.3 Demotion.**

- (a) An agency head may, in accordance with the agency's equal employment opportunity program, the *Americans with Disabilities Act* and with procedures established by the Office of Administration, the SCSC and applicable labor agreements, demote an employee to any position for which the employee qualifies.
- (b) The salary of a demoted employee will be set in accordance with Section 5.32.
- (c) The demotion of an employee from either a civil service or a non-civil service position in an agency to a non-civil service position in another agency will require the prior approval and consent of the employee, the gaining agency head and the Bureau of State Employment. The demotion of an employee from either a civil service or a non-civil service position in an agency to a civil service position in another agency will require the prior approval and consent of the employee, the gaining agency head and the SCSC. The losing agency will receive adequate notice of no less than two weeks unless a shorter period is agreed to.

**12.4 Temporary Reassignment.** An agency head may assign an employee to a position in a higher or lower job classification in accordance with Section 5.43. In making such assignments, consideration should be given to the agency's equal employment opportunity program, where appropriate. (Reference *Management Directive 525.4, Temporary Assignment in Higher Classification.*)

**12.5 Civil Service Employees.** Provisions governing the transfer, promotion and demotion of civil service employees are prescribed in *4 Pa. Code, Chapters 97 and 99.*

**CHAPTER 13. CONDUCT, EMPLOYEE DISCIPLINE,  
CONFLICT OF INTEREST AND PROHIBITED ACTIVITIES**

**GENERAL STANDARDS OF CONDUCT**

- Section 13.1 Personal Conduct**
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**PROHIBITED ACTIVITIES**

- Section 13.31 Political Activities**
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**GENERAL STANDARDS OF CONDUCT**

**13.1 Personal Conduct.**

- (a)** No employee of the commonwealth is to engage in scandalous or disgraceful conduct, or any other behavior, on or off duty which may bring the service of the commonwealth into disrepute. Violations of this nature or violations of the commonwealth's human resources management rules may result in disciplinary action.
  
- (b)** Agencies, with the approval of the Secretary of Administration, may establish standards of conduct deemed necessary for the effective operation of that agency. These standards will be communicated to employees and the consequences of violations made known. An employee may be expected to be aware without such notice that certain conduct such as insubordination, coming to work in an unfit condition, theft of property of the commonwealth or others in the workplace and fighting are serious offenses that will subject the employee to immediate discipline.

## **13.2 Unlawful or Illegal Conduct.**

- (a) Perpetrators of any illegal or unlawful act committed on state government premises will be referred to the proper authorities for prosecution in accordance with the law.
- (b) As soon as practicable after an employee has been formally charged with criminal conduct related to his or her employment with the commonwealth or which constitutes a felony, such employee will be suspended without pay. If such charge results in conviction in a court of law, such employee will be terminated.
- (c) As soon as practicable after an employee is formally charged with criminal conduct other than a felony and not related to his or her employment with the commonwealth, the head of the agency which employs such person, or his or her designee, will conduct an inquiry and make a preliminary determination as to whether or not the employee is to continue to perform his or her duties pending the outcome of the investigation and final determination.

## **EMPLOYEE DISCIPLINE**

**13.11 Nature of Discipline.** Employee disciplinary actions are to be corrective and, where appropriate, progressive in nature and designed to encourage the employee to conform to established standards of performance or conduct, except in those instances where the actions of the employee are not conducive to rehabilitation or make continued employment with the commonwealth clearly unacceptable.

**13.12 Degree of Discipline.** The discipline to be imposed should be determined on an individual basis, taking into account such factors as the seriousness of the offense and the record of the employee's service with the commonwealth. An employee's work record may provide a basis for differentiating in the degree of discipline imposed for like or similar offenses.

**13.13 Investigation.** A thorough and objective investigation of facts and circumstances surrounding an incident giving rise to discipline will be conducted prior to the imposition of discipline.

**13.14 Notice to Employee.** Prior to the imposition of discipline, an employee will be advised of the specifics of the alleged offense and given an opportunity to explain his or her actions.

**13.15 Timeliness.** Discipline is to be imposed within a reasonable time after the event giving rise to such disciplinary action, or management's knowledge thereof.

## **CONFLICT OF INTEREST**

**13.21 Adverse Pecuniary Interest.** No employee is to engage directly or indirectly in a personal business transaction or private arrangement for personal profit which accrues from or is based upon his or her official position or authority. No employee is to participate in the negotiation of or decision to award contracts, the settlement of any claims or charges in any contracts, the making of loans, the granting of subsidies, the fixing of rates, or the issuance of permits, certificates, guarantees, or other things of value to, with or for any entity in which he or she has financial or personal interest. The scope of this provision includes but is not limited to the provisions of the "State

*Adverse Interest Act*". Also, with some limited exceptions, no employee is to have any pecuniary interest in, or own shares or securities issued by, an entity regulated by the *Pennsylvania Race Horse Development and Gaming Act, 4 Pa. C.S. § 1101* (Reference *Executive Order 1980-18, Code of Conduct*, includes *Revision No.1; Executive Order 1980-18, Revision No. 3 – Code of Conduct*.)

**13.22 Representing Others Before the Commonwealth.** In accordance with the "*State Adverse Interest Act*," no employee is to represent or act as agent for any private interest, whether for compensation or not, in any transaction in which the state has a direct and substantial interest and which could reasonably be expected to result in a conflict between a private interest of the employee and his or her official state responsibility.

**13.23 Gifts and Favors.** Employees and the families of employees must not, directly or indirectly, solicit, accept or agree to accept any gift of money or goods, loans, or services for personal benefit under any circumstances which would influence the manner in which employees perform their work, make their decisions, or otherwise perform their duties.

**13.24 Misuse of Information.** No employee is to, for his or her own personal gain or for the gain of others, use any information not available to the public at large or divulge confidential information in advance of the time prescribed for its authorized release; nor must any employee receive compensation for consultation which substantially draws upon official ideas or data which has not been disclosed to the public.

**13.25 Dual Employment.** An employee of any agency also may work for any other agency under the Governor's jurisdiction provided that:

(a) Such additional state employment does not, as determined by the agency head, conflict with the employee's regular hours of work or otherwise affect his or her efficiency or effectiveness as an employee.

(b) Such employment cannot reasonably be expected to influence the employee in the discharge of official duties. (Reference *Management Directive 525.11, Dual Employment*.)

**13.26 Supplementary Employment.** No employee is to engage in or accept private or other public employment or render services for private or other public interests unless such employment or service is approved in advance by the agency head to which the employee is assigned. Supplementary employment may be undertaken only when not in conflict with conditions of employment promulgated by the Executive Board and, if applicable, the SCSC; conditions of employment established by the employing commonwealth agency; or other applicable laws, rules, or regulations. (Reference *Executive Order 1980-18, Code of Conduct*, includes *Revision No.1; Executive Order 1980-18, Revision No. 3 – Code of Conduct; Management Directive 205.10, Financial Disclosures Required by Act 1978-170, as amended by Act 1989-9, State Ethics Act*, and *Management Directive 515.18, Supplementary Employment; "State Adverse Interest Act;"* and the *Act of October 4, 1978*, known as the "*Public Official and Employee Ethics Law*," P.L. 883, as amended, 65 P. S. § 401.)

**13.27 Financial Disclosure.** No public employee or public official is to have financial interests which present a conflict or the appearance of a conflict with the public trust. All public employees and public officials are required to file a statement of financial interests under the *"Public Official and Employee Ethics Law"* and the *Code of Conduct* by May 1 of each year for the preceding calendar year. (Reference *Executive Order 1980-18, Code of Conduct*, includes *Revision No. 1; Executive Order 1980-18, Revision No. 3 – Code of Conduct* and the *"Public Official and Employee Ethics Law."*)

**13.28 Enforcement.** Any employee who violates the provisions listed herein will be subject to immediate dismissal or other disciplinary action by the appointing authority. Nothing herein will abridge the remedies of employees under the *"Civil Service Act"* or under applicable collective bargaining agreements.

## **PROHIBITED ACTIVITIES**

**13.31 Political Activities.** No employee is to engage in any political activity such as campaigning, fundraising, canvassing or poll watching during his or her specified work hours, or which is determined by the Secretary of Administration to conflict or interfere with the ability of the affected official or employee to effectively and efficiently carry out the duties and functions of his or her position. Also, no employee in any manner may coerce any other person in government service or employ to contribute time, money or services to a political candidate or campaign.

Provisions relating to activities for civil service employees are contained in *Section 905.2 of the "Civil Service Act;" Executive Order 1980-18, Code of Conduct*, includes *Revision No. 1, Code of Conduct, Including Revision No. 1*, dated May 16, 1984 and *Executive Order 1980-18, Revision No. 3 – Code of Conduct*, dated May 9, 2007; *14 Pa. B. 2036*; and *4 Pa. Code, Chapter 103*.

**13.32 Discrimination.** No agency is to, in any personnel action, including recruitment, appointment, promotion, training or separation, discriminate against any person with respect to the classified service because of race, color, religious creed, ancestry, political opinions and affiliations, union membership, age, gender, sexual orientation, gender identity or expression, national origin, AIDS or HIV status, or disability. Agency heads are to regularly review their human resources practices and procedures to ensure the absence of discrimination.

**13.33 Nepotism.** An employee or official must not exercise direct and immediate supervisory authority over a family member.



## CHAPTER 14. SEPARATION

- Section 14.1 Non-Civil Service Resignation**
- Section 14.2 Non-Civil Service Separation or Furlough**
- Section 14.3 Civil Service Separation or Furlough**
- Section 14.4 Retirement**
- Section 14.5 Resignation in Lieu of Discharge**
- Section 14.6 Employee Mobility Information Program**

### 14.1 Non-Civil Service Resignation.

(a) **Resignation.** In order to resign in good standing, an employee must give the agency at least 14 calendar days prior notice, in writing, unless unable to do so because of extenuating circumstances. Failure to comply with this requirement will be entered in the personnel record of the employee and may bar the employment from future employment by the commonwealth.

(b) **Abandonment of Employment.** Absence without approved leave for five or more consecutive workdays may, at the discretion of an agency head, be interpreted as abandonment of employment and be considered to be a resignation.

**14.2 Non-Civil Service Separation or Furlough.** An agency may separate a non-civil service management level employee in accordance with policies and procedures established by the Governor's Office. Separations or furloughs of non-civil service employees covered by labor agreements must be in accordance with the provisions of the appropriate agreement.

**14.3 Civil Service Separation or Furlough.** Conditions and procedures under which a person may be separated or furloughed from civil service employment will be those established in *4 Pa. Code, Chapter 101* and applicable labor agreements.

**14.4 Retirement.** Eligibility requirements for retirement will be those contained in the *State Employees' Retirement Code* and the *Public School Employees' Retirement Code*. Each agency must ensure that employees are made aware of pre-retirement counseling programs that are available from the SERS and the Public School Employees Retirement System (PSERS).

**14.5 Resignation in Lieu of Discharge.** Agencies must exercise caution when considering an offer of resignation in lieu of discharge, when an employee has been notified of an impending discharge and seeks to avoid it by resigning. Resignations in lieu of discharge should be considered only after consultation with staff of the Office of Administration. In those cases resulting from an investigation by the Inspector General's Office, no settlements or compromises should be reached without the concurrence of the Inspector General as well as the Office of Administration. When a resignation in lieu of discharge occurs, agencies must use the specific computer transaction code identifying the action (Resignation – Contact Former Commonwealth Agency Before Hiring).

## 14.6 Employee Mobility Information Program.

- (a) Agencies are to participate in the commonwealth-wide Employee Mobility Information Program, which consists of New Hire Entrance, Employment Change and Exit Information surveys. Agencies are to incorporate appropriate employee mobility information into the development and maintenance of agency workforce plans. (Reference *Management Directive 505.15, Employee Mobility Information Program.*)
- (b) Agencies are to analyze and evaluate data obtained from employee mobility information programs for human resources management and administration, workforce and succession planning and the formulation of recruitment and retention strategies. Results of the data analysis also should be used for budget planning, succession preparation, employee development and knowledge transfer. Analysis is to include specific turnover challenges, such as: instances of unusually high turnover by occupational groupings, "difficult to fill" classifications, designated key program areas or geographical areas, age or length of service groupings, impact on diversity and significant trends. Summary reports including turnover rates and any identified issues as described above are to be prepared at least annually and provided to the agency head or designee for appropriate action. Information, especially identifying information, contained in New Hire Entrance, Employment Change or Exit Information surveys is to be confidential unless the information disclosed reveals harassment or other illegal or discriminatory activity.
- (c) The Office of Administration is to analyze and evaluate employee mobility information data on a commonwealth-wide basis and work in conjunction with agencies to address systemic workforce planning, recruitment and retention issues.
- (d) Agencies are encouraged to conduct oral discussions prior to employee departures in an attempt to retain valued and high performing employees. Agencies conducting oral discussions are to provide a setting conducive to a free flow of responses, provide any necessary accommodations to employees with disabilities, stress confidentiality and ensure that all oral questions asked are appropriate and non-leading. Questions suited to unique agency conditions may be asked. Although participation should be encouraged, employee participation in either completing mobility surveys or oral discussions is voluntary. Where problems and/or trends are found, reasonable action should be initiated to reduce unwanted employee turnover.

## CHAPTER 15. INTEGRATED ENTERPRISE SYSTEM

- Section 15.1 General**
- Section 15.2 Responsibilities**
- Section 15.3 Role Assignment, Security and Internal Control Maintenance**
- Section 15.4 Employee Self Service/Supervisor Self Service**
- Section 15.5 Timeliness**
- Section 15.6 Data Retention**
- Section 15.7 Complement Control**
- Section 15.8 System Training**

### 15.1 General.

- (a) The Integrated Enterprise System (IES) is recognized as the official record of employment of commonwealth employees for agencies under the Governor's jurisdiction and the official payroll authorizing agent for those employees to the State Treasurer.
- (b) To the extent practicable, the system monitors compliance with major employment policies set by federal and state legislation, collective bargaining agreements and the human resources management rules set by the Office of Administration.

### 15.2 Responsibilities.

- (a) The Secretary of Administration determines the applications supported by the system.
- (b) The Office of Human Resources Management, through its bureaus, establishes the requirements of those applications and monitors compliance from the operating agencies.
- (c) Agency heads initiate the activity to maintain employment records of the workforce and authorize proper compensation to agency employees.

### 15.3 Role Assignment, Security and Internal Control Maintenance.

- (a) Roles are to be assigned to positions consistent with the role requirement documents developed by IES as well as with policies and procedures identified in *Management Directive 205.37, Role Assignment, Security and Internal Control Maintenance*. Role requests are to be reviewed and approved by an appropriate human resources office authority or by the organization management security authorization assigner.
- (b) Agencies should consider streamlining to allow for efficient business processes as well as to maintain a proper level of role segregation to avoid role conflicts and maintain system integrity.
- (c) Requests for role conflict exceptions must identify the following: the manager accountable for the affected position, the safeguards developed to deter and detect error or inappropriate transactions, justification for the need to assign conflicting roles and agency approval.

- (d) Agency human resources directors' responsibilities include but are not limited to: Review organization structure so as to provide guidance on alternatives to role conflicts and to determine the most efficient workflow; review, approve or deny and process transactions for requests to modify or delete roles and structural authorization consistent with role requirement documents; identify and correct, in collaboration with program offices, inappropriate assignment of roles above the intended level of approving authority; provide reasonable assurances that confidentiality of human resources data is maintained and access to data is provided only to authorized personnel; as well as adhere to additional policies and responsibilities outlined in *Management Directive 205.37, Role Assignment, Security, and Internal Control Maintenance*.
- (e) Proper use:
  - (1) Human resources offices should be aware that employee misuse of their roles and corresponding system access may result in discipline up to and including termination.
  - (2) Employees with access to the system may divulge information only as permitted in *Management Directive 505.18, Maintenance, Access and Release of Employee Information*.
  - (3) Employees must protect their method of access to the system from being known to anyone else.

#### **15.4 Employee Self Service/Supervisor Self Service.**

- (a) Employee Self Service (ESS) is designed to allow employees to be in control of some of their personal information via SAP. The functionality includes but is not limited to:
  - (1) Time management: Employees are able to directly enter leave requests, overtime and working out-of-class time. Some employees may be required to enter regular time reports and labor distribution data.
  - (2) Payroll information: Employees are able to change direct deposit information, update federal withholding taxes, select union membership, enroll in U.S. Savings Bonds and view current pay statements online.
  - (3) Personal information: Employees are able to access and make changes to personal information such as mailing and residential address, emergency contact, family membership/dependents, or other personal data.
- (b) Supervisor Self Service (SSS) allows supervisors the ability to review and approve leave requests, overtime, work out-of-class time and labor distribution. In addition, supervisors are able to report any work-related injuries that may occur.

## 15.5 Timeliness.

- (a) Personnel actions are to be input in SAP upon receipt by the agency human resources office. To be timely, personnel transactions must be input and approved through workflow, if appropriate, by the last day of the pay period in which the action is effective. Actions in SAP post real-time, including future-dated actions. Payroll processing occurs on Monday or Tuesday following the pay period ending date.
- (b) Workflow approval of personnel transactions is timely when the approval/disapproval is made within two workdays of receipt by the approving authority. To be timely, all approving authorities must approve the transaction by the last day of the pay period in which the action is effective.
- (c) Time and attendance activity may be input daily. To be timely, this input must be completed by the first pay processing date for the pay period in which the activity occurred.
- (d) When actions are timely, the results of these actions will be reflected on the Remuneration Statement for the regular pay date of the pay period in which the action was effective. When actions are not timely, the results will be reflected on the Remuneration Statement of a subsequent pay period and will include a salary claim or retroactive payment to cover the period missed by the untimely processing.
- (e) Accuracy and timely processing is imperative when processing separations. When separation activity is processed in accordance with paragraphs (a), (b) and (c), employees will receive final payment of overtime, shift differential and other compensation entitlements on the regular pay date for the pay period in which the employee terminated, including leave payment, with deferred compensation deductions.

## 15.6 Data Retention.

- (a) Supporting documentation for transactions processed through the system must be retained as stipulated by *Management Directive 505.18, Maintenance, Access and Release of Employee Information*.
- (b) Employment data maintained within the system must be retained for at least a period of seven years past the employee's latest termination date and until the employee's 75th birthday or date of death.
- (c) Position data maintained within the system must be retained at least three years past the date the position is abolished.
- (d) Daily time and attendance data collected within the system must be retained at least for the current and one prior calendar year.

### **15.7 Complement Control.**

- (a) For salaried positions, the system will enforce the authorized complement levels set at the appropriation level by the Secretary of Administration and the Secretary of the Budget as prescribed by *Management Directive 505.4, Salaried Complement Control*.
- (b) For wage positions, the system will enforce the authorized complement level set at the appropriation level by the Secretary of Administration as prescribed by *Management Directive 505.20, Wage Complement Management and Control*.

### **15.8 System Training.**

- (a) Bureaus in the Office of Human Resources Management will provide training on the use of this system to the operating agencies.
- (b) Agency heads must ensure that appropriate personnel are trained to meet the operational requirements of the system.

## CHAPTER 16. HUMAN RESOURCES MANAGEMENT CONSULTATION

### Section 16.1 General

### Section 16.2 Policy and Procedures

#### 16.1 General.

- (a) The Secretary of Administration, through the Deputy Secretary for Human Resources Management, operates an ongoing human resources management consultation activity, periodically reviewing and evaluating the administration and management of human resources programs operating in agencies under the Governor's jurisdiction. Reviews may include, as appropriate, communication with affected agency management staff, an examination of agency records, on-site interviews with agency staff, oral and written reports stating findings and recommendations and a planning and follow-up process to ensure that recommendations are implemented.
- (b) The purpose of human resources management consultations is to identify both best practices utilized by agencies as well as to identify practical solutions to challenges faced by the human resources community. Human resources management consultations initiate necessary changes and reinforce effective performance so that the human resources system is responsive to program needs and is operating in accordance with established commonwealth policy. The review process concentrates on the effectiveness of commonwealth-wide and agency human resources programs and facilitates the sharing of solutions to enhance the overall operational effectiveness. The conduct of these reviews will be in accordance with established written guidelines. (Reference *Manual 505.2, Personnel Management Review.*)

#### 16.2 Policy and Procedures.

- (a) Human resources management consultations may be directed to review and evaluate a specific agency or facility human resources office, a specific human resources process or activity across agency lines, or other human resources system issues as identified by the Deputy Secretary for Human Resources Management.
- (b) Human resources management consultations focus on both human resources administration, carried out primarily through the agency human resources office and human resources management, inherent in the responsibilities of managers and supervisors.
- (c) Human resources management consultations may utilize employee questionnaires and employee interviews to identify or substantiate findings. Arrangements for such questionnaires and interviews will be made by staff of the Office of Administration with affected agency managers and human resources staff.
- (d) Staff conducting human resources management consultations will have access to official personnel folders, written correspondence and other records which provide insight into or form the basis of sound human resource administration.

- (e) The Office of Administration will include references to well-run human resources programs in the final report and recommendations to agencies and field locations. Where applicable, the report will recommend a particularly strong program area as a best practice reference for other agencies that are in need of improvement. This will foster open communication, recognize agencies for model human resources management and promulgate effective human resources practices throughout agencies.
- (f) Agencies may be selected for a human resources management consultation by the Office of Human Resources Management or an agency may request a consultation based on a specific operational need.
- (g) The human resources management consultation will be conducted by the human resources management committee on-sight team comprised of members of the commonwealth human resources community identified as possessing strong skill sets in the particular areas of focus for the consultation.



## CHAPTER 17. SMOKING IN COMMONWEALTH BUILDINGS AND FACILITIES

### Section 17.1 General

### Section 17.2 Policy

**17.1 General.** The commonwealth promotes a safe and healthful environment for employees and the public in commonwealth buildings and facilities by reducing health risks associated with exposure to environmental tobacco smoke while working to minimize the inconvenience to individuals who smoke.

### 17.2 Policy.

- (a) It is the policy of the commonwealth to comply with the provisions of the *Act 27 of 2008*, known as the "*Clean Indoor Air Act*," and to respect the interests of both the nonsmoker and smoker. When these interests are in conflict, steps must be taken to protect the interests of the nonsmoker.
- (b) Smoking is prohibited in commonwealth buildings and facilities.
- (c) Each agency is to provide employees with information about the smoking policy and smoking cessation programs and include this information in appropriate supervisory and management training programs.

## CHAPTER 18. STATE EMPLOYEE ASSISTANCE PROGRAM (SEAP)

### Section 18.1 General

### Section 18.2 Administration

#### 18.1 General.

- (a) The State Employee Assistance Program (SEAP) is designed to assist employees and their family members in accessing a wide range of human services before personal problems affect job performance and require disciplinary action. SEAP provides an integrated approach to evaluation, referral, case management and follow-up services for employees and their family members experiencing drug, alcohol, emotional, family, marital, financial, legal, or other personal problems. Through a concerted approach by management and labor, SEAP also provides information, education, training, critical incident stress debriefing sessions and consultation to maintain a healthy and productive workforce. Services are available to every segment of the workforce in participating agencies and are tailored to the needs of the employee, employer and unions.
- (b) SEAP is based on the performance-based intervention model which promotes early, voluntary use of the program before performance is affected. In cases where performance and/or behavior is below standard and discipline is being considered, specific steps should be taken at each level of discipline to encourage the employee to use SEAP, and employees should be made aware of the opportunity to avail themselves of SEAP services at every step in the disciplinary process. If an employee violates the commonwealth substance abuse policy or is subject to termination, the agency may require an employee to participate in SEAP as a COCE. All COCEs must be approved by the agency, the Office of Administration-SEAP staff and union (if employee is covered by a bargaining unit). The performance-based intervention model preserves the employee's rights to privacy and discourages the supervisor from diagnosing an employee's personal problems. The SEAP program coordinates services with the employee, union, treatment provider and, as necessary, the health insurance carrier.
- (c) In addition to performance-based intervention, SEAP provides guidance on fitness for duty concerns, which tend to be isolated, or "situational," and require an immediate response. Employees are to report for work in a condition fit for the proper, competent and safe performance of their duties and remain in a fit condition throughout their scheduled work time. Supervisors are responsible for assessing the fitness for duty of their employees and must ensure that employees who may be impaired are not allowed to jeopardize the health and safety of others or the operational efficiency of the workplace. A supervisor must determine impairment/unfitness based on specific, verifiable behavior observations. If an employee poses a threat to self or others, or the employee's behavior is seriously disruptive to the workplace, the agency may require the employee to undergo an Independent Psychological Evaluation (IPE) through SEAP to determine his or her fitness for duty. All IPEs must be approved by the agency and the Office of Administration, SEAP staff.

(d) SEAP also provides on-site assistance to agencies that have experienced a traumatic event such as death, suicide, or violence in the workplace. These services are coordinated by the agency or field SEAP coordinator and the Office of Administration-SEAP staff and are conducted by a specialist or team in the area of critical incident response to address staff issues. Participation in this service is voluntary; however, all affected employees should be encouraged to attend.

**18.2 Administration.** Each agency and larger agency field facilities should have a designated trained SEAP coordinator responsible for the implementation of SEAP in the workplace including the delivery of training, consultation and troubleshooting. Supervisors are required to undergo a comprehensive training program and union stewards are encouraged to participate in this training. Employees must attend a shorter training session on SEAP. The agency coordinator works with all segments of the workforce and serves as the liaison between the workplace, the designated statewide SEAP contract service provider and Office of Administration, SEAP staff. (Reference *Executive Order 1996-10, State Employee Assistance Program; Management Directive 505.22, State Employee Assistance Program; and Manual 505.3, State Employee Assistance Program Supervisor's Guide.*)

## CHAPTER 19. COMMONWEALTH SUBSTANCE ABUSE POLICY

### Section 19.1 General

### Section 19.2 Administration

#### 19.1 General.

- (a) The commonwealth has developed and implemented a comprehensive policy to address the problem of alcohol and other drugs in the workplace. This policy meets and exceeds the requirements set forth in the Federal *"Drug-Free Workplace Act of 1988," 41 U.S.C. § 701*. The commonwealth's policy is based on the belief that to have a drug-free workplace, education, training, early intervention and treatment and a firm policy are essential in order to achieve the objective.
- (b) Key components of the policy include:
  - (1) Commonwealth employees are prohibited from the unlawful manufacture, distribution, dispensation, possession, or use of alcohol and other controlled substances while on duty or in any commonwealth workplace.
  - (2) Any employee determined to be unfit either while on duty, or in any commonwealth workplace, as a result of alcohol or other controlled substances will be subject to appropriate disciplinary action.
  - (3) Any employee convicted of violating any alcohol or controlled substance statute in the workplace must report, in writing, the conviction to his or her supervisor within five days.
  - (4) Any employee convicted of a drug abuse violation in the workplace and not terminated must participate in the SEAP as a COCE.
  - (5) Any employee suspected of having a problem with alcohol or other controlled drugs will be referred to SEAP.
  - (6) Any employee who self discloses a problem with alcohol or other drugs shall be referred to SEAP and will not be subject to discipline or other job related restriction, unless the employee carries weapons, has direct responsibility for care, custody and control of inmates, patients, residents or students, or is a CDL covered employee. Such employees must be evaluated by SEAP, successfully complete a course of treatment recommended by SEAP and pass a return to duty drug/alcohol test, as appropriate, before they can return to duty.
  - (7) Employees must receive information/training on the commonwealth substance abuse policy, the dangers of substance abuse and the availability of counseling and rehabilitation through SEAP.

**19.2 Administration.** Agencies are required to post and disseminate the commonwealth substance abuse policy annually, and if they are recipients of federal grants or contracts, agencies must submit to the respective federal agency the certification of a drug-free workplace. (Reference *Executive Order 1996-13, Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace; Management Directive 505.25, Substance Abuse in the Workplace; and Manual 505.3, State Employee Assistance Program Supervisor's Guide.*)

## CHAPTER 20. COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL TESTING AND LICENSING PROGRAM

### Section 20.1 General

### Section 20.2 Alcohol and Controlled Substances Regulations/Testing

### Section 20.3 Driver's Licensing Regulations

### Section 20.4 Administration

**20.1 General.** Consistent with the *Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. § 45101*, employees who operate commercial motor vehicles are required to be tested for the use of controlled substances and alcohol. Employees, whose job duties require them to operate a commercial motor vehicle and possess a CDL, even on an infrequent or emergency basis, are subject to the CDL driver's licensing and drug and alcohol regulations.

### **20.2 Alcohol and Controlled Substances Regulations/Testing.**

- (a) The following alcohol and controlled substance testing is required: random, reasonable suspicion, post-accident, return-to-duty, follow-up and pre-employment (controlled substances only).
- (b) CDL employees are not to perform safety sensitive duties when using, possessing, or after having tested positive for any controlled substance unless under the instructions of a physician who has advised the employee that the substance will not impair his or her ability to safely operate a commercial motor vehicle.
- (c) CDL employees who, prior to starting their shift and not in an attempt to avoid an alcohol/drug test, self disclose a problem with alcohol or controlled substances will not be permitted to perform safety sensitive duties until the employee has been evaluated by SEAP, successfully completed a course of treatment recommended by SEAP and passed a return to duty drug/alcohol test. Such employees are not subject to follow-up testing after return to safety sensitive duties."
- (d) CDL employees are not to perform safety sensitive duties when using or possessing alcohol or after testing positive for alcohol with an alcohol concentration level of 0.02 or greater.
- (e) CDL employees are not to perform safety sensitive duties if they refuse to take either a controlled substance or alcohol test.
- (f) CDL employees who have tested positive for drugs or with an alcohol test result of 0.04 or greater are not to perform safety-sensitive duties until the employee has been evaluated by a substance abuse professional, has been certified by SEAP to return to safety sensitive duties and has passed a return to duty drug/alcohol test. Such employees will be subject to follow-up testing for up to five years from return to safety sensitive duties.
- (g) All CDL covered employees are to receive information/educational material regarding the policies and requirements of the CDL drug and alcohol testing program and have received a pre-employment drug test with negative results before being assigned safety sensitive duties.

- (h) All supervisors of CDL-covered employees and all supervisory/management staff involved in making reasonable suspicion determinations are to receive the required CDL supervisory training before requiring an employee to be tested on the basis of reasonable suspicion.

### **20.3 Driver's Licensing Regulations.**

- (a) Pre-employment background checks are required of applicants for CDL covered positions consistent with the *Federal Motor Carrier Safety Regulations (FMCSRs)*, 49 CFR § 391.41.
- (b) CDL employees may not possess more than one state's driver's license or operate a commercial motor vehicle if the employee's driver's license is suspended, revoked, or canceled.
- (c) CDL employees, if convicted of a motor vehicle moving violation other than a parking violation, must notify their supervisor of the conviction or forfeiture of bond or collateral within 30 days of the conviction.
- (d) CDL employees must provide an annual certification listing any motor vehicle moving violations, except parking violations, for which the employee was convicted or forfeited bond or collateral within the past twelve months or certify that no such violations occurred.

**20.4 Administration.** Agencies with CDL covered employees are to administer the CDL drug and alcohol testing and licensing program consistent with procedures outlined in applicable Management Directives and federal regulations. (Reference *Manual 505.5, Commercial Driver License Drug and Alcohol Testing and Licensing Requirements; Management Directive 505.22, State Employee Assistance Program; Federal Motor Carrier Safety Regulations, Title 49, Parts 40, 325, 382, 383, 385-387, 390-397, 399; and Manual 505.3, State Employee Assistance Program Supervisor's Guide.*)

## CHAPTER 21. WORKPLACE VIOLENCE

### Section 21.1 General

### Section 21.2 Administration

#### 21.1 General.

- (a) The commonwealth has a "zero tolerance" policy for incidents of workplace violence, including threats of violence by or against its employees or other individuals on commonwealth owned or leased property while engaged in the conduct of commonwealth business, or as a result of commonwealth business. "Zero tolerance" means that all reports of workplace violence will be investigated and appropriate action taken. Violence or threats of violence against any state property also will not be tolerated.
- (b) Key components of the policy include:
  - (1) All managers, supervisors and employees are to be made aware of the commonwealth's policy on workplace violence and the steps to recognize, defuse, respond to and report any workplace violence incident.
  - (2) The use of violence or threats of violence by or against state employees while on duty or in a commonwealth workplace is prohibited.
  - (3) Use of coercion or threats to perform acts of violence upon others and/or the property of the commonwealth is prohibited.
  - (4) Violations of this policy by a commonwealth employee may lead to disciplinary action, up to and including termination from employment, and may be subject to further legal action.
  - (5) Incidents of workplace violence must be reported to the Office of Administration in accordance with procedures established in *Management Directive 205.33, Workplace Violence*.
  - (6) Procedures regarding bomb threats are to be consistent with *Management Directive 205.38, Emergency Evacuation and Safe Assembly* and *Management Directive 720.7, Bomb Threats and Suspicious Packages*.

**21.2 Administration.** Each agency must have a designated workplace violence coordinator responsible for implementing agency workplace violence prevention initiatives and training; providing information and assistance on workplace violence issues and questions to all managers, supervisors and employees; reporting incidents of workplace violence to the Office of Administration; and informing the agency SEAP coordinator of serious incidents of workplace violence and requesting appropriate action. (Reference *Management Directive 205.33, Workplace Violence*; *Management Directive 205.38, Emergency Evacuation and Safe Assembly*; *Executive Order 1996-10, State Employee Assistance Program*; *Management Directive 505.22, State Employee Assistance Program*; and *Manual 505.3, State Employee Assistance Program Supervisor's Guide*.)



## CHAPTER 22. INTERNET ACCESS AND ELECTRONIC MAIL

### Section 22.1 General

### Section 22.2 Administration

#### 22.1 General.

- (a) Internet access enables commonwealth agencies to send and receive information worldwide. The internet also provides the ability to conduct business electronically with other public organizations, companies and industries. The Office of Administration will make internet access available through the commonwealth's Metropolitan Area Network (MAN). If use of the MAN for internet access is not feasible or cost effective, agencies may present a business case to the Office of Administration for an alternate internet connection.
- (b) Electronic mail (e-mail) is a tool provided to employees to complement traditional methods of communication to improve efficiency. E-mail on the commonwealth network and on state equipment is the property of the commonwealth and is designed to facilitate business communication. E-mail is a valuable resource, but it can expose the commonwealth to unintended and unexpected liability, image and business concerns.
- (c) Key components of the policy include:
  - (1) Agencies must develop policies and procedures to ensure security of their information technology resources.
  - (2) Information to be disseminated over the internet must be approved in accordance with agency policy prior to its release.
  - (3) Employees must adhere to requirements set forth in their agency's user agreement and follow agency guidelines for any information to be made available over the internet.
  - (4) Employees will not provide on-line internet users with commonwealth related information without authorization from the appropriate authority.
  - (5) Employees will not engage in any illegal activity in connection with the commonwealth's internet access.
  - (6) All e-mail messages sent, received, or stored on commonwealth networks are the property of the commonwealth and may be reviewed by management at any time.
  - (7) Employees and other e-mail users should understand that the content of e-mail messages is not confidential.
  - (8) Reasonable use of e-mail for personal communication by employees will be permitted in accordance with standards established for business use.
  - (9) All employees with access to e-mail should be provided a copy of *Management Directive 205.34, Commonwealth of Pennsylvania Information Technology Acceptable Use Policy*.

- (10) The improper use of e-mail by an employee can result in disciplinary action up to and including termination.
- (11) Agencies must comply with all applicable federal and state information technology resource policies.

**22.2 Administration.** All authorized users who have access to commonwealth information technology resources are required to review and acknowledge *Management Directive 205.34, Commonwealth of Pennsylvania Information Technology Acceptable Use Policy*, through the Enterprise-Learning Management System (E-LMS). (Reference *Management Directive 205.34, Commonwealth of Pennsylvania Information Technology Acceptable Use Policy*; and *Management Directive 210.5, The Commonwealth's Enterprise Records Management Program*.)

## CHAPTER 23. COMMONWEALTH CHILDCARE PROGRAM

### Section 23.1 General

### Section 23.2 Administration

**23.1 General.** The commonwealth recognizes the need of its employees to have access to child care services at a convenient location close to their workplace and that on-site child services assist in attracting and retaining employees, and as such, provides exclusive space, utilities and maintenance for approved centers.

### **23.2 Administration.**

- (a) Agencies, unions, providers and employees, through parents' associations, will act as partners in implementing the program.
- (b) Agencies with established child care centers will function as landlords, along with the Department of General Services, for the centers and will budget for the landlord expenditures.
- (c) Child care centers are to be self-supporting, with the exception of space, utilities and maintenance.
- (d) Agencies will designate an agency liaison to the child care center.
- (e) The Office of Administration functions as a coordinator with the agency liaison regarding policy issues. (Reference *Management Directive 205.21, Commonwealth Childcare Program and Revision No. 1.*)

## CHAPTER 24. WORK RELEASE

### Section 24.1 General

### Section 24.2 Administration

**24.1 General.** Employees who are incarcerated as a result of being convicted of a non-work-related criminal offense may request work release subject to the approval of the courts and the appointing authority. Work release is not an entitlement, and employees are not permitted to use approved leave (paid or unpaid) while incarcerated.

**24.2 Administration.** Upon notification that an employee has been incarcerated and approved by the courts for work release, the appointing authority will make a determination on the request.

- (a) If the appointing authority disapproves the request, then the appropriate representatives of the courts must be notified and appropriate employment action taken.
- (b) If the appointing authority approves the request, then the request is forwarded to the Office of Administration for final approval.
- (c) Employees may be required to sign a COCE as part of the approval of a work release.