

Testimony of
Jeffrey T. Wallace, Executive Director
Pennsylvania State Civil Service Commission
Before the
Senate Inter-Governmental Operations Committee

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10:00 a.m.

Chairman Smucker, Chairman Blake, members of the committee, thank you for the opportunity to appear before you today. My name is Jeffrey Wallace and I serve as the Executive Director for the State Civil Service Commission (Commission). With me today are Michael Sullivan – Deputy for Operations, Frederick Smith – Chief Counsel and Jack McGettigan, the Commission’s Legislative and Press Liaison.

The State merit system was created by legislation passed in 1939 to enhance the efficiency and economy of government by attracting qualified employees and by hiring, retaining and promoting them based on their ability to do the job. The Civil Service Act of 1941 further established the Commission as the administrator of the state’s merit system of employment.

Today, the Commission employs staff in three main offices – Harrisburg, Philadelphia and Pittsburgh and five regional test centers – Allentown, Erie, Johnstown, Lock Haven and Scranton – serving in a number of bureaus who carry out a broad range of responsibilities that recruit, promote, examine and refer qualified candidates for employment to state and other contract covered agencies.

The Commission’s role in administering the Commonwealth’s merit service is a major component of state government’s overall human resource system. We provide a centralized system that promotes economies of scale and cost efficiencies to recruit qualified applicants to Commonwealth and local government service. Of the more than 76,000 employees under the Governor’s jurisdiction, approximately 55,000, or 70% throughout 38 state agencies, are covered by merit service.

In addition, approximately 10,000 employees work in merit service jobs with more than 300 county and local government agencies that contract with the Commission for its services. Local government agencies and programs include children and youth; mental health/mental retardation, public housing, drug and alcohol services and services for the aging.

Merit service jobs can be found in almost every field of work, at levels ranging from highly skilled, professional or very technical to entry-level jobs. The Commission routinely provides employment information to applicants; sends employment lists of qualified applicants to agencies seeking to fill jobs and monitors the appointment and promotion of employees.

For fiscal year 2009/2010, over 170,000 employment applications were received and processed by the Commission of which approximately 95% were submitted online.

In addition, the Commission conducts investigations into alleged violations of civil service procedures and holds hearings on appeals from applicants, employees or agencies that feel they either have been discriminated against or the provisions of the Civil Service Act have been violated, including alleged violations of rules prohibiting political activity by civil service employees. For fiscal year 2009/2010, 442 appeals were received and processed by the Commission.

The Commission is also responsible for applying and enforcing the provisions of the Pennsylvania Military Code (Act 92 of 1975, as amended; 51 Pa. C.S. subsection 7101 et seq.) as they relate to the merit employment service. This law is commonly referred to as the Veterans Preference for public employment law.

All other conditions of employment for employees under the Governor's jurisdiction to include compensation, health and welfare benefits, labor relations, contract negotiations, agency organization/reorganization and other conditions fall under the administrative authority of the Governor's Office of Administration.

In the interest of time, I wish to address specifically the Commission's role and responsibility in the receipt and processing of civil service employment appeals, furloughs (reduction in force actions) and recall/placement/reemployment rights. Under the provisions of the Civil Service Act, a civil service appeal can be filed for any alleged adverse personnel action involving appointment, promotion, reinstatement, transfer, removal, leave of absence, suspension, reclassification, resignation, furlough, demotion, retirement, extension or reduction in probationary period, employee performance reviews, or applicable compensation changes. If an appeal is accepted by the Commission, a panel of one or more Civil Service Commissioners, or a designated Hearing Officer, conducts an adjudicatory hearing to determine the validity of the appeal. The Commissioners then review the evidence and render a binding legal decision that can be appealed to the Pennsylvania Commonwealth Court, and ultimately the Pennsylvania Supreme Court.

Under the provisions of the Act, an appeal of certain employment actions *must* be heard by the Civil Service Commissioners. A furlough action is one of them. Furlough actions can only be initiated for two reasons: lack of work or lack of funds. If a furlough appeal is filed, then the burden of proof falls to the state agency to show that the furlough decision was necessary due to a lack of work, lack of funds or combination thereof. Please note that furlough appeals can be filed by both merit system management and union covered employees. Union covered employees can file a furlough appeal to the Commission or applicable Union but not to both. Appeals to the Commission must be filed within twenty (20) calendar days of the date the employee is notified of the personnel action.

Furloughed employees are eligible for recall/placement/reemployment to existing or future vacancies for which they may be eligible under the provisions of the Civil Service Act or applicable collective bargaining unit agreements. The Commission is responsible for processing such actions for management covered positions and the Governor's Office of Administration is responsible for union covered positions.

Thank you again for the opportunity to appear before the Committee today. We are available to answer any of your questions.