

<h2 style="margin: 0;">Regulatory Analysis Form</h2> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0;"><b>(All Comments submitted on this regulation will appear on IRRC's website)</b></p>	<p><b>INDEPENDENT REGULATORY REVIEW COMMISSION</b></p> <p style="font-size: 1.5em; font-weight: bold; margin: 10px 0;">RECEIVED</p> <p style="font-size: 0.8em; margin: 0;">Independent Regulatory Review Commission July 22, 2024</p>
<p>(1) Agency</p> <p>Pennsylvania State Civil Service Commission</p>	<p><b>IRRC Number: 3413</b></p>
<p>(2) Agency Number: 61 Identification Number: 14</p>	
<p>(3) PA Code Cite:</p> <p>4 Pa. Code §§ 105.12, 105.12a, and 105.12b</p>	
<p>(4) Short Title:</p> <p>Rules of the Civil Service Commission</p>	
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Michele Whiting, Administrative Professional Phone: (717) 783-8806 Email: <a href="mailto:ra-cs-exec_dir@pa.gov">ra-cs-exec_dir@pa.gov</a></p>	
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation <input type="checkbox"/> Final Regulation <input type="checkbox"/> Final Omitted Regulation</p>	<p><input type="checkbox"/> Emergency Certification Regulation; <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>The Commission proposes to delete section 105.12 of its regulations and issue two new regulations. One of the new regulations reorganizes and reformats the contents of section 105.12, adds the place of filing, clarifies how time limits for appeal requests are calculated, eliminates the personal signature requirement to allow for electronic signatures, and adds a requirement related to written notices of the challenged action. The other new regulation sets forth signature requirements for filings submitted to the Commission, to include electronic signatures.</p>	

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

The State Civil Service Commission's authority to promulgate regulations is set forth in Section 3003(1) of Act 71 of 2018, 71 Pa.C.S. § 3003(1), and Section 506 of the Act of April 9, 1929, P.L. 177, No. 175, known as the Administrative Code of 1929, 71 P.S. § 186.

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

The proposed regulatory amendment is not mandated by federal or state law, court order, or federal regulation.

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

This proposed rulemaking is necessary to assist persons appealing in complying with the Commission's filing requirements. Through this proposed rulemaking, the Commission seeks to make its filing requirements easier to navigate by replacing section 105.12 of its regulations with a new regulation that reorganizes and reformats its filing requirements, reflects the Commission's current practices, and permits the acceptance of electronic signatures when filing appeal requests. Persons appealing will benefit from the regulation because they will no longer be required to mail or hand deliver appeal requests containing their original signature. Not only will this save persons appealing time and money, but it also makes the appeal process more accessible by facilitating the electronic filing of appeals.

To further facilitate the electronic filing of appeals and other submissions by parties to appeal hearings, the Commission proposes a new regulation setting forth its current practices regarding the acceptance of electronic signatures. The new signature regulation will affect persons appealing and other participants in hearings before the Commission to include state agencies. The new signature regulation does not place any additional burdens on persons appealing or hearing participants. The new signature regulation merely clarifies the Commission's current practices related to signatures which is beneficial to persons submitting appeal requests and other filings to the Commission.

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

Not applicable. There are no federal regulations that govern Pennsylvania's civil service appeal process. Nor are there any federal regulations that conflict with the proposed regulatory amendment.

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

Although most states regulate their civil service employees, Pennsylvania's personnel practices and procedures are uniquely governed by Pennsylvania law. Nothing in the proposed regulatory amendment will either advantage or disadvantage Pennsylvania as compared to other states in its ability to regulate appeals of its own civil service system.

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

No. This rulemaking does not affect any other regulations of the Commission or other state agencies. This rulemaking only affects other state agencies in so far as they will be required to comply with the signature requirements set forth in new regulation 105.12b when submitting filings as part of a hearing before the Commission.

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

- The proposed regulatory amendments were developed by the Commission's staff.
- Drafts of the proposed regulatory amendments were provided to the Governor's Office of Administration (OA) for their input. The Commission also met with OA to discuss the proposed regulatory amendments.

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

Persons Affected:

This proposed rulemaking affects all persons who wish to file appeals with the Commission. Appeal requests may be submitted by civil service employees for certain types of employment actions, as well as by job applicants for civil service positions. According to the 2024 Pennsylvania State Government Workforce Statistics Report ([www.workforcereport.oa.pa.gov](http://www.workforcereport.oa.pa.gov)), there are 48,584 current civil service employees. There are also approximately 3,600 covered civil service positions in more than 80 local government agencies.

This rulemaking also affects all persons, departments, boards, commissions, agencies and political subdivisions of the Commonwealth who participate in hearings before the Commission because they will be required to conform to the signature requirements.

No private sector businesses or small businesses will be affected. The Commission provides services to departments, boards, commissions, agencies and political subdivisions of the Commonwealth, not private sector businesses.

Manner in which Affected:

This rulemaking reorganizes and reformats the requirements for filing appeals with the Commission, thereby making it easier for persons appealing to navigate the procedural requirements. Additionally, this rulemaking amends the filing requirements to add the place of filing, clarify how time limits for appeal requests are calculated, eliminate the personal signature requirement to allow for electronic signatures, and add a requirement related to written notices of the challenged action. These amendments do not place any additional burdens on the affected persons.

The place of filing and manner of calculating time limits has not changed. The amendments to the regulation only formalize these requirements. Thus, these requirements do not place any additional burdens on persons appealing.

Likewise, eliminating the personal signature requirement does not place any additional burdens on persons appealing. Rather, this amendment streamlines the filing process. By eliminating the personal signature requirement, persons who electronically file their appeals will no longer be required to also mail a copy containing their original signature.

The amendment related to written notices is also not burdensome to persons appealing. This amendment merely formalizes the Commission's existing practice of requesting a copy of the written notice of the challenged action, or, in the alternative, if written notice was not received, asking for a written explanation of why the appeal does not contain a written notification.

In addition to the above amendments, the new regulation setting forth the Commission's signature requirements does not add any additional burdens on persons appealing or other participants in hearings before the Commission. This rulemaking formalizes the Commission's existing practices and procedures related to signatures.

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

See response to Question 15 above. The proposed rulemaking will affect all persons who wish to file an appeal with the Commission, as well as departments, boards, commissions, agencies and political subdivisions of the Commonwealth to whom the Commission provides services. No private sector groups or entities, including small business, will be affected. The Commission does not provide services to the private sector.

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

No financial, economic, or social impact is anticipated from enacting the proposed rulemaking. The Commission anticipates the proposed rulemaking will result in cost savings by facilitating electronic filing.

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

As noted elsewhere in this RAF, the proposed rulemaking will neither produce adverse economic effects nor increase costs and may even generate cost savings by facilitating electronic filing.

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

No costs are anticipated for the regulated community. The Commission anticipates the proposed rulemaking will result in cost savings because it facilitates electronic filing.

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

The proposed rulemaking does not monetarily affect local governments. Local governments, such as counties who avail themselves of the Commission's services, may receive cost savings because the proposed regulation facilitates electronic filing.

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

No costs are anticipated for state government. The Commission anticipates the proposed rulemaking may result in cost savings because it facilitates electronic filing.

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

No new recordkeeping or other paperwork requirements will be imposed beyond those already required by the Commission. However, it will be necessary to revise the current appeal request form, which is attached as Annex B, because the proposed amendments create new section numbers and eliminate the ink signature requirement. Provided the proposed regulations are accepted in their final form, the revised appeal request form, which is attached as Annex C, will be implemented accordingly.

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

See response to Question 22 above. Provided the proposed regulations are accepted in their final form, the Commission will replace its current appeal request form, which is attached as Annex B, with the revised appeal request form, which is attached as Annex C.

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

See responses to Questions 22 and 22a above. Provided the proposed regulations are accepted in their final form, the Commission will replace its current appeal request form, which is attached as Annex B, with the revised appeal request form, which is attached as Annex C. Annex C contains citations to the new amended regulations and deletes the ink signature requirement. The information to be reported remains the same.

The Commission maintains a downloadable copy of its appeal request form on its website. The current appeal request form is available on the Commission's website at [www.scsc.pa.gov](http://www.scsc.pa.gov). Once on the Commission's website, select "Hearing and Appeals," then "Individuals Filing Appeals," and finally "Appeal Request Form." The revised appeal request form will be uploaded to this same location provided the proposed regulations are accepted in their final form. The form may also be obtained by contacting the Commission.

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

It is anticipated that there will be no fiscal impact because this rulemaking merely incorporates the Commission’s current practices and permits the use of electronic signatures. Provided the regulated community avails themselves of electronic filing, there could be cost savings, but such savings are not quantifiable at this time.

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

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

This rulemaking modernizes the Commission’s appellate function. This is one of several statutory functions performed by the Commission. Expenditures for each of the Commission’s statutory functions are not itemized. Rather, the Commission’s annual budget generally encompasses all functions to be performed by the Commission during a given year. The Commission’s annual budget for the requested fiscal years is detailed below.

<b>Program</b>	<b>FY -3</b>	<b>FY -2</b>	<b>FY -1</b>	<b>Current FY</b>
Annual Budget	\$3,500,000.00	\$3,500,000.00	\$4,821,000.00	\$5,156,000.00

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

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

Not applicable. There will be no impact, adverse or otherwise, on small businesses. The Commission does not provide services to small businesses.

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

Not applicable. No special provisions are needed to implement the proposed rulemaking. Acceptance of electronic signatures and documents is permissible under the Uniform Electronic Transaction Act (71 P.S. §§ 2260.303-2260.312). Additionally, the proposed rulemaking enhances the accessibility of the Commission's appeal process by facilitating electronic filing and clarifying the Commission's current practices and procedures.

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

Alternative regulations were not considered as the Commission has determined the proposed regulatory amendments represent the least burdensome and acceptable way to permit the use of electronic signatures and clarify the Commission's current practices and procedures.

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

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

Not applicable. There will be no impact, adverse or otherwise, on small businesses. The Commission does not provide services to small businesses.



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

Data is not the basis for this rulemaking.

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

- |   |  |
|---|--|
| A. The length of the public comment period:   | <u>30 days</u>                                       |
| B. The date or dates on which any public meetings or hearings will be held:                   | <u>August and November 2024</u>                      |
| C. The expected date of delivery of the final-form regulation:                                | <u>December 2024</u>                                 |
| D. The expected effective date of the final-form regulation:                                  | <u>Upon publication in the Pennsylvania Bulletin</u> |
| E. The expected date by which compliance with the final-form regulation will be required:     | <u>Upon publication in the Pennsylvania Bulletin</u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>Not applicable</u>                                |

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

The proposed regulatory amendment is subject to continual review. The Commission's meetings occur monthly. Members of the general public and appointing authorities are able to suggest revisions to existing rules. In addition, the Executive Director, staff, and members of the Commission review the operation of the rules to determine if modifications are necessary based on appeals filed with the Commission and court review of its actions.



**COMMONWEALTH OF PENNSYLVANIA  
STATE CIVIL SERVICE COMMISSION  
APPEAL REQUEST FORM**

**Information and Instructions**

- If you are filing an appeal, you are referred to as an appellant, and you must complete Part I of the Appeal Request Form. Parts II and/or III should be completed as applicable.
- Type or print all information except your signature to avoid a processing delay. A fill-in PDF version of this form is available on the State Civil Service Commission's (Commission) website, [www.scsc.pa.gov](http://www.scsc.pa.gov). This fill-in PDF version can be printed, signed, and submitted via hand delivery or USPS mail. Completed forms may also be submitted by fax or electronically to [RA-cs-legalsvcsQandA@pa.gov](mailto:RA-cs-legalsvcsQandA@pa.gov). If you submit the form by fax or email, you will also need to hand deliver or mail the copy containing your original signature. The date you faxed or emailed the form will be preserved as your filing date.
- It is important to be as specific with details as possible when completing the Appeal Request Form. If you need additional space, attach a separate sheet(s).
- Please attach a copy of the written notice announcing the challenged action upon which you base your appeal to avoid unnecessary delay.
- As the appellant, you must personally sign this form. 4 Pa. Code § 105.12(a)(2). The required signature box is in Part IV, Box O, which is at the bottom of the last page. Failure to sign may cause delay or dismissal of your appeal.
- Make a copy of the completed form for your records. Return the original to the Commission's Legal Services Office at the address shown at the top of the Appeal Request Form.
- Appeals must be received or postmarked not more than **20 calendar days** of when you were notified of the challenged action, or learned of the alleged violation. 4 Pa. Code § 105.12(a)(3).
- You do **NOT** need to send a copy of your completed Appeal Request Form to the employing agency.
- You must keep copies of all documents you submit with this form. If a hearing is granted, you must submit those documents at the hearing.
- You can review helpful information about the appeals process as well as relevant excerpts from the Rules of the Civil Service Commission and Act 71 of 2018 (Civil Service Reform) on the Commission's website, [www.scsc.pa.gov](http://www.scsc.pa.gov).
- Access to information provided herein, though subject to the Right-to-Know law, is restricted to Commission business.
- The Commission's Legal Services Office can provide answers to any procedural questions but cannot provide any legal advice.

**Prohibition of Discrimination  
71 Pa.C.S. § 2704**

Section 2704 of Act 71 of 2018 (Civil Service Reform) prohibits officers or employees of the Commonwealth from discriminating against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel action with respect to the classified service. The prohibition under this section encompasses both procedural and traditional discrimination.

*Procedural discrimination* involves a violation of procedures required pursuant to Act 71 or other related Rules. *Traditional discrimination* encompasses claims based on race, gender, religion, disability, political, partisan, or labor union affiliation, or other non-merit factors. Examples of *non-merit factors* include, but are not limited to: military service, dress style, marital status, and other such factors.

*Time limits* - A person who is aggrieved by an alleged violation of Section 2704 of Act 71 may appeal in writing not more than **20 calendar days** of when they were notified of the challenged action, or learned of the alleged violation. 4 Pa. Code § 105.12(a)(3).

If the Commission determines there has been a sufficient allegation of discrimination, a public hearing will be scheduled.

## Form Instructions

### Part I

- \*Box A Type or print your last name, first name and middle initial. Marking “Mr.” or “Ms.” is optional.
- Box B Type or print your Commonwealth Employee Personnel ID Number, if you have one. You can find your personnel ID number at the top of your paystub. If you are not a current or former Commonwealth employee, leave this box blank.
- \*Box C Type or print an email address where you can be reached. The Commission will use this address when communicating with you regarding your appeal.
- Box D If your appeal is related to Veterans’ Preference, mark appropriately.
- \*Box E Type or print your current home mailing address. Please do not write your work address.
- \*Box F Type or print your available telephone number(s).
- Box G Type or print your latest civil service job title, if you have one.
- Box H Type or print the name of the agency or department your appeal is against.
- Box I Mark the appropriate box. If “other,” please explain.
- \*Box J Mark the appropriate box.
- \*Box K Mark the appropriate box(es) as to *how* and *when* you were notified or made aware of the challenged action you are appealing. If you received a notice in writing, please attach a copy of that notice. Make sure you keep a copy for yourself. If you were not notified of the challenged action, please mark the box.
- Box L Type or print the remedy you are seeking. Examples of remedies include, but are not limited to: modifying or setting aside the challenged action, reinstatement, and/or payment of the portion of salary or wages lost. *See* 71 Pa.C.S. § 3003(8).

### Part II

- Box M This section is for regular status civil service employees only. Mark the appropriate box. You may add additional information on the form or by attaching a separate page.

### Part III

- Box N This section is for all regular and probationary status employees as well as job seekers who are asserting discrimination under 71 Pa.C.S. § 3003(7)(ii). Be sure to mark the appropriate box(es) in the first section (*Type of Action Being Appealed*) and also the appropriate box(es) in the second section (*Type of Discrimination Alleged*). Please respond as completely as possible to the questions on the last page in Part III.

For more information regarding the types of appeals, please refer to the Appeals Booklet on the Commission’s website, [www.scsc.pa.gov](http://www.scsc.pa.gov). Examples of discrimination are listed on the information page under the heading “Prohibition of Discrimination.”

### Part IV

- \*Box O Sign your name in ink and write the date you signed. Pursuant to 4 Pa. Code § 105.12(a)(2), this document requires an original signature for submission.

\* These boxes must be completed to avoid unnecessary delay.

*Note: It is the appellant’s responsibility to carefully review the hardcopy/printed Appeal Request Form prior to submission to ensure all necessary information is included. The Commission’s determination on whether to grant a hearing is based on the information provided on the Form and any supplemental documents.*

**Commonwealth of Pennsylvania – State Civil Service Commission**

Legal Services Office – P.O. Box 569 – Harrisburg, PA 17108-0569

Email: [RA-cs-legalsvcsQandA@pa.gov](mailto:RA-cs-legalsvcsQandA@pa.gov)

Phone: (717) 783-2924

Fax: (717) 772-5120

**APPEAL REQUEST FORM**

LEGAL SERVICES OFFICE USE ONLY

**THIS FORM MUST BE RECEIVED OR POSTMARKED NOT MORE THAN TWENTY (20) CALENDAR DAYS OF WHEN YOU LEARNED OF THE ACTION YOU ARE APPEALING.** 4 Pa. Code § 105.12(a)(3).

**PART I – GENERAL INFORMATION (TO BE COMPLETED BY ALL APPELLANTS)****A. APPELLANT'S NAME (Last, First, Middle Initial)**

(Optional)  Mr.  Ms.

**B. EMPLOYEE PERSONNEL NUMBER**  
(Only current or former Commonwealth employees)**C. EMAIL ADDRESS**

I do not have an email address.

I am willing to receive explanatory information, communications, orders, and other notices via email. In accordance with applicable law, some documents may also be mailed to the address listed in Box E.

**D. IS YOUR APPEAL RELATED TO A VIOLATION OF VETERANS' PREFERENCE?**

YES  NO

EXPLAIN: \_\_\_\_\_

**E. CURRENT HOME ADDRESS** (Please let us know if your address changes. Failure to do so may result in processing delays or dismissal of your appeal.)

\_\_\_\_\_ Apt. #: \_\_\_\_\_  
Address line 1

\_\_\_\_\_  
Address line 2

\_\_\_\_\_  
City

\_\_\_\_\_ Zip Code: \_\_\_\_\_  
State

**F. AREA CODE AND TELEPHONE NUMBER**

WORK:

HOME:

CELL:

**G. WHAT IS/WAS YOUR LATEST CIVIL SERVICE JOB TITLE?****H. APPOINTING AUTHORITY (AGENCY) INVOLVED****I. WHAT IS/WAS YOUR MOST RECENT CIVIL SERVICE STATUS?**

REGULAR  PROBATIONARY

OTHER \_\_\_\_\_

**J. WILL YOU BE REPRESENTED BY AN ATTORNEY?**

YES  NO  DON'T KNOW YET

*Any attorney retained, now or later, must promptly file a "Praecipe for Appearance" form in order to receive any communications related to your appeal. If you do not have one at this time you can let us know if you retain one at a later date.*

**K. HOW AND WHEN WERE YOU NOTIFIED OF THE CHALLENGED ACTION OR LEARNED OF THE ALLEGED VIOLATION YOU ARE APPEALING?**

NOT NOTIFIED

VERBALLY Date: \_\_\_\_\_

IN WRITING Date: \_\_\_\_\_

*Please attach a copy of the written notice*

**L. WHAT REMEDY ARE YOU SEEKING?**

**PART II – REGULAR STATUS EMPLOYEES ONLY**

(For removal, furlough, suspension, demotion, or forced resignation.)

Section 3003(7)(i)

Hearings – Under Section 3003(7)(i) of Act 71 of 2018 (Civil Service Reform), any regular status employee may, not more than 20 calendar days of receipt of notice from the employing agency, appeal in writing to the Commission any permanent separation, suspension for cause, furlough, demotion or forced resignation, on the grounds that such action has been taken in violation of the provisions of this Act. Upon timely receipt of such appeal, the Commission shall promptly schedule and hold a hearing.

**M1. CHECK APPLICABLE BOX:**

- REMOVED     FURLOUGHED     SUSPENDED     DEMOTED     FORCED RESIGNATION

If you are alleging discrimination and wish for a hearing also on that basis, you must also complete Part III below.

**M2. ADD ANY ADDITIONAL INFORMATION YOU WISH TO INCLUDE HERE.** (Attach additional sheets if necessary.)

**PART III – ALL PERSONS/EMPLOYEES ALLEGING DISCRIMINATION**

**N1.** Employees who do not have regular status AND job seekers who are alleging discrimination may ONLY appeal under Part III. Regular status employees alleging discrimination must also appeal under this Part to be granted a hearing under this Part. Check the applicable box(es) to indicate the type of action(s) being appealed AND the type(s) of discrimination you allege. You must be prepared to prove your statements if a hearing is granted.

**TYPE OF ACTION BEING APPEALED**

- Removal     Suspension     Furlough     Denial of Leave/Absence     Eligibility     List Removal     Transfer
- Demotion     Reassignment     Employee Performance Review (Interim EPRs are not appealable.)     Downward Reclassification
- Reinstatement     Compensation Changes     Forced Resignation     Denial of Veterans' Preference
- Non-Appointment/Promotion to (identify job title) \_\_\_\_\_
- Other (Explain) \_\_\_\_\_

**TYPE OF DISCRIMINATION ALLEGED**

- Political Opinions/ Affiliations     Labor Union Affiliations     Race     Sex     Violation of Act 71 of 2018 (Civil Service Reform) or Rules
- Religious Opinions/ Affiliations     National Origin     Age     Disability     Retaliation     Disparate Treatment
- Other Non-Merit Factors (Explain) \_\_\_\_\_

Section 3003(7)(ii)

**N2.** Explain why you believe you were discriminated against. Be as complete and specific as possible. Failure to do so may result in denial of your appeal. The Commission will not be contacting you or the involved agency with any follow-up questions. You may attach supporting documents – but make sure you keep a copy of such documents. *(Attach additional sheets if necessary.)*

**A. What action(s) occurred which led you to believe you were discriminated against?**

**B. Where and when did this action occur?**

**C. Who discriminated against you? Provide name(s) and job title(s), if known.**

**D. Do you believe Act 71 of 2018 (Civil Service Reform) and/or Rules of Classified Service Employment were violated? If so, what section(s)?** *(You can review relevant excerpts of the Rules of Classified Service Employment and Act 71 of 2018 (Civil Service Reform) on the Commission's website, [www.spsc.pa.gov](http://www.spsc.pa.gov).)*

**E. Provide any other information which you believe is relevant. You may attach additional sheets if necessary.**

**BE SURE TO KEEP COPIES OF ALL DOCUMENTS YOU SUBMIT WITH THIS FORM.**

**PART IV – ALL APPELLANTS MUST SIGN AND DATE BELOW**

**O. SIGNATURE (APPELLANT MUST SIGN IN INK)**

**DATE SIGNED**



COMMONWEALTH OF PENNSYLVANIA  
STATE CIVIL SERVICE COMMISSION  
APPEAL REQUEST FORM

ANNEX C

**Information and Instructions**

- If you are filing an appeal, you are referred to as an appellant, and you must complete Part I of the Appeal Request Form. Parts II and/or III should be completed as applicable.
- Type or print all information to avoid a processing delay. A fill-in PDF version of this form is available on the State Civil Service Commission's (Commission) website, [www.scsc.pa.gov](http://www.scsc.pa.gov). This fill-in PDF version can be printed, signed, and submitted via hand delivery, USPS mail, fax, or electronically to [RA-cs-legalsvcsQandA@pa.gov](mailto:RA-cs-legalsvcsQandA@pa.gov).
- It is important to be as specific with details as possible when completing the Appeal Request Form. If you need additional space, attach a separate sheet(s).
- Please attach a copy of the written notice announcing the challenged action upon which you base your appeal to avoid unnecessary delay.
- As the appellant, you must sign this form. 4 Pa. Code §§ 105.12a(d)(2); 105.12b. The required signature box is in Part IV, Box O, which is at the bottom of the last page. Failure to sign may cause delay or dismissal of your appeal.
- Make a copy of the completed form for your records. Return the original to the Commission's Legal Services Office at the address shown at the top of the Appeal Request Form.
- Appeals must be received or postmarked not more than **20 calendar days** of when you were notified of the challenged action, or learned of the alleged violation. 4 Pa. Code § 105.12a(b).
- You do **NOT** need to send a copy of your completed Appeal Request Form to the employing agency.
- You must keep copies of all documents you submit with this form. If a hearing is granted, you must submit those documents at the hearing.
- You can review helpful information about the appeals process as well as relevant excerpts from the Rules of the Civil Service Commission and Act 71 of 2018 (Civil Service Reform) on the Commission's website, [www.scsc.pa.gov](http://www.scsc.pa.gov).
- Access to information provided herein, though subject to the Right-to-Know law, is restricted to Commission business.
- The Commission's Legal Services Office can provide answers to any procedural questions but cannot provide any legal advice.

**Prohibition of Discrimination  
71 Pa.C.S. § 2704**

Section 2704 of Act 71 of 2018 (Civil Service Reform) prohibits officers or employees of the Commonwealth from discriminating against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel action with respect to the classified service. The prohibition under this section encompasses both procedural and traditional discrimination.

*Procedural discrimination* involves a violation of procedures required pursuant to Act 71 or other related Rules. *Traditional discrimination* encompasses claims based on race, gender, religion, disability, political, partisan, or labor union affiliation, or other non-merit factors. Examples of *non-merit factors* include, but are not limited to: military service, dress style, marital status, and other such factors.

*Time limits* - A person who is aggrieved by an alleged violation of Section 2704 of Act 71 may appeal in writing not more than **20 calendar days** of when they were notified of the challenged action, or learned of the alleged violation. 4 Pa. Code § 105.12a(b)(2).

If the Commission determines there has been a sufficient allegation of discrimination, a public hearing will be scheduled.

## Form Instructions

### Part I

- \*Box A Type or print your last name, first name and middle initial. Marking “Mr.” or “Ms.” is optional.
- Box B Type or print your Commonwealth Employee Personnel ID Number, if you have one. If you are not a current or former Commonwealth employee, leave this box blank. You can find your personnel ID number at the top of your paystub.
- \*Box C Type or print an email address where you can be reached. The Commission will use this address when communicating with you regarding your appeal.
- Box D If your appeal is related to Veterans’ Preference, mark appropriately.
- \*Box E Type or print your current home mailing address. Please do not write your work address.
- \*Box F Type or print your available telephone number(s).
- Box G Type or print your latest civil service job title, if you have one.
- Box H Type or print the name of the agency or department your appeal is against.
- Box I Mark the appropriate box. If “other,” please explain.
- \*Box J Mark the appropriate box.
- \*Box K Mark the appropriate box(es) as to *how* and *when* you were notified or made aware of the challenged action you are appealing. If you received a notice in writing, please attach a copy of that notice. Make sure you keep a copy for yourself. If you were not notified of the challenged action, please mark the box.
- Box L Type or print the remedy you are seeking. Examples of remedies include, but are not limited to: modifying or setting aside the challenged action, reinstatement, and/or payment of the portion of salary or wages lost. *See* 71 Pa.C.S. § 3003(8).

### Part II

- Box M This section is for regular status civil service employees only. Mark the appropriate box. You may add additional information on the form or by attaching a separate page.

### Part III

- Box N This section is for all regular and probationary status employees as well as job seekers who are asserting discrimination. Be sure to mark the appropriate box(es) in the first section (*Type of Action Being Appealed*) and also the appropriate box(es) in the second section (*Type of Discrimination Alleged*). Please respond as completely as possible to the questions on the last page in Part III.

Examples of discrimination are listed on the information page under the heading “Prohibition of Discrimination.”

### Part IV

- \*Box O Sign your name and write the date you signed. Your signature may be handwritten or electronic. For example, you may type your name as follows: /s/ John Smith. 4 Pa. Code §§ 105.12a(d)(2); 105.12b.

\* These boxes must be completed to avoid unnecessary delay.

*Note: It is the appellant’s responsibility to carefully review the hardcopy/printed Appeal Request Form prior to submission to ensure all necessary information is included. The Commission’s determination on whether to grant a hearing is based on the information provided on the Form and any supplemental documents.*



**Commonwealth of Pennsylvania – State Civil Service Commission**

Legal Services Office – P.O. Box 569 – Harrisburg, PA 17108-0569

Email: [RA-cs-legalsvcsQandA@pa.gov](mailto:RA-cs-legalsvcsQandA@pa.gov)

Phone: (717) 783-2924

Fax: (717) 772-5120

**APPEAL REQUEST FORM**

LEGAL SERVICES OFFICE USE ONLY

**THIS FORM MUST BE RECEIVED OR POSTMARKED NOT MORE THAN TWENTY (20) CALENDAR DAYS OF WHEN YOU LEARNED OF THE ACTION YOU ARE APPEALING.** 4 Pa. Code § 105.12a(b).

**PART I – GENERAL INFORMATION (TO BE COMPLETED BY ALL APPELLANTS)**

**A. APPELLANT’S NAME (Last, First, Middle Initial)**

(Optional)  Mr.  Ms.

**B. EMPLOYEE PERSONNEL NUMBER**  
(Only current or former Commonwealth employees)

**C. EMAIL ADDRESS**

I do not have an email address.

I am willing to receive explanatory information, communications, orders, and other notices via email. In accordance with applicable law, some documents may also be mailed to the address listed in Box E.

**D. IS YOUR APPEAL RELATED TO A VIOLATION OF VETERANS’ PREFERENCE?**

YES  NO

EXPLAIN: \_\_\_\_\_

**E. CURRENT HOME ADDRESS** (Please let us know if your address changes. Failure to do so may result in processing delays or dismissal of your appeal.)

\_\_\_\_\_ Apt. #: \_\_\_\_\_

Address line 1

\_\_\_\_\_

Address line 2

\_\_\_\_\_

City

\_\_\_\_\_

State

Zip Code: \_\_\_\_\_

**F. AREA CODE AND TELEPHONE NUMBER**

WORK: \_\_\_\_\_

HOME: \_\_\_\_\_

CELL: \_\_\_\_\_

**G. WHAT IS/WAS YOUR LATEST CIVIL SERVICE JOB TITLE?**

**H. APPOINTING AUTHORITY (AGENCY) INVOLVED**

**I. WHAT IS/WAS YOUR MOST RECENT CIVIL SERVICE STATUS?**

REGULAR  PROBATIONARY

OTHER \_\_\_\_\_

**J. WILL YOU BE REPRESENTED BY AN ATTORNEY?**

YES  NO  DON’T KNOW YET

Any attorney retained, now or later, must promptly file a “Praecipe for Appearance” form in order to receive any communications related to your appeal. If you do not have one at this time you can let us know if you do get one at a later date.

**K. HOW AND WHEN WERE YOU NOTIFIED OF THE CHALLENGED ACTION OR LEARNED OF THE ALLEGED VIOLATION YOU ARE APPEALING?**

NOT NOTIFIED

VERBALLY Date: \_\_\_\_\_

IN WRITING Date: \_\_\_\_\_

Please attach a copy of the written notice

**L. WHAT REMEDY ARE YOU SEEKING?**

**PART II – REGULAR STATUS EMPLOYEES ONLY**

(For removal, furlough, suspension, demotion, or forced resignation.)

Section 3003(7)(i)

Hearings – Under Section 3003(7)(i) of Act 71 of 2018 (Civil Service Reform), any regular status employee may, not more than 20 calendar days of receipt of notice from the employing agency, appeal in writing to the Commission any permanent separation, suspension for cause, furlough, demotion or forced resignation, on the grounds that such action has been taken in violation of the provisions of this Act. Upon timely receipt of such appeal, the Commission shall promptly schedule and hold a hearing.

**M1. CHECK APPLICABLE BOX:**

- REMOVED     FURLOUGHED     SUSPENDED     DEMOTED     FORCED RESIGNATION

If you are alleging discrimination and wish for a hearing also on that basis, you must also complete Part III below.

**M2. ADD ANY ADDITIONAL INFORMATION YOU WISH TO INCLUDE HERE.** (Attach additional sheets if necessary.)

**PART III – ALL PERSONS/EMPLOYEES ALLEGING DISCRIMINATION**

**N1.** Employees who do not have regular status AND job seekers who are alleging discrimination may ONLY appeal under Part III. Regular status employees alleging discrimination must also appeal under this Part to be granted a hearing under this Part. Check the applicable box(es) to indicate the type of action(s) being appealed AND the type(s) of discrimination you allege. You must be prepared to prove your statements if a hearing is granted.

**TYPE OF ACTION BEING APPEALED**

- Removal     Suspension     Furlough     Denial of Leave/Absence     Eligibility     List Removal     Transfer
- Demotion     Reassignment     Employee Performance Review (Interim EPRs are not appealable.)     Downward Reclassification
- Reinstatement     Compensation Changes     Forced Resignation     Denial of Veterans' Preference
- Non-Appointment/Promotion to (identify job title) \_\_\_\_\_
- Other (Explain) \_\_\_\_\_

**TYPE OF DISCRIMINATION ALLEGED**

- Political Opinions/  
Affiliations     Labor Union  
Affiliations     Race     Sex     Violation of Act 71 of 2018 (Civil Service Reform) or Rules
- Religious Opinions/  
Affiliations     National Origin     Age     Disability     Retaliation     Disparate Treatment
- Other Non-Merit Factors (Explain) \_\_\_\_\_

**N2.** Explain why you believe you were discriminated against. Be as complete and specific as possible. Failure to do so may result in denial of your appeal. The Commission will not be contacting you or the involved agency with any follow-up questions. You may attach supporting documents – but make sure you keep a copy of such documents. *(Attach additional sheets if necessary.)*

**A. What action(s) occurred which led you to believe you were discriminated against?**

**B. Where and when did this action occur?**

**C. Who discriminated against you? Provide name(s) and job title(s), if known.**

**D. Do you believe Act 71 of 2018 (Civil Service Reform) and/or Rules of Classified Service Employment were violated? If so, what section(s)?** *(You can review relevant excerpts of the Rules of Classified Service Employment and Act 71 of 2018 (Civil Service Reform) on the Commission's website, [www.scsc.pa.gov](http://www.scsc.pa.gov).)*

**E. Provide any other information which you believe is relevant. You may attach additional sheets if necessary.**

**BE SURE TO KEEP COPIES OF ALL DOCUMENTS YOU SUBMIT WITH THIS FORM.**

**PART IV – ALL APPELLANTS MUST SIGN AND DATE BELOW**

**O. APPELLANT'S SIGNATURE (MAY BE HANDWRITTEN OR ELECTRONIC)**

**DATE SIGNED**

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

January 30, 2024

**Agency:** State Civil Service Commission

**Agency Identification Number:** 61-14

**Subject of Regulation:** Amendments to Chapter 105 of 4 PA Code

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

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

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

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

*Eric A. Dice* for

---

Secretary of the Budget

CDL-1

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

**RECEIVED**

Independent Regulatory  
Review Commission

July 22, 2024

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General

**Amy M. Elliott**

Digitally signed by Amy M. Elliott  
DN: cn=Amy M. Elliott, o=Pennsylvania  
Office of Attorney General, ou=Chief Deputy  
Attorney General,  
email=ae Elliott@attorneygeneral.gov, c=US  
Date: 2024.07.16 13:39:36 -0400

BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

**7/16/2024**

DATE OF APPROVAL

Check if applicable  
Copy not approved. Objections  
attached.

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

**Pennsylvania State Civil Service Commission**  
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 61-14

DATE OF ADOPTION: 4/22/24

BY: 

TITLE **MARIA P. DONATUCCI**  
**CHAIRWOMAN**

Copy below is hereby approved as to form and legality. Executive or Independent Agencies.

BY:   
**Elizabeth C. Lawson**

4/22/24  
DATE OF APPROVAL

(Chief Counsel, Independent Agency)

Check if applicable. No Attorney General approval or objection within 30 days after submission.

**NOTICE OF PROPOSED RULEMAKING  
PENNSYLVANIA STATE CIVIL SERVICE COMMISSION**

**HEARINGS**

**4 Pa. Code Chapter 105**

**NOTICE OF PROPOSED RULEMAKING**  
**TITLE 4 - ADMINISTRATION**  
**STATE CIVIL SERVICE COMMISSION**  
**4 PA. CODE CH. 105**

The State Civil Service Commission (Commission) proposes to delete section 105.12 of its regulations and issue two new regulations, as set forth in Annex A, for inclusion in Title 4; Part IV, Civil Service Commission; Subpart A, Rules of the Civil Service Commission; Chapter 105, Notice and Hearings.

***Statutory Authority***

The Commission's authority to promulgate regulations is set forth in section 3003(1) of the act of June 28, 2018 (P.L. 460, No. 71), referred to herein as Act 71 (71 Pa.C.S. § 3003(1)), and section 506 of the act of April 9, 1929 (P.L. 177, No. 175), referred to as the Administrative Code of 1929 (71 P.S. § 186).

***Purpose and Background***

Section 3003(7) of Act 71 (71 Pa.C.S. § 3003(7)) confers upon the Commission a duty to schedule and hold public hearings upon receiving notice of appeals. The filing requirements for appeals to the Commission are currently set forth in section 105.12 of the Commission's regulations (4 Pa. Code § 105.12). The Commission seeks to make the requirements set forth in this section easier to navigate by promulgating a new regulation that reorganizes and reformats the requirements. Additional amendments within the new regulations are also proposed to reflect the Commission's current practices and procedures including the acceptance of electronic signatures.

***Description of Proposed Rulemaking***

The Commission proposes to delete section 105.12 of its regulations and issue two new regulations. Each of these proposed actions are described below.

***§ 105.12. Requests.***

This section will be deleted and incorporated into a new regulation.

*§ 105.12a. Appeal Requests.*

This new regulation reorganizes and reformats the contents of section 105.12, adds the place of filing, clarifies how time limits for appeal requests are calculated, eliminates the personal signature requirement to allow for electronic signatures, and adds a requirement related to written notices of the challenged actions.

In reorganizing and reformatting the contents of section 105.12, headings were added to identify the topic of each subsection thereby making the regulation easier to navigate. Language identifying the place of filing was also added to eliminate any potential confusion with proceedings before the Governor's Office of Administration (OA). The potential confusion stems from the changes implemented by Act 71. As a result of Act 71, OA is now responsible for the administration of classified service employment, whereas the Commission has retained appellate oversight.

Additionally, to highlight the importance of timely filing appeal requests, the requirements related to time limits were moved to their own subsection. Previously, the time limit requirements were grouped with the requirements related to the form of the appeal request. The time limit requirements are now located at the beginning of the regulation immediately following the place of filing.

Directly following the time limits subsection, new language was added clarifying the date received will be used as the filing date for appeal requests without postmarks or where the postmarks are unreadable. This has been the Commission's practice. However, the Commission has noticed an increased number of filings which were submitted by mail do not bear postmarks. This subsection was added in response to that growing issue.

The language requiring individuals to personally sign their appeal requests was also revised. As currently written, section 105.12(a)(2) of the Commission's regulations requires persons appealing to personally sign their appeal request forms. By effect, individuals who electronically file their appeals are also required to mail or hand deliver another copy containing their original signature. This new regulation deletes the word "personally" to eliminate this redundancy in filing.

Lastly, language was added requiring persons appealing to include a copy of the written notice of the challenged action or, in the alternative, if written notice was not received, a written explanation of why the appeal does not contain a written notification. Prior to the enactment of Act 71, the Commission received or had

immediate access to copies of all written notices of challenged actions. Generally, the written notice provides the framework for the appeal because it sets forth the challenged action and identifies the agency taking the action. For that reason, section 105.15(c)(1) of the Commission's regulations requires that the written notice be entered as an exhibit at the hearing.

The Commission also reviews the information contained within the written notice to confirm the received date; the effective date of the action; the nature of the challenged action; the charges, if any; the involved appointing authority; and the job title and status of the person appealing. Occasionally, persons appealing provide mistaken information, such as misidentifying the appointing authority, which is easily clarified by reviewing the written notice. The issuance date on the written notice is also critical in determining the timeliness of appeal. Therefore, it is important for the Commission to receive a copy of the written notice.

Presently, the Commission's practice is to request a copy of the written notice from the person appealing. The language added to the new regulation formalizes this practice and provides an alternative for circumstances in which written notice was not provided.

#### *§ 105.12b. Signatures.*

This new regulation permits the use of either handwritten or electronic signatures on filings submitted to the Commission. This new regulation also establishes parameters for using electronic signatures. The Commission has a longstanding practice of accepting electronic signatures for filings other than appeal requests. As previously explained, section 105.12 of the Commission's regulations constrained the Commission from accepting electronic signatures on appeal requests. This will be remedied by proposed regulation 105.12a, thereby enabling the Commission to accept electronic signatures on all submissions.

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

The proposed regulations would affect all persons who wish to file an appeal with the Commission and participants in hearings before the Commission.

#### ***Fiscal Impact***

The proposed regulatory amendment will have no adverse fiscal impact on the Commonwealth or its appointing authorities.



### ***Paperwork Requirement***

The proposed regulatory amendment will not add to existing paperwork requirements. The proposed amendments may actually reduce current paperwork because physical copies containing personal signatures will no longer be required when submitting appeal requests.

### ***Effective Date***

The proposed regulatory amendment, if approved on final-form rulemaking, will go into effect upon publication of an order adopting the amendment in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### ***Contact Person***

Individuals interested in further information may contact Michele Whiting, Administrative Professional, State Civil Service Commission, Executive Office, P.O. Box 569, 320 Market Street, Harrisburg, PA 17108-0569, by telephone (717) 783-8806, by fax (717) 783-8736, or via email at [ra-cs-exec\\_dir@pa.gov](mailto:ra-cs-exec_dir@pa.gov).

The proposal is available electronically through the State Civil Service Commission's website (<http://www.scsc.pa.gov>).

### ***Regulatory Review***

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on or after July 22, 2024, the Commission will submit a copy of this proposed rulemaking and a copy of a Regulatory Analysis Review Form to the Independent Regulatory Review Commission (IRRC), the Chairpersons of the House Labor and Industry Committee and the Senate State Government Committee. A copy of this material will be available to the public upon request.

Under section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review by the State Civil Service Commission, the General Assembly, and the Governor of objections raised prior to final publication of the rulemaking.

## ***Public Comments***

The Commission invites written comments, suggestions or objections to this proposed rulemaking from interested persons, agencies and organizations or in person comments or questions at its public hearing on the proposed amendments to be held as follows:

Location: State Civil Service Commission  
Harrisburg Office Headquarters – Public Hearing Room  
Strawberry Square  
Bowman Tower, 4<sup>th</sup> Floor  
320 Market Street  
Harrisburg, PA 17108-0569

Date: August 22, 2024

Time: 9:30 a.m.

Those desiring to present their views on the proposed amendments or receive a copy shall notify Michele Whiting, Administrative Professional, State Civil Service Commission, Executive Office, P.O. Box 569, 320 Market Street, Harrisburg, PA 17108-0569, by telephone (717) 783-8806, by fax (717) 783-8736, or via email at [ra-cs-exec\\_dir@pa.gov](mailto:ra-cs-exec_dir@pa.gov).

Notification of intent to speak at the public hearing shall be made no later than 4:30 p.m. on August 21, 2024. Speakers will be required to identify themselves and the organization they represent, if any. Persons with a disability who wish to attend this public hearing and who may require an auxiliary aid or other service to participate should also contact Michele Whiting to discuss possible accommodation of needs.



MARIA P. DONATUCCI  
Chairwoman  
State Civil Service Commission

# Annex A

## PART IV. CIVIL SERVICE COMMISSION

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

\* \* \* \* \*

#### CHAPTER 105. NOTICE AND HEARINGS

\* \* \* \* \*

§ 105.12. [Requests.] [Reserved].

[(a) Requests for hearings shall be:

- (1) Made in writing.
- (2) Personally signed by the individual appealing.
- (3) Received or postmarked not more than 20 calendar days after the employee receives notice of the challenged personnel action. A person appealing discrimination under section 905.1 of the act (71 P.S. § 741.905(1)) shall appeal within 20 calendar days of the alleged discrimination.

- (b) The person appealing shall state clearly and concisely the:
  - (1) Grounds of the interest of the person in the subject matter.
  - (2) Facts relied upon.
  - (3) Relief sought.
- (c) Appeals alleging discrimination which do not include specific facts relating to discrimination may be dismissed. Specific facts which should appear on the appeal form include:
  - (1) The acts complained of.
  - (2) How the treatment differs from treatment of others similarly situated.
  - (3) When the acts occurred.
  - (4) When and how the appellant first became aware of the alleged discrimination.
- (d) Acceptance of an amendment to an appeal is solely at the discretion of the Commissioners.
- (e) Subsections (a)—(d) supplement 1 Pa. Code §§ 35.9 and 35.10 (relating to formal complaints generally; and form and content of formal complaints).]

§ 105.12a. Appeal Requests.

(a) Place and Manner. Requests for hearings shall be filed with the Commission on and in accordance with the Commission's form, which may be obtained by contacting the Commission.

(b) Time limits.

(1) Under 71 Pa.C.S. § 3003(7)(i). Requests for hearings shall be received by close of business or postmarked not more than 20 calendar days after the employee received notice of the challenged action.

(2) Under 71 Pa.C.S. § 3003(7)(ii). Requests for hearings shall be received:

i. by close of business or postmarked not more than 20 calendar days after the employee or job seeker received notice of the challenged action; or

ii. by close of business or postmarked not more than 20 calendar days of the employee or job seeker becoming aware of the alleged discrimination.

(c) Receipt. If there is no postmark or the postmark is unreadable, the filing date shall be the date recorded by the Commission when it receives the document.

(d) Form. Requests for hearings shall be:

(1) Made in writing.

(2) Signed by the individual appealing.

(e) Contents.

(1) General requirements. Requests for hearings shall state clearly and concisely the:

(i) Grounds of the interest of the person in the subject matter.

(ii) Facts relied upon.

(iii) Relief sought.

(2) Written notification.

(i) Requests for hearings shall include a copy of the written notice of the challenged action(s).

(ii) If written notice was not received, a written explanation of why the appeal does not contain a written notification shall be included with the request for hearing.

(3) Discrimination claims.

(i) In addition to the requirements in subsections (e)(1) and (2), requests for hearings which allege discrimination shall specify:

(1) The acts complained of.

(2) How the treatment differs from treatment of others similarly situated, if applicable.

(3) When the acts occurred.

(4) When and how the person appealing first became aware of the alleged discrimination.

(ii) Requests for hearings which allege discrimination and do not include specific facts relating to discrimination may be dismissed.

(f) Amendments. Acceptance of an amendment to an appeal is solely at the discretion of the Commissioners.

(g) Subsections (a)—(f) supplement 1 Pa. Code §§ 35.9 and 35.10 (relating to formal complaints generally; and form and content of formal complaints).

§ 105.12b. Signatures.

(a) General Rule. Signatures may be handwritten or electronic.

(b) Electronic Signature.

(1) The use of an electronic signature shall have the same force and effect as a handwritten signature.

(2) Electronic signatures shall comply with the Uniform Electronic Transaction Act (73 P.S. §§ 2260.303—2260.312) and other laws governing electronic signatures.

\* \* \* \* \*

July 22, 2024

(717) 783-2924  
FAX (717) 772-5120

The Honorable George D. Bedwick, Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101  
[irrc@irrc.state.pa.us](mailto:irrc@irrc.state.pa.us)

**By Electronic Mail**

**RE: Proposed Regulation Package No. 61-14  
Chapter 105 of the State Civil Service Commission's Rules**

Dear Chairman Bedwick:

Submitted herewith is a copy of proposed amendments to Chapter 105 of the Rules of the State Civil Service Commission. Enclosed please find copies of the following:

1. Signed CDL-1 Face Sheet;
2. Regulatory Analysis Form;
3. Preamble;
4. Annex A (regulatory text);
5. Annex B (the Commission's Current Appeal Request Form);
6. Annex C (the Commission's New Appeal Request Form);
7. Signed Fiscal Note;
8. Transmittal Sheet; and
9. Delivery confirmation emails from the standing committees and Legislative Reference Bureau.

Through this proposed rulemaking, the Commission seeks to make its filing requirements easier to navigate by replacing section 105.12 of its regulations with a



new regulation that reorganizes and reformats its filing requirements, reflects the Commission's current practices, and permits the acceptance of electronic signatures when filing appeal requests. Additionally, to further facilitate the electronic filing of appeals and other submissions by parties to appeal hearings, the Commission proposes a second new regulation setting forth its current practices regarding the acceptance of electronic signatures.

The proposed amendments are being delivered today to the legislative oversight committees, the Independent Regulatory Review Commission, and the Legislative Reference Bureau. They have been approved by the Office of Attorney General as to form and legality.

This regulation will become effective upon its publication in final-form in the *Pennsylvania Bulletin*.

Any questions or comments about this regulatory submission should be directed to Michele Whiting, Administrative Professional, State Civil Service Commission, Executive Office, P.O. Box 569, 320 Market Street, Harrisburg, PA 17108-0569, by telephone (717) 783-8806, by fax (717) 783-8736, or via email at [ra-cs-exec\\_dir@pa.gov](mailto:ra-cs-exec_dir@pa.gov).

Sincerely,



Elizabeth C. Lawson  
Chief Counsel

cc: Jeffrey T. Wallace  
Alina L. Andreoli  
Sarah Osmolinski

RECEIVED

**From:** [John Scarpato](#)  
**To:** [Andreoli, Alina](#)  
**Subject:** Re: [EXTERNAL]: Proposed Regulation No. 61-14  
**Date:** Monday, July 22, 2024 9:15:39 AM

Independent Regulatory  
Review Commission

July 22, 2024

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Received.

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**From:** Andreoli, Alina <alandreoli@pa.gov>  
**Sent:** Monday, July 22, 2024 9:06:49 AM  
**To:** John Scarpato <Jscarpat@pahousegop.com>  
**Cc:** Ryan Mackenzie <Rmackenzie@pahousegop.com>; Lawson, Elizabeth <ellawson@pa.gov>; Wallace, Jeffrey (CS) <jewallace@pa.gov>; Osmolinski, Sarah <sosmolinsk@pa.gov>; Whiting, Michele <micwhiting@pa.gov>  
**Subject:** [EXTERNAL]: Proposed Regulation No. 61-14

Good morning,

Attached is a copy of the regulatory packet for the State Civil Service Commission's Proposed Regulation No. 61-14. Please respond via email to confirm receipt of this email and its attachments.

Sincerely,

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

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RECEIVED

**From:** [Bulletin](#)  
**To:** [Andreoli, Alina](#)  
**Cc:** [Osmolinski, Sarah](#)  
**Subject:** RE: [External] RE: Proposed Regulation No. 61-14  
**Date:** Monday, July 22, 2024 1:15:29 PM

Independent Regulatory  
Review Commission

July 22, 2024

---

Thanks again, Alina!

We have received this Proposed Regulation and someone from our office will be in touch in order to schedule it for publication.

Take care,

**Ernest L. Engvall | Legal Assistant**  
[eengvall@palrb.us](mailto:eengvall@palrb.us) | 717.783.1530  
Legislative Reference Bureau  
Code and Bulletin Office

---

**From:** Andreoli, Alina <[alandreoli@pa.gov](mailto:alandreoli@pa.gov)>  
**Sent:** Monday, July 22, 2024 9:52 AM  
**To:** Bulletin <[bulletin@palrb.us](mailto:bulletin@palrb.us)>  
**Cc:** Osmolinski, Sarah <[sosmolinsk@pa.gov](mailto:sosmolinsk@pa.gov)>  
**Subject:** RE: [External] RE: Proposed Regulation No. 61-14

Good morning, Ernest.

Thank you for responding so quickly. Please find attached the Preamble and Annexes in Word format. If you need anything else, please do not hesitate to contact me.

Thank you,  
Alina

---

**From:** Bulletin <[bulletin@palrb.us](mailto:bulletin@palrb.us)>  
**Sent:** Monday, July 22, 2024 9:29 AM  
**To:** Andreoli, Alina <[alandreoli@pa.gov](mailto:alandreoli@pa.gov)>  
**Subject:** [External] RE: Proposed Regulation No. 61-14

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Good morning, Alina.

Thank you for sending this Proposed Regulation. Could you also send us the Preamble and Annexes in Word format? This will allow our editors to begin processing this document.

Thank you!

**Ernest L. Engvall | Legal Assistant**  
[eengvall@palrb.us](mailto:eengvall@palrb.us) | 717.783.1530  
Legislative Reference Bureau  
Code and Bulletin Office

**RECEIVED**

Independent Regulatory  
Review Commission

July 22, 2024

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**From:** Andreoli, Alina <[alandreoli@pa.gov](mailto:alandreoli@pa.gov)>  
**Sent:** Monday, July 22, 2024 9:07 AM  
**To:** Bulletin <[bulletin@palrb.us](mailto:bulletin@palrb.us)>  
**Cc:** Adeline E. Gaydosh <[agaydosh@palrb.us](mailto:agaydosh@palrb.us)>; Lawson, Elizabeth <[ellawson@pa.gov](mailto:ellawson@pa.gov)>; Wallace, Jeffrey (CS) <[jewallace@pa.gov](mailto:jewallace@pa.gov)>; Osmolinski, Sarah <[sosmolinsk@pa.gov](mailto:sosmolinsk@pa.gov)>; Whiting, Michele <[micwhiting@pa.gov](mailto:micwhiting@pa.gov)>  
**Subject:** Proposed Regulation No. 61-14

Good morning,

Attached is a copy of the regulatory packet for the State Civil Service Commission's Proposed Regulation No. 61-14. The regulatory package was also emailed to the standing committees this morning. Please respond via email to confirm receipt of this email and its attachments.

Sincerely,

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

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**From:** [Burnett, David](#)  
**To:** [Andreoli, Alina](#)  
**Cc:** [Dush, Senator Cris](#); [Lawson, Elizabeth](#); [Wallace, Jeffrey \(CS\)](#); [Osmolinski, Sarah](#); [Whiting, Michele](#)  
**Subject:** RE: Proposed Regulation No. 61-14  
**Date:** Monday, July 22, 2024 1:08:48 PM

---

Good afternoon,

Documents received, and we will review.

Best regards,  
-David

**RECEIVED**

Independent Regulatory  
Review Commission

July 22, 2024

**David Burnett**

*Counsel and Executive Director  
Senate State Government Committee  
9 East Wing  
Harrisburg, PA 17120  
Phone: 717-787-7084*

---

**From:** Andreoli, Alina <alandreoli@pa.gov>  
**Sent:** Monday, July 22, 2024 9:07 AM  
**To:** Burnett, David <dburnett@pasen.gov>  
**Cc:** Dush, Senator Cris <cdush@pasen.gov>; Lawson, Elizabeth <ellawson@pa.gov>; Wallace, Jeffrey (CS) <jewallace@pa.gov>; Osmolinski, Sarah <sosmolinsk@pa.gov>; Whiting, Michele <micwhiting@pa.gov>  
**Subject:** Proposed Regulation No. 61-14

ⓘ CAUTION : External Email ⓘ

Good morning,

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Sincerely,

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

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RECEIVED

**From:** [Beaston, Ryan G.](#)  
**To:** [Andreoli, Alina](#)  
**Subject:** Re: Proposed Regulation No. 61-14  
**Date:** Monday, July 22, 2024 9:10:43 AM

Independent Regulatory  
Review Commission

July 22, 2024

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Received

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**From:** Andreoli, Alina <alandreoli@pa.gov>  
**Sent:** Monday, July 22, 2024 9:06:42 AM  
**To:** Beaston, Ryan G. <RBeaston@pahouse.net>  
**Cc:** Dawkins, Jason <JDawkins@pahouse.net>; Lawson, Elizabeth <ellawson@pa.gov>; Wallace, Jeffrey (CS) <jewallace@pa.gov>; Osmolinski, Sarah <sosmolinsk@pa.gov>; Whiting, Michele <micwhiting@pa.gov>  
**Subject:** Proposed Regulation No. 61-14

Good morning,

Attached is a copy of the regulatory packet for the State Civil Service Commission's Proposed Regulation No. 61-14. Please respond via email to confirm receipt of this email and its attachments.

Sincerely,

**Alina L. Andreoli** | Assistant Counsel  
State Civil Service Commission | Legal Services Office  
Strawberry Square Complex, P.O. Box 569 | Harrisburg, PA 17108-0569  
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**From:** [Centurione, Nick](#)  
**To:** [Andreoli, Alina](#)  
**Cc:** [Cappelletti, Senator Amanda](#); [Lawson, Elizabeth](#); [Wallace, Jeffrey \(CS\)](#); [Osmolinski, Sarah](#); [Whiting, Michele](#)  
**Subject:** Re: Proposed Regulation No. 61-14  
**Date:** Monday, July 22, 2024 9:08:40 AM

---

Received. Thank you

Nick Centurione  
Legislative Director  
Office of Senator Amanda Cappelletti  
Sent from my iPhone

**RECEIVED**

Independent Regulatory  
Review Commission

July 22, 2024

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**From:** Andreoli, Alina <alandreoli@pa.gov>  
**Sent:** Monday, July 22, 2024 9:06:38 AM  
**To:** Centurione, Nick <nick.centurione@pasenate.com>  
**Cc:** Cappelletti, Senator Amanda <amanda.cappelletti@pasenate.com>; Lawson, Elizabeth <ellawson@pa.gov>; Wallace, Jeffrey (CS) <jewallace@pa.gov>; Osmolinski, Sarah <sosmolinsk@pa.gov>; Whiting, Michele <micwhiting@pa.gov>  
**Subject:** Proposed Regulation No. 61-14

**EXTERNAL EMAIL**

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Good morning,

Attached is a copy of the regulatory packet for the State Civil Service Commission's Proposed Regulation No. 61-14. Please respond via email to confirm receipt of this email and its attachments.

Sincerely,

**Alina L. Andreoli** | Assistant Counsel  
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Strawberry Square Complex, P.O. Box 569 | Harrisburg, PA 17108-0569  
Phone: 717.783.1444 | Fax: 717.772.5120  
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# TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

**I.D. NUMBER:** 61-14

**SUBJECT:** Chapter 105 of the State Civil Service Commission's Rules

**AGENCY:** State Civil Service Commission

**RECEIVED**

Independent Regulatory  
Review Commission

July 22, 2024

## TYPE OF REGULATION

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

## FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
<b><u>HOUSE COMMITTEE - Labor and Industry</u></b>		
<u>7/22/24</u>	<u>Electronic Service</u>	<b>MAJORITY CHAIR</b> <u>Jason Dawkins</u>
<u>7/22/24</u>	<u>Electronic Service</u>	<b>MINORITY CHAIR</b> <u>Ryan E. Mackenzie</u>
<b><u>SENATE COMMITTEE - State Government</u></b>		
<u>7/22/24</u>	<u>Electronic Service</u>	<b>MAJORITY CHAIR</b> <u>Cris Dush</u>
<u>7/22/24</u>	<u>Electronic Service</u>	<b>MINORITY CHAIR</b> <u>Amanda M. Cappelletti</u>
<u>7/22/24</u>	<u>Electronic Service</u>	<b><u>INDEPENDENT REGULATORY REVIEW COMMISSION</u></b>
<u>      </u>	<u>N/A</u>	<b><u>ATTORNEY GENERAL (for Final Omitted only)</u></b>
<u>7/22/24</u>	<u>Electronic Service</u>	<b><u>LEGISLATIVE REFERENCE BUREAU (for Proposed only)</u></b>