

## Comments of the Independent Regulatory Review Commission



### State Civil Service Commission Regulation #61-14 (IRRC #3413)

#### Hearings

October 9, 2024

We submit for your consideration the following comments on the proposed rulemaking published in the August 10, 2024 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Civil Service Commission (Commission) to respond to all comments received from us or any other source.

#### **Section 105.12a. Appeal requests. – Clarity.**

The title of this section references appeal requests, but the language of the section references hearings. To improve the clarity of this section, we suggest that the title of this section be changed to hearing requests.

#### *Subsection (b) Time limits.*

This subsection sets forth time limits for filing an appeal with the Commission. We have two concerns. First, Subsections (b)(1) and (b)(2) are entitled “*Under 71 Pa.C.S. Section § 3003(7)(1)*” and “*Under 71 Pa.C.S. Section § 3003(7)(2)*” respectively. To comply with these subsections, the regulated community would have to reference those sections of the statute. To improve the clarity of the rulemaking, we suggest that the Commission include the circumstances contained in the statutory provisions to the final rulemaking. This would assist the regulated community in complying with regulation.

Second, Subsection (b)(2) includes two time limits for requesting a hearing. Subsection (b)(2)(i) addresses the time limit for employees or job seekers that received a notice of a challenged action. Subsection (b)(2)(ii) addresses the time limit for employees or job seekers that became aware of alleged discrimination. Since the time when an employee or job seeker receives notice and the time when an employee or job seeker becomes aware of alleged discrimination can differ, it is unclear which subsection will be applicable. We ask the Commission to clarify how it will administer these provisions in the final-form regulation.

*Subsection (d)*

Representative Ryan Mackenzie, Republican Chairman of the House Labor and Industry Committee, submitted a comment regarding § 105.12a(d)(1) and the meaning of the phrase, “Made in writing.” He suggests that this term, when read in conjunction with the new language of § 105.12b(b) regarding electronic signatures, lacks clarity. We ask the Commission to clarify what is meant by the phrase “made in writing” as it relates to the acceptance of electronic signatures in the final-form regulation.