



May 22, 2017

Pennsylvania Independent Regulatory Review Commission  
333 Market Street 14th Floor  
Harrisburg, PA 17101

*Via fax: 717-783-2664*

On behalf of the County Commissioners Association of Pennsylvania (CCAP), representing all 67 counties, I write with regard to Proposed Rulemaking 61-6, Implementation of Acts 69 and 167 of 2016, as proposed by the State Civil Service Commission.

CCAP worked with the General Assembly to assure the passage of Act 69 and Act 167 of 2016 as a result of the need for counties to employ qualified, competent staff to fill key human services positions in county government. In seeking amendments to the Civil Service Act, counties were also driven by both historical difficulties in filling positions as a result of Civil Service Act provisions and practices by the Civil Service Commission, as well as recent new mandates that have increased vacancies and resulted in increased turnover in positions that assure the health and safety of our residents. The process for hiring through the Civil Service Act has driven numerous counties to seek an alternative merit hire process over the past ten years, with more considering options outside of civil service. Act 69 and Act 167 were legislated to provide relief to counties while assuring adherence to fair and impartial hiring procedures. To date, the Civil Service Commission has not implemented the provisions of the acts.

CCAP urges the Civil Service Commission to amend the proposed regulations to comport with the intent and language of Act 69 and 167. Further, we urge the Civil Service Commission to work with the counties in redrafting proposed regulations that are consistent with the law and the needs of county government to assure the fair and impartial selection of the most qualified candidates to fill key roles. Counties struggle to find qualified and competent staff to serve the needs of abused and neglected children, disabled adults, and the elderly – all very vulnerable populations whose interests should first and foremost as these new acts are implemented.

CCAP believes the proposed regulations to be inconsistent with the legislative intent established through the passage of Act 69 and Act 167 in several areas. In its proposal, the Civil Service Commission has placed new burdens on agencies seeking to hire qualified and competent staff for county service. CCAP believes that the General Assembly intended for the agency seeking to appoint a position to be provided the authority to select the method of examination. The regulations instead give the Commission director the authority to override the decisions of the appointing authority. When a county is hiring for a specific position, the ability to assure the

competence of the candidates should be consistent with what the county needs in terms of skills and ability. Instead, this proposed provision will maintain the current, ineffective system and result in counties continuing to struggle to place the most qualified candidates in critical positions.

CCAP takes exception to the Civil Service Commission interpretation of Section 97.11 of Act 69 of 2016 (Use of Alternative to Rule of Three), regarding the appointment process. Act 69 amended the Civil Service Act to allow alternatives to the standard "Rule of Three" so counties could use a standard that is more consistent to the circumstances around the open position. The regulations are drafted to require the counties in this case to seek and obtain permission from the Director of the Commission for the use of a standard other than the "Rule of Three." This requirement was not envisioned in the legislation and if it is retained in final rulemaking will result in the status quo being maintained, which does a disservice to the county and state taxpayers who expect the most qualified staff to be selected for openings in county government.

CCAP disagrees with the interpretation of the Civil Service Commission in the proposed regulation as it relates to provisions of the act permitting vacancy based hiring. Counties, under the act, would have a more streamlined and real time ability to fill open positions. However, the interpretation of the Civil Service Commission in the proposed regulation will again result in retention of inefficient practices through the proposed requirement that the director provide permission prior to the filling of the vacancy.

CCAP stands ready to work with the Civil Service Commission in drafting an amended proposal that reflects the intent of the legislature and takes into account the needs of counties to assure competent qualified staff are available to serve critical government roles. Counties have experienced many years of frustration with the system, which discourages employment by creating difficulties for interested candidates who will find positions elsewhere, rather than subject themselves to antiquated processes that most employers have long abandoned. Counties cannot compete for the best and most qualified staff under these conditions and cannot assure the best, most effective and efficient provision of key services without the cooperation of the Civil Service Commission.

Thank you for taking our comments into account.

Sincerely,

A handwritten signature in black ink, appearing to read "Brinda Penyak". The signature is fluid and cursive, with a large initial "B".

Brinda Penyak  
Deputy Director