

COMMONWEALTH OF PENNSYLVANIA



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Testimony of  
**John E. Stevens, Chairman**  
**Pennsylvania State Civil Service Commission**  
before the  
**House Veterans Affairs & Emergency Preparedness Committee**  
regarding  
**Hoarse Bills 1092, 1152**

March 7, 2012

1:00 PM

Room G50, Irvis Office Building

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Chairman Barrar, Chairman Sainato, members of the committee, thank you for the opportunity to appear before you today to discuss the legislative mission of the State Civil Service Commission (Commission) and the introduction of House Bills (HB) 1092 of 2011 and 1152 of 2011.

My name is John Stevens. I was recently appointed to and named Chairman of the Commission by Governor Tom Corbett. Due to the signing into law of House Bill 378 of 2011, I am honored to serve as the Commonwealth's first statutorily required veteran member of the Commission and publicly announced veteran advocate. With me today are Commissioners James W, Martin and Odelfa Smith Preston, Jeffrey Wallace - Commission Executive Director. Michael Sullivan -- Commission Deputy for Operations, Frederick Smith - Commission Chief Counsel and Jack McGettigan - Commission Legislative and Press Liaison.

The State merit service was created by legislation 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 further established the Commission as the administrator of the state's merit service.

Today, the Commission has three main offices - Harrisburg, Philadelphia and Pittsburgh and five regional test centers - Allentown, Erie, Johnstown, Lock Haven and Scranton - with a staffing complement of 137 positions serving in a number of bureaus and divisions who carry out a broad range of responsibilities in order to efficiently recruit, promote, examine and refer qualified candidates for employment to state and other contract covered agencies.

As a statutorily independent state agency, the Commission's role in administering the Commonwealth's merit service is to provide a centralized employment system that promotes economies of scale and cost efficiencies to recruit qualified applicants to Commonwealth and local government service. Of the more than 79,000 employees under the Governor's jurisdiction and independent Boards and Commissions, approximately 55,000 (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, most public housing authorities, drug and alcohol services and area agencies on 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.

In addition, the Commission holds hearings on appeals from employment related disciplinary actions and from applicants, and merit service employees who feel they have been discriminated against. The Commission also conducts investigations into allegations that the provisions of the Civil Service Act have been violated, including alleged violations of the political activity restrictions imposed on merit service employees. The Commission is also responsible for applying and enforcing the provisions of the Military Affairs Act (Act 92 of 1975, as amended; 51 Pa. C.S. subsection 7101 et seq.) as they relate to the merit employment service, also known as veterans' preference.

We have reviewed HB 1092 and 1152 and preliminarily reviewed HB 985 of 2011, HB 1090 of 2011 and HB 1262 of 2011 that relate to the merit service reform package introduced by members of the Pennsylvania House of Representatives to determine their benefits and impacts upon the merit service.

The Commission supports MB 1092. This Bill would create an "Office of Veteran Advocate" within the Office of Attorney General. It is our understanding that the legislative intent of this new office would be to represent the legal interest of veterans before the State Civil Service Commission, Pennsylvania Department of Revenue or any other governmental entity. In effect, the office would serve to provide legal counsel and advice to veterans involving merit service appeal adjudicatory matters as well as any other legal matters filed by veterans against governmental entities. We believe that the legislation complements and supports the legislative intent of HB 378; the purpose of which was to require that at least one member of the Commission be a veteran. HB 378 ensures the perspective of a veteran is considered on all matters brought before the Commission. We are pleased to support this Bill and look forward to working with the Committee to see it through to enactment into law.

HB 1152 would modify the provisions of the Military Affairs Act (Title 51) and clarify the circumstances under which veterans' preference can be granted for merit service and non-merit service public positions as related to "external promotions." In addition to other proposed changes, the Bill would also replace the word "soldier" throughout the provisions of the Military Affairs Act with the term "veteran." We look forward to participating in today's hearing to learn more about the legislative intent of the Bill to include a clarification of the definition of the term "external promotions" in the context of both merit service employment; and of prior Commonwealth Court and Pennsylvania Supreme Court decisions related to the application of veterans' preference to all promotions within the merit service. We also look forward to having a discussion with the Committee about the objective of replacing the word "soldier" with "veteran" in the Military Affairs Act particularly in light of long standing legal precedent, definition and understanding of the term in Commonwealth and federal statutes.

Although House Bills 985, 1090 and 1262 are not officially on today's agenda for discussion, we would like to offer the following comments about the Bills given their relatedness to veterans' preference and merit service employment issues and topics.

HB 985 would require that "the Executive Director of the Civil Service Commission provide notification that veterans' preference is the law in the Commonwealth of Pennsylvania." The Bill would require the placement of information about the Commonwealth's veterans' preference benefit in all Commission publications, advertisements and other related public materials.

HB 1090 would add statutory language to the Civil Service Act that would require the "Commission to fill positions using lists that include eligible veterans seeking employment with the Commonwealth." The Bill would also codify into law specific disqualifiers for persons applying for merit service appointments or promotions.

HB 1262 would create a new state agency – Civil Service Appeals Board – that would be responsible for serving as an intermediary entity between the Commission and Commonwealth Court to review civil service appeal adjudication decisions involving veteran applicants or employees.

The Commission supports House Bill 985. This Bill would codify into law existing Commission efforts to advertise and promote veterans' preference employment benefits and rights to the Commonwealth's veteran community. These current efforts include, but are not limited to, prominently displaying information about veterans' preference on the Commission's main website ([www.scsc.state.pa.us](http://www.scsc.state.pa.us)); including detailed information about veterans' preference benefits and rights on the website, in publications and job announcements; and sponsoring and attending veteran only job fairs and recruitment events throughout the Commonwealth. Recently, for example, the Commission sponsored a veteran only job fair event here in Harrisburg that included one-on-one employment counseling sessions and resume evaluations. The job fair was positively received by over 150 veterans who attended the event. Similar events are being planned and will be held in Philadelphia and Pittsburgh in the near future.

We look forward to working with and having further discussions with the Committee in regard to HB 1090 and HB 1262. Our preliminary analysis of the Bills raise questions about the legislative intent and impact of the Bills, and may offer non-legislative solutions to address the objectives of the Bills.

Thank you for the opportunity to address the Committee today and allowing us to discuss the pending legislation as well as clarify the role, mission and responsibilities of the Commission. We recognize and value the legislative goals of the proposed legislation and merit system reform package. We support any legislative effort that highlights and promotes the Commonwealth veterans' preference employment program, benefits and rights to the Commonwealth's veteran community. The brave men and women who have honorably served deserve these important benefits and rights as recognition of their service and sacrifice for the country.

We are happy to answer any of your questions.