

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1240 Session of
1975

INTRODUCED BY LEDERER, MYERS, TAYOUN AND COHEN, MAY 6, 1975

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 7, 1975

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled
2 "An act relating to counties of the third, fourth, fifth,
3 sixth, seventh and eighth classes; amending, revising,
4 consolidating and changing the laws relating thereto,"
5 regulating the suspension, removal and reinstatement of
6 county detectives, county probation officers and county
7 wardens.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of August 9, 1955 (P.L.323, No.130),
11 known as "The County Code," is amended by adding sections to
12 read:

13 Section 1442. Removals.--No person employed as a regular
14 full-time county detective, county probation officer or county
15 warden shall be suspended or removed except for the following
16 reasons:

17 (1) Physical or mental disability affecting his ability to
18 continue in service, in which case the person shall receive an
19 honorable discharge from service.

20 (2) Neglect or violation of any official duty.

21 (3) Violating of any law which provides that such violation

1 constitutes a misdemeanor or felony.

2 (4) Inefficiency, neglect, intemperance, disobedience of
3 orders, or conduct unbecoming an officer.

4 (5) Intoxication while on duty.

5 A person so employed shall not be removed for religious, racial
6 or political reasons. A written statement of any charges made
7 against any person so employed shall be furnished to such person
8 within five days after the same are filed.

9 Section 1443. Hearings on Dismissals.--If the person sought
10 to be suspended or removed shall demand a public hearing, the
11 demand shall be made to the appointing authority. Such person
12 may make written answers to any charges filed against him. The
13 appointing authority shall grant him a public hearing, which
14 shall be held within a period of ten days from the filing of
15 charges in writing, and written answers thereto filed within
16 five days, and may be continued by the appointing authority for
17 cause or at the request of the accused. At any such hearing, the
18 person against whom the charges are made may be present in
19 person and by counsel. The appointing authority may suspend any
20 such person without pay pending the determination of the charges
21 against him, but in the event the appointing authority fails to
22 uphold the charges, then the person sought to be suspended or
23 removed shall be reinstated with full pay for the period during
24 which he was suspended, and no charges shall be officially
25 recorded against his record. No order of suspension made by the
26 appointing authority shall be for a longer period than one year.

27 A written record of all testimony taken at such hearings
28 shall be filed with and preserved by the appointing authority,
29 which record shall be sealed and not be available for public
30 inspection in the event the charges are dismissed.

1 Section 1444. Appeal.--The suspended or dismissed employe
2 shall have the right to appeal to the court of common pleas of
3 the county in which he was employed.

4 Section 1445. Removal from Supervisory Position.--Section
5 1442 shall not prevent the appointing authority from removing
6 the Chief County Detective, or acting Chief County Detective
7 from a supervisory position so long as the position of County
8 Detective is retained by the person so removed.

9 Section 2. This act shall take effect immediately.