

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 783

Session of  
1975

INTRODUCED BY CAPUTO, GEISLER, ROMANELLI, M. M. MULLEN,  
FLAHERTY, RHODES, ITKIN, IRVIS, SWEENEY, CESSAR,  
ZORD AND FISHER, MARCH 18, 1975

REFERRED TO COMMITTEE ON URBAN AFFAIRS, MARCH 19, 1975

AN ACT

1 Amending the act of June 27, 1939 (P.L.1207, No.405), entitled,  
2 as amended, "An act regulating the appointment, promotion,  
3 suspension, reduction, removal, and reinstatement of employes  
4 (except chiefs and chief clerks) in bureaus of fire and fire  
5 alarm operators and fire box inspectors in bureaus of  
6 electricity, in cities of the second class; defining the  
7 powers and duties of Civil Service Commissions for such  
8 purpose in said cities; and repealing inconsistent  
9 legislation," further providing for filling of vacancies and  
10 for transfers or assignments within companies.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 3.2, act of June 27, 1939 (P.L.1207,  
14 No.405), entitled, as amended, "An act regulating the  
15 appointment, promotion, suspension, reduction, removal and  
16 reinstatement of employes (except chiefs and chief clerks) in  
17 bureaus of fire and fire alarm operators and fire box inspectors  
18 in bureaus of electricity, in cities of the second class;  
19 defining the powers and duties of Civil Service Commissions for  
20 such purpose in said cities; and repealing inconsistent  
21 legislation," added July 3, 1963 (P.L.186, No.113), is amended

1 to read:

2 Section 3.2. (a) Whenever in the competitive class of any  
3 bureau of fire a vacancy of equal rank shall occur in another  
4 [unit or] company, the vacancy shall be filled by transferring  
5 the person with the longest period of service within the bureau  
6 of fire who requests such transfer. Notice of any such vacancy  
7 to be filled shall be prominently posted at all fire stations  
8 within five days after the occurrence of the vacancy, and any  
9 person desiring such transfer shall submit a written request  
10 therefor within ten days of the posting. [A vacancy may be  
11 temporarily filled for a period not to exceed fifteen days. In  
12 the event that no person requests such transfer as above set  
13 forth, the vacancy may be permanently filled at the discretion  
14 of the appointing authority of the bureau of fire.]

15 Driving assignments within a [unit or] company shall be made  
16 on the basis of seniority within that [unit or] company.

17 Engine and truck companies housed together shall be  
18 considered to be one company except where an engine company and  
19 a truck company with the same numbers are bound together in  
20 which case they shall be considered one company and the other  
21 company houses in the same facility shall be another company.  
22 Squad companies and elevated platforms shall be separate  
23 companies.

24 No such transfer or driving assignment shall be denied the  
25 person entitled thereto by reason of seniority unless such  
26 person is found to be unable to perform the necessary duties.  
27 The denial of any such transfer or driving assignment shall be  
28 in writing, and shall state the reasons therefor.

29 (b) Any person who is denied a transfer or who is denied a  
30 driving assignment to which he is entitled under subsection (a)

1 of this section shall, upon written request, be granted a public  
2 hearing before the Civil Service Commission.