

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 574

Session of
1977

INTRODUCED BY REED, CAPUTO, BROWN, SCHMITT, MRKONIC, MANMILLER,
DININNI AND PICCOLA, MARCH 8, 1977

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 8, 1977

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 suspensions, removal and reinstatement of
6 county detectives.

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

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

12 Section 1442. Cause for Removals.--A person employed as a
13 full-time county detective shall not be suspended or removed
14 except for one or more of the following reasons:

15 (1) Physical or mental disability affecting his ability to
16 serve.

17 (2) Negligence in the performance of duty.

18 (3) Inefficiency, intemperance, disobedience of lawful
19 orders, conduct unbecoming an officer, or formal accusation of
20 having committed a misdemeanor or felony.

1 (4) Intoxication while on duty.

2 (5) Conviction of a misdemeanor or felony.

3 Section 1443. Suspensions, Dismissals and Separation from

4 Service.--(a) Whenever the district attorney has cause to

5 believe that a county detective is suffering from a physical or

6 mental disability affecting his ability to serve he shall direct

7 him to submit to a physical or psychiatric examination by, or

8 under the supervision of, a county medical officer. The findings

9 of the medical examiner shall be binding. Refusal or failure to

10 report for the examination shall be an admission of the

11 existence of the disability whenever he is found to be suffering

12 from a physical or mental disability affecting his ability to

13 serve the district attorney shall issue a letter of honorable

14 separation from service to him.

15 (b) Whenever the district attorney believes a county

16 detective is in violation of any of the provisions of section

17 1442 (2) through (4), he may suspend him from duty without pay.

18 The district attorney shall, within five days thereafter, issue

19 to the detective a letter stating the causes for complaint. He

20 shall fix a date for a hearing before the salary board of the

21 county not more than two weeks from the date of receipt by the

22 detective of the letter of complaint. He shall grant a

23 continuance at the request of the detective not to exceed 15

24 days after the day originally set for the hearing before the

25 salary board.

26 (c) Whenever any of the complaints under section 1442 (2) to

27 (4) are substantiated the district attorney shall issue a letter

28 advising the detective of his dismissal. Whenever the complaints

29 are not substantiated the detective shall be reinstated with

30 full pay for the period during which he was suspended, and no

1 charges shall be made a part of his record. An order of
2 suspension of a county detective shall not be for longer than
3 one year.

4 (d) A record of all testimony taken at a hearing before a
5 salary board shall be filed with and preserved by the chairman
6 of the county commissioners. It shall be sealed and not
7 available for public inspection whenever the complaints are
8 dismissed.

9 Section 1444. Appeal.--A county detective who has been
10 suspended or dismissed shall have the right of appeal to the
11 court of common pleas of the county in which he is employed, and
12 other rights of appeal provided by law.

13 Section 1445. Removal from Supervisory Position.--Section
14 1442 shall not prevent the district attorney from removing the
15 chief county detective, or the supervisor of the county
16 detectives by whatever name or title he is known, from a
17 supervisory position.

18 Section 2. This act shall take effect immediately.