

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1990 Session of
1979

INTRODUCED BY MESSRS. DeMEDIO, FRYER, WEIDNER, LEVI AND
A. C. FOSTER, JR., NOVEMBER 14, 1979

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 6, 1980

AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled
2 "An act concerning townships of the first class; amending,
3 revising, consolidating, and changing the law relating
4 thereto," FURTHER PROVIDING FOR FILLING VACANCIES IN THE <—
5 OFFICE OF COMMISSIONER AND granting additional powers to the
6 civil service commission relating to the scheduling of
7 applicants' physical examinations.

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

10 ~~Section 1. Section 635, act of June 24, 1931 (P.L.1206,~~ <—
11 ~~No.331), known as "The First Class Township Code," reenacted and~~
12 ~~amended May 27, 1949 (P.L.1955, No.569), is amended to read:~~

13 SECTION 1. SECTION 530, ACT OF JUNE 24, 1931 (P.L.1206, <—
14 NO.331), KNOWN AS "THE FIRST CLASS TOWNSHIP CODE," REENACTED AND
15 AMENDED MAY 27, 1949 (P.L.1955, NO.569), AND AMENDED JUNE 15,
16 1978 (P.L.479, NO.69), IS AMENDED TO READ:

17 SECTION 530. VACANCIES IN GENERAL.--WHEN A VACANCY OCCURS IN
18 THE OFFICE OF TOWNSHIP COMMISSIONER, AUDITOR, CONTROLLER,
19 TREASURER, ASSESSOR, ASSISTANT AUDITOR, OR ASSISTANT TRIENNIAL

1 ASSESSOR IN ANY TOWNSHIP, BY REASON OF DEATH, RESIGNATION,
2 REMOVAL FROM THE TOWNSHIP OR WARD, OR OTHERWISE, THE BOARD OF
3 TOWNSHIP COMMISSIONERS OF SUCH TOWNSHIP SHALL FILL SUCH VACANCY
4 BY APPOINTING BY RESOLUTION A REGISTERED VOTER OF THE WARD OR
5 TOWNSHIP, AS THE CASE MAY BE, IN WHICH THE VACANCY OCCURS. IF
6 THE BOARD OF TOWNSHIP COMMISSIONERS OF ANY TOWNSHIP SHALL
7 REFUSE, FAIL, OR NEGLECT, OR BE UNABLE FOR ANY REASON
8 WHATSOEVER, TO FILL SUCH VACANCY WITHIN THIRTY (30) DAYS AFTER
9 THE VACANCY OCCURS, THEN THE VACANCY BOARD SHALL FILL THE
10 VACANCY WITHIN FIFTEEN (15) ADDITIONAL DAYS BY APPOINTING A
11 REGISTERED ELECTOR OF THE WARD OR TOWNSHIP, AS THE CASE MAY BE,
12 IN WHICH THE VACANCY OCCURS. THE VACANCY BOARD SHALL CONSIST OF
13 THE BOARD OF COMMISSIONERS AND ONE REGISTERED ELECTOR OF THE
14 TOWNSHIP, WHO SHALL BE ELECTED BY THE BOARD OF TOWNSHIP
15 COMMISSIONERS AT EACH REORGANIZATIONAL MEETING, AND WHO SHALL
16 ACT AS CHAIRMAN OF THE VACANCY BOARD. IF THE VACANCY BOARD DOES
17 NOT FILL THE VACANCY WITHIN THE PRESCRIBED TIME, THE CHAIRMAN
18 SHALL, PETITION THE COURT OF COMMON PLEAS TO FILL THE VACANCY BY
19 APPOINTING A REGISTERED ELECTOR OF THE WARD OR TOWNSHIP, AS THE
20 CASE MAY BE, IN WHICH THE VACANCY OCCURS. IN ALL CASES, THE
21 PERSON SO APPOINTED SHALL HOLD THE OFFICE IF THE TERM THEREOF
22 CONTINUES SO LONG, UNTIL THE FIRST MONDAY IN JANUARY AFTER THE
23 FIRST MUNICIPAL ELECTION OCCURRING MORE THAN SIXTY (60) DAYS
24 AFTER THE VACANCY OCCURS, AT WHICH ELECTION AN ELIGIBLE PERSON
25 SHALL BE ELECTED FOR THE REMAINDER OF THE TERM AND SHALL HAVE
26 BEEN A RESIDENT OF THE TOWNSHIP CONTINUOUSLY FOR AT LEAST ONE
27 (1) YEAR BEFORE HIS APPOINTMENT. IN TOWNSHIPS DIVIDED INTO
28 WARDS, ALL APPOINTED COMMISSIONERS SHALL RESIDE IN THE WARD IN
29 WHICH THE VACANCY OCCURRED AND SHALL HAVE RESIDED IN SAID WARD
30 CONTINUOUSLY FOR AT LEAST ONE (1) YEAR BEFORE APPOINTMENT. NO

1 PERSON WHO WAS CONVICTED OF OR PLED GUILTY OR NO CONTEST TO A
2 FELONY SHALL BE ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY ON
3 THE BOARD OF COMMISSIONERS FOR A PERIOD OF THREE (3) YEARS FROM
4 THE DATE OF THE CONVICTION OR PLEA.

5 SECTION 2. SECTION 635 OF THE ACT IS AMENDED TO READ:

6 Section 635. General Provisions Relating to Examinations.--

7 The commission shall make rules and regulations to be approved
8 as provided in section 630 hereof, providing for the examination
9 of applicants for positions in the police force and as paid
10 operators of fire apparatus and for promotions, which rules and
11 regulations shall prescribe the minimum qualifications of all
12 applicants to be examined and the passing grades. All
13 examinations for positions or promotions shall be practical in
14 character and shall relate to such matters and include such
15 inquiries as will fairly test the merit and fitness of the
16 persons examined to discharge the duties of the employment
17 sought by them. All examinations shall be open to all applicants
18 who have the minimum qualifications required by the rules and
19 regulations. Each applicant for examination shall be subject to
20 the regulations adopted by the commission and shall be required
21 to submit to a physical examination either before or after being
22 admitted to the regular examination held by the commission.

23 Public notice of the time and place of every examination,
24 together with the information as to the kind of position or
25 place to be filled, shall be given by publication once in a
26 newspaper of general circulation in the township or in a
27 newspaper circulating generally in the township at least two
28 weeks prior to each examination, and a copy of the notice shall
29 be prominently posted in the office of the commission or other
30 public place.

1 The commission shall post in its office the eligible list
2 containing the names and grades of those who have passed the
3 examination. Persons male or female who served in the military
4 or naval service of the United States during any war in which
5 the United States has been, is now, or shall hereafter be
6 engaged and who have honorable discharges from such service, who
7 have successfully passed the examination, shall be given the
8 additional credits and preference in appointment and promotion
9 provided for by law.

10 Section ~~2~~ 3. Section 643 of the act, amended June 18, 1975 <—
11 (P.L.19, No.7), is amended to read:

12 Section 643. Physical Examinations.--All applicants for
13 examination shall undergo a physical examination as provided in
14 section 635 which shall be conducted under the supervision of a
15 doctor of medicine appointed by the commission. No person shall
16 be eligible for appointment until said doctor certifies that the
17 applicant is free from any bodily or mental defects, deformity
18 or disease that might incapacitate him from the discharge of the
19 duties of the position desired.

20 Section ~~3~~ 4. This act shall take effect immediately BUT THE <—
21 PROVISIONS RELATING TO THE APPOINTMENT OF A FELON SHALL BE
22 RETROACTIVE TO SEPTEMBER 1, 1980.