

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1287 Session of
2009

INTRODUCED BY CASORIO, BRENNAN, BURNS, CALTAGIRONE, DALLY,
DEASY, FABRIZIO, GERGELY, GINGRICH, HALUSKA, HARHAI, HARKINS,
KOTIK, LONGIETTI, MAHONEY, MANN, MATZIE, MURPHY, PYLE, REED,
SEIP, SIPTROTH, SOLOBAY, YOUNGBLOOD, YUDICHAK AND GIBBONS,
APRIL 20, 2009

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 20, 2009

AN ACT

1 Amending the act of June 5, 1941 (P.L.84, No.45), entitled "An
2 act providing for and regulating the appointment, promotion
3 and reduction in rank, suspension and removal of paid members
4 of the police force in boroughs, incorporated towns and
5 townships of the first class maintaining a police force of
6 not less than three members; creating a civil service
7 commission in each borough, incorporated town and township of
8 the first class; defining the duties of such civil service
9 commission; imposing certain duties and expense on boroughs,
10 incorporated towns and townships of the first class; imposing
11 penalties, and repealing inconsistent laws," further
12 providing for removals, suspensions or reductions in rank of
13 police officers.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Section 20 of the act of June 5, 1941 (P.L.84,
17 No.45), entitled "An act providing for and regulating the
18 appointment, promotion and reduction in rank, suspension and
19 removal of paid members of the police force in boroughs,
20 incorporated towns and townships of the first class maintaining
21 a police force of not less than three members; creating a civil
22 service commission in each borough, incorporated town and

1 township of the first class; defining the duties of such civil
2 service commission; imposing certain duties and expense on
3 boroughs, incorporated towns and townships of the first class;
4 imposing penalties, and repealing inconsistent laws," amended
5 May 9, 1984 (P.L.256, No.58), is amended to read:

6 Section 20. Removals.--No person employed in any police
7 department of any political subdivision shall be suspended,
8 removed or reduced in rank, except for the following reasons:

9 (1) physical or mental disability affecting his ability to
10 continue in service, in which cases the person shall receive an
11 honorable discharge from service; (2) neglect or violation of
12 any official duty; (3) violation of any law of this Commonwealth
13 which provides that such violation constitutes a misdemeanor or
14 felony; (4) inefficiency, neglect, intemperance, disobedience of
15 orders or conduct unbecoming an officer; (5) intoxication while
16 on duty; (6) engaging or participating in the conducting of any
17 political or election campaign while on duty or in uniform
18 otherwise than to exercise his own right of suffrage. A person
19 so employed shall not be removed for religious, racial or
20 political reasons. A written statement of any charges made
21 against any person so employed shall be furnished to such person
22 within five days after the same are filed.

23 If for reasons of economy or other reasons it shall be deemed
24 necessary by any municipality to reduce the number of paid
25 employes of the police department, then such political
26 subdivision shall apply the following procedure: (a) if there
27 are any employes eligible for retirement under the terms of any
28 retirement or pension law, then such reduction in numbers shall
29 be made by retirement if the party to be retired exceeds the
30 maximum age as defined in the act of October 27, 1955 (P.L.744,

1 No.222), known as the "Pennsylvania Human Relations Act"; (b) if
2 the number of paid employes in the police force eligible to
3 retirement is insufficient to effect the necessary reduction in
4 numbers, or if there are no persons eligible for retirement, or
5 if no retirements or pension fund exist, then the reduction
6 shall be effected by furloughing the man or men, including
7 probationers last appointed to said police force. Such removal
8 shall be accomplished by furloughing in numerical order,
9 commencing with the man last appointed until such reduction
10 shall have been accomplished. In the event the said police force
11 shall again be increased the employes furloughed shall be
12 reinstated in the order of their seniority in the service.

13 Section 2. This act shall take effect in 60 days.