

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 995 Session of 2011

INTRODUCED BY KORTZ, CALTAGIRONE, FABRIZIO, GERGELY, HALUSKA,
HESS, HORNAMAN, KULA, LONGIETTI, MANN, MURPHY, M. O'BRIEN,
RAVENSTAHL, SWANGER AND YOUNGBLOOD, MARCH 9, 2011

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 9, 2011

AN ACT

1 Amending the act of February 1, 1966 (1965 P.L.1656, No.581),
2 entitled "An act concerning boroughs, and revising, amending
3 and consolidating the law relating to boroughs," further
4 providing for removals from the police or fire force; and
5 providing for certain incompatible offices.

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

8 Section 1. Section 1190 of the act of February 1, 1966 (1965
9 P.L.1656, No.581), known as The Borough Code, amended May 31,
10 1984 (P.L.362, No.72), is amended to read:

11 Section 1190. Removals.--No person employed in any police or
12 fire force of any borough shall be suspended, removed or reduced
13 in rank except for the following reasons:

14 (1) Physical or mental disability affecting his ability to
15 continue in service, in which cases the person shall receive an
16 honorable discharge from service.

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

18 (3) Violation of any law which provided that such violation
19 constitutes a misdemeanor or felony.

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

(5) Intoxication while on duty.

(6) Engaging or participating in conducting of any political
or election campaign while on duty or in uniform or while using
borough property, otherwise than to exercise his own right of
suffrage.

(7) Engaging or participating in the conduct of a political
or election campaign for an incompatible office as provided in
section 1190.1.

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

If for reasons of economy or other reasons it shall be deemed
necessary by any borough to reduce the number of paid employes
of the police or fire force, then such borough shall apply the
following procedure: (i) if there are any employes eligible for
retirement under the terms of any retirement or pension law, if
the party to be retired exceeds the maximum age as defined in
the act of October 27, 1955 (P.L.744, No.222), known as the
"Pennsylvania Human Relations Act," then such reduction in
numbers shall be made by retirement of such employes, starting
with the oldest employe and following in order of age
respectively, (ii) if the number of paid employes in the police
force or fire force eligible to retirement is insufficient to
effect the necessary reduction in numbers, or if there are no
persons eligible for retirement, or if no retirement or pension
fund exists, then the reduction shall be effected by furloughing
the person or persons, including probationers, last appointed to

1 the respective force. Such removal shall be accomplished by
2 furloughing in numerical order commencing with the person last
3 appointed until such reduction shall have been accomplished. In
4 the event the said police force or fire force shall again be
5 increased the employes furloughed shall be reinstated in the
6 order of their seniority in the service. The provisions of this
7 paragraph as to reductions in force are not applicable to a
8 chief of police.

9 Section 2. The act is amended by adding a section to read:

10 Section 1190.1. Incompatible Offices.--(a) A police officer
11 or firefighter may not hold an elective office of the
12 municipality that employs the police officer or firefighter.

13 (b) A police officer or firefighter who is employed by a
14 regional department, council of government or other cooperative
15 venture may not hold an elective office of any municipality that
16 participates in the regional department, council of government
17 or other cooperative venture.

18 Section 3. This act shall take effect immediately.