

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 783

Session of  
1975

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

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 23, 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 USE OF ELIGIBILITY LISTS <—  
10 AND FOR filling of vacancies and for transfers or assignments  
11 within companies.

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

14 Section 1. ~~Section~~ SUBSECTION (A) OF SECTION 3.1 AND SECTION <—  
15 3.2, act of June 27, 1939 (P.L.1207, No.405), entitled, as  
16 amended, "An act regulating the appointment, promotion,  
17 suspension, reduction, removal and reinstatement of employes  
18 (except chiefs and chief clerks) in bureaus of fire and fire  
19 alarm operators and fire box inspectors in bureaus of  
20 electricity, in cities of the second class; defining the powers  
21 and duties of Civil Service Commissions for such purpose in said

1 cities; and repealing inconsistent legislation," added July 3,  
2 1963 (P.L.186, No.113), ~~is~~ ARE amended to read:

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3 SECTION 3.1. (A) BOTH ORIGINAL APPOINTMENTS AND PROMOTIONS <—  
4 TO ANY POSITION IN THE COMPETITIVE CLASS IN ANY BUREAU OF FIRE  
5 IN ANY CITY OF THE SECOND CLASS SHALL BE MADE ONLY FROM THE TOP  
6 OF THE COMPETITIVE LIST: PROVIDED, HOWEVER, THAT THE APPOINTING  
7 OFFICER MAY PASS OVER THE PERSON ON THE TOP OF THE COMPETITIVE  
8 LIST FOR JUST CAUSE IN WRITING. ANY PERSON SO PASSED OVER SHALL,  
9 UPON WRITTEN REQUEST, BE GRANTED A PUBLIC HEARING BEFORE THE  
10 CIVIL SERVICE COMMISSION. NO COMPETITIVE LIST SHALL EXPIRE IN  
11 ANY YEAR SO LONG AS THERE ARE VACANCIES LEFT TO FILL THEREFROM  
12 NOR SHALL EXAMINATIONS FOR A NEW LIST BE GIVEN DURING ANY ONE  
13 YEAR UNTIL THE PRIOR LIST IS EXHAUSTED IF THERE ARE VACANCIES  
14 LEFT TO FILL.

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16 Section 3.2. (a) Whenever in the competitive class of any  
17 bureau of fire a vacancy of equal rank shall occur in another  
18 [unit or] company, the vacancy shall be filled by transferring  
19 the person with the longest period of service within the bureau  
20 of fire who requests such transfer. Notice of any such vacancy  
21 to be filled shall be prominently posted at all fire stations  
22 within five days after the occurrence of the vacancy, and any  
23 person desiring such transfer shall submit a written request  
24 therefor within ten days of the posting. [A vacancy may be  
25 temporarily filled for a period not to exceed fifteen days. In  
26 the event that no person requests such transfer as above set  
27 forth, the vacancy may be permanently filled at the discretion  
28 of the appointing authority of the bureau of fire.]

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

1     Engine and truck companies housed together shall be  
2     considered to be one company except where an engine company and  
3     a truck company with the same numbers are bound together in  
4     which case they shall be considered one company and the other  
5     company houses in the same facility shall be another company.  
6     Squad companies and elevated platforms shall be separate  
7     companies.

8         No such transfer or driving assignment shall be denied the  
9     person entitled thereto by reason of seniority unless such  
10    person is found to be unable to perform the necessary duties.  
11    The denial of any such transfer or driving assignment shall be  
12    in writing, and shall state the reasons therefor.

13       (b) Any person who is denied a transfer or who is denied a  
14    driving assignment to which he is entitled under subsection (a)  
15    of this section shall, upon written request, be granted a public  
16    hearing before the Civil Service Commission.

17       SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

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