

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 AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JULY 9, 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. Subsection (a) of section 3.1 and section 3.2,
15 act of June 27, 1939 (P.L.1207, No.405), entitled, as amended,
16 "An act regulating the appointment, promotion, suspension,
17 reduction, removal and reinstatement of employes (except chiefs
18 and chief clerks) in bureaus of fire and fire alarm operators
19 and fire box inspectors in bureaus of electricity, in cities of
20 the second class; defining the powers and duties of Civil
21 Service Commissions for such purpose in said cities; and

1 repealing inconsistent legislation," added July 3, 1963

2 (P.L.186, No.113), are amended to read:

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. FOR THE PURPOSES OF THIS ACT VACANCIES SHALL EXIST <—
15 IN THE BUREAU OF FIRE WHENEVER THE NUMBER OF UNIFORMED MEMBERS
16 IS LESS THAN THE NUMBER OF UNIFORMED MEMBERS BUDGETED FOR BY THE
17 CITY.

18 * * *

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

1 of the appointing authority of the bureau of fire.]

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

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

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

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

20 Section 2. This act shall take effect immediately.