
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1983 Session of
1975

INTRODUCED BY LEDERER, GIAMMARCO, MCINTYRE, TAYOUN AND MYERS,
NOVEMBER 25, 1975

REFERRED TO COMMITTEE ON LAW AND JUSTICE, NOVEMBER 26, 1975

AN ACT

1 Regulating the suspension removal and reinstatement of prison
2 superintendent in cities of the first class.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Removals.--No person employed as a regular full-
6 time prison superintendent in cities of the first class shall be
7 suspended or removed except for the following reasons:

8 (1) Physical or mental disability affecting his ability to
9 continue in service, in which case the person shall receive an
10 honorable discharge from service.

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

12 (3) Violating of any law which provides that such violation
13 constitutes a misdemeanor or felony.

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

16 (5) Intoxication while on duty.

17 A person so employed shall not be removed for religious, racial
18 or political reasons. A written statement of any charges made

1 against any person so employed shall be furnished to such person
2 within five days after the same are filed.

3 Section 2. Hearings on Dismissals.--If the person sought to
4 be suspended or removed shall demand a public hearing, the
5 demand shall be made to the appointing authority. Such person
6 may make written answers to any charges filed against him. The
7 appointing authority shall grant him a public hearing, which
8 shall be held within a period of ten days from the filing of
9 charges in writing, and written answers thereto filed within
10 five days, and may be continued by the appointing authority for
11 cause or at the request of the accused. At any such hearing, the
12 person against whom the charges are made may be present in
13 person and by counsel. The appointing authority may suspend any
14 such person without pay pending the determination of the charges
15 against him, but in the event the appointing authority fails to
16 uphold the charges, then the person sought to be suspended or
17 removed shall be reinstated with full pay for the period during
18 which he was suspended, and no charges shall be officially
19 recorded against his record. No order of suspension made by the
20 appointing authority shall be for a longer period than one year.

21 A written record of all testimony taken at such hearings
22 shall be filed with and preserved by the appointing authority,
23 which record shall be sealed and not be available for public
24 inspection in the event the charges are dismissed.

25 Section 3. Appeal.--The suspended or dismissed employee
26 shall have the right to appeal to the court of common pleas of
27 the city in which he was employed.

28 Section 4. Repealer.--The act of March 30, 1831 (P.L.228,
29 No.123), entitled "An act to provide for the erection of a new
30 prison and a debtor's apartment within the city and county of

1 Philadelphia, and for the sale of the county prison in Walnut-
2 street, in said city," is repealed in so far as inconsistent
3 with the provisions of this act.

4 Section 5. Effective date.--This act shall take effect
5 immediately.