

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1247 Session of
1979

INTRODUCED BY PICCOLA, REED, MANMILLER, DININNI, ZELLER, CIMINI
AND E. Z. TAYLOR, MAY 8, 1979

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 8, 1979

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled
2 "An act relating to counties of the third, fourth, fifth,
3 sixth, seventh and eighth classes; amending, revising,
4 consolidating and changing the laws relating thereto,"
5 regulating the suspensions, removal and reinstatement of
6 county detectives.

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

9 Section 1. The act of August 9, 1955 (P.L.323, No.130),
10 known as "The County Code," is amended by adding sections to
11 read:

12 Section 1442. Cause for Removals.--No persons employed as a
13 regular full-time county detective shall be suspended or removed
14 except for one or more of the following reasons:

15 (1) Physical or mental disability affecting his ability to
16 continue service. Such determination shall be made in accordance
17 with procedure set forth in section 1443.

18 (2) Negligence in the performance of any official duty.

19 (3) Inefficiency, intemperance, disobedience of lawful
20 orders, conduct unbecoming an officer, or formal accusation of

1 having committed a misdemeanor or felony.

2 (4) Intoxication while on duty.

3 (5) Conviction of a misdemeanor or felony.

4 Section 1443. Suspensions, Dismissals and Separation from

5 Service.--(a) Whenever the district attorney has cause to

6 believe that a county detective is suffering from a physical or

7 mental disability as described in section 1442 (1), he shall

8 direct the said county detective to submit to a physical or

9 psychiatric examination by, or under the supervision of, the

10 appropriate county medical officer, and the findings of the

11 medical examiner shall be deemed binding. If the said county

12 detective refuses or fails to report for such examination he

13 shall be deemed to admit the existence of the incapacitating

14 condition. Under this circumstance, or where the medical

15 examiner's findings are positive, the district attorney shall

16 issue to the said county detective a letter of honorable

17 separation from service.

18 (b) Whenever the district attorney has cause to believe that

19 a county detective is guilty of any of the offenses set forth in

20 section 1442(2) through (4), he may suspend the county detective

21 from duty, without pay, and shall within five days issue to the

22 said county detective a letter setting forth his causes for

23 complaint, specifying in as much detail as possible the basis

24 for same. He shall fix a date for a hearing before the salary

25 board of the county not more than two weeks from the date of

26 receipt by the county detective of the letter of complaint, but

27 shall grant a continuance at the request of the said county

28 detective not to exceed fifteen calendar days beyond the day

29 originally set for the said salary board hearing.

30 (c) If any of the charges under section 1442(2) through (4)

1 are upheld, the district attorney shall issue a letter advising
2 the said county detective of his dismissal. In the event the
3 district attorney fails to uphold the charges, then the county
4 detective sought to be suspended or removed shall be reinstated
5 with full pay for the period during which he was suspended, and
6 no charges shall be officially recorded against his record. No
7 order of suspension made by the district attorney shall be for a
8 longer period than one year.

9 (d) A written record of all testimony taken at such salary
10 board hearings shall be filed with and preserved by the chairman
11 of the county commissioners, which record shall be sealed and
12 not available for public inspection in the event the charges are
13 dismissed.

14 Section 1444. Appeal.--The suspended or dismissed county
15 detective shall have the right to appeal to the court of common
16 pleas of the county in which he is employed, and other appeal
17 rights as established by law.

18 Section 1445. Removal from Supervisory Position.--Section
19 1442 shall not prevent the district attorney from removing the
20 Chief County Detective, or the supervisor of the county
21 detectives by whatever name or title he is known, from a
22 supervisory position, and appointing a Chief County Detective of
23 his own selection, consistent with section 1440.

24 Section 2. This act shall take effect immediately.