

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1279 Session of
1991

INTRODUCED BY MELIO, GAMBLE, MERRY, LAUGHLIN, HECKLER, TRICH,
FOSTER, ADOLPH, DeLUCA, MICHLOVIC, COLAIZZO, NYCE, GERLACH,
TANGRETTI, BROUJOS, PESCI AND HARLEY, MAY 6, 1991

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JANUARY 29, 1992

AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled
2 "An act concerning townships of the first class; amending,
3 revising, consolidating, and changing the law relating
4 thereto," further providing for the employment of police
5 officers and paid operators of fire apparatus.

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

8 Section 1. Section 638 of the act of June 24, 1931
9 (P.L.1206, No.331), known as The First Class Township Code,
10 reenacted and amended May 27, 1949 (P.L.1955, No.569), is
11 amended to read:

12 Section 638. Manner of Filling Appointments.--(a) Every
13 position or employment in the police force or as paid operators
14 of fire apparatus except that of chief of police or chief of the
15 fire department or equivalent shall be filled [only in the
16 following manner: the] in one of the following manners:

17 (i) The township commissioners shall notify the commission
18 of any vacancy which is to be filled and shall request the

1 certification of a list of eligibles. The commission shall
2 certify for each existing vacancy from the eligible list the
3 names of three persons thereon who have received the highest
4 average. The township commissioners shall, thereupon, with sole
5 reference to the merits and fitness of the candidates, make an
6 appointment from the three names certified unless they make
7 objections to the commission as to one or more of the persons so
8 certified for any of the reasons stated in section 637 of this
9 subdivision. Should such objections be sustained by the
10 commission, as provided in said section, the commission shall
11 thereupon strike the name of such person from the eligible list
12 and certify the next highest name for each name stricken off.

13 (ii) A vacancy which occurs as a result of retirement,
14 resignation, disability or death, may be filled by the TOWNSHIP <—
15 COMMISSIONERS BY THE reappointment or reinstatement of a former
16 employee of the police force or fire department who had
17 previously complied with the provisions of clause (i). THE <—
18 REAPPOINTMENT OR REINSTATEMENT SHALL BE TO THE FORCE OR
19 DEPARTMENT WITH WHICH THE EMPLOYEE PREVIOUSLY SERVED. No
20 examination other than a physical examination as directed by the
21 civil service commission shall be required under this clause
22 UNLESS OTHERWISE REQUIRED BY LAW. <—

23 (b) As each subsequent vacancy occurs in the same or another
24 position, [precisely the same procedure] the procedure set forth
25 in subsection (a) shall be followed.

26 (c) In the case of a vacancy in the office of chief of
27 police or chief of the fire department or equivalent official,
28 the township commissioners may nominate a person to the
29 commission. It shall thereupon become the duty of the commission
30 to subject such person to a non-competitive examination and if

1 such person shall be certified by the commission as qualified he
2 may then be appointed to such position and thereafter shall be
3 subject to all the provisions of this subdivision.

4 Section 2. This act shall take effect in 60 days.