

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1287 Session of
2009

INTRODUCED BY CASORIO, BRENNAN, BURNS, CALTAGIRONE, DALLY,
DEASY, FABRIZIO, GERGELY, GINGRICH, HALUSKA, HARHAI, HARKINS,
KOTIK, LONGIETTI, MAHONEY, MANN, MATZIE, MURPHY, PYLE, REED,
SEIP, SIPTROTH, SOLOBAY, YOUNGBLOOD, YUDICHAK, GIBBONS AND
D. COSTA, APRIL 20, 2009

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 28, 2009

AN ACT

1 Amending the act of June 5, 1941 (P.L.84, No.45), entitled "An
2 act providing for and regulating the appointment, promotion
3 and reduction in rank, suspension and removal of paid members
4 of the police force in boroughs, incorporated towns and
5 townships of the first class maintaining a police force of
6 not less than three members; creating a civil service
7 commission in each borough, incorporated town and township of
8 the first class; defining the duties of such civil service
9 commission; imposing certain duties and expense on boroughs,
10 incorporated towns and townships of the first class; imposing
11 penalties, and repealing inconsistent laws," further
12 providing for removals, suspensions or reductions in rank of
13 police officers; AND PROVIDING FOR CERTAIN INCOMPATIBLE
14 OFFICES. ←

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 20 of the act of June 5, 1941 (P.L.84,
18 No.45), entitled "An act providing for and regulating the
19 appointment, promotion and reduction in rank, suspension and
20 removal of paid members of the police force in boroughs,
21 incorporated towns and townships of the first class maintaining
22 a police force of not less than three members; creating a civil

1 service commission in each borough, incorporated town and
2 township of the first class; defining the duties of such civil
3 service commission; imposing certain duties and expense on
4 boroughs, incorporated towns and townships of the first class;
5 imposing penalties, and repealing inconsistent laws," amended
6 May 9, 1984 (P.L.256, No.58), is amended to read:

7 Section 20. Removals.--No person employed in any police
8 department of any political subdivision shall be suspended,
9 removed or reduced in rank, except for the following reasons:

10 (1) physical or mental disability affecting his ability to
11 continue in service, in which cases the person shall receive an
12 honorable discharge from service; (2) neglect or violation of
13 any official duty; (3) violation of any law of this Commonwealth
14 which provides that such violation constitutes a misdemeanor or
15 felony; (4) inefficiency, neglect, intemperance, disobedience of
16 orders or conduct unbecoming an officer; (5) intoxication while
17 on duty; (6) engaging or participating in the conducting of any
18 political or election campaign while on duty or in uniform
19 otherwise than to exercise his own right of suffrage. A person
20 so employed shall not be removed for religious, racial or
21 political reasons. A written statement of any charges made
22 against any person so employed shall be furnished to such person
23 within five days after the same are filed.

24 If for reasons of economy or other reasons it shall be deemed
25 necessary by any municipality to reduce the number of paid
26 employes of the police department, then such political
27 subdivision shall apply the following procedure: (a) if there
28 are any employes eligible for retirement under the terms of any
29 retirement or pension law, then such reduction in numbers shall
30 be made by retirement if the party to be retired exceeds the

1 maximum age as defined in the act of October 27, 1955 (P.L.744,
2 No.222), known as the "Pennsylvania Human Relations Act"; (b) if
3 the number of paid employees in the police force eligible to
4 retirement is insufficient to effect the necessary reduction in
5 numbers, or if there are no persons eligible for retirement, or
6 if no retirements or pension fund exist, then the reduction
7 shall be effected by furloughing the man or men, including
8 probationers last appointed to said police force. Such removal
9 shall be accomplished by furloughing in numerical order,
10 commencing with the man last appointed until such reduction
11 shall have been accomplished. In the event the said police force
12 shall again be increased the employees furloughed shall be
13 reinstated in the order of their seniority in the service.

14 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: ←

15 SECTION 20.1. INCOMPATIBLE OFFICES.--(A) A POLICE OFFICER
16 MAY NOT HOLD AN ELECTIVE OFFICE OF THE MUNICIPALITY THAT EMPLOYS
17 THE POLICE OFFICER.

18 (B) A POLICE OFFICER WHO IS EMPLOYED BY A REGIONAL
19 DEPARTMENT, COUNCIL OF GOVERNMENT OR OTHER COOPERATIVE VENTURE
20 MAY NOT HOLD AN ELECTIVE OFFICE OF ANY MUNICIPALITY THAT
21 PARTICIPATES IN THE REGIONAL DEPARTMENT, COUNCIL OF GOVERNMENT
22 OR OTHER COOPERATIVE VENTURE.

23 Section 2 3. This act shall take effect in 60 days. ←