
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1289 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,
D. COSTA, BARBIN, PALLONE, KORTZ AND SAINATO, APRIL 20, 2009

SENATOR EICHELBERGER, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
JUNE 15, 2010

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 removals, suspensions or
5 reductions in rank of persons employed in police or fire
6 force; and providing for certain incompatible offices.

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

9 Section 1. Section 644 of the act of June 24, 1931
10 (P.L.1206, No.331), known as The First Class Township Code,
11 reenacted and amended May 27, 1949 (P.L.1955, No.569), amended
12 July 7, 1983 (P.L.38, No.20) and May 9, 1984 (P.L.251, No.55),
13 is amended to read:

14 Section 644. Removals.--No person employed in any police or
15 fire force of any township shall be suspended, removed or
16 reduced in rank except for the following reasons: (1) physical
17 or mental disability affecting his ability to continue in

1 service, in which cases the person shall receive an honorable
2 discharge from service; (2) neglect or violation of any official
3 duty; (3) violation of any law of this Commonwealth which
4 provides that such violation constitutes a misdemeanor or
5 felony; (4) inefficiency, neglect, intemperance, disobedience of
6 orders, or conduct unbecoming an officer; (5) intoxication while
7 on duty; (6) engaging or participating in conducting of any
8 political or election campaign, while on duty or in uniform OR ←
9 WHILE USING TOWNSHIP PROPERTY, otherwise than to exercise his
10 own right of suffrage; (7) ENGAGING OR PARTICIPATING IN ←
11 CONDUCTING OF ANY POLITICAL OR ELECTION CAMPAIGN FOR AN
12 INCOMPATIBLE OFFICE AS PROVIDED IN SECTION 644.1. A person so
13 employed shall not be removed for religious, racial or political
14 reasons. A written statement of any charges made against any
15 person so employed shall be furnished to such person within five
16 days after the same are filed with the commission.

17 If for reasons of economy or other reasons it shall be deemed
18 necessary by any township to reduce the number of paid employes
19 of the police or fire force, then such township shall apply the
20 following procedure: (a) if there are any employes eligible for
21 retirement under the terms of any retirement or pension law,
22 then such reduction in numbers shall be made by retirement if
23 the party to be retired exceeds the maximum age as defined in
24 the act of October 27, 1955 (P.L.744, No.222), known as the
25 "Pennsylvania Human Relations Act"; (b) if the number of paid
26 employes in the police or fire forces eligible to retirement is
27 insufficient to effect the necessary reduction in numbers or if
28 there are no persons eligible for retirement or if no retirement
29 or pension fund exists, then the reduction shall be effected by
30 furloughing the person or persons, including probationers, last

1 appointed to the respective force. Such removal shall be
2 accomplished by furloughing in numerical order commencing with
3 the person last appointed until such reduction shall have been
4 accomplished. In the event the said police force shall again be
5 increased, the employes furloughed shall be reinstated in the
6 order of their seniority in the service. The provisions of this
7 paragraph as to reductions in force shall not apply to any chief
8 of police.

9 Section 2. The act is amended by adding a section to read:

10 Section 644.1. Incompatible Offices.--

11 (1) A police officer or firefighter may not hold an elective
12 office of the municipality that employs the police officer or
13 firefighter.

14 (2) A police officer or firefighter who is employed by a
15 regional department, council of government or other cooperative
16 venture may not hold an elective office of any municipality that
17 participates in the regional department, council of government
18 or other cooperative venture.

19 Section 3. This act shall take effect in 60 days.