

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 997 Session of  
2011

INTRODUCED BY KORTZ, CALTAGIRONE, FABRIZIO, GERGELY, HALUSKA,  
HESS, HORNAMAN, KULA, LONGIETTI, MANN, MURPHY AND RAVENSTAHL,  
MARCH 9, 2011

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 9, 2011

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) and  
12 amended July 7, 1983 (P.L.38, No.20) and May 9, 1984 (P.L.251,  
13 No.55), 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  
18 service, in which cases the person shall receive an honorable  
19 discharge from service; (2) neglect or violation of any official

1 duty; (3) violation of any law of this Commonwealth which  
2 provides that such violation constitutes a misdemeanor or  
3 felony; (4) inefficiency, neglect, intemperance, disobedience of  
4 orders, or conduct unbecoming an officer; (5) intoxication while  
5 on duty; (6) engaging or participating in conducting of any  
6 political or election campaign, while on duty or in uniform or  
7 while using township property, otherwise than to exercise his  
8 own right of suffrage; (7) engaging or participating in  
9 conducting of any political or election campaign for an  
10 incompatible office as provided in section 644.1. A person so  
11 employed shall not be removed for religious, racial or political  
12 reasons. A written statement of any charges made against any  
13 person so employed shall be furnished to such person within five  
14 days after the same are filed with the commission.

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

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

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

8 Section 644.1. Incompatible Offices.--

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

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

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