
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 780

Session of
1981

INTRODUCED BY SHAFFER, LEWIS, CORMAN, STAUFFER AND STOUT,
MAY 4, 1981

REFERRED TO LOCAL GOVERNMENT, MAY 4, 1981

AN ACT

1 Amending the act of February 1, 1966 (1965 P.L.1656, No.581),
2 entitled "An act concerning boroughs, and revising, amending
3 and consolidating the law relating to boroughs," further
4 providing for vacancies and filling appointments as to chief
5 of police.

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

8 Section 1. Section 1184, act of February 1, 1966 (1965
9 P.L.1656, No.581), known as "The Borough Code," is amended to
10 read:

11 Section 1184. Manner of Filling Appointments.--Every
12 position or employment in the police force or as paid operators
13 of fire apparatus, except that of chief of police or chief of
14 the fire department, or equivalent, shall be filled only in the
15 following manner: the council shall notify the commission of any
16 vacancy which is to be filled and shall request the
17 certification of a list of eligibles. The commission shall
18 certify for each existing vacancy from the eligible list, the
19 names of three persons thereon, or a lesser number where three

1 are not available, who have received the highest average. The
2 council shall thereupon, with sole reference to the merits and
3 fitness of the candidates, make an appointment from the three
4 names certified, unless they make objections to the commission
5 as to one or more of the persons so certified for any of the
6 reasons stated in section 1183 of this act. Should such
7 objections be sustained by the commission, as provided in said
8 section, the commission shall thereupon strike the name of such
9 person from the eligible list and certify the next highest name
10 for each name stricken off. As each subsequent vacancy occurs in
11 the same or another position precisely the same procedure shall
12 be followed.

13 In the case of a vacancy in the office of chief of police or
14 chief of the fire department, or equivalent official, the
15 appointive power may nominate a person to the commission. It
16 shall thereupon become the duty of the commission to subject
17 such person to a non-competitive examination, and if such person
18 shall be certified by the commission as qualified, he may then
19 be appointed to such position, and thereafter shall be subject
20 to all the provisions of this subdivision. The phrase vacancy in
21 the office, as used in this paragraph, shall as to chief of
22 police be any vacancy in office due to a cause other than the
23 result of a reduction in force.

24 Section 2. Section 1190 of the act, amended October 4, 1978
25 (P.L.962, No.189), is amended to read:

26 Section 1190. Removals.--No person employed in any police or
27 fire force of any borough shall be suspended, removed or reduced
28 in rank except for the following reasons:

29 (1) Physical or mental disability affecting his ability to
30 continue in service, in which cases the person shall receive an

1 honorable discharge from service.

2 (2) Neglect or violation of any official duty.

3 (3) Violation of any law which provided that such violation
4 constitutes a misdemeanor or felony.

5 (4) Inefficiency, neglect, intemperance, immorality,
6 disobedience of orders, or conduct unbecoming an officer.

7 (5) Intoxication while on duty.

8 (6) Engaging or participating in conducting of any political
9 or election campaign otherwise than to exercise his own right of
10 suffrage.

11 A person so employed shall not be removed for religious,
12 racial or political reasons. A written statement of any charges
13 made against any person so employed shall be furnished to such
14 person within five days after the same are filed.

15 If for reasons of economy or other reasons it shall be deemed
16 necessary by any borough to reduce the number of paid employes
17 of the police or fire force, then such borough shall apply the
18 following procedure: (i) 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 of
21 such employes, starting with the oldest employe and following in
22 order of age respectively, (ii) if the number of paid employes
23 in the police force or fire force eligible to retirement is
24 insufficient to effect the necessary reduction in numbers, or if
25 there are no persons eligible for retirement, or if no
26 retirement or pension fund exists, then the reduction shall be
27 effected by furloughing the person or persons, including
28 probationers, last appointed to the respective force. Such
29 removal shall be accomplished by furloughing in numerical order
30 commencing with the person last appointed until such reduction

1 shall have been accomplished. In the event the said police force
2 or fire force shall again be increased the employes furloughed
3 shall be reinstated in the order of their seniority in the
4 service. The provisions of this paragraph as to reductions in
5 force are not applicable to a chief of police.

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