
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2187 Session of
1986

INTRODUCED BY VAN HORNE, FEBRUARY 19, 1986

REFERRED TO COMMITTEE ON URBAN AFFAIRS, FEBRUARY 19, 1986

AN ACT

1 Amending the act of June 23, 1931 (P.L.932, No.317), entitled
2 "An act relating to cities of the third class; and amending,
3 revising, and consolidating the law relating thereto,"
4 providing for civil service for police.

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

7 Section 1. The act of June 23, 1931 (P.L.932, No.317), known
8 as The Third Class City Code, reenacted and amended June 28,
9 1951 (P.L.662, No.164), is amended by adding an article to read:

10 ARTICLE XLIV-A

11 POLICE CIVIL SERVICE

12 Section 4401-A. Creation of Civil Service Commission.--(a)
13 There is hereby created a civil service commission in each city
14 where a police force is being maintained. It shall consist of
15 three commissioners who are qualified electors of the city and
16 shall be appointed by council initially to serve for the terms
17 of two, four and six years and, as terms thereafter expire,
18 shall be appointed for terms of six years.

1 (b) A vacancy occurring on a commission shall be filled by
2 council for the unexpired term within the period of thirty days
3 after it occurs.

4 (c) Each member of the commission shall, before entering
5 upon the discharge of the duties of his office, take an oath or
6 affirmation to support the Constitution of the United States and
7 of the Commonwealth and to perform his official duties with
8 fidelity, together with any loyalty oath required by law. The
9 commissioners shall receive no compensation.

10 Section 4402-A. Incompatible Offices.--A civil service
11 commissioner shall not at the same time hold an elective or
12 appointed office under the United States Government, the
13 Commonwealth or a political subdivision of the Commonwealth.

14 Section 4403-A. Organization of Commission; Quorum.--(a)
15 The civil service commission first appointed shall organize
16 within ten days of its appointment and shall elect one of its
17 members as the chairman and one as the secretary. The commission
18 shall thereafter meet and organize on the first Monday of
19 February of each even-numbered year.

20 (b) The secretary of the commission shall give each
21 commissioner twenty-four hours' notice in writing of a meeting
22 of the commission. Two members of the commission shall
23 constitute a quorum. An action of the commission shall not be
24 valid unless it has the concurrence of at least two members.

25 Section 4404-A. Clerks and Supplies.--The city shall furnish
26 the civil service commission, on its requisition, the clerical
27 assistance necessary for the work of the commission. The city
28 shall provide a suitable and convenient room for the use of the
29 commission. The commission shall order from the city the
30 necessary stationery, postage, printing and supplies and council

1 shall aid the commission in carrying out its duties relating to
2 civil service.

3 Section 4405-A. Rules and Regulations.--The civil service
4 commission shall have power to prescribe, amend and enforce
5 rules and regulations for carrying out its duties which are
6 approved by council. They shall not be annulled, amended or
7 added to without the approval of council. All rules and
8 regulations and modifications of them shall be made available by
9 the city for public distribution or inspection.

10 Section 4406-A. Investigations.--The civil service
11 commission shall have power to make investigations concerning
12 civil service matters touching the administration and
13 enforcement of its rules and regulations. The chairman of the
14 commission shall have the power to administer oaths and
15 affirmations in connection with its investigations.

16 Section 4407-A. Subpoena.--(a) The civil service commission
17 shall have power to issue subpoenas over the signature of the
18 chairman, to require the attendance of witnesses and the
19 production of records and papers pertaining to an investigation
20 or inquiry. The fees of witnesses for attendance and travel
21 shall be the same as for witnesses appearing in the courts and
22 shall be paid from appropriations for the incidental expenses of
23 the commission.

24 (b) Officers in public service and employes shall attend and
25 testify when required to do so by the commission.

26 (c) A person who refuses or neglects to obey a subpoena
27 issued by the commission shall upon conviction thereof in a
28 summary proceeding be sentenced to pay a fine not to exceed one
29 hundred dollars (\$100), and in default of the payment of the
30 fine and costs, shall be imprisoned not to exceed thirty days.

1 (d) Whenever a person shall refuse or neglect to obey a
2 subpoena issued by the commission, it may apply by petition to
3 the court of common pleas of the county for its subpoena,
4 requiring the attendance of persons before it or the court to
5 testify and to produce necessary records and papers and, in
6 default thereof, shall be held in contempt of court.

7 Section 4408-A. Annual Report.--The civil service commission
8 shall make an annual report to council containing a brief
9 summary of its work during the year. It shall be available for
10 public inspection.

11 Section 4409-A. Promotions.--Promotions within the police
12 force shall be based on merits to be ascertained by examinations
13 to be prescribed by the commission. All questions relative to
14 promotions shall be practical in character and such as will
15 fairly test the merit and fitness of persons seeking promotion.

16 Section 4410-A. Removals.--(a) A person employed in a
17 police force of a city shall not be suspended, removed or
18 reduced in rank, except for the following reasons:

19 (1) Physical or mental disability affecting his ability to
20 continue in service, in which case the person shall receive an
21 honorable discharge from service.

22 (2) Neglect or violation of official duty.

23 (3) Violation of a law providing that such violation
24 constitutes a misdemeanor or felony.

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

27 (5) Intoxication while on duty.

28 (6) Engaging or participating in the conduct of a political
29 or election campaign otherwise than to exercise a right of
30 suffrage.

1 (b) A written statement of any charges made against a person
2 so employed shall be furnished to the person within five days
3 after they are filed with the commission.

4 (c) A person so employed shall not be removed for religious,
5 racial or political reasons.

6 (d) Whenever it shall be deemed necessary by a city to
7 reduce the number of paid employes of the police force, the
8 reduction shall be effected by furloughing the person or
9 persons, including probationers last appointed to the force. The
10 removal shall be accomplished by furloughing in numerical order,
11 commencing with the person last appointed, until the reduction
12 is accomplished. In the event the police force shall again be
13 increased, the employes furloughed shall be reinstated in the
14 order of their seniority in the service.

15 Section 4411-A. Hearings on Dismissals and Reductions.--(a)
16 Whenever the person suspended, removed or reduced in rank shall
17 demand a hearing by the civil service commission, the demand
18 shall be made to the commission. The person may make written
19 answers to any charges filed against him not later than the day
20 fixed for hearing. The commission shall grant a hearing which
21 shall be held within a period of ten days from the filing of
22 charges in writing, unless continued by the commission for cause
23 at the request of council or the accused. The person against
24 whom the charges are made may be present in person and by
25 counsel at a hearing. Council may suspend the person, pending
26 the determination of the charges against him, but in the event
27 the commission fails to uphold the charges, then the person
28 sought to be suspended, removed or demoted shall be reinstated
29 with full pay for the period during which he was suspended,
30 removed or demoted and the charges shall not be officially

1 recorded against his record. A stenographic record of all
2 testimony taken at the hearing shall be filed with and preserved
3 by the commission. It shall be sealed and not be available for
4 public inspection in the event the charges are dismissed.

5 (b) The parties concerned shall have immediate right of
6 appeal to the court of common pleas of the county and the case
7 shall there be determined as the court deems proper. An order of
8 suspension made by the commission shall not be for a longer
9 period than one year. The appeal shall be taken within thirty
10 days from the date of entry by the commission of its final order
11 and shall be by petition. Upon an appeal being taken and
12 docketed, the court of common pleas shall fix a day for a
13 hearing and shall hear the charges made against the person de
14 novo. The issue before the court shall be whether the action of
15 the council shall be affirmed or be modified in any respect or
16 whether the charges should be dismissed. Where any such employe
17 has been suspended and the charges are dismissed or the
18 suspension rescinded on appeal, he shall receive full
19 compensation for the entire period of suspension.

20 (c) Council and the person sought to be suspended, removed
21 or demoted shall have the right to employ counsel at all stages
22 of the proceeding.

23 Section 2. Article XLIV of the act is repealed insofar as it
24 relates to police civil service.

25 Section 3. This act shall take effect in 90 days.