

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1367** Session of  
1993

INTRODUCED BY CIVERA, RAYMOND, LUCYK, CESSAR, FICHTER,  
ARMSTRONG, HALUSKA, COLAIZZO, PESCI, LYNCH, ROBERTS,  
MICOZZIE, WAUGH, TRELLO, ULIANA, DeLUCA, BROWN, MELIO, FARGO,  
CORNELL, BELFANTI, ADOLPH, BELARDI, WILLIAMS, TOMLINSON,  
STABACK AND FLICK, APRIL 21, 1993

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 21, 1993

AN ACT

1 Providing for civil service preference for volunteer  
2 firefighters.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Volunteer  
7 Firefighters' Preference Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Commission." The body or person charged by law with the  
13 administration and enforcement of civil service provisions  
14 affecting firefighters in a municipality.

15 "Firefighting duties." Driving a fire apparatus to or from a  
16 fire and participating in activities at the scene of a fire

1 directly related to extinguishing the fire. The term does not  
2 include activities which are only incidentally related to  
3 fighting a fire, such as directing traffic or providing medical  
4 care to fire victims.

5 "Volunteer firefighter." A person who:

6 (1) consistently made himself available for firefighting  
7 duties as a member of a volunteer fire company for at least  
8 five consecutive years; and

9 (2) performed firefighting duties at a minimum of 20  
10 fires during his last five years of consecutive service as a  
11 member of one or more volunteer fire companies.

12 Section 3. Preference.

13 (a) General rule.--If a volunteer firefighter successfully  
14 passes a civil service appointment examination for a position as  
15 a paid firefighter in a municipality, establishing that he  
16 possesses the qualifications required by law for appointment to  
17 such position, the firefighter's examination shall be marked or  
18 graded an additional five points above the mark or grade  
19 credited for the examination; and the total mark or grade  
20 obtained shall represent the final mark or grade of the  
21 firefighter and shall determine his standing on any eligible  
22 list certified or furnished to the appointing power.

23 (b) Exceptions.--No firefighter shall receive a preference  
24 under subsection (a) if any of the following applies:

25 (1) The firefighter performed no firefighting duties for  
26 a period of two years or more prior to taking the civil  
27 service examination, whether or not the firefighter was a  
28 member of a volunteer fire company during any or all of the  
29 period since he ceased performing firefighting duties.

30 (2) The firefighter discontinued firefighting duties for

any of the following reasons:

(i) Physical or mental disability affecting his ability to continue in service.

(ii) Neglect or violation of any official duties.

(iii) Inefficiency, negligence, intemperance, disobedience of orders or conduct unbecoming an officer.

(iv) Intoxication while on duty.

#### Section 4. Documentation.

The commission shall require a firefighter to produce certification from each volunteer fire company with which he served during the last five years of consecutive service prior to taking the civil service examination. The certification shall state whether the firefighter consistently made himself available for firefighting duties, whether he actually performed firefighting duties during the relevant period and the number of times he performed such duties during that period. In addition, the commission may require a firefighter to produce such documentation as it deems sufficient to establish eligibility for the preference set forth in section 3.

#### Section 5. Repeals.

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

#### Section 6. Effective date.

This act shall take effect in 60 days.