

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1308 Session of 2007

INTRODUCED BY CALTAGIRONE, BELFANTI, CREIGHTON, DALEY, GEIST, HENNESSEY, JAMES, KIRKLAND, KORTZ, MURT, YOUNGBLOOD, SIPTROTH, HORNAMAN AND THOMAS, MAY 18, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, DECEMBER 3, 2007

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 a probationary period for police officers and
5 firefighters.

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

8 Section 1. The act of June 23, 1931 (P.L.932, No.317), known
9 as The Third Class City Code, reenacted and amended June 28,
10 1951 (P.L.662, No.164), is amended by adding a section SECTIONS <—
11 to read:

12 Section 4408.1. Probationary Period.--(a) All appointments
13 to any position in the city police department POLICE DEPARTMENT <—
14 OF A CITY or for any position as a fireman or fire inspector OF <—
15 A CITY shall be for a probationary period of NOT LESS THAN SIX <—
16 MONTHS AND NOT MORE THAN twelve months. An DURING THE <—
17 PROBATIONARY PERIOD, AN appointee may be dismissed only for
18 cause, during the probationary period in accordance with this <—

1 ~~article and Articles XX and XXI.~~ A CAUSE SPECIFIED IN SECTION <—
2 4408.2. If, at the close of the probationary period, AND AFTER <—
3 CONSULTING WITH OR RECEIVING A RECOMMENDATION FROM THE MAYOR AND
4 EITHER THE CHIEF OF POLICE OR FIRE CHIEF, AS APPLICABLE, the
5 conduct or fitness of the probationer has not been satisfactory
6 to the city council, the probationer shall be notified in
7 writing that the probationer will not receive a permanent
8 appointment. Thereupon, the appointment of the probationer shall
9 cease; otherwise, the retention of the probationer shall be
10 equivalent to a permanent appointment.

11 (b) The provisions in subsection (a) as they relate to
12 firemen and fire inspectors OF A CITY shall supersede any <—
13 provision to the contrary in the act of May 31, 1933 (P.L.1108,
14 No.272), entitled, as amended, "An act providing for the
15 appointment, promotion, reduction, removal and reinstatement of
16 paid officers, firemen and employes of fire departments and of
17 fire alarm operators and fire box inspectors in the bureaus of
18 electricity in cities of the third class; defining the powers
19 and duties of civil service commissions for such purposes; and
20 fixing penalties."

21 (C) AS USED IN THIS SECTION, THE TERM "CITY" SHALL MEAN A <—
22 CITY OF THE THIRD CLASS OPERATING UNDER THIS ACT, AN OPTIONAL
23 CHARTER ADOPTED UNDER THE ACT OF JULY 15, 1957 (P.L.901,
24 NO.399), KNOWN AS THE "OPTIONAL THIRD CLASS CITY CHARTER LAW,"
25 OR A HOME RULE CHARTER OR AN OPTIONAL PLAN ADOPTED UNDER 53
26 PA.C.S. PT. III, SUBPT. E (RELATING TO HOME RULE AND OPTIONAL
27 PLAN GOVERNMENT).

28 SECTION 4408.2. REASONS FOR DISMISSAL.--THE CITY COUNCIL MAY
29 DISMISS ANY PERSON WHO HOLDS A POSITION IN THE POLICE DEPARTMENT
30 OF THE CITY OR WHO IS A FIREMAN OR FIRE INSPECTOR OF THE CITY

1 DURING THE PROBATIONARY PERIOD FOR THE PERSON IF THE CITY

2 COUNCIL FINDS THE PERSON:

3 (1) LACKS ANY OF THE MINIMUM QUALIFICATIONS FOR EXAMINATION
4 PRESCRIBED IN THE RULES AND REGULATIONS ADOPTED FOR THE POSITION
5 OR EMPLOYMENT FOR WHICH THE PERSON HAS APPLIED;

6 (2) IS PHYSICALLY DISABLED AND UNFIT FOR THE PERFORMANCE OF
7 THE DUTIES OF THE POSITION TO WHICH THE PERSON SEEKS EMPLOYMENT;

8 (3) IS ADDICTED TO THE HABITUAL USE OF INTOXICATING LIQUORS
9 OR NARCOTIC DRUGS;

10 (4) TO HAVE BEEN CONVICTED OF ANY CRIME INVOLVING MORAL
11 TURPITUDE;

12 (5) COMMITTED ANY INFAMOUS OR NOTORIOUSLY DISGRACEFUL
13 CONDUCT;

14 (6) TO HAVE BEEN DISMISSED FROM PUBLIC SERVICE FOR
15 DELINQUENCY OR MISCONDUCT OF OFFICE; OR

16 (7) IS AFFILIATED WITH ANY GROUP WHOSE POLICIES OR
17 ACTIVITIES ARE SUBVERSIVE TO THE FORM OF GOVERNMENT SET FORTH IN
18 THE CONSTITUTIONS AND LAWS OF THE UNITED STATES AND THIS
19 COMMONWEALTH.

20 Section 2. This act shall take effect in 60 days.