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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 978 Session of  
2011

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INTRODUCED BY ERICKSON, ROBBINS, EICHELBERGER, WOZNIAK AND  
BLAKE, APRIL 25, 2011

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REFERRED TO LOCAL GOVERNMENT, APRIL 25, 2011

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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," in civil  
4 service for police and firemen, further providing for  
5 examinations and for eligibility list and manner of filling  
6 appointments.

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

9 Section 1. Sections 1181 and 1184(a) of the act of February  
10 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code,  
11 amended October 27, 2010 (P.L.884, No.91), are amended to read:

12 Section 1181. General Provisions Relating to Examinations.--

13 (a) The commission shall make rules and regulations, to be  
14 approved as provided in section 1176 hereof, providing for the  
15 examination of applicants for positions in the police force and  
16 as paid operators of fire apparatus and for promotions, which  
17 rules and regulations shall prescribe the minimum qualifications  
18 of all applicants to be examined and the passing grades. All  
19 examinations for positions or promotions shall be practical in  
20 character and shall relate to such matters and include such

1 inquiries as will fairly test the merit and fitness of the  
2 persons examined to discharge the duties of the employment  
3 sought by them. All examinations shall be open to all applicants  
4 who have the minimum qualifications required by the rules and  
5 regulations. Each applicant for an original position shall:

6 (1) be subject to the regulations adopted by the commission;

7 (2) either before or after the written examination, be  
8 required to submit to a physical fitness or agility examination  
9 that is job related and consistent with business necessity;

10 [and]

11 (3) if made a conditional offer of employment, be given a  
12 physical and psychological medical examination as provided in  
13 section 1189 of this act[.]; and

14 (4) be subject to a background investigation. Background  
15 investigations may be restricted to those candidates on an  
16 eligibility list or those to be certified to borough council for  
17 appointment in accordance with section 1184 of this act.

18 (a.1) Each applicant for promotion shall be subject to the  
19 regulations adopted by the commission and to examination and  
20 selection in accordance with section 1188 of this act. Physical  
21 fitness or agility examinations that are job-related and  
22 consistent with business necessity and physical and  
23 psychological medical examinations may, but need not, be  
24 required for promotions.

25 (b) Public notice of the time and place of every  
26 examination, together with the information as to the kind of  
27 position or place to be filled, shall be given by publication  
28 once in a newspaper of general circulation in the borough, at  
29 least two weeks prior to each examination, and a copy of the  
30 notice shall be prominently posted in the office of the

1 commission or other public place.

2 (c) The commission shall post in its office the eligible  
3 list, containing the names and grades of those who have passed  
4 the examination.

5 Section 1184. Eligibility List and Manner of Filling

6 Appointments.--(a) At the completion of the testing process,  
7 including any [background,] physical agility or other

8 examination, with the exception of any background investigation  
9 to be conducted after the establishment of an eligibility list

10 and physical and psychological medical examination pursuant to

11 section 1189 of this act, the commission shall rank the

12 candidates who have satisfied the minimum requirements for

13 appointment on an eligibility list. The eligibility list shall

14 contain the names of individuals eligible for appointment listed

15 from highest to lowest based on their scores on the examinations

16 administered by the commission and any points for which the

17 applicant was entitled by virtue of 51 Pa.C.S. Ch. 71 (relating

18 to veterans' preference). The eligibility list will be valid for

19 one year from the date the commission formally adopts the

20 eligibility list. Prior to expiration of the one-year period,

21 the commission may extend the validity of the eligibility list

22 for up to an additional twelve months by a majority vote of the

23 commission at a duly authorized commission meeting. In the

24 absence of a lawful extension by the commission, the list shall

25 expire.

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27 Section 2. The amendment of section 1181 of the act shall

28 apply to all promotion examinations conducted on or after

29 October 27, 2010.

30 Section 3. This act shall take effect immediately.