

SUPPLEMENTING THE SECOND CLASS A CITIES CIVIL SERVICE SYSTEM

Act of Jun. 3, 1943, P.L. 826, No. 349

Cl. 11

A SUPPLEMENT

To the act, approved the twenty-third day of May, one thousand nine hundred seven (Pamphlet Laws, two hundred six), entitled "An act to regulate and improve the civil service of the cities of the second class in the Commonwealth of Pennsylvania; making violations of its provisions to be misdemeanors, and providing penalties for violations thereof," providing for and regulating dismissal of certain employes under civil service in cities of the second class A; and authorizing fines and suspensions of them.

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

Section 1. No regularly appointed employe in either the competitive or noncompetitive class of the classified civil service of any city of the second class A in this Commonwealth shall be removed, discharged or dismissed without his written consent, except after a decision to that effect, rendered against him by a tribunal of trial or inquiry constituted as hereinafter set forth, which decision shall be certified by the tribunal to the civil service commission of the city.

The decision of the tribunal shall be made only after an inquiry or trial by it on the charge or charges against the employe previously filed in writing with the civil service commission of the city. The charge or charges filed must aver facts in detail, constituting one or more of the following on the part of the employe against whom they are made disability for service, in which case the tribunal shall be one of inquiry, whose decision may be that the employe be honorably discharged from the service, neglect, violation of law or duty, inefficiency, intemperance, disobedience or unbecoming official or personal conduct, in which cases the tribunal shall be one of trial and its decision may, if against the employe, impose a fine on him of not more than twenty-five dollars (\$25.00), to be deducted from his salary or wages, or suspend him without pay for a period not exceeding one (1) year, or dismiss him from the service.

The head of the department in which the accused employe serves may, at his discretion, suspend the employe from duty until the trial of the same. No trial shall be delayed for more than thirty days after filing of the charge or charges against the employe with the civil service commission. The tribunal shall decide if the employe shall receive salary or wages during the period of his suspension.

Section 2. The tribunal of inquiry or trial shall consist of three persons in the competitive or noncompetitive class, or both, of the civil service of the city of the accused, and shall be selected as follows: The city clerk shall in the presence of the accused and his attorney or a fellow employe acting as his

counsel, cause the names of at least twenty members in said competitive or noncompetitive classes, or both, of the civil service of the city, to be written upon separate slips of paper of the same size, color and texture, and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided, cause said slips to be placed in a box from which the same are to be drawn by lot by some disinterested person, until seven names have been drawn therefrom, whereupon the head of the department of the city in which the accused is employed, and the accused shall each in order be entitled to exercise challenges until only three names are left, and the said three persons shall compose said tribunal of trial or inquiry. Said persons shall be sworn by the city clerk to perform their duties impartially.

The member of the tribunal having the longest period of service under civil service in the city, shall have authority to issue subpoenas, requiring the attendance of witnesses, the giving of testimony and the production of pertinent books and papers before the tribunal. Disobedience of any such subpoena shall be contempt of court, punishable by the court of common pleas of the county in which the city is situated. Such senior member of the tribunal shall administer oaths at any inquiry or trial before said tribunal.

The employe accused may be present at the trial or inquiry held by said tribunal, and so may his attorney or an employe of either the competitive or noncompetitive class, who may act as counsel for said employe before said tribunal.

Section 3. The decision of the tribunal shall not be effective until approved by the mayor in the case of employes under his jurisdiction, the chairman of city council for employes under their jurisdiction, and the city controller in the case of employes under his jurisdiction. If the decision of the tribunal of trial or inquiry is not approved by the aforesaid, a new trial must be held within the thirty day period of suspension referred to in section one of this act. In the event a new trial is not held within that time, the charges against the accused shall be automatically dropped and he shall be reinstated to his position. If the decision is approved, the accused shall have the right to appeal from the decision of the tribunal to the civil service commission of the city, which shall consider the decision and hear any testimony it desires. The accused may appeal from the commission to the court of common pleas of the county.

Section 4. On and after the date of passage hereof, municipal employes of the cities of the second class A listed in the competitive and noncompetitive classes on the roster of the civil service commission and having served their probationary period shall be considered as having the status of civil service employes.

Section 5. Nothing herein shall alter the procedure heretofore required for the removal or punishment of policemen and firemen of cities of the second class A.

Section 6. Section twenty of the act, approved the twenty-third day of May, one thousand nine hundred seven (Pamphlet Laws, two hundred six), entitled "An act to regulate and improve

the civil service of the cities of the second class in the Commonwealth of Pennsylvania; making violations of its provisions to be misdemeanors, and providing penalties for violations thereof," in so far as applicable to cities of the second class A, is hereby repealed.

All other acts and parts of acts in so far as inconsistent herewith are hereby repealed.

Section 7. The provisions of this act shall become effective immediately upon final enactment.