

REGULATING AND IMPROVING THE CIVIL SERVICE IN SECOND CLASS CITIES

Act of May 23, 1907, P.L. 206, No. 167

Cl. 11

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.

Compiler's Note: Section 11 of Act 265 of 1951 provided that Act 167 is repealed insofar as it relates to employees in bureaus of police in second class cities.

Section 1. Be it enacted, &c., That on and after the first day of July, one thousand nine hundred and seven, appointments to, and promotions in, the civil service of the cities of the second class shall be made only according to qualifications and fitness, to be ascertained by examinations, which, so far as practicable, shall be competitive, as hereinafter provided. On and after the said date, no person shall be appointed, transferred, reinstated, or promoted, as an officer, clerk, employe, or laborer, in the civil service under the government of any city of the second class, in any manner or by any means other than those prescribed in the act: Provided, however, That among those persons possessing equal qualifications and eligible for appointment to any office, preference in appointment shall be given to honorably discharged soldiers and sailors who served in the Army or Navy of the United States during the War of the Rebellion, or to honorably discharged soldiers, sailors, and marines, who served in the armed forces of the United States or its Allies during its war against the Imperial German Government: Provided further, however, That if the preference hereby provided for be for any reason invalid, all the other provisions of this act shall remain in force with like effect as if said preference had not been contained therein, it being the intention of the Legislature not to make the other provisions of the act dependent upon the validity of said preference.

The term "civil service" of a city shall include all offices, positions, and employments, in which the officers or employes are paid by the city treasurer, either directly or through some official or agent, and all offices, positions, and employments, in or under institutions, departments, boards, or commissions, wherein the city, through any official or board or commission, has the exclusive right to select the officials and employes.

(1 amended May 8, 1919, P.L.118, No.89)

Section 2. There shall be a Civil Service Commission in each city of the second class, consisting of three commissioners to be appointed by the mayor. The persons appointed commissioners shall be men in full sympathy with the purposes of this act. Not more than two of the said commissioners at any one time shall be adherents of the same political party. The commissioners in each city shall be appointed as follows: On the first day of July, one thousand nine hundred and seven, the mayor of each city of the second class shall appoint three commissioners, to serve

until the expiration of his term of office and until their successors are appointed and qualified. The mayor shall appoint one of the commissioners president of the commission. Whenever any vacancy shall exist in the office of president of the commission, the mayor shall have the right to appoint any member of the commission the president thereof, and the person so appointed shall serve as president until the expiration of his term. At the expiration of the terms of said commissioners the mayor of each city of the second class shall, after his induction into office, appoint commissioners to serve for the full term of the office of said mayor, and thereafter each mayor, on his induction, shall appoint three commissioners, under this act, to serve as Civil Service Commissioners for the full term of his office as mayor. The mayor may, at any time, remove a commissioner, for good cause, which shall be stated in writing and made part of the records of the commission, and fill such vacancy, or any other vacancy which may occur in said commission, by appointment of a successor, to serve for the remainder of the unexpired term. No commissioner shall hold any other office under the United States, the Commonwealth of Pennsylvania, or any city or county thereof; nor shall any commissioner serve on any political committee, or take any active part in the management of any political campaign. The salaries of the commissioners shall be fixed by the city councils; and the president of the commissioners shall receive a salary of not less than five hundred dollars per year, and each of the other commissioners shall be paid a salary of not less than two hundred and fifty dollars per year. The commissioners shall qualify by filing with the mayor an oath to perform faithfully the duties of their office.

Compiler's Note: Section 9(b) of Act 173 of 1978 provided that section 2 is repealed insofar as it is inconsistent with 1 Pa.C.S. § 2301(b) (relating to equality of rights based on sex)..

Section 3. The Civil Service Commission, in each city of the second class, shall employ a chief examiner, who shall also act as secretary, and such other clerks, examiners, and employes as it may deem necessary or proper to carry out the purpose of this act. The clerks, examiners and employes shall receive salaries, to be fixed by the Civil Service Commission and approved by the mayor. Councils shall annually appropriate the sums necessary for the work of the commission.

Section 4. No officer or officers, having the power of appointment to, or employment in, the civil service of any city of the second class, shall, after the first day of July, one thousand nine hundred and seven, select or appoint any person for appointment, employment, promotion, or reinstatement except in accordance with the provisions of this act and the rules and regulations prescribed thereunder: Provided, That the power of the mayor to appoint special policemen in times of emergency or riot, as provided in article three, section one, of the act of March seventh, one thousand nine hundred and one, entitled "An act for the government of cities of the second class," as amended by the act of April twenty-three, one thousand nine

hundred and three, entitled "An act changing the title of the chief executive officer in cities of the second class from recorder to mayor," shall remain as heretofore.

Section 5. It shall be the duty of the mayor and heads of departments of every city of the second class to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted, for carrying on the work and examinations of the Civil Service Commission. The Civil Service Commission may order from the proper authorities the necessary stationery, postage stamps, and official seal and other articles to be supplied, and the necessary printing to be done, for its official use. It shall be the duty of the officers of every city of the second class to aid the Civil Service Commission in all proper ways in carrying out the provisions of this act, and to allow the reasonable use of public buildings, and to heat and light the same, for holding examinations and investigations, and in all proper ways to facilitate the same.

Section 6. The Civil Service Commission in each city of the second class shall:--

First.--Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this act. All rules so prepared may, from time to time, be added to, amended or rescinded: Provided, That all rules shall be approved by the mayor before they go into effect, but when so approved shall not be annulled or changed except by the commission with the approval of the mayor: And provided further, however, That if the mayor takes no action on a rule or amendment, submitted to him, within a period of ten days from the date of its submission, then the rule or amendment shall become effective as though approved by the mayor.

Second.--Keep minutes of its own proceedings, and records of its examinations and other official action. All recommendations of applicants for office, received by the said commission or by any officer having authority to make appointments to office, shall be kept and preserved for a period of three years, and all such records--recommendations of former employes excepted--and all written causes of removal, filed with it, shall, subject to reasonable regulation, be open to public inspection.

Third.--Make investigations, either sitting as a body or through a single commissioner, concerning all matters touching the enforcement and effect of the provisions of this act, and the rules and regulations prescribed thereunder, concerning the action of any examiner or subordinate of the commission, or of any person in the public service in respect to the execution of this act; and, in the course of such investigations, each commissioner and the chief examiner shall have power to administer oaths and affirmations, and to take testimony.

Fourth.--Have power to subpoena and require the attendance of witnesses, and the production thereby of books and papers pertinent to the investigations and inquiries hereby authorized, and to examine them and such public records as it shall require, in relation to any matter which it has the authority to investigate. The fees of such witnesses for attendance and travel shall be the same as for witnesses before the courts of

common pleas, and shall be paid from the appropriation for the incidental expenses of the commission. All officers in the public service, and their deputies, clerks, subordinates, and employes, shall attend and testify when required to do so by said commission. Any disobedience to, or neglect of, any subpoena issued by the said commissioners, or any one of them, to any person, shall be held a contempt of court, and shall be punished by any court of common pleas of this Commonwealth, within the county in which is the city of the second class from the Civil Service Commission of which the said subpoena had issued, as if such subpoena had been issued therefrom. Any judge of any of said courts shall, upon the application of any one of said commissioners, in such cases, cause the process of said court to issue to compel such person or persons, disobeying or neglecting any such subpoena, to appear and to give testimony before the said commissioners, or any one of them, and shall have power to punish any such contempt.

Fifth.--Have power to recommend the impeachment or removal of officials or employes who shall be deemed guilty by a majority of the commissioners, after a full hearing, of the charges that they have coerced or attempted to coerce their subordinates in the performance or non-performance of a political or other service having no relation to the duties of a municipal employe, or in the payment of a contribution for a political purpose. Such recommendation shall be made, in writing, to the body or person having the power to impeach or to remove the accused official or employe.

Sixth.--Make an annual report to the mayor, showing its own actions and rules and regulations, and all the exceptions thereto in force, and the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act. At least five hundred copies of the annual report shall be printed for public distribution.

Section 7. The civil service of each of the cities of the second class shall be divided into the unclassified service and the classified service. The unclassified service shall comprise:--

All officers elected by the people.

All heads of departments, whose appointment is subject to confirmation by the select council thereof.

The members of each Civil Service Commission.

All persons appointed by name in any statute.

The classified service shall comprise all persons not included in the unclassified service.

Section 8. The Civil Service Commission, in each city of the second class, shall make rules and regulations providing for examinations for positions in the classified service of each city, and for appointments to and promotions therein, and for such other matters as are necessary to carry out the purposes of this act. Due notice of the contents of such rules and regulations and of any modifications thereof shall be given, by mail, in due season, to appointing officers and heads of departments affected thereby; and said rules and regulations and modifications thereof shall also be printed for public distribution. All original appointments to the competitive and

non-competitive classes of the service shall be for a probationary period of three months: Provided, however, That at any time during the probationary period the appointee may be dismissed for just cause, in the manner provided in section twenty. If at the close of this probationary term, the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified, in writing, that he will not receive absolute appointment, whereupon his employment shall cease; otherwise, his retention in the service shall be equivalent to his final appointment.

Compiler's Note: Section 2 of Act 53 of 1969 provided that section 8 is repealed insofar as it is inconsistent with Act 53.

Section 9. All examinations for positions in the classified service shall be practical in their character, and shall relate to such matters, and include such inquiries, as will fairly and fully test the comparative merit and fitness of the persons examined to discharge the duties of the office or employment sought by them. All examinations shall be open to all applicants who have fulfilled the preliminary requirements, stated in section ten of this act. The examinations of applicants for employment as laborers shall relate to their capacity for labor, their habits as to sobriety and industry, and their experiences in the kind of work for which they apply. All applicants for any position in the classified service may, subject to regulations adopted by the Civil Service Commission, be required to submit to a physical examination before being admitted to the regular examinations held by the commission. Adequate public notice of the time and place of every examination held under the provisions of this act, together with information as to the kind of position or place to be filled, shall be given at least one week prior to such examinations. The said commission shall adopt reasonable regulations for permitting the presence of representatives of the press at the examinations. The commission shall post, in a public place in its office, the eligible lists, containing the names and grades of those who have passed examinations for positions in the competitive class, and shall indicate thereon such appointments as may be made from said lists.

Section 10. The Civil Service Commission, in each city of the second class, shall require persons applying for admission to any examination provided for under this act or under the rules and regulations of the said commission, to file in its office, a reasonable time prior to the proposed examination, a formal application, in which the applicant shall state under oath or affirmation:--

First.--His full name, residence, and postoffice address.

Second.--His citizenship, age, and the place and date of his birth.

Third.--His health, and his physical capacity for public service.

Fourth.--His business and employments and residences for at least the three previous years.

Fifth.--Such other information as may reasonably be required,

touching the applicant's qualifications and fitness for the public service.

Blank forms for such applications shall be furnished by the said commission, without charge, to all persons requesting the same. The said commission may require, in connection with such application, such certificates of citizens, physicians or others, having knowledge of the applicant, as the good of the service may require. The said commission may refuse to examine an applicant, or, after examination, to certify an eligible, who is found to lack any of the established preliminary requirements for the examination or position or employment for which he applies; or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment; or who is addicted to the habitual use of intoxicating liquors or drugs; or who has been guilty of any crime or of infamous or notoriously disgraceful conduct; or who has been dismissed from the public service for delinquency or misconduct; or who has made a false statement of any material fact, or practiced or attempted to practice any deception or fraud in his application, in his examination, or in securing his eligibility; or who refuse to comply with the rules and regulations of the commission. If any applicant feels himself aggrieved by the action of the commission in refusing to examine him, or, after an examination, to certify him as an eligible, as provided in this section, the commission shall, at the request of such applicant, appoint a time and place for a public hearing; at which time such applicant may appear, by himself or counsel, or both, and the commission shall then review its refusal to make such examination or certification, and testimony shall be taken. The commission shall subpoena, at the expense of the applicant, any competent witnesses requested by him. After such review, the commission shall file the testimony taken, in its records, and shall again make a decision, which shall be final. When any position to be filled involves fiduciary responsibility, the appointing officer may require the appointee to furnish a bond, or other security, and shall notify the commission of the amount and other details thereof: Provided, however, That any surety company, the bonds of which are accepted by a judge of any court of record of the county wherein the city is located, shall be a sufficient surety on any such bond.

Section 11. The offices, positions, and employments in the classified service of every city of the second class shall be arranged by the Civil Service Commission in four classes, to be designated as the exempt class, the competitive class, the non-competitive class, and the labor class.

Section 12. The following positions shall be included in the exempt class:--

First.--The superintendent of police and detectives, and the chief of the fire department.

Second.--One secretary and one confidential clerk to the mayor, and one confidential clerk to the director of each executive department.

Third.--In addition to the above, there may be included in the exempt class other offices or positions, except laborers,

for the filling of which competitive or non-competitive examinations shall be found by the Civil Service Commission to be impracticable. But no office or position shall be deemed to be in the exempt class unless it is specifically named in such class in the rules; and the reason for each such exemption shall be stated, separately, in the annual reports of the said commission. Not more than one appointment shall be made to, or under the title of, any such office or position, unless a different number is specifically mentioned in the rules. No office or position shall be classified by the commission in the exempt class, except after public hearing by the commission, or any member thereof. Suitable public notice of such hearing shall be given by the said commission. At any such hearing any taxpayer of the city shall have the right to be heard, either in person or by counsel, either in opposition to or in favor of the proposed exemption. Appointments in the exempt class may be made without examination.

Section 13. The competitive class shall include all positions and employments now existing or hereafter created, of whatever functions, designations, or compensation, in each and every branch of the classified service, except such positions as are in the exempt class, the non-competitive class, or the labor class. Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by promotion, reinstatement, transfer, or reduction, under the provisions of this act and the rules made in pursuance thereof, by appointment from among those certified to the appointing officer, in accordance with the provisions of section fourteen of this act. The term of eligibility of an applicant shall be fixed, for each list, by the Civil Service Commission, at not less than one nor more than three years. The names of those persons eligible for appointment shall always be listed and certified in the order of their gradings, beginning with the highest. Appointments shall be made from the eligible list most nearly appropriate, and a new and separate list shall be created only when there is no appropriate list existing from which appointments may be made. No person shall be appointed or employed under any title not appropriate to the duties to be performed; and no person shall be transferred to any position subject to a competitive examination unless he shall have previously passed an open, competitive examination equivalent to that required for such position.

Section 14. Every position or employment in the competitive class, unless filled by promotion, transfer, reinstatement, or reduction, shall be filled only in the following manner: The appointing officer shall notify the Civil Service Commission of any vacancy in the service which he desires to fill, and shall request the certification of eligibles. The commission shall forthwith certify, from the appropriate eligible list, the names of the three persons thereon who received the highest averages at examinations held under the provisions of this act. The appointing officer shall, thereupon, with sole reference to the relative merit and fitness of the candidates, make an appointment from the three names so certified: Provided, however, That should he make objection, to the commission, to

one or more of these persons, for any of the reasons stated in section ten of this act, and should such objections be sustained by the commission, the commission shall thereupon strike the name of such person from the eligible list, and certify the next highest name for each person so stricken off. As each subsequent vacancy occurs, in the same or a similar position, precisely the same procedure shall be followed: Provided, however, That after any name has been three times rejected, for the same or a similar position, in favor of a name or names below it on the same list, the said name shall be stricken from the list. When there are a number of positions of the same kind to be filled at the same time, each appointment shall, nevertheless, be made separately and in accordance with the foregoing provisions. When an appointment is made under the provisions of this section, it shall be, in the first instance, for the probationary period of three months, as provided in section eight of this act. The provisions of this section (fourteen) shall not apply in making appointments to competitive positions which are specially excepted by the commission from competitive examinations under the authority conferred in section fifteen.

Section 15. Positions in the competitive class may be filled without competition, only as follows:--

First.--Wherever there are urgent reasons for filling a vacancy in any position in the competitive class, and there is no list of persons eligible for appointment after a competitive examination, the appointing officer may nominate a person to the Civil Service Commission for non-competitive examination; and if such nominee shall be certified by the said commission as qualified, after such non-competitive examination, he may be appointed provisionally, to fill such vacancy until a selection and appointment can be made after competitive examination, in the manner prescribed in section fourteen; but such provisional appointment shall not continue for a longer period than three months, nor shall successive provisional appointments be made to the same position, under this provision.

Second.--In case of a vacancy in a position in the competitive class, where peculiar and exceptional qualifications of a scientific, professional, or educational character are required, and upon satisfactory evidence that, for specified reasons, competition in such special case is impracticable, and that the position can be best filled by the selection of some designated person of high and recognized attainments in such qualities, the said commission may suspend the provisions of the statute requiring competition in such case; but each such suspension shall relate to only a single appointment, and shall not be general in its application to the position, and all such cases of suspension shall be reported in detail in the annual reports of the commission, with the reasons for the same.

Third.--When the services to be rendered are of a temporary character and for a limited period, not to exceed six months, the appointing officer shall advise the commission, stating the duration of such period, the rate of compensation, and other conditions of employment, and may thereupon select for such temporary employment one of the first three persons on the appropriate eligible list who have expressed a willingness to

accept a temporary appointment. Successive temporary appointments shall not be made under this clause; nor shall any person be eligible to temporary appointment if he has served under either a temporary or a provisional appointment, in the same office or department, within the previous six months. The acceptance or refusal, by an eligible, of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment to a permanent position. The acceptance of a temporary appointment shall not confer upon the eligible any of the rights of promotion, transfer, or reinstatement.

Section 16. Vacancies in positions in the competitive class shall be filled, so far as practicable, by promotions from among persons holding positions in a lower grade in the department, office, or institution in which the vacancy exists. Promotions shall be based upon merit, to be ascertained by tests to be provided by the Civil Service Commission, and upon the superior qualifications of the person promoted, as shown by his previous service and experience. The commission shall have the power to determine, in each instance, whether an increase in salary constitutes a promotion. No promotion shall be made to a position in the competitive class, from a position in another class, except after such competitive examination and certification as is provided for original entrance to the competitive class: Provided, however, That persons holding positions in the labor class may be promoted to positions in the lowest grade of the competitive class, upon promotion examinations as provided in this section, when such examination is specifically authorized by the commission. No person shall be promoted to a position, for original entrance to which there is required, by this act or the rules adopted pursuant thereto, an examination involving essential tests or qualifications different from or higher than those required for original entrance to positions held by such persons, except as above provided.

Section 17. The Civil Service Commission, in each city of the second class, shall promulgate rules relating to transfers and reinstatements in the service, to be approved by the mayor as hereinbefore provided.

Section 18. The non-competitive class shall include only such positions as are not in the exempt class or the labor class, and which it is impracticable, in the judgment of the Civil Service Commission, to include in the competitive class. Appointments to positions in the non-competitive class shall be made after such non-competitive examination as is prescribed by the regulations of the Civil Service Commission. The said commission shall state in its annual report the number of persons who come within this class and the character of their services.

Section 19. The labor class shall include ordinary, unskilled laborers. Vacancies in the labor class shall be filled by appointment from lists of applicants registered by the Civil Service Commission. Preference in employment from such lists shall be given according to regulations to be prescribed by the

commission. The commission may establish separate labor lists for various institutions and departments. The commission shall require an applicant for registration for the labor service, before he can be registered, to furnish such evidence or to pass such examinations as it may deem proper with respect to his age, residence, physical condition, capacity for labor, sobriety, industry, and experience in the kind of work for which he applies.

Section 20. No officer, clerk, or employe, in the competitive class or in the non-competitive class of the classified civil service of any city of the second class, who shall have been appointed under the provisions of this act, or of the rules made pursuant thereto, shall be removed, discharged, or reduced in pay or position except for just cause, which shall not be religious or political. Further, no such officer, clerk, or employe shall be removed, discharged, or reduced, except as provided in section eight of this act, until he shall have been furnished with a written statement of the reasons for such action, and been allowed to give the removing officer such written answer as the person sought to be removed may desire. In every case of such removal or reduction a copy of the statement of reasons therefor, and of the written answer thereto, shall be furnished to the Civil Service Commission, and entered upon its records. Nothing in this act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days: Provided, however, That successive suspensions shall not be allowed, except in special cases, where reasons of public importance make it necessary, and where the permission of the commission has first been obtained and recorded upon its public records. Nothing in this act shall alter the procedure required for the removal or punishment of policemen and firemen, as provided in the act of March seventh, one thousand nine hundred and one, relating to the government of cities of the second class.

Compiler's Note: Section 6 of Act 349 of 1943 provided that section 20 is repealed insofar as it relates to second class A cities.

Section 20.1. If for reasons of economy, lack of funds, abolition of position or positions, or for any other reasons, it becomes necessary for any city of the second class to reduce the number of employes then the city shall follow the following procedure:

First. If there are any employes eligible for retirement under the terms of any pension fund, then such reduction in number shall be made by retirement on pension of all the oldest in age and service;

Second. If the number of employes eligible for retirement under the pension fund of said city, if any, is insufficient to effect the reduction in number desired by said city, or if there is no eligible person for retirement, or if no pension fund exists in such city, then the reduction shall be effected by suspending the last employe or employes regardless of title or classification, including probationers, provisional and substitute employes that have been appointed. Such removal shall be accomplished by suspending in numerical order, commencing

with the last employe appointed, all recent appointees until such reduction shall have been accomplished. Whenever the number of such employes shall be again increased in numbers, or if any vacancies occur, the employes suspended under the terms of this act shall be reinstated to that former class before any new appointees are appointed in reverse order to their suspensions.

(20.1 added Jun. 20, 1947, P.L.663, No.286)

Section 21. No person shall be appointed to or employed in any position in the classified service, in any city of the second class, until he has passed an examination, or is shown to be specially exempted from such examination, in conformity with the provisions of this act and of the rules made pursuant thereto. It shall be the duty of each appointing officer of every city of the second class to report to the Civil Service Commission forthwith, upon such appointment or employment, the name of such appointee or employe, the title of his office or employment, the date of commencement of service by virtue thereof, and the salary or compensation thereof, and any separation of a person from the service, or other change therein, and such other information as the Civil Service Commission may require. The Civil Service Commission shall keep in its office official rosters, in the form of books, card-catalogs, or otherwise, of the classified civil service of the city--laborers excepted--and shall enter thereon the name of each and every person who is legally in the service of the city of the first day of July, one thousand nine hundred and seven, and of each and every person who is thereafter appointed, employed, promoted, reduced, or reinstated in any position in such service, upon such evidence as it may require or deem satisfactory that such person was appointed to, employed, promoted, reduced, or reinstated in, the service in conformity with the provisions of this act and the rules adopted pursuant thereto. These rosters shall be open to public inspections at all reasonable hours. The rosters shall show, in connection with each name, the grading, the date of appointment, employment, promotion, reduction or reinstatement, the compensation of the position, the title of the position, and the date and cause of any termination of such office or employment.

Section 22. It shall be unlawful, after the first day of July, one thousand nine hundred and seven, for the controller of any city of the second class to audit and approve the warrants for, or for the city treasurer to pay the salary of, any person in the classified service, unless the controller shall have previously received notice from the Civil Service Commission that the persons named thereon have been legally appointed.

Section 23. No question in any form of application or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant; nor shall any inquiry be made concerning such opinions or affiliations; and all disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened, or promised by any person in the civil service against, or in favor of, an applicant, eligible, or employe in the classified service, because of his political or religious opinions or affiliations. No person shall appoint, promote,

discharge, remove, reduce, or discriminate in any way against, any officer, clerk, or employe in the competitive, non-competitive or labor classes in the classified civil service of any city of the second class, because he has made or given, or because he has refused or neglected to make or give, any contribution, whether voluntary or involuntary, assessment or payment, for any campaign or political purpose, or for the benefit or promotion of any political party, or for use by any committee or party in connection with any general or primary election.

Section 24. Whoever makes an appointment to office, or selects a person for employment, contrary to the provisions of this act, or wilfully refuses or neglects otherwise to comply with, or to conform to, any of the provisions of this act, or violates any of such provisions, shall be deemed guilty of a misdemeanor.

Section 25. Abuse of office by commissioner or examiner a misdemeanor

Any commissioner or examiner, or any other person, who shall wilfully, by himself or in co-operation with one or more persons, defeat, deceive, or obstruct any person in respect of his or her right of examination or registration according to this act or to any rules or regulations prescribed pursuant thereto; or who shall, wilfully or corruptly, falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified pursuant to the provisions of this act, or aid in so doing; or who shall wilfully or corruptly make any false representations concerning the same, or concerning the person examined; or who shall wilfully or corruptly furnish to any person any special or secret information, for the purpose of either improving or injuring the prospects or chances of appointment of any person so examined, registered, or certified; or to be examined, registered, or certified; or who shall personate any other person, or permit or aid in any manner any other person to personate him or her, in connection with any examination or registration, or application or request to be examined or registered, shall, for each offense, be deemed guilty of a misdemeanor. 1907, may 23, p.l. 206, sec. 25.

Section 26. Punishment for violations of act

Misdemeanors under the provisions of this act shall be punishable by a fine of not less than fifty dollars, nor more than one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, in the discretion of the court. 1907, May 23, P.L. 206, Sec. 26.

Section 27. All officers, clerks, and employes in the cities of the second class, holding office, under appointment, on the first day of July, one thousand nine hundred and seven, shall be construed to have been appointed under the provisions of this act, and shall hold their offices in accordance therewith.

Section 28. All acts and parts of acts of Assembly of this Commonwealth, general, special, or local, in relation to the civil service of cities of the second class , inconsistent with this act be and the same are hereby repealed. It is intended by this act to furnish a complete and exclusive system for the

appointment, promotion, reduction, transfer, removal, or reinstatement of all officers, clerks, laborers, and other employes in the civil service of the cities of the second class in this Commonwealth.

Section 29. In case of the consolidation of any cities, or annexation of any city to another city, in which such Civil Service Commission shall exist at the time of the consolidation or annexation, such consolidation or annexation shall not deprive any of said commissioners of his office and compensation for the full term for which he shall have been appointed, unless it extends beyond the time provided hereinafter for the expiration thereof; but, in the meantime, a temporary Civil Service Commission is provided as follows: The Civil Service Commission of each of said cities shall be, and are hereby, consolidated, and shall form one Civil Service Commission, who shall be subject to the provisions of this act, and hold their office until the expiration of the term of the mayor then in office in the consolidated city, or city to which the other city is annexed; when the terms of all shall expire. The successor to the mayor then in office shall, upon his election and upon his taking office, appoint a full board of Civil Service Commissioners under the terms of this act.