

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1091 Session of
1977

INTRODUCED BY WAGNER AND STUBAN, MAY 2, 1977

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 2, 1977

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," permitting
4 certain political activities by policemen under civil service
5 protection.

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

8 Section 1. Section 1190, act of February 1, 1966 (1965,
9 P.L.1656, No.581), known as "The Borough Code," last paragraph
10 amended October 9, 1967 (P.L.399, No.181), is amended to read:

11 Section 1190. Removals.--No person employed in any police or
12 fire force of any borough shall be suspended, removed or reduced
13 in rank except for the following reasons:

14 (1) Physical or mental disability affecting his ability to
15 continue in service, in which cases the person shall receive an
16 honorable discharge from service.

17 (2) Neglect or violation of any official duty.

18 (3) Violation of any law which provided that such violation
19 constitutes a misdemeanor or felony.

20 (4) Inefficiency, neglect, intemperance, immorality,

1 disobedience of orders, or conduct unbecoming an officer.

2 (5) Intoxication while on duty.

3 (6) Engaging or participating in conducting of any political
4 or election campaign otherwise than to exercise his own right of
5 suffrage except for policemen who wish to seek election as
6 county sheriff.

7 A person so employed shall not be removed for religious,
8 racial or political reasons. A written statement of any charges
9 made against any person so employed shall be furnished to such
10 person within five days after the same are filed.

11 If for reasons of economy or other reasons it shall be deemed
12 necessary by any borough to reduce the number of paid employes
13 of the police or fire force, then such borough shall apply the
14 following procedure: (i) if there are any employes eligible for
15 retirement under the terms of any retirement or pension law,
16 then such reduction in numbers shall be made by retirement of
17 such employes, starting with the oldest employe and following in
18 order of age respectively, (ii) if the number of paid employes
19 in the police force or fire force eligible to retirement is
20 insufficient to effect the necessary reduction in numbers, or if
21 there are no persons eligible for retirement, or if no
22 retirement or pension fund exists, then the reduction shall be
23 effected by furloughing the man or men, including probationers,
24 last appointed to the respective force. Such removal shall be
25 accomplished by furloughing in numerical order commencing with
26 the man last appointed until such reduction shall have been
27 accomplished. In the event the said police force or fire force
28 shall again be increased the employes furloughed shall be
29 reinstated in the order of their seniority in the service.

30 Section 2. This act shall take effect immediately.