

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 642

Session of
1977

INTRODUCED BY MESSRS. ENGLEHART, BELLOMINI, LINCOLN, O'CONNELL,
GALLEN, TRELLO, McCALL, ABRAHAM AND COWELL, MARCH 16, 1977

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 26, 1977

AN ACT

1 Amending the act of August 5, 1941 (P.L.752, No.286), entitled
2 "An act regulating and improving the civil service of certain
3 departments and agencies of the Commonwealth; vesting in the
4 State Civil Service Commission and a Personnel Director
5 certain powers and duties; providing for classification of
6 positions, adoption of compensation schedules and
7 certification of payrolls; imposing duties upon certain
8 officers and employees of the Commonwealth; authorizing
9 service to other State departments or agencies and political
10 subdivisions of the Commonwealth in matters relating to civil
11 service; defining certain crimes and misdemeanors; imposing
12 penalties; making certain appropriations, and repealing
13 certain acts and parts thereof," further providing for the
14 political activities of individuals covered by civil service.

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

17 Section 1. Section 904, act of August 5, 1941 (P.L.752,
18 No.286), known as the "Civil Service Act," amended August 27,
19 1963 (P.L.1257, No.520), is amended to read:

20 Section 904. Prohibition of Political Activity.--
21 Notwithstanding any other provision of State law or regulations
22 adopted thereunder, employees of the classified service shall
23 have the full right to actively participate in political

1 management and political campaigns except as provided hereafter
2 in sections 904, 905 and 906. No person in the classified
3 service shall [be a member of or delegate or alternate to any
4 political convention, nor shall he participate at any such
5 convention, except in the performance of his official duty or as
6 a visitor, nor shall he serve as a member of any committee of
7 any political party, or take an active part in political
8 management or in political campaigns, or] use his office or
9 position to influence political movements or to influence the
10 political action of any officer or employe in the classified
11 service, [nor shall he circulate or seek signatures to any
12 nominations or other petition required by any primary or
13 election law, nor shall he seek or accept election, nomination
14 or appointment as an officer of a political club or
15 organization, or serve as a member of a committee of any such
16 club or organization, nor shall he in any manner participate in
17 or interfere with the conduct of any election or the preparation
18 therefor at the polling place or with the election officers
19 while counting the votes or returning the election material to
20 the place provided by law for that purpose, save only for the
21 purpose of making and depositing his own ballot as speedily as
22 it reasonably can be done, nor shall he be within the polling
23 place or within fifty feet thereof except for the purpose of
24 carrying out official duties and of ordinary travel or residence
25 during the period of time beginning with one hour preceding the
26 opening of the polls for holding such election and ending with
27 the time when the election officers shall have finished counting
28 the votes and have left the polling place for the purpose of
29 depositing the election material in the place provided by law
30 for that purpose, excepting only police officers, who may

1 temporarily approach or enter the polling place in order to make
2 any arrest permitted by law or for the purpose of preserving
3 order and in each case remain only long enough to accomplish the
4 duties aforesaid after which the said officers shall at once
5 withdraw: Provided, however, That the rights of any individual
6 as a citizen are not impaired hereby, and the prerogative to
7 attend meetings, to hear or see any candidate or nominee, nor to
8 express one's individual opinion, shall remain inviolate.] or
9 directly or indirectly coerce, attempt to coerce or command a
10 State or local officer or employe to pay, lend or contribute
11 anything of value to a party, committee, organization, agency or
12 person for political purposes. No person in the classified
13 service shall be a candidate for public office in any partisan
14 election, including a primary election; provided however that
15 candidacy for political party office, even in a partisan
16 election is not prohibited.

17 Section 2. Section 905 of the act is amended to read:

18 Section 905. Prohibition of Assessments.--No person shall
19 orally or by written or printed communication, directly or
20 indirectly, demand, solicit, collect or receive or be in any
21 manner concerned in demanding, soliciting, collecting or
22 receiving any money or valuable thing or any assessment,
23 subscription or contribution, whether voluntary or involuntary,
24 from any officer or employe in the classified service for any
25 political purpose [whatever] whatsoever as a condition of their
26 employment or continued employment. No person in the classified
27 service shall orally or by written or printed communication,
28 directly or indirectly, demand, solicit, collect or receive or
29 be in any manner concerned in demanding, soliciting, collecting
30 or receiving any money or valuable thing for any political

1 purpose [whatever] whatsoever as a condition of their employment
2 or continued employment. No person in the service of the
3 Commonwealth shall remove, suspend, furlough, demote or promote
4 or in any manner change the official status or compensation of
5 any other person in the classified service or promise or
6 threaten to do so for withholding or neglecting to make any
7 contribution of money or service or other valuable thing for any
8 political purpose. [No person shall take part in preparing any
9 political assessment, subscription or contribution with the
10 intent that the same shall be sent or presented to or collected
11 from any person in the classified service, and no person shall
12 knowingly send or present, directly or indirectly, in person or
13 by letter, any political assessment, subscription or
14 contribution to, or request its payment by, any person in the
15 classified service.]

16 Section 3. Section 906 of the act, amended August 27, 1963
17 (P.L.1257, No.520), is amended to read:

18 Section 906. Removal and Disqualification of Officers and
19 Employees.--Any person holding a position in the classified
20 service who violates any of the provisions of this act [or of
21 the rules made thereunder] shall be [immediately separated from
22 the service. It shall be the duty of the appointing authority of
23 the State Agency in which the offending person is employed to
24 remove him at once in accordance with the provisions of this
25 act. Any person removed under this section shall for a period of
26 one year be ineligible for reappointment to any position in the
27 classified service.] guilty of a misdemeanor, and shall be
28 punished accordingly, and if any officer or employe in the
29 classified service is found guilty of violating any of the
30 provisions of this section, SECTIONS 904 AND 905, he is

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1 automatically separated from the service.

2 Section 4. This act shall take effect in 60 days.