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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 1766** Session of  
1977

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INTRODUCED BY TENAGLIO, McLANE, ZITTERMAN, DOMBROWSKI, LAUGHLIN,  
BROWN, REED, MILLER AND CAPUTO, OCTOBER 18, 1977

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, OCTOBER 18, 1977

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AN ACT

1 Amending the act of June 23, 1931 (P.L.932, No.317), entitled  
2 "An act relating to cities of the third class; and amending,  
3 revising, and consolidating the law relating thereto,"  
4 providing for a civil service board to decide cases of  
5 misconduct.

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

8 Section 1. Section 4402, act of June 23, 1931 (P.L.932,  
9 No.317), known as "The Third Class City Code," reenacted and  
10 amended June 28, 1951 (P.L.662, No.164), is amended to read:

11 Section 4402. Appointment of Examining Boards.--There shall  
12 be the following civil service boards in each city: (a) A board  
13 for the examination of applicants for appointment to any  
14 position in the police department; (b) a board for the  
15 examination of applicants for appointment as health officers  
16 other than registered physicians, or as sanitary policemen or  
17 inspectors of the health department; (c) a board for the  
18 examination of applicants for appointment to any position in the  
19 engineering or electrical departments, except as otherwise

1 provided for by law, or to the position of building inspectors;  
2 (d) a board for the review and decision of cases of misconduct  
3 brought pursuant to section 4408.

4 Each of said boards shall consist of three citizens, who  
5 shall be elected by council for terms of four years or until  
6 their successors are elected and qualified. One of the members  
7 of the boards, provided for in clauses (a) and (b) of this  
8 section, shall be an educator and one shall be a physician. Any  
9 person may be appointed to one or more of said boards. No city  
10 officer, official or employe shall be eligible for appointment  
11 to any civil service board.

12 Section 2. Section 4408 of the act, amended May 11, 1955  
13 (P.L.51, No.23), is amended to read:

14 Section 4408. Suspension and Discharge; Reduction of  
15 Employes; Appeals.--(a) All employes subject to civil service  
16 shall be subject to suspension by the director of the department  
17 for misconduct, or violation of any law of this Commonwealth,  
18 any ordinance of the city, or regulation of the department,  
19 pending action by the [city council] board upon the charges made  
20 against any of such employes. On hearing before the [city  
21 council, where they] board, where both employes and city council  
22 may be represented by counsel, they may be fined or suspended  
23 for a period not exceeding thirty days with or without pay, or  
24 they may be discharged by [city council] the board if found  
25 guilty of the charges made against them. The director of each  
26 such department may, for misconduct or violation as aforesaid,  
27 suspend any employe of such department for a period of ten days,  
28 with or without pay, without preferring charges and without a  
29 hearing of [council] the board; but no employe shall be  
30 suspended more than one time for the identical or same violation

1 or act of misconduct.

2     **(b)** If it should become necessary to reduce the number of  
3 men in said department for purposes of economy, seniority rights  
4 shall prevail, and any and all removals for such cause or causes  
5 shall be from the members last appointed, and the member or  
6 members serving the shortest time shall be removed first; but  
7 members with longer times of service may be discharged for  
8 cause. Reductions for the purposes of economy shall be made by  
9 council and any employe aggrieved by an action of council in  
10 discharging him in connection with any such reduction shall have  
11 the right to appeal to by petition the court of common pleas  
12 within thirty days after the receipt of written notice of such  
13 discharge.

14     **(c)** Any civil service employe aggrieved by the action of the  
15 [council] board in fining, suspending or discharging him shall  
16 have the right to appeal by petition to the court of common  
17 pleas within thirty days after the suspension or after receipt  
18 of written notice of such action by [council] the board which it  
19 shall be the duty of the [council] board to give and the court  
20 shall hear the charges made against him de novo. The issue  
21 before the court shall be whether the action of the [council]  
22 board shall be affirmed or be modified in any respect or whether  
23 the charges should be dismissed or whether the suspension made  
24 by the director shall be affirmed or rescinded. Where any such  
25 employe has been suspended and the charges are dismissed or the  
26 suspension rescinded on appeal, he shall receive full  
27 compensation for the entire period of suspension.

28     Section 3. This act shall take effect in 90 days.