

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 887

Session of
1983

INTRODUCED BY CORMAN, STOUT, SHAFFER, RHOADES AND SINGEL,
JUNE 27, 1983

REFERRED TO LOCAL GOVERNMENT, JUNE 27, 1983

AN ACT

1 Amending the act of June 5, 1941 (P.L.84, No.45), entitled "An
2 act providing for and regulating the appointment, promotion
3 and reduction in rank, suspension and removal of paid members
4 of the police force in boroughs, incorporated towns and
5 townships of the first class maintaining a police force of
6 not less than three members; creating a civil service
7 commission in each borough, incorporated town and township of
8 the first class; defining the duties of such civil service
9 commission; imposing certain duties and expense on boroughs,
10 incorporated towns and townships of the first class; imposing
11 penalties, and repealing inconsistent laws," eliminating
12 mandatory retirement below the age of 70.

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

15 Section 1. Section 20 of the act of June 5, 1941 (P.L.84,
16 No.45), entitled "An act providing for and regulating the
17 appointment, promotion and reduction in rank, suspension and
18 removal of paid members of the police force in boroughs,
19 incorporated towns and townships of the first class maintaining
20 a police force of not less than three members; creating a civil
21 service commission in each borough, incorporated town and
22 township of the first class; defining the duties of such civil

1 service commission; imposing certain duties and expense on
2 boroughs, incorporated towns and townships of the first class;
3 imposing penalties, and repealing inconsistent laws," is amended
4 to read:

5 Section 20. Removals.--No person employed in any police
6 department of any political subdivision shall be suspended,
7 removed or reduced in rank, except for the following reasons:

8 (1) physical or mental disability affecting his ability to
9 continue in service, in which cases the person shall receive an
10 honorable discharge from service; (2) neglect or violation of
11 any official duty; (3) violation of any law of this Commonwealth
12 which provides that such violation constitutes a misdemeanor or
13 felony; (4) inefficiency, neglect, intemperance, disobedience of
14 orders or conduct unbecoming an officer; (5) intoxication while
15 on duty; (6) engaging or participating in the conducting of any
16 political or election campaign otherwise than to exercise his
17 own right of suffrage. A person so employed shall not be removed
18 for religious, racial or political reasons. A written statement
19 of any charges made against any person so employed shall be
20 furnished to such person within five days after the same are
21 filed.

22 If for reasons of economy or other reasons it shall be deemed
23 necessary by any municipality to reduce the number of paid
24 employes of the police department, then [such political
25 subdivision shall apply the following procedure: (a) if there
26 are any employes eligible for retirement under the terms of any
27 retirement or pension law, then such reduction in numbers shall
28 be made by retirement if the party to be retired is sixty-five
29 years of age or over; (b) if the number of paid employes in the
30 police force eligible to retirement is insufficient to effect

1 the necessary reduction in numbers, or if there are no persons
2 eligible for retirement, or if no retirements or pension fund
3 exist, then] the reduction shall be effected by furloughing the
4 man or men, including probationers last appointed to said police
5 force. Such removal shall be accomplished by furloughing in
6 numerical order, commencing with the man last appointed until
7 such reduction shall have been accomplished. In the event the
8 said police force shall again be increased the employes
9 furloughed shall be reinstated in the order of their seniority
10 in the service.

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