

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2052 Session of
1989

INTRODUCED BY PRESTON, MURPHY, JAMES AND ACOSTA,
OCTOBER 24, 1989

REFERRED TO COMMITTEE ON URBAN AFFAIRS, OCTOBER 24, 1989

AN ACT

1 Amending the act of August 10, 1951 (P.L.1189, No.265),
2 entitled, as amended, "An act regulating the appointment,
3 promotion, suspension, reduction, removal and reinstatement
4 of employes (except superintendents, assistant
5 superintendents, inspectors, chief clerks and school guards)
6 in bureaus of police in cities of the second class; and
7 defining the powers and duties of civil service commissions
8 in such cities for such purposes," further providing for
9 positions in the competitive class of the civil service, for
10 examinations, for reinstatement of employees, for eligibility
11 for promotion and appointment, for filling vacancies and for
12 reductions in force.

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

15 Section 1. The title and section 1 of the act of August 10,
16 1951 (P.L.1189, No.265), entitled, as amended, "An act
17 regulating the appointment, promotion, suspension, reduction,
18 removal and reinstatement of employes (except superintendents,
19 assistant superintendents, inspectors, chief clerks and school
20 guards) in bureaus of police in cities of the second class; and
21 defining the powers and duties of civil service commissions in
22 such cities for such purposes," amended June 10, 1955 (P.L.147,

1 No.45), are amended to read:

2 AN ACT

3 Regulating the appointment, promotion, suspension, reduction,

4 removal and reinstatement of employes (except

5 [superintendents] chiefs of police, assistant

6 [superintendents, inspectors, chief clerks and school guards]

7 chiefs of police, precinct commanders, school guards and

8 certain other employes) in bureaus of police in cities of the

9 second class; and defining the powers and duties of civil

10 service commissions in such cities for such purposes.

11 Section 1. All uniformed positions in the bureau of police,

12 except as hereinafter provided, in cities of the second class,

13 shall initially be in the competitive class of the civil service

14 of such cities. This act shall not apply to or include

15 [superintendents] the chief of police under the direction of the

16 department of public safety by whatever title his position may

17 be designated, nor [his ranking] assistant [superintendent]

18 chiefs, precinct commanders or school guards by whatever title

19 [his position] such positions may be designated[, nor to the

20 inspectors or chief clerks in bureaus of police in such cities,

21 nor to school guards.] in the bureau of police in such cities.

22 Any other uniformed positions that the civil service commission

23 deems to be not appropriate for competitive examination shall be

24 in the non-competitive class.

25 Section 2. Section 3 of the act, amended June 16, 1972

26 (P.L.459, No.143), is amended to read:

27 Section 3. Each applicant for original appointment or

28 promotion to any position [in the competitive class] covered by

29 this act in any bureau of police in any city of the second class

30 shall undergo a physical examination, subsequent to a mental

1 examination but prior to appointment, which shall be conducted
2 by [a commission composed of doctors of medicine] a physician or
3 physicians appointed for that purpose by the mayor. Said
4 [commission] physician or physicians shall certify to the civil
5 service commission that the applicant is free from bodily or
6 mental defects, deformity or disease that might incapacitate him
7 from the performance of the duties of the position he is
8 seeking. No application for such appointment shall be received
9 from any person who is under eighteen years of age [or over
10 thirty-five years of age] at the date of [his] application. [Any
11 city of the second class may by ordinance require a person
12 appointed as a policeman who is not a resident of said city of
13 the second class to become a resident of said city as a
14 condition of his continued employment, but not sooner than three
15 months following the completion of his probationary period.] No
16 application shall be received from any person who shall not have
17 been a bona fide resident of the city at the time of application
18 for original appointment or at the time of appointment as
19 determined by the commission. In any case city residency must be
20 maintained for the entire period of employment. Any applicant
21 for reinstatement as a member of the bureau of police who shall
22 have [served as an employe in such bureau of police for a period
23 of more than six months] successfully completed the probationary
24 period, and who at the time of his application for reinstatement
25 shall be a resident of such city, shall be eligible for such
26 reinstatement[, even though such applicant shall be over the age
27 of thirty-five years].

28 All original appointments [to the position of police officer]
29 in the bureau of police shall be for a probationary period of
30 six months. The probationary period may be extended through

1 collective bargaining. If at any time during the probationary
2 period the conduct or capacity of the probationer has not been
3 satisfactory to the appointing officer, the probationer shall be
4 notified, in writing, that he will not receive absolute
5 appointment, whereupon his employment shall cease without right
6 to appeal; otherwise, his retention in the service shall be
7 equivalent to final appointment.

8 Section 3. Sections 4 and 5 of the act are amended to read:

9 Section 4. Reinstatements as employees in said bureau of
10 police may be made without any restriction or restrictions as to
11 time. [No examination, other than a physical examination]
12 Examinations as directed by the civil service commission, shall
13 be required in any case of reinstatement. Any person so
14 reinstated shall be [the lowest in rank in the bureau next above
15 the probationers in such bureau] placed in a position equal to
16 or lower in rank than the position held when prior service
17 ended.

18 Section 5. No person employed in a competitive position in
19 the bureau of police in any city of the second class shall be
20 eligible for promotion from a lower [grade] rank to a higher
21 [grade] rank until such person shall have completed at least
22 four years service in the [grade] rank of [patrolman] police
23 officer.

24 Section 4. Sections 6 and 6.1 of the act, amended July 9,
25 1963 (P.L.217, No.124), are amended to read:

26 Section 6. (a) Vacancies in positions in the competitive
27 class shall be filled by promotions by the director of the
28 department of public safety from among persons holding positions
29 in a lower [grade] rank in the bureau of police. Promotions
30 shall be based upon merit to be ascertained by [tests]

1 examinations to be provided by the civil service commission and
2 upon the superior qualifications of the person to be promoted as
3 shown by his previous service [and], experience, education and
4 other indications. The civil service commission shall maintain a
5 list of those persons qualified for promotion to the next
6 superior position, from which list the director of the
7 department of public safety shall make all promotions from among
8 the first four names appearing on the list at the time the
9 [promotion is] promotions are to be made: Provided, That as each
10 vacancy occurs, in the same or a similar position, the procedure
11 shall be followed that after any name has been three times
12 rejected, for the same or a similar position, in favor of a name
13 or names below it on the same list, the said name shall be
14 stricken from the list. The civil service commission shall have
15 the power to determine in each instance whether an increase in
16 salary constitutes a promotion.

17 Any person taking a competitive or non-competitive written
18 examination for promotion in the competitive or non-competitive
19 class in the bureau of police shall, upon request, be permitted
20 after [such] a written examination to see his written
21 examination papers and to review his answers with those who
22 conducted the written examination.

23 (b) Vacancies in positions in the non-competitive class
24 shall be filled by appointment or promotion by the director of
25 the department of public safety from among persons on the non-
26 competitive eligibility list established by the civil service
27 commission.

28 Section 6.1. In addition to existing powers of promotion in
29 the bureau of police, cities of the second class are hereby
30 authorized to create such additional classes of detectives as

1 they shall determine to be designated as Detective Class I[,]
2 and Detective Class II [and Detective Class III]. Such classes
3 of detectives shall carry salaries which shall not be less than
4 the maximum of salaries of patrolmen and not greater than the
5 minimum salaries of detectives presently existing in cities of
6 the second class, and shall consist of members of the police
7 bureau who have been assigned to such additional classes of
8 detectives because of a particular aptitude for investigation,
9 outstanding meritorious service, or unusual and exceptional
10 bravery.

11 Assignments to the several additional classes of detectives
12 shall be made in the following manner. Whenever a member of the
13 police bureau is recommended by his superior officer for
14 assignment to one of the additional classes of detectives
15 authorized in this section a police merit board shall be
16 convened.

17 The board shall be [constituted in each instance in the same
18 manner as police trial boards authorized by law] made up of
19 persons appointed by the director of the department of public
20 safety. The police merit board shall hear such evidence as may
21 be pertinent to the case and shall thereafter make its
22 recommendation. Such recommendation shall then be forwarded to
23 the [superintendent] chief of police who shall endorse thereon
24 his approval or disapproval of the board's finding. Thereafter
25 the said report with the endorsement of the [superintendent]
26 chief of police shall be submitted to the director of the
27 department of public safety who shall take such action thereon
28 as in his discretion he deems proper. In case of such
29 assignments to an additional detective classification the member
30 of the bureau of police so assigned shall retain his civil

1 service status under the civil service laws then in effect.
2 Whenever for any reason within the discretion of the director of
3 the department of public safety it is deemed necessary or
4 desirable to reassign any such member to his former position the
5 said director of the department of public safety shall have the
6 right to make such reassignment. Civil service commissions of
7 cities of the second class may, in their discretion, make such
8 rules and regulations for grades, merits, or credits, concerning
9 the positions authorized by this section and relating to
10 promotional examinations for such positions in the bureau of
11 police as they may see fit. [Rules and regulations relating to
12 promotional examinations shall not require as a condition of
13 taking any such examination that the applicant have any
14 experience or service other than the completion of four years of
15 service in the bureau of police.]

16 Section 5. Section 9 of the act is amended to read:

17 Section 9. If, for reasons of economy or lack of funds, it
18 becomes necessary for any city of the second class to reduce any
19 employes [of] in any rank or position in its bureau of police,
20 then the city shall follow the following procedure:

21 First. If there are any employes in its bureau of police
22 eligible for retirement from any rank or position under the
23 terms of any police pension fund, then such reduction shall be
24 made by retirement on pension of the oldest in age and service.

25 Second. If the number of employes in its bureau of police
26 eligible for retirement under the pension fund of said city is
27 insufficient to affect the reduction in number desired by the
28 city, or if there is no eligible person for retirement, or if no
29 retirement fund exists in said city, then the reduction shall be
30 effected by suspending the last [man or men, starting with

1 probationers, that have been appointed] person or persons
2 holding the rank or position affected. Such removal shall be
3 accomplished by suspending in numerical order, commencing with
4 the last [man appointed, all recent appointees] person promoted
5 or appointed, whichever is applicable, and then by suspending
6 all those recently promoted or appointed, until such reduction
7 shall have been accomplished. Whenever the number of employes in
8 the bureau of police shall be again increased in number, or if
9 any vacancies occur, the employes suspended under the terms of
10 this act shall be reinstated to their former [class] rank before
11 any [new appointees are appointed] promotions or appointments
12 are made, in the inverse order in which they were suspended.

13 Section 6. This act shall take effect in 60 days.