
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1936 Session of
2007

INTRODUCED BY CASORIO, BRENNAN, KOTIK, KULA, McILHATTAN,
SIPTROTH, SOLOBAY AND YOUNGBLOOD, OCTOBER 23, 2007

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, OCTOBER 23, 2007

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," further
4 providing for removals from the police or fire force.

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

7 Section 1. Section 1190 of the act of February 1, 1966 (1965
8 P.L.1656, No.581), known as The Borough Code, amended May 31,
9 1984 (P.L.362, No.72), is amended to read:

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

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

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

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

1 (4) Inefficiency, neglect, intemperance, immorality,
2 disobedience of orders, or conduct unbecoming an officer.

3 (5) Intoxication while on duty.

4 (6) Engaging or participating in conducting of any political
5 or election campaign while on duty or in uniform otherwise than
6 to exercise his own right of suffrage.

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, if
16 the party to be retired exceeds the maximum age as defined in
17 the act of October 27, 1955 (P.L.744, No.222), known as the
18 "Pennsylvania Human Relations Act," then such reduction in
19 numbers shall be made by retirement of such employes, starting
20 with the oldest employe and following in order of age
21 respectively, (ii) if the number of paid employes in the police
22 force or fire force eligible to retirement is insufficient to
23 effect the necessary reduction in numbers, or if there are no
24 persons eligible for retirement, or if no retirement or pension
25 fund exists, then the reduction shall be effected by furloughing
26 the person or persons, including probationers, last appointed to
27 the respective force. Such removal shall be accomplished by
28 furloughing in numerical order commencing with the person last
29 appointed until such reduction shall have been accomplished. In
30 the event the said police force or fire force shall again be

1 increased the employes furloughed shall be reinstated in the
2 order of their seniority in the service. The provisions of this
3 paragraph as to reductions in force are not applicable to a
4 chief of police.

5 Section 2. This act shall take effect immediately.