
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2808 Session of
2008

INTRODUCED BY TURZAI, BOBACK, CALTAGIRONE, CAPPELLI, CLYMER,
CREIGHTON, DALEY, DALLY, DENLINGER, GEIST, GINGRICH, GOODMAN,
HARHAI, HENNESSEY, HORNAMAN, KORTZ, KOTIK, MACKERETH,
MARSHALL, MARSICO, McILVAINE SMITH, MENSCH, R. MILLER, MOUL,
MOYER, MUNDY, MURT, O'NEILL, PETRONE, PYLE, READSHAW,
SIPTROTH, SOLOBAY, SONNEY, R. STEVENSON, SWANGER AND
VULAKOVICH, SEPTEMBER 29, 2008

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, SEPTEMBER 29, 2008

AN ACT

1 Amending the act of June 15, 1951 (P.L.586, No.144), entitled
2 "An act regulating the suspension, removal, furloughing and
3 reinstatement of police officers in boroughs and townships of
4 the first class having police forces of less than three
5 members, and in townships of the second class," making the
6 act applicable to regional police departments.

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

9 Section 1. The title of the act of June 15, 1951 (P.L.586,
10 No.144), referred to as the Police Tenure Act, is amended to
11 read:

12 AN ACT

1 Regulating the suspension, removal, furloughing and
2 reinstatement of police officers in boroughs and townships of
3 the first class having police forces of less than three
4 members, [and] in townships of the second class and in
5 regional police departments.

1 Section 2. Section 1 of the act is amended to read:

2 Section 1. This act shall apply to each township of the
3 second class, to each regional police department, to each
4 borough and township of the first class having a police force of
5 less than three members and not subject to sections one thousand
6 one hundred sixty-five through one thousand one hundred ninety
7 of the act, approved the fourth day of May, one thousand nine
8 hundred twenty-seven (Pamphlet Laws 519), known as "The Borough
9 Code," and their amendments, nor to sections six hundred twenty-
10 five through six hundred fifty of the act, approved the twenty-
11 fourth day of June, one thousand nine hundred thirty-one
12 (Pamphlet Laws 1206), known as "The First Class Township Code,"
13 and their amendments. For purposes of this act, the term
14 "regional police department" shall mean a municipal police force
15 organized and operated in combination by two or more
16 municipalities through an intermunicipal agreement pursuant to
17 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental
18 cooperation).

19 Section 3. Section 2 of the act, amended July 19, 1965
20 (P.L.219, No.119), is amended to read:

21 Section 2. Removals.--No person employed as a regular full
22 time police officer in any police department of any township of
23 the second class, any regional police department, or any borough
24 or township of the first class within the scope of this act,
25 with the exception of policemen appointed for a probationary
26 period of one year or less, shall be suspended, removed or
27 reduced in rank except for the following reasons: (1) physical
28 or mental disability affecting his ability to continue in
29 service, in which case the person shall receive an honorable
30 discharge from service; (2) neglect or violation of any official

1 duty; (3) violating of any law which provides that such
2 violation constitutes a misdemeanor or felony; (4) inefficiency,
3 neglect, intemperance, disobedience of orders, or conduct
4 unbecoming an officer; (5) intoxication while on duty. A person
5 so employed shall not be removed for religious, racial or
6 political reasons. A written statement of any charges made
7 against any person so employed shall be furnished to such person
8 within five days after the same are filed.

9 Section 4. Section 3 of the act, amended May 9, 1984
10 (P.L.253, No.56), is amended to read:

11 Section 3. Reduction in Number of Police.--If, for reasons
12 of economy or other reasons, it shall be deemed necessary by any
13 township of the second class, any regional police department, or
14 any borough or township of the first class within the scope of
15 this act, to reduce the number of paid employes of the police
16 department, then such political subdivision or regional police
17 department shall apply the following procedure: (a) If there are
18 any employes eligible for retirement under the terms of any
19 retirement or pension law, then such reduction in numbers shall
20 be made by retirement, if the party to be retired exceeds the
21 maximum age as defined in the act of October 27, 1955 (P.L.744,
22 No.222), known as the "Pennsylvania Human Relations Act"; (b) If
23 the number of paid employes in the police force eligible to
24 retirement is sufficient to effect the necessary reduction in
25 number, or if there are no persons eligible for retirement, or
26 if no retirement or pension fund exists, then the reduction
27 shall be effected by furloughing the man or men, including
28 probationers, last appointed to said police force. Such removal
29 shall be accomplished by furloughing in numerical order,
30 commencing with the man last appointed, until such reduction

1 shall have been accomplished. In the event the said police force
2 shall again be increased, the employes furloughed shall be
3 reinstated in the order of their seniority in the service.

4 Section 5. The act is amended by adding a section to read:

5 Section 7. Applicability.--(a) Subject to subsection (b),
6 this act shall apply to: (1) A regional police department
7 established on or after the effective date of this section; and
8 (2) a regional police department established prior to the
9 effective date of this section that has not provided for the
10 suspension, removal, furloughing and reinstatement of police
11 officers by an intergovernmental agreement.

12 (b) An intergovernmental agreement that establishes a
13 regional police department may include a provision that waives
14 the requirements of this act, if the intergovernmental agreement
15 contains civil service procedures and protections which equal or
16 exceed the civil service provisions in sections one thousand one
17 hundred seventy-one through one thousand one hundred ninety-five
18 of the act of February 1, 1966 (1965 P.L.1656, No.581), known as
19 "The Borough Code."

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