
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1367 Session of
2008

INTRODUCED BY ROBBINS, ERICKSON, REGOLA, STOUT AND WOZNIAK,
APRIL 11, 2008

REFERRED TO LOCAL GOVERNMENT, APRIL 11, 2008

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," in
4 civil service, further providing for rules and regulations
5 and examinations and for selection of appointee from a
6 certified list of applicants.

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

9 Section 1. Section 4404 of the act of June 23, 1931
10 (P.L.932, No.317), known as The Third Class City Code, reenacted
11 and amended June 28, 1951 (P.L.662, No.164), is amended to read:

12 Section 4404. Rules and Regulations; Examinations.--(a)
13 Each of said boards shall prepare and adopt such rules and
14 regulations to cover the selection and appointment of all
15 persons as hereinbefore provided, to be hereafter employed or
16 appointed in said cities, as in the judgment of said boards
17 shall be best adapted to securing the best service for the
18 public. Such rules and regulations shall provide for
19 ascertaining and determining, so far as possible, the physical

1 qualifications, habits, reputation, standing, experience and
2 education of all applicants for such positions, respectively;
3 and they shall provide for examinations upon any and all
4 subjects deemed proper or necessary by said boards for the
5 purpose of determining their qualifications for the position
6 sought and applied for.

7 (b) Nothing in this act shall be construed as authorizing
8 physical or psychological medical examinations prior to an
9 appointment or conditional appointment in accordance with
10 section 4406 of this act. As used in this section, the term
11 "medical examination" shall mean any examination, procedure,
12 inquiry or test designed to obtain information about medical
13 history or a physical or mental defect or impairment.

14 Section 2. Section 4406 of the act, amended October 13, 1965
15 (P.L.579, No.300), is amended to read:

16 Section 4406. Selection of Appointee from Certified List of
17 Applicants.--Said boards shall make and keep, in numerical
18 order, a list containing the names of all applicants for civil
19 service positions in said city who may pass the required [mental
20 and physical examinations.] examinations, including any required
21 physical fitness or agility examinations that are job-related
22 and consistent with business necessity. Where more than one
23 person takes examinations for any of said positions at the same
24 time, the names of all those successfully passing such
25 examination shall be entered upon the list of eligible names in
26 the order of their respective percentages, the highest coming
27 first. The board shall furnish to council a certified copy of
28 all lists so prepared and kept. Wherever any vacancy shall occur
29 in any civil service position in said city, the city council
30 shall make written application to the president of the proper

1 board, who shall forthwith certify to the city council, in
2 writing, the three names on the list of applicants for such
3 position having the highest percentage, but if there be less
4 than three eligible names on such list, the board shall certify
5 such name or names. Thereupon the director of the department in
6 which such appointment is to be made shall nominate to the city
7 council a person from the list submitted to fill such vacancy.
8 If the city council approves such nomination, the person
9 nominated shall be appointed by council to fill such vacancy,
10 and shall be assigned for service in the department[.], subject
11 to any physical or psychological medical examinations that may
12 be required by the appropriate examining board as a condition of
13 appointment. Medical examinations, if required, shall be
14 conducted by a physician, psychiatrist or psychologist,
15 appointed by council, who shall certify that the appointee is
16 free from any physical or mental defects, deformities or
17 diseases that might incapacitate the appointee from performance
18 of service in the department. If the council does not approve
19 such nomination, or if the appointee fails to pass any required
20 medical examination, then the director of the department in
21 which such appointment is to be made shall submit another
22 nomination for such position from the remaining names, if any,
23 and if such nomination is not approved by the council, or, if
24 approved, the appointee fails to pass any required medical
25 examination, he shall submit the third name, if any. The person
26 whose nomination by the director is approved by the city council
27 shall be appointed to fill such a position in the department or
28 as building inspector. In all cases the boards may recommend
29 those in the employ of a department for promotion in case the
30 person recommended is competent for the higher position. The

1 name of the person so appointed shall be immediately stricken
2 from the list of said board, and the names of the rejected
3 persons shall immediately be restored to their proper place in
4 said list: Provided, however, That if the name of any applicant
5 has been submitted to the said council and been rejected three
6 times or the applicant has failed any required medical
7 examination, then such name shall be stricken from the eligible
8 list. As used in this section, the term "medical examination"
9 shall have the meaning given it in section 4404 of this act.

10 Section 3. Nothing contained in the amendment of sections
11 4404 and 4406 of the act shall affect the validity of any civil
12 services appointments made prior to the effective date of this
13 section.

14 Section 4. This act shall take effect immediately.