

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1459 Session of 2011

INTRODUCED BY ROSS, GINGRICH, CREIGHTON, FREEMAN AND  
SANTARSIERO, MAY 4, 2011

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 4, 2011

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 promotions.

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

7 Section 1. Section 4406.1 of the act of June 23, 1931  
8 (P.L.932, No.317), known as The Third Class City Code, reenacted  
9 and amended June 28, 1951 (P.L.662, No.164) and added October  
10 19, 2010 (P.L.533, No.77), is amended to read:

11 Section 4406.1. Promotions.--(a) The civil service boards  
12 may recommend those in the employ of a department for promotion  
13 if the person recommended is competent for the higher position.  
14 If an examination is required, the city council shall notify the  
15 applicable civil service board of a civil service vacancy in the  
16 city which is to be filled by promotion and shall request the  
17 certification of an eligibility list as provided in this  
18 article. The board shall certify for each vacancy the names of  
19 three persons on the eligibility list who have received the

1 highest average in the last preceding promotional examination  
2 held within the period of two years preceding the date of the  
3 request for the eligibility list. If three names are not  
4 available, the board shall certify the names remaining on the  
5 list. The city council shall make an appointment from the names  
6 certified, based solely on the merits and fitness of the  
7 candidates, unless the city council makes objections to the  
8 board regarding one or more of the persons on the eligibility  
9 list. The city council shall have power to determine in each  
10 instance whether an increase in salary shall constitute a  
11 promotion.

12 (b) Notwithstanding subsection (a), the mayor or other  
13 elected or appointed official of a city that has adopted one of  
14 the following shall retain the power to promote a candidate  
15 pursuant to that law:

16 (1) An optional charter pursuant to the act of July 15, 1957  
17 (P.L.901, No.399), known as the "Optional Third Class City  
18 Charter Law."

19 (2) An optional plan pursuant to 53 Pa.C.S. Chs. 30  
20 (relating to types of optional plans of government) and 31  
21 (relating to general provisions common to optional plans).

22 (3) Any other law authorizing or permitting the mayor or  
23 other elected or appointed official to promote a candidate.

24 Section 2. The amendment of section 4406.1 of the act shall  
25 apply to promotions made on or after October 19, 2010.

26 Section 3. This act shall take effect immediately.