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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1460 Session of  
2011

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

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 4, 2011

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AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled  
2 "An act concerning townships of the first class; amending,  
3 revising, consolidating, and changing the law relating  
4 thereto," in civil service for police and firemen, further  
5 providing for examinations and for eligibility list and  
6 manner of filling appointments.

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

9 Section 1. Sections 635 and 638(a) of the act of June 24,  
10 1931 (P.L.1206, No.331), known as The First Class Township Code,  
11 reenacted and amended May 27, 1949 (P.L.1955, No.569) and  
12 amended October 19, 2010 (P.L.521, No.75), are amended to read:

13 Section 635. General Provisions Relating to Examinations.--

14 (a) The commission shall make rules and regulations to be  
15 approved as provided in section 630 hereof, providing for the  
16 examination of applicants for positions in the police force and  
17 as paid operators of fire apparatus and for promotions, which  
18 rules and regulations shall prescribe the minimum qualifications  
19 of all applicants to be examined and the passing grades. All  
20 examinations for positions or promotions shall be practical in

1 character and shall relate to such matters and include such  
2 inquiries as will fairly test the merit and fitness of the  
3 persons examined to discharge the duties of the employment  
4 sought by them. All examinations shall be open to all applicants  
5 who have the minimum qualifications required by the rules and  
6 regulations. Each applicant for examination for an original  
7 position shall:

8 (1) be subject to the regulations adopted by the commission;

9 (2) either before or after being admitted to the regular  
10 examination held by the commission, be required to submit to a  
11 physical fitness or agility examination that is job-related and  
12 consistent with business necessity; [and]

13 (3) if made a conditional offer of employment, be given a  
14 physical and psychological medical examination in accordance  
15 with section 643 of this act[.]; and

16 (4) be subject to a background investigation. Background  
17 investigations may be restricted to those candidates on an  
18 eligibility list or those to be certified to the township  
19 commissioners for appointment in accordance with section 638 of  
20 this act.

21 (a.1) Each applicant for promotion shall be subject to the  
22 regulations adopted by the commission and to examination and  
23 selection in accordance with section 642 of this act. Physical  
24 fitness or agility examinations that are job-related and  
25 consistent with business necessity and physical and  
26 psychological medical examinations may, but need not, be  
27 required for promotions.

28 (b) Public notice of the time and place of every  
29 examination, together with the information as to the kind of  
30 position or place to be filled, shall be given by publication

1 once in a newspaper of general circulation in the township or in  
2 a newspaper circulating generally in the township at least two  
3 weeks prior to each examination, and a copy of the notice shall  
4 be prominently posted in the office of the commission or other  
5 public place.

6 (c) The commission shall post in its office the eligible  
7 list containing the names and grades of those who have passed  
8 the examination.

9 Section 638. Eligibility List and Manner of Filling  
10 Appointments.--(a) At the completion of the testing process,  
11 including [any background,] physical agility or other  
12 examinations, with the exception of any background  
13 investigations to be conducted after the establishment of an  
14 eligibility list and physical and psychological medical  
15 examinations pursuant to section 643 of this act, the commission  
16 shall rank the candidates who have satisfied the minimum  
17 requirements for appointment on an eligibility list. The  
18 eligibility list shall contain the names of individuals eligible  
19 for appointment listed from highest to lowest based on their  
20 scores on the examinations administered by the commission and  
21 any points for which the applicant was entitled by virtue of 51  
22 Pa.C.S. Ch. 71 (relating to veterans' preference). The  
23 eligibility list will be valid for one year from the date the  
24 commission formally adopts the eligibility list. Prior to  
25 expiration of the one-year period, the commission may extend the  
26 validity of the eligibility list for up to an additional twelve  
27 (12) months by a majority vote of the commission at a duly  
28 authorized commission meeting. In the absence of a lawful  
29 extension by the commission, the list shall expire.

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1       Section 2. The amendment of section 635 of the act shall  
2 apply to all promotion examinations conducted on or after  
3 October 19, 2010.

4       Section 3. This act shall take effect immediately.