

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 977 Session of 2011

INTRODUCED BY ERICKSON, ROBBINS, EICHELBERGER, WOZNIAK AND
BLAKE, APRIL 25, 2011

REFERRED TO LOCAL GOVERNMENT, APRIL 25, 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.