

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 979 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 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.

30 * * *

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.