

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1193 Session of 2013

INTRODUCED BY SACCONI, MAHONEY, GINGRICH, C. HARRIS, KNOWLES, MILLARD, MOUL, TOOIL, HELM, DENLINGER, FARRY AND MIRANDA, APRIL 15, 2013

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 19, 2013

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," further providing FOR REMOVALS AND for appointment, <--
5 compensation and training of police officers.

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

8 Section 1. Section 1401 of the act of June 24, 1931 <--
9 (P.L.1206, No.331), known as The First Class Township Code,
10 reenacted and amended May 27, 1949 (P.L.1955, No.569), is
11 amended to read:

12 SECTION 1. SECTION 644 OF THE ACT OF JUNE 24, 1931 <--
13 (P.L.1206, NO.331), KNOWN AS THE FIRST CLASS TOWNSHIP CODE,
14 REENACTED AND AMENDED MAY 27, 1949 (P.L.1955, NO.569) AND
15 AMENDED JULY 7, 1983 (P.L.38, NO.20) AND MAY 9, 1984 (P.L.251,
16 NO.55), IS AMENDED TO READ:

17 SECTION 644. REMOVALS.--(A) NO PERSON EMPLOYED IN ANY
18 POLICE OR FIRE FORCE OF ANY TOWNSHIP SHALL BE SUSPENDED, REMOVED

1 OR REDUCED IN RANK EXCEPT FOR THE FOLLOWING REASONS: (1)
2 PHYSICAL OR MENTAL DISABILITY AFFECTING HIS ABILITY TO CONTINUE
3 IN SERVICE, IN WHICH CASES THE PERSON SHALL RECEIVE AN HONORABLE
4 DISCHARGE FROM SERVICE; (2) NEGLIGENCE OR VIOLATION OF ANY OFFICIAL
5 DUTY; (3) VIOLATION OF ANY LAW OF THIS COMMONWEALTH WHICH
6 PROVIDES THAT SUCH VIOLATION CONSTITUTES A MISDEMEANOR OR
7 FELONY; (4) INEFFICIENCY, NEGLIGENCE, INTEMPERANCE, DISOBEDIENCE OF
8 ORDERS, OR CONDUCT UNBECOMING AN OFFICER; (5) INTOXICATION WHILE
9 ON DUTY; (6) ENGAGING OR PARTICIPATING IN CONDUCTING OF ANY
10 POLITICAL OR ELECTION CAMPAIGN OTHERWISE THAN TO EXERCISE HIS
11 OWN RIGHT OF SUFFRAGE[.], EXCEPT THAT THIS CLAUSE SHALL ONLY
12 APPLY TO A POLICE OFFICER WHILE ON DUTY OR IN UNIFORM OR WHILE
13 USING ANY TOWNSHIP PROPERTY. A POLICE OFFICER MAY ALSO BE
14 SUSPENDED, REMOVED OR REDUCED IN RANK FOR ENGAGING OR
15 PARTICIPATING IN CONDUCTING OF ANY POLITICAL OR ELECTION
16 CAMPAIGN FOR AN INCOMPATIBLE OFFICE PURSUANT TO SECTION 1401. A
17 PERSON SO EMPLOYED SHALL NOT BE REMOVED FOR RELIGIOUS, RACIAL OR
18 POLITICAL REASONS. A WRITTEN STATEMENT OF ANY CHARGES MADE
19 AGAINST ANY PERSON SO EMPLOYED SHALL BE FURNISHED TO SUCH PERSON
20 WITHIN FIVE DAYS AFTER THE SAME ARE FILED WITH THE COMMISSION.

21 (B) IF FOR REASONS OF ECONOMY OR OTHER REASONS IT SHALL BE
22 DEEMED NECESSARY BY ANY TOWNSHIP TO REDUCE THE NUMBER OF PAID
23 EMPLOYEES OF THE POLICE OR FIRE FORCE, THEN SUCH TOWNSHIP SHALL
24 [APPLY THE FOLLOWING PROCEDURE: (A) IF THERE ARE ANY EMPLOYEES
25 ELIGIBLE FOR RETIREMENT UNDER THE TERMS OF ANY RETIREMENT OR
26 PENSION LAW, THEN SUCH REDUCTION IN NUMBERS SHALL BE MADE BY
27 RETIREMENT IF THE PARTY TO BE RETIRED EXCEEDS THE MAXIMUM AGE AS
28 DEFINED IN THE ACT OF OCTOBER 27, 1955 (P.L.744, NO.222), KNOWN
29 AS THE "PENNSYLVANIA HUMAN RELATIONS ACT"; (B) IF THE NUMBER OF
30 PAID EMPLOYEES IN THE POLICE OR FIRE FORCES ELIGIBLE TO

1 RETIREMENT IS INSUFFICIENT TO EFFECT THE NECESSARY REDUCTION IN
2 NUMBERS OR IF THERE ARE NO PERSONS ELIGIBLE FOR RETIREMENT OR IF
3 NO RETIREMENT OR PENSION FUND EXISTS, THEN THE REDUCTION SHALL
4 BE EFFECTED BY FURLOUGHING] FURLOUGH THE PERSON OR PERSONS,
5 INCLUDING PROBATIONERS, LAST APPOINTED TO THE RESPECTIVE FORCE.
6 SUCH REMOVAL SHALL BE ACCOMPLISHED BY FURLOUGHING IN NUMERICAL
7 ORDER COMMENCING WITH THE PERSON LAST APPOINTED UNTIL SUCH
8 REDUCTION SHALL HAVE BEEN ACCOMPLISHED. IN THE EVENT THE SAID
9 POLICE FORCE SHALL AGAIN BE INCREASED, THE EMPLOYES FURLOUGHED
10 SHALL BE REINSTATED IN THE ORDER OF THEIR SENIORITY IN THE
11 SERVICE. THE PROVISIONS OF THIS PARAGRAPH AS TO REDUCTIONS IN
12 FORCE SHALL NOT APPLY TO ANY CHIEF OF POLICE.

13 SECTION 2. SECTION 1401 OF THE ACT IS AMENDED TO READ:

14 Section 1401. Appointment, Compensation and Training of
15 Policemen.--The board of township commissioners shall, subject
16 to the civil service provisions of this act, appoint and fix the
17 number, rank and compensation of the members of the township
18 police force. No policeman shall at the same time hold any
19 public office other than constable [and], health officer ~~and~~ <--
20 ~~school board member~~.[.] OR SCHOOL BOARD MEMBER. A POLICEMAN, <--
21 WHETHER CONTRACTED OR OTHERWISE EMPLOYED BY A SCHOOL DISTRICT,
22 WHO HOLDS THE PUBLIC OFFICE OF SCHOOL DIRECTOR SHALL NOT BE
23 PERMITTED TO SERVE AS A SCHOOL POLICE OFFICER, AS PROVIDED FOR
24 IN SECTION 778 OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14),
25 KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, WITHIN THE SCHOOL
26 DISTRICT FOR WHICH THE POLICEMAN IS ELECTED TO SERVE AS SCHOOL
27 DIRECTOR. The board of commissioners shall prescribe all
28 necessary rules and regulations for the organization of the
29 police force. The board may assign the chief of police or any
30 other member of the force to undergo a course of training at any

1 training school for policemen, established and made available by
2 the State or Federal Government, and may provide for the payment
3 by the township of his expenses while in attendance in such
4 training school.

5 Section ~~2~~ 3. This act shall take effect immediately.

<--