

LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. **632** Session of
1919.

INTRODUCED BY MR. WM. DAVIS, FEBRUARY 25, 1919.

REFERRED TO COMMITTEE ON MUNICIPAL CORPORATIONS,
FEBRUARY 25, 1919.

AN ACT

Regulating the appointment suspension and discharge of police officers in boroughs establishing and regulating a civil service board in such boroughs for the examination of applicants for positions as police officers imposing certain expenses upon boroughs and providing penalties

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 the term "police officers" as used in this act shall in-
5 clude all chiefs of police and their assistants all cap-
6 tains of police lieutenants of police sergeants of police
7 patrolmen and detectives

8 Section 2 Hereafter no person shall be appointed in
9 in any borough as a police officer except in the manner
10 and subject to the terms provided for in this act and
11 no person shall be appointed as a police officer who is

1 not a citizen of the United States or who has been
2 convicted of a crime unless pardoned or who cannot
3 read and write understandingly in the English language
4 or who shall not have resided in the Commonwealth of
5 Pennsylvania for a period of at least three years pre-
6 ceding his appointment or who has not first passed a
7 physical examinations as to his fitness and qualifications

8 Section 3 There is hereby created in each borough
9 in the Commonwealth a civil service board hereinafter des-
10 ignated as the board to be composed of three citizens
11 of the borough The members of the board shall be ap-
12 pointed by the council for terms of four years each and
13 until their successors shall be appointed and qualified One
14 of the members of the board shall be a physician one
15 an educator and one a lawyer The members first ap-
16 pointed under this act shall be appointed within thirty
17 days after the passage of the act One of said members
18 shall be appointed for a term of two years one for a
19 term of three years and one for a term of four years
20 Upon the expiration of the term of any member a suc-
21 cessor shall be appointed for a term of four years Any
22 vacancy on said boards happening by death resignation or
23 removal from the borough or otherwise shall be filled by
24 the council for the unexpired term The members of the
25 board shall before entering upon their duties take and
26 subscribe to the oath of office prescribed by article seven
27 of the constitution and shall file the same with the
28 borough secretary No member of the board shall receive
29 a salary but members shall be paid all necessary ex-

1 penses incurred in the performace of their duties which
2 payments shall be made from the borough treasury in
3 the usual manner

4 Section 4 Within five days after the first appointment
5 under the provisions of this act the members so ap-
6 pointed shall organize as a board by the election of a
7 president and annually thereafter the board shall in like
8 manner organize on the first Monday of each January
9 Two members of the board shall constitute a quorum for
10 the transaction of all business The board shall hold
11 meetings from time to time as the public business may
12 require The board may appoint a secretary and prescribe
13 his duties The council shall fix the compensation of the
14 secretary which shall be paid from the borough treasury
15 in the usual manner

16 All stationery and supplies necessary for the trans-
17 action of the business of the board shall be furnished
18 by the council at the expense of the borough

19 Section 5 The board shall as soon as convenient may
20 be prepare and adopt rules and regulations which shall
21 be subject to change and amendment from time to time
22 as council may require Such rules shall provide for the
23 selection of persons as police officers and shall provide
24 for the examination of candidates for positions as police
25 officers with a view to ascertain and determine their
26 qualifications habits reputation standing experience and edu-
27 cation

28 Section 6 The board shall conduct examinations from
29 time to time of which adequate notice shall be given

1 in such manner as shall be prescribed by the board in
2 its rules and regulations. All examinations shall be prac-
3 tical in their character and shall relate to those matters
4 which shall fairly test the qualifications and fitness of
5 the persons submitting themselves for examination for the
6 position of police officer.

7 Section 7 The board shall require from all persons
8 desiring to be examined the filing of a formal applica-
9 tion within a reasonable time prior to the proposed ex-
10 amination which application shall state (a) The applicant's
11 full name. (b) His residence and post office address (c)
12 His citizenship. (d) His age the place and date of
13 birth and (e) His business or employment during the
14 last three years and (f) Such other information as the
15 board may require.

16 Section 8 The board shall at all times keep separate
17 lists of all persons who have successfully passed any ex-
18 amination arranged according to the several positions ex-
19 isting in the police department of the borough and where
20 more than one persons takes the examination for the
21 same position those successfully passing the examination
22 shall be entered upon the eligible list in the order of
23 their respective percentage, the highest coming first.

24 Section 9 Whenever any vacancy shall occur in the
25 position of police officer in any borough the burgess of
26 the borough shall send a written application to the presi-
27 dent of the board to certify to the council the first
28 three names on the eligible list for the position to be

1 filled and the president of the board shall forthwith
2 certify said names

3 Section 10 The council shall fill the office or position
4 in question by appointing one of the three persons whose
5 names were submitted by the president of the board In
6 making appointments to the position of police officer in
7 any borough the council shall first consider the name of
8 any person employed in the police department whose name
9 may be upon such eligible list and thereafter from among
10 those persons possessing the necessary qualifications and
11 eligibility preference shall be given to honorably discharged
12 soldiers sailors and marines who served in the military
13 or naval forces of the United States in times of war
14 All appointments made by the council under the provi-
15 sions of this act shall be for and during good behavior

16 Section 11 The name of any person appointed by
17 council shall be from time to time stricken from the
18 eligible list by the board and the two remaining names
19 shall remain thereon and be arranged forthwith according
20 to their percentage The name of any applicant who shall
21 have been rejected three times shall be stricken from
22 the list by the board

23 Section 12 Persons holding appointments as police of-
24 ficers at the date of the passage of this act shall re-
25 main in office without being required to pass an ex-
26 amination and shall be removed only in accordance with
27 the provisions of this act

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1 Section 13 No police officer shall be dismissed without
2 his written consent except by the decision of a court
3 either of trial or inquiry duly determined and certified
4 in writing to the burgess of said borough which court
5 shall be composed of the council of said borough of
6 which the president of said council shall be the presid-
7 ing officer thereof

8 Section 14 No police officer shall be tried unless
9 charges with plain specifications thereof in writing are
10 lodged with the president of council of said borough who
11 shall give written notice of said specifications to the ac-
12 cused within three days after receiving the same with
13 notice of the time and place of trial and the trial
14 shall be held not less than three days from the time
15 of the service of notice of such charges or specifications
16 upon the accused and within the next five days follow-
17 ing the time of said service of notice upon the accused
18 The accused shall have the right to be present at such
19 trial with his witnesses and if he so desires may be
20 represented by counsel The accused shall have the right
21 to demand either a public or private hearing upon said
22 charges

23 Section 15 The persons comprising said court shall be
24 sworn by the presiding officer thereof to perform their
25 duties impartially and without fear or favor the presiding
26 officer of said court shall have the authority to admin-
27 ister oaths to witnesses the same as is possessed by any
28 justice of the peace of this Commonwealth

1 Section 16 The charges which may be brought against
2 the accused may be either disability for service in which
3 case the court shall be one of inquiry whose decision
4 may be for the honorable discharge of the person ac-
5 cused or they may be brought for neglect or violation
6 of law or duty inefficiency intemperance disobedience of
7 orders or unbecoming official or personal conduct in which
8 cases the court shall be one of trial

9 Section 17 It shall be lawful for the burgess of
10 said borough at his discretion to direct the chief of
11 police of said borough to suspend with or without pay
12 from duty before trial any person charged as aforesaid
13 until such trial can be had when said court shall de-
14 termine whether or not the accused shall be entitled to
15 pay for the period of such suspension If said court of
16 trial or inquiry shall exonerate the accused he shall be
17 entitled to full compensation for the time for which he
18 was suspended

19 Section 18 The finding of the majority of said court
20 of trial or inquiry if the accused be convicted shall be
21 certified by the presiding officer of said court to the
22 burgess of said borough with recommendations that the
23 accused be officially reprimanded or suspended without pay
24 for a period of not more than sixty days or that the
25 accused be dismissed from the service who shall within
26 ten days after receiving said certificate either approve or
27 disapprove said finding If the burgess approves such
28 recommendations of the court of trial or inquiry the
29 council shall enforce the same If the burgess does not

1 approve such recommendations he shall return the same to
2 the court with his objections thereto and the court shall
3 reconsider the same. If after such reconsideration the
4 court shall readopt such recommendations by a two-thirds
5 vote of the entire number of members then the recom-
6 mendations shall be immediately enforced by the council

7 Section 19 It shall be unlawful for any borough of
8 this Commonwealth to change the designated names of the
9 police officers mentioned or referred to in section one of
10 this act for the purpose of evading the provisions there-
11 of

12 Section 20 It shall be unlawful for any official or
13 court of trial or inquiry of any borough to discharge
14 dismiss or suspend from the service any police officer or
15 cause to be discharged dismissed or suspended from the
16 service any police officer for or on account of any
17 political act in favor of or against any party or candi-
18 date for any public office

19 Section 21 Any person who violates any of the pro-
20 visions of the foregoing act shall be guilty of a mis-
21 demeanor and upon conviction thereof shall be sentenced
22 by the court to pay a fine not exceeding five hundred
23 dollars (\$500) and to undergo a term of imprisonment
24 in the workhouse or jail of said county for not more
25 than one year either or both at the discretion of the
26 court

27 Section 22 All act of Assembly of this Commonwealth
28 or parts of acts thereof inconsistent herewith be and the
29 same are hereby repealed