
LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. 743 **Session of**
1919.

INTRODUCED BY MR. SCOTT, MARCH 4, 1919.

REFERRED TO COMMITTEE ON MUNICIPAL CORPORATIONS,
MARCH 4, 1919.

AN ACT

Creating a Board of Police and Fire Commissioners in cities of the first class and prescribing the powers and duties of such Boards conforming upon such Board exclusive powers to prescribe and conduct examinations of candidate for appointment to office and employment in the Bureau of Police and Fire in such cities and to certify eligibles therefrom constituting such Commissioners a Board of Inquiry and Trial for such police and fire bureaus with power to fix the punishment of persons convicted of charges requiring the Director of the Department of Public Safety to impose such punishment requiring such Boards to enforce the laws of the Commonwealth prohibiting and restraining political activity upon the part of officers and employees of such Bureaus and other laws providing the method of payment of the salaries of the Commissioners and the employees of the Board and the expense of maintenance

ARTICLE I

Constitution and General Powers of Board

Section 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That there is hereby created in and for every city of the first class of this Commonwealth a Board of Police and Fire Commissioners to consist of three members who shall be citizens of the United States and residents during their term of office within such city One of said commissioners who shall be the president of the board shall be appointed by the Governor of the Commonwealth one who shall be the secretary of the board shall be elected by the city councils of such city by a majority vote of all the members elected to the said city councils and the third shall be chosen by the Judges of the Courts of Common Pleas of the County in which such city is located The commissioners shall take office the first Monday of July one thousand nine hundred and nineteen and shall serve for a term of four years or until their successors are chosen and qualify unless removed by the same authority which made the appointment or election for some good and sufficient cause Each commissioner shall receive a salary of five thousand dollars per annum to be paid out of the treasury of the city in the same manner as other salaries are now paid

Section 2 The powers and duties of the said Board of Police and Fire Commissioners shall be

One To have exclusive control and direction of the

1 examination of all candidates for appointment to positions
2 in the Bureaus of Police and Fire and of the certifica-
3 tion of eligibles therefrom

4 Two To serve as a Board of Inquiry and Trial and
5 as such to have the power to hear and determine com-
6 plaints against all officers and employees of whatever
7 character in the Bureaus of Police and Fire of such
8 city and to fix the punishment including dismissal of all
9 persons found guilty of such charges

10 Three To enforce all laws of the Commonwealth pro-
11 hibiting or restraining participation in political activities by
12 policemen firemen and other officers or employees of the
13 Bureaus of Police and Fire including the power and duty
14 to originate complaints against or prosecutions of any such
15 officials or employees of such bureaus or other persons
16 who shall violate such laws or conspire or attempt so
17 to do

18 Section 3 Each commissioner before entering upon the
19 duties of his office shall take and subscribe the oath
20 of office prescribed by the Constitution of the State and
21 in addition thereto shall take and subscribe the following
22 oath or affirmation

23 "I do solemnly swear (or affirm) that I will per-
24 form the duties of commissioner of police and fire for
25 the city of with strictest fidelity to
26 the safety and well being of the inhabitants of said
27 city that I will under no pretext permit any partisan
28 motive or opinion to influence any of my acts as such
29 commissioner that I will not confer or permit to be

1 conferred by any subordinate of the said board any ad-
2 vantage or preference upon any person or persons because
3 of the political opinion or affiliation of such person nor
4 will I discriminate against or permit any subordinate of
5 the commission to discriminate against any person because
6 of any political opinion or affiliation of such person"

7 Section 4 The said Board of Police and Fire Com-
8 missioners shall be provided with suitable offices office equip-
9 ment and supplies by such city The Board shall appoint
10 a solicitor to serve during the pleasure of the board
11 who shall be a member of the bar in good standing
12 in the city of his appointment and shall receive a salary
13 of not to exceed \$5,000.00 per annum which salary shall
14 be paid out of the treasury of the city in the same
15 manner as the salaries of the commissioners It shall be
16 the duty of such solicitor to advise the board upon all
17 legal questions and to appear for the board in any pro-
18 ceeding instituted by or against them or in their behalf
19 in the performance of the duties imposed by this act
20 The board shall have the power to appoint such assist-
21 ants clerks stenographers and other employees as may be
22 necessary for the proper administration of this law the
23 compensation of such subordinates to be fixed by the
24 councils of such city

25 Section 5 The board shall have the authority to adopt
26 and use a common seal

27 Section 6 The board shall organize at twelve o'clock
28 noon on the said first Monday July one thousand nine

1 hundred and nineteen and shall immediately enter upon
2 performance of their duties

3 ARTICLE II

4 Examination and Certification of Applicants for Appointment
5 Promotion Et Cetera

6 Section 1 On and after the said first Monday of
7 July one thousand nine hundred and nineteen appointments
8 to and promotions in the civil service of the Bureaus of
9 Police and Fire of cities of the first class shall be
10 made only according to qualifications and fitness to be
11 ascertained by examinations prepared and conducted by the
12 board hereby created Such examinations so far as practic-
13 able shall be competitive as hereinafter provided On and
14 after said date no person shall be appointed transferred
15 reinstated or promoted as as officer clerk employee or
16 laborer in the said Bureau of Police and Fire under
17 the government of any city of the first class in any
18 manner or by any means other than those prescribed in
19 this act

20 Section 2 The board in each city shall have the
21 authority to employ a chief examiner medical examiners and
22 such other examiners clerks or employees as it shall deem
23 necessary or proper to carry out the purposes of this
24 act the salaries of all such employees shall be fixed by
25 the board The city councils in each city shall annually
26 appropriate to the board the moneys necessary for the
27 conduct of its work and the board shall not expend or
28 authorize the expenditure of moneys for any purpose in

1 excess of the sums appropriated therefor by law.

2 Section 3 No director or assistant director of the de-
3 partment to or employment in the Bureaus of Police and
4 Fire of any city of the first class shall after the first
5 Monday of July one thousand nine hundred and nineteen
6 select or appoint any person for promotion appointment em-
7 ployment or reinstatement in either of said bureaus except
8 in accordance with the provisions of this act and rules
9 and regulations prescribed by the Board of Police and
10 Fire Commissioners thereunder provided that the power of
11 the mayor to appoint special policemen in time of emer-
12 gency or riot as provided in article three section one of
13 the act of June fifteenth one thousand eight hundred and
14 eighty-five entitled "An act to provide for the better
15 government of cities of the first class in this Common-
16 wealth shall remain as heretofore

17 Section 4 The Board of Police and Fire Commissioners
18 in each city of the first class shall

19 First Prescribe amend and enforce rules and regulations
20 for carrying into effect the provisions of Article two of
21 this act All rules so prepared may from time to time
22 be added to amended or rescinded

23 Second Keep minutes of its own proceedings and
24 records of its examinations and other official action All
25 recommendations of applicants for office received by the
26 said board or by any officer having authority to make
27 appointments to office shall be kept and preserved and all
28 such records recommendations of former employers excepted
29 and all written causes of removal filed with it shall

1 subject to reasonable regulation be open to public inspec-
2 tion

3 Third Make investigations either sitting as a body or
4 through a single commissioner concerning all matters touch-
5 ing the enforcement and effect of the provisions of Ar-
6 ticle two of this act and the rules and regulations pre-
7 scribed thereunder concerning the actions of any examiner
8 or subordinate of the board and any person in the pub-
9 lic service in respect to the execution of Article two of
10 this act and in the course of such investigations each
11 commissioner shall have power to administer oaths and af-
12 firmations and to take testimony

13 Fourth Have power to subpoena and require the at-
14 tendance in this state of witnesses and the production
15 thereby of books and papers pertinent to the investigations
16 and inquiries hereby authorized and to examine them and
17 such public records as it shall require in relation to any
18 matter which it has the authority to investigate The fees
19 of such witnesses for attendance and travel shall be the
20 same as for witnesses before the courts of common pleas
21 and shall be paid from the appropriation for the incidental
22 expenses of the board All officers in the public service
23 and their deputies clerks subordinates and employes shall
24 attend and testify when required to do so by said board
25 Any disobedience to or neglect of any subpoena issued by
26 the said commissioners or any one of them to any per-
27 son shall be held a contempt of court and shall be
28 punished by any court of common pleas of the Common-
29 wealth as if such subpoena had been issued therefrom

1 Any judge of any of said courts shall upon the appli-
2 cation of any one of said commissioners in such cases
3 cause the process of said court to issue to compel such
4 person or persons disobeying or neglecting any such sub-
5 poena to appear and to give testimony before the said
6 commissioners or any one of them and shall have power
7 to punish any such contempt

8 Fifth Make an annual report to the Governor and to
9 the mayor showing its own actions the rules and regula-
10 tions and all the exceptions thereto in force and the
11 practical effects thereof and any suggestions it may ap-
12 prove for the more effectual accomplishment of the pur-
13 poses of this act

14 Section 5 The civil service of the Bureaus of Police
15 and Fire of cities of the first class shall be divided
16 into the unclassified service and the classified service The
17 unclassified service shall comprise

18 All officers elected by the people

19 All heads of department whose appointment is subject
20 to confirmations by the Select Council thereof

21 The classified service shall comprise all persons not
22 included in the unclassified service

23 Section 6 The Board in each City shall make rules
24 and regulations providing for examinations for positions in
25 the classified service of the Bureaus of Police and Fire
26 of each city and for appointments to and promotions
27 therein and for such other matters as are necessary to
28 carry out the purposes of this act Due notice of the
29 contents of such rules and regulations and of any mod-

1 ification thereof shall be given by mail in due season
2 to appointing officers and heads of departments affected
3 thereby and said rules and regulations and modifications
4 thereof shall also be printed for public distribution All
5 original appointments to the competitive and non-competitive
6 classes of the classified service shall be for a probation-
7 ary period of three months Provided however That at
8 any time during the probationary period the appointee
9 may be dismissed for just cause in the manner provided
10 in section twenty If at the close of this probationary
11 term the conduct or capacity of the probationary has
12 not been satisfactory to the appointing officer the proba-
13 tioner shall be notified in writing that he will not
14 receive absolute appointment whereupon his employment shall
15 cease otherwise his retention in the service shall be
16 equivalent to his final appointment

17 Section 7 All examinations for positions in the classi-
18 fied service in the said Bureaus of Police and Fire
19 shall be practical in their character and shall relate
20 to those matter which will fairly test the qualifications
21 and fitness of the persons examined to discharge the
22 duties of the office or employment sought by them All
23 examinations shall be free and open to all applicants
24 who have fulfilled the preliminary requirements stated in
25 section eight of this act The examinations of applicants
26 for employment as laborers shall relate to their capacity
27 for labor their habits as to sobriety and industry and
28 their experiences in the kind of work for which they

1 apply All applicants for any position in the classified
2 service may subject to the regulations adopted by the
3 board be required to submit to a physical examination
4 before being admitted to the regular examinations held
5 by the Board Adequate public notice of the time and
6 place of every examination held under the provisions of
7 this act together with information as to the kind of
8 positions or place to be filed shall be given at least
9 two weeks prior to such examinations The Board shall
10 adopt reasonable regulations for permitting the presence of
11 representatives of the press at the examinations The names
12 of the candidates passing any examination and the order
13 of their standing on any eligible list shall be made
14 part of the public records of the Board

15 Section 8 The Board in each city shall require per-
16 sons applying for admission to any examination provided
17 for under this act or under the rules and regulations
18 of the said Board to file its office as reasonable time
19 prior to the proposed examination a formal application
20 in which the applicant shall state under oath or affirma-
21 tion

22 One His full name residence and postoffice address

23 Two His citizenship age and the place and date of
24 his birth

25 Three His health and his physical capacity for pub-
26 lic service

27 Four His business and employments and residences for
28 at least the three previous years

29 Five Such other information as may reasonably be re-

1 quired touch the applicant's qualifications and fitness for
2 the public service

3 Blank forms for such applications shall be furnished
4 by the said Board without charge to all persons request-
5 ing the same The said Board may require in connection
6 with such applications such certificates of citizens physicians
7 or others having knowledge of the applicant as the good
8 of the service may require The said Board shall refuse
9 to examine an applicant or after examination to certify
10 an eligible who is found to lack any of the established
11 preliminary requirements for the examination or position or
12 employment for which he applies or who is physically so
13 disabled as to be rendered unfit for the performance of
14 the duties of the position to which he seeks appoint-
15 ment or who is addicted to the habitual use of intoxi-
16 cating liquors or drugs or who has been guilty of any
17 crime or of infamous or notoriously disgraceful conduct
18 or who has been dismissed from the public service for
19 delinquency or misconduct or who has made a false state-
20 ment of any material fact or practiced or attempted to
21 practice any deception or fraud in his application in his
22 examination or in securing his eligibility If any applicant
23 feels himself aggrieved by the action of the Board in
24 so refusing to examine him or after an examination to
25 certify him as an eligible as provided in this section
26 the Board shall at the request of such applicant appoint
27 a time and place for a public hearing at which time
28 such applicant may appear by himself or counsel or both
29 and the Board shall then review its refusal to make such

1 examination or certifications and testimony shall be taken
2 The Board shall subpoena any competent witnesses requested
3 by the applicant After such review the Board shall file
4 the testimony taken in its records and shall again make
5 a decision which shall be final When any position to be
6 filled involves fiduciary responsibility the appointing officer
7 may require the appointee to furnish a bond or other
8 security and shall notify the Board of the amount and
9 other details thereof Provided however That any surety
10 company the bonds of which are accepted by a judge of
11 any court of record of the county wherein the city is
12 located shall be a sufficient surety on any such bond

13 Section 9 The offices positions and employments in the
14 classified service of the Bureaus of Police and Fire of
15 every city of the first class shall be arranged by the
16 Board in four classes to be designated as the exempt
17 class the competitive class the non-competitive class and
18 the labor class

19 Section 10 The following position shall be included in the
20 exempt class

21 One secretary and one confidential clerk to the direc-
22 tor of the department of public safety

23 Two In addition to the above there may be in-
24 cluded in the exempt class all other officers or positions
25 except laborers for the filling of which competitive or
26 non-competitive examinations shall be found by the Board
27 to be impracticable But no office or position shall be
28 deemed to be in the exempt class unless it is specifically named
29 in such class in the rules and the reasons for each

1 such exemption shall be stated separately in the annual
2 reports of the said Board Not more than one appoint-
3 ment shall be made to under the title of any such of-
4 fice or position unless a different number is specifically
5 mentioned in the rules No office or position shall be
6 classified by the Board or any member thereof Suitable
7 public notice of such hearings shall be given by the
8 said Board At any such hearing any taxpayer of any
9 city of the first class shall have the right to be heard
10 either in person or by counsel either in opposition to or
11 in favor of the proposed exemption Appointments in the
12 exempt class may be made without examination

13 Section 11 The competitive class shall include all posi-
14 tions and employments now existing or hereafter created
15 of whatever functions designations or compensation in each
16 and every branch of the classified service of said Bureau
17 of Police and Fire except such positions as are in the
18 exempt class the non-competitive class or the labor class
19 Appointments shall be made to or employment shall be
20 given in all positions in the competitive class that are
21 not filled by promotion reinstatement transfer or reduction
22 under the provisions of this act and the rules made in
23 pursuance thereof by appointment from among those certi-
24 fied to the appointing officer in accordance with the pro-
25 visions of Section twelve of this act The term of eligi-
26 bility of an applicant shall be fixed for each list by
27 the Board at not less than one nor more than three
28 years Appointments shall be made from the eligible list

1 most nearly appropriate and a new and separate list shall
2 be created for a stated position only when there is no
3 appropriate list existing from which appointment may be
4 made No person shall be appointed or employed under
5 any title not appropriate to the duties to be performed
6 and no person shall be transferred to any position sub-
7 ject to a competitive examination unless he shall have previously
8 passed an open competitive examination equivalent to that re-
9 quired for such position No applicant shall be placed on
10 any eligible list other than that for which he has made
11 application and been examined Only one eligible list shall
12 be made for each office or class of employment in the
13 Bureaus of Police and Fire Copies containing names of all
14 eligibles and the grade obtained by each in the examin-
15 ation shall immediately upon the making of same be
16 posted in one or more conspicuous places in the offices
17 of the Board and of the Department of Public Safety
18 and shall remain so posted until exhausted or cancelled

19 Section 12 Every position or employment in the com-
20 petitive class unless filled by promotion transfer reinstatement
21 or reduction shall be filled only in the following
22 manner The appointing officer shall request the certification
23 of eligibles The Board shall thereupon certify from the
24 eligible register most nearly appropriate to the position to
25 be filled the names of the four persons thereon who re-
26 ceived the highest averages at examinations held under the
27 provisions of this act Provided however That no such
28 name shall be certified more than four times to the same
29 appointing officer for the same or a similar position The

1 appointing officer shall with sole reference to the relative
2 qualifications and fitness of the candidates make a selec-
3 tion from the four names certified unless objection shall
4 be made by him and sustained by the Board to one
5 or more of the persons certified for any of the reasons
6 stated in section eight It shall be the duty of the ap-
7 pointing officer to appoint the person so selected for a
8 probationary period as provided in section six The provi-
9 sions of this section twelve shall not apply to positions
10 which are especially excepted by the Board from competi-
11 tive examinations as provided in section thirteen

12 Section 13 Positions in the competitive class may be
13 filled without competition only as follows

14 One Whenever there are urgent reasons for filling a
15 vacancy in any position in the competitive class and there
16 is no list of persons eligible for appointment after a
17 competitive examination the appointing officer may nominate a per-
18 son to the Board for non-competitive examination and if such
19 nominee shall be certified by the said Board as qualified
20 after such non-competitive examination he may be appointed
21 provisionally to fill such vacancy until a selection and
22 appointment can be made after competitive examination but
23 such provision appointment shall not continue for a longer
24 period than three months nor shall successive temporary
25 appointments be made to the same position under this provision

26 Two In case of vacancy in a position in the com-
27 petitive class where peculiar and exceptional qualifications
28 of a scientific professional or educational character are re-
29 quired and upon satisfactory evidence that for specified

1 reasons competition in such special case is impracticable
2 and that the position can be best filled by the selection
3 of some designated person of high and recognized attain-
4 ments in such qualities the said Board may suspend the
5 provisions of the statute requiring competition in such case
6 but no such suspension shall be general in its applica-
7 tion to such place and all such cases of suspension
8 shall be reported in the annual report of the Board
9 with the reasons for the same

10 Three Where the services to be rendered by an ap-
11 pointee in the service of any city of the first class
12 are for a temporary period not to exceed one month
13 and the need of such service is important and urgent
14 the appointing officer may select for such temporary ser-
15 vice any person on the proper list of those eligible for
16 permanent appointment without regard to his standing on
17 such list Successive temporary appointments to the same
18 position shall not be made under this provision The ac-
19 ceptance or refusal by an eligible of a temporary ap-
20 pointment shall not affect his standing on the register
21 for permanent employment nor shall the period of tem-
22 porary service be counted as a part of the probationary
23 service in case of subsequent appointment to a permanent
24 position

25 Section 14 Promotions shall be based upon merit and
26 fitness to be ascertained according to the rules and regu-
27 lations to be promulgated by the Board in each city as
28 hereinbefore provided

29 Section 15 The Board in each city shall promulgate

1 rules and regulations relating to transfers and reinstatement-
2 ments in the services

3 Section 16 The non-competitive class shall include only
4 such positions as are not in the exempt class or the
5 labor class and which it is impracticable in the judgment
6 of the Board to include in the competitive class Appoint-
7 ments to positions in the non-competitive class shall be
8 made after such non-competitive examination as is prescribed
9 by the rules of the Board

10 Section 17 The labor class shall include ordinary un-
11 skilled laborers Vacancies in the labor class shall be filled
12 by appointment from lists of applicants registered by the
13 Board Preference in employment from such lists shall be
14 according to rules and regulations to be promulgated by
15 the Board in each city

16 Section 18 No officer clerk or employee in the com-
17 petitive class or in the non-competitive class of the
18 classified civil service of the Bureaus of Police and Fire
19 of any city of the first class who shall have been ap-
20 pointed under the provisions of this act or of the rules
21 made pursuant thereto shall be removed discharged or re-
22 duced in pay or position except for just cause which
23 shall not be religious or political Nothing in this act
24 shall limit the power of any officer to suspend a sub-
25 ordinate for a reasonable period not exceeding thirty days
26 Provided however That successive suspensions are not to
27 be allowed

28 Section 19 No person shall be appointed to or em-

1 ployed in any position in the classified service for which
2 rules shall have been prescribed pursuant to the provisions
3 of this act until he has passed an examination or is
4 shown to be specially exempted from such examination in
5 conformity with the provisions of this act and of such
6 rules made pursuant thereto It shall be the duty of the
7 Director of the Department of Public Safety of every city
8 of the first class to report to the Board forthwith upon
9 such appointment or employment the name of such ap-
10 pointee or employee the title of his office or employment
11 the date of commencement of service by virtue thereof
12 and the salary or compensation thereof and any separation
13 or a person from the service or other change therein
14 and such other information as the Board may require
15 in order to keep the roster required hereinafter The Board
16 shall keep in its office official rosters of the classified
17 civil service of the Bureaus of Police and Fire laborers
18 excepted and shall enter thereon the name of each and
19 every person who has been appointed to employed reduced
20 or reinstated in any position in such service upon such
21 evidence as it may require or deem satisfactory that such
22 person was appointed to employed promoted reduced or
23 reinstated in the service in conformity with the provisions
24 of this act and the rules adopted pursuant thereto These
25 rosters shall be open to public inspection at all reason-
26 able hours The rosters shall show in connection with each
27 name the date of appointment employment promotion re-
28 duction or reinstatement the compensation of the position the

1 title of the position and the date and cause of any
2 termination of such office or employment

3 Section 20 It shall be unlawful for the controller of
4 any city of the first class to audit and approve the
5 warrants for the salary of any person in the classified
6 service of the Bureaus of Police and Fire unless the
7 controller shall have previously received notice from the
8 Board that the persons named thereon have been legally
9 appointed

10 Section 21 No question in any form of application or
11 in any examination shall be so framed as to elicit in-
12 formation concerning the political or religious opinions or
13 affiliations of any applicant nor shall any inquiry be made
14 concerning such opinions or affiliations and any disclosures
15 thereof by an applicant shall render him ineligible No
16 discrimination shall be exercised threatened or promised by
17 any person in the Board of Police and Fire Commis-
18 sioners against or in favor of an applicant eligible or
19 employe in the classified service because of his political
20 or religious opinions or affiliations

21 Section 22 Whoever after a rule has been duly es-
22 tablished and published according to the provisions of this
23 act makes an appointment to office or selects a person
24 for employment contrary to the provisions of such rule
25 or wilfully refuses or neglects otherwise to comply with
26 or to conform to the provisions of this act or violates
27 any of such provisions shall be deemed guilty of a mis-
28 demeanor

29 Section 23 Any commissioner or examiner or any other

1 person who shall wilfully by himself or in cooperation
2 with one or more persons defeat deceive or obstruct any
3 person in respect of his or her right of examination
4 or registration according to this act or to any rules
5 or regulations prescribed pursuant thereto or who shall
6 wilfully or corruptly falsely mark grade estimate or re-
7 port upon the examination or proper standing of any
8 person examined registered or certified pursuant to the
9 provisions of this act or aid in so doing or who shall
10 wilfully or corruptly make any false representations con-
11 cerning the same or concerning the person examined or
12 who shall wilfully or corruptly furnish to any person
13 any special or secret information for the purpose of
14 either improving or injuring the prospects or chances of
15 any person so examined registered or certified or who
16 shall personate any other person or permit or aid in
17 any manner any other person to personate him or her
18 in connection with any examination or registration or ap-
19 plication or request to be examined or registered shall
20 for each offence be deemed guilty of a misdemeanor

21 Section 24 Misdemeanor under the provisions of this
22 act shall be punishable by a fine of not more than
23 one thousand dollars or by imprisonment for not exceed-
24 ing two years in the discretion of the court

25 Section 25 All officers clerks and employees in the
26 Bureaus of Police and Fire in cities of the first class
27 holding office on the first Monday of July one thou-
28 sand nine hundred and nineteen shall be construed to
29 have been appointed under the provisions of this act

1 and shall hold their offices in accordance therewith

2 Section 27 All acts and parts of acts of Assembly
3 of this Commonwealth general special or local in relation
4 to the civil service of cities of the first class incon-
5 sistent with this act be and the same are hereby re-
6 pealed It is intended by this act to furnish a com-
7 plete and exclusive system for the appointment promotion
8 reductions transfer removal or reinstatement of all officers
9 clerks laborers and other employes in the Bureaus of
10 Police and Fire of the cities of the first class in this
11 Commonwealth

12 ARTICLE III

13 POWERS AND DUTIES OF COMMISSIONERS AS A
14 BOARD OF INQUIRY AND TRIAL

15 Section 1 From and after the first Monday of July
16 one thousand nine hundred and nineteen the Board of
17 Police and Fire Commissioners in cities of the first class
18 shall serve as a Board of Inquiry and Trial to hear
19 and determine complaints against all officers (excepting
20 the Director and Assistant Director of the Department of
21 Public Safety) policemen firemen and other employes of
22 the bureaus of police and fire of such cities All such
23 officers policemen firemen and other employes of such bu-
24 reaus of police and fire serving at the time when this
25 act takes effect and all officers policemen firemen and
26 other employes of such bureaus who may be subsequently
27 appointed shall hold their respective offices positions and
28 employments during good behavior unless disqualified for

1 service by reason of disability No officer policeman fire-
2 man or other employe of such bureaus of police and
3 fire shall be suspended for a period exceeding thirty days
4 reduced in rank dismissed discharged or removed except
5 upon the order and judgment of the Board of Inquiry
6 and trial hereby created or upon a judgment or decree
7 of a court of competent jurisdiction of this Common-
8 wealth

9 Section 2 All complaints against officers policemen fire-
10 men or other employes of such bureaus of police and
11 fire in such cities shall plainly specify the charges pre-
12 ferred and shall be lodged in writing with such Board
13 of Inquiry and Trial Complaints may be thus made by
14 or through the Director or Assistant Director of the
15 Department of Public Safety of such city or by any
16 citizen or person having information of the grounds of
17 complaint If the complaint be a charge of disability
18 the Commissioners shall sit as a Board of Inquiry and
19 if the complaint be sustained the Board shall order the
20 honorable discharge from service of the person concerned
21 In acting upon all other complaints the Commissioners
22 shall sit as a Board of Trial and shall be empowered
23 to fix the punishment of any person convicted of such
24 charges Such punishment may be suspension from office or
25 employment reduction in rank dismissal discharge or re-
26 moval from the service or the imposition of fines to
27 be withheld from the salary or pay of the person con-
28 victed The punishment fixed by the Board of Inquiry
29 and Trial shall be forthwith certified to the Director of

1 the Department of Public Safety and shall be by him
2 enforced without delay Nothing herein contained however
3 shall prevent the suspension by the Director of the De-
4 partment of Public Safety of any officer policeman fire-
5 man or other employe pending the hearing and determina-
6 tion of charges made against him or her nor shall any-
7 thing herein contained prevent the suspension by the said
8 Director of any such officer policeman fireman or employe
9 without trial for a period of less than thirty days for
10 the enforcement of discipline

11 Section 3 Whenever any complaint is made to the
12 Director of the Department of Public Safety or whenever
13 such Director shall desire to himself make a complaint
14 against any officer policeman fireman or employe of the
15 bureaus of police or fire charging such person with neg-
16 lect or violation of any law or duty inefficiency intem-
17 perance disobedience of rules or orders or unbecoming
18 official or personal conduct or disability for service the
19 said Director shall immediately file such complaint with
20 the Board of Inquiry and Trial and thereupon an in-
21 quiry or trial shall be ordered by the Board The Di-
22 rector of the Department of Public Safety shall be the
23 prosecutor of any complaints so made

24 Section 4 Whenever any citizen or other person hav-
25 ing information thereof desires to make a complaint
26 against any officer policeman fireman or other employe
27 of such bureaus of police or fire such complaint shall
28 be filed with the Board of Inquiry and Trial or with
29 the Director of the Department of Public Safety for

1 transmission to such Board of Inquiry and Trial and
2 said Board shall thereupon order an inquiry or trial
3 upon such complaint. Such citizen or other person may
4 prosecute his or her complaint with or without private
5 counsel and the Director of the Department of Public
6 Safety may in his discretion assist in the prosecution
7 of such complaint. If the citizen or other person com-
8 plainant be not represented by private counsel the Board
9 of Inquiry and Trial shall cause the official attorney of
10 the Board to diligently inquire into the causes of the
11 complaints and to report the result of his investigation
12 to the Board.

13 Section 5 The Board of Inquiry and Trial after re-
14 ceiving any such complaint shall cause a copy thereof
15 to be served upon the person complained of within five
16 days at the same time causing to be served notice of
17 the time and place of the inquiry or trial which time
18 shall be not less than five days after service of the
19 copy of complaint and notice. The person complained of
20 shall within such period of five days after service make
21 answer under oath and in default of such answer the
22 Board may proceed as if the Charges were admitted.

23 Section 6 In the course of any inquiry or trial the
24 Commissioners shall be severally empowered to administer
25 oaths. The Board shall have full power to issue sub-
26 poenas under its seal for the attendance of witnesses
27 and for the production of books and papers relevant to
28 any inquiry or trial. If any witness shall refuse to tes-
29 tify before the Board to any fact within his knowledge

1 or shall refuse or fail to produce any books or papers
2 in his possession or control that may be required as
3 evidence in any inquiry or trial pending before the
4 Board the Board shall report the facts relating to such
5 refusal to the Court of Quarter Sessions of the proper
6 county If such Court of Quarter Sessions shall determine
7 the evidence required of such witness to be legal and
8 competent it shall order such witness to testify or to
9 produce the evidence so required

10 Section 7 All inquiries and trials by the Board shall
11 be public and all witnesses shall testify under oath
12 Persons complained of shall have full opportunity to be
13 heard in their own defence and to be represented by
14 counsel They shall also be entitled to reasonable oppor-
15 tunity to secure the attendance of necessary witnesses The
16 Director of the Department of Public Safety may be
17 represented at any inquiry or trial by the City Solicitor
18 All evidence shall be taken stenographically by an official
19 reporter employed by the Board which reporter shall take
20 such oath of fidelity as may be prescribed by the Board

21 Section 8 The decision of the Board of Inquiry and
22 Trial shall be by majority vote of the Commissioners
23 comprising the Board If the Board shall determine that
24 the charges are sustained it shall forthwith decree the
25 honorable discharge of any person found disabled by the
26 punishment to be imposed in other cases Such discharge
27 or punishment shall be enforced by the Director of Pub-
28 lic Safety as hereinbefore provided If the charges be

1 not sustained the person complained of shall be forth-
2 with re-instated to his or her former office or position
3 with pay for the period of suspension. All decisions of
4 the Board of Inquiry and Trial shall be in writing and
5 shall be filed among the records of the Board available
6 to the public

7 ARTICLE IV

8 ENFORCEMENT OF LAWS RESTRAINING POLITICAL

9 ACTIVITY AND ASSESSMENTS FOR POLITICAL

10 PURPOSES

11 Section 1 The Board of police and Fire Commissioners
12 for cities of the first class hereby created shall be
13 charged with the duty of vigilantly enforcing the laws
14 of this Commonwealth prohibiting or restraining political
15 activity on the part of officers policemen firemen or
16 other employes of the bureaus of police and fire in
17 such cities The Board shall receive complaints from any
18 source whatever as to the alleged violations of such laws
19 by any officer policeman fireman or other employe of
20 such bureaus or by other persons and shall cause all
21 such complaints to be investigated by its counsel or
22 other employe of the Board. Wherever the result of such
23 investigation discloses a violation of said laws it shall
24 be the duty of the Board to bring to trial before the
25 Board and in the future cases to instigate prosecutions
26 in the proper courts against all persons concerned in
27 such violation.

28 Section 2 The Board shall investigate all complaints
29 from any source as to the imposition upon or the at-

1 tempt to impose upon any officer policeman fireman or
2 other employe of the said bureaus of police and fire
3 of any assessment of money or other thing of value
4 for political purposes Whenever such investigation discloses
5 sufficient facts the Board shall cause prosecutions to be
6 instituted against all persons concerned in the violation
7 of the Laws prohibiting such assessments
8 Section 3 All laws and parts of laws inconsistent
9 with any of the provisions of this entire act are
10 hereby repealed insofar as they are so inconsistent