

at large, or of State Senator, or of any municipal office to be filled by a vote of the electors of a senatorial district, by at least two hundred qualified electors.

Nomination
petitions.
Representatives.
Committeemen.
Magistrates in
cities of first
class.
Inspectors.
Other offices.

(d) If for the office of a Member of the State House of Representatives, or for the office of member of the State committee, or an office to be voted for by the electors of the entire county, by at least one hundred qualified electors, except for the office of magistrate in cities of the first class, in which case it must be signed by at least [one] *three* thousand qualified electors.

(e) If for the office of inspector of election, at least five qualified electors.

(f) And for all other offices and all other party offices, by at least ten qualified electors.

APPROVED—The 31st day of May, A. D. 1933.

GIFFORD PINCHOT

No. 272

AN ACT

Providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties.

Cities of second
and third class.

Fire department
employes and
fire alarm
operators and
fire box in-
spectors.

Appointment,
promotion,
discharge, etc.

Powers and
duties of civil
service commis-
sion.

Rules and
regulations.

Approval.

Section 1. Be it enacted, &c., That on and after the first day of July, one thousand nine hundred and thirty-three, appointments to, and promotions in, all paid fire departments or as fire alarm operators and fire box inspectors in the bureaus of electricity of cities of the second and the third class shall be made according to qualifications and fitness, to be ascertained by examinations, which, so far as practicable, shall be competitive, as hereinafter provided. On and after said date, no person shall be reinstated, appointed, promoted, demoted or discharged as a paid member of any fire department (except the chief and deputy chiefs), regardless of rank or position, in any fire department or as a fire alarm operator or fire box inspector in the bureau of electricity, in any city of the second or third class, in any manner or by any means other than those prescribed in this act.

Section 2. The civil service commission in each city within the terms of this act shall—

First. Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this act. All rules so prepared may, from time to time, be added to, amended or rescinded. All rules shall be approved by the mayor and the council before they go into effect, and when so approved shall not be annulled or changed

except by the commission with the approval of the mayor and the council. If the mayor or council takes no action on a rule or amendment submitted to them within a period of twenty days from the date of its submission, then the rule or amendment shall become effective as though approved by the mayor and council.

Second. Keep minutes of its own proceedings, and records of its examinations and other official actions. All recommendations of applicants for employment received by the commission, or by any officer having authority to make appointments, shall be kept and preserved for a period of ten years, and all such records (recommendations of former employes excepted), and all written causes of removal filed with it, shall, subject to reasonable regulation, be open to public inspection.

Third. Make investigations, either as a body or through a single commissioner, concerning all matters touching the enforcement and effect of the provisions of this act, and the rules and regulations prescribed thereunder, concerning the action of any examiner or subordinate of the commission, or of any person in the public service in respect to the execution of this act. In the course of such investigations, each commissioner shall have the power to administer oaths and affirmations and to take testimony.

Fourth. Have power to subpoena and require the attendance of witnesses, and the production of books and papers pertinent to the investigations and inquiries hereby authorized, and to examine them and such public records as it shall require, in relation to any matter which it has the authority to investigate. The fees of such witnesses for attendance and travel shall be the same as for witnesses before the courts of common pleas, and shall be paid from the appropriations for the incidental expenses of the commission. All officers in the public service, and their deputies, clerks, subordinates, and employes, shall attend and testify when required to do so by the commission. Any disobedience to, or neglect of, any subpoena issued by the said commissioners, or any one of them, to any person, shall be held a contempt of court, and shall be punished by the court of common pleas as if such subpoena had been issued therefrom. Any judge of any of said courts shall, upon the application of any one of said commissioners in such cases, cause the process of said court to issue to compel such person or persons, disobeying or neglecting any such subpoena, to appear and to give testimony before the said commissioners, or any one of them, and shall have power to punish any such contempt.

Fifth. Make an annual report to the mayor, showing its own actions and rules and regulations, and all the exceptions thereto in force, and the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this

Minutes and records.

Preservation.

Investigations.

Attendance of witnesses, etc.

Witness fees.

Neglect of subpoena.

Contempt of court.

Process of the court.

Annual report.

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| Public inspection. | act. Such report shall be available for public inspection five days after the same shall have been delivered to the mayor. |
| Rules and regulations as to examinations. | <p>Section 3. The civil service commission in each city shall make rules and regulations providing for examinations for positions in the paid fire department and as fire alarm operators and fire box inspectors in the bureau of electricity in each city, and for appointments to and promotions therein, and for such other matters as are necessary to carry out the purposes of this act. Due notice of the contents of such rules and regulations, and of any modifications thereof, shall be given, by mail, in due season, to appointing officers affected thereby. Such rules and regulations, and modifications thereof, shall also be printed for public distribution. All original appointments to any positions in the fire department and as fire alarm operators and fire box inspectors, within the terms of this act, shall be for a probationary period of three months. At any time during the probationary period, the appointee may be dismissed for just cause, in the manner provided in section ten of this act. If at the close of such probationary term the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified, in writing, that he will not receive permanent appointment, whereupon his employment shall cease; otherwise, his retention in the service shall be equivalent to his permanent appointment.</p> <p>Section 4. All examinations for positions or promotions shall be practical in their character, and shall relate to such matters, and include such inquiries, as will fairly and fully test the comparative merit and fitness of the persons examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have fulfilled the preliminary requirements required by this act. All applicants for any position in the fire department and as fire alarm operators and fire box inspectors in the bureau of electricity shall, subject to regulations adopted by the civil service commission, be required to submit to a physical examination before being admitted to the regular examinations held by the commission. Each applicant shall have been a resident of the city in which he seeks employment for one year next preceding date of his application. Adequate public notice of the time and place of every examination held under the provisions of this act, together with information as to the kind of position or place to be filled, shall be given at least one week prior to such examinations. The commission shall adopt reasonable regulations for permitting the presence of representatives of the press at the examinations. The commission shall post, in a public place at its office, the eligible lists, containing the names and grades of those</p> |
| Notice to officials. | |
| Public distribution. | |
| Probationary appointments. | |
| Dismissal. | |
| Notice to probationer. | |
| Character of examinations. | |
| Physical examination. | |
| Residence. | |
| Public notice. | |
| Publicity. | |

who have passed examinations, and shall indicate thereon such appointments as may be made from said lists.

Standing of eligibles.

Section 5. The civil service commission in each city shall require persons applying for admission to any examination provided for under this act, or under the rules and regulations of the said commission, to file in its office, within a reasonable time prior to the proposed examination, a formal application, in which the applicant shall state under oath or affirmation—

Formal application.

Contents.

First. His full name, residence, and post office address.

Second. His citizenship, age, and the place and date of his birth.

Third. His health, and his physical capacity for public service.

Fourth. His business and employments and residences for at least three years previous.

Fifth. Such other information as may reasonably be required, touching the applicant's qualifications and fitness for the public service.

Blank forms for such applications shall be furnished by the commission, without charge, to all persons requesting the same. The commission may require, in connection with such application, such certificates of citizens, physicians or others, having knowledge of the applicant, as the good of the service may require. The commission may refuse to examine an applicant, or, after examination, to certify as eligible, one who is found to lack any of the established preliminary requirements for the examination or position or employments for which he applies; or who is physically so disabled as to be rendered unfit for the performances of the duties of the position to which he seeks appointment; or who is addicted to the habitual use of intoxicating liquors or drugs; or who has been convicted of any crime, or whose conduct is infamous or notoriously disgraceful; or who has been dismissed from the public service for delinquency or misconduct; or who has made a false statement of any material fact, or practiced or attempted to practice any deception or fraud in his application, in his examination, or in establishing his eligibility; or who refuses to comply with the rules and regulations of the commission.

Blank forms.

Certificates.

Refusal to examine or to certify.

If any applicant feels himself aggrieved by the action of the commission in refusing to examine him, or, after an examination, to certify him as an eligible, as provided in this section, the commission shall, at the request of such applicant, appoint a time and place for a public hearing, at which time such applicant may appear, by himself or counsel, or both, and the commission shall then review its refusal to make such examination or certification, and testimony shall be taken. The commission shall subpoena, at the expense of the applicant, any competent witnesses requested by him. After such review, the commission shall file the testimony taken in its

Public hearing.

Review of refusal.

Witnesses for applicant.

- Decision.** records, and shall again make a decision, which decision shall be final.
- Mode of appointment.** Section 6. Every position or employment, unless filled by promotion, reinstatement, or reduction, shall be filled only in the following manner: The appointing officer shall notify the civil service commission of any vacancy in the service which he desires to fill, and shall request the certification of eligibles. The commission shall forthwith certify, from the appropriate eligible list, the names of the three persons thereon who received the highest averages at the last preceding examination held under the provisions of this act. The appointing officer shall, thereupon, with sole reference to the relative merit and fitness of the candidates, make an appointment from the three names so certified. If the appointing officer makes objection to the commission to one or more of the persons named for any of the reasons stated in section five of this act, and if such objections are sustained by the commission, the commission shall thereupon strike the name of such person from the eligible list, and certify the next highest name for each person so stricken off. If any name shall be three times rejected for the same or another position, such name shall be stricken from the list. When there are a number of positions of the same kind to be filled at the same time, each appointment shall be made separately and in accordance with the foregoing provisions.
- Objection.**
- Removal of name from list.**
- Provisional appointments.** Section 7. Whenever there are urgent reasons for filling a vacancy in any position in the fire department or as fire alarm operators or fire box inspectors in the bureau of electricity, and there is no list of persons eligible for appointment, the appointing officer may nominate a person to the civil service commission for non-competitive examination; and if such nominee shall be certified by the commission as qualified, after such non-competitive examination, he may be appointed provisionally to fill such vacancy until a selection and appointment can be made, after competitive examination, in the manner prescribed by this act. No such provisional appointment shall continue for a longer period than three months, nor shall successive provisional appointments be made to the same position.
- Vacancies.** Section 8. Vacancies in positions in the fire department and as fire alarm operators and fire box inspectors in the bureau of electricity shall be filled, so far as practicable, by promotions from among persons holding positions in the next lower grade in the department.
- Promotions.** Promotions shall be based upon merit, to be ascertained by tests to be provided by the civil service commission, and upon the superior qualifications of the persons promoted, as shown by his previous service and experience: Provided, however, That no person shall be eligible for promotion from the lower grade to the next higher grade until such person shall have completed at least two years service in

the next lower grade in the department. The commission shall have the power to determine in each instance whether an increase in salary constitutes a promotion.

Section 9. All applicants for any position in the fire department and as fire alarm operators and fire box inspectors in the bureau of electricity shall undergo a physical examination, which shall be conducted under the supervision of a commission, composed of doctors of medicine, appointed for that purpose by the mayor. Said commission shall certify that an applicant is free from any bodily or mental defects, deformity or diseases that might incapacitate him from the performance of the duties of the position desired before said applicant shall be permitted to take further examinations. No application will be received if the person applying is less than twenty-one years of age or more than thirty-five years of age at the date of his application: Provided, however, That in event any applicant has formerly served in the fire department or as a fire alarm operator or fire box inspector in the bureau of electricity of the city to which he makes application for a period of more than six months, and no charges of misconduct or other misfeasance were made against such applicant within a period of two years next preceding the date of his application, and is a resident of the city, then such person shall be eligible for reinstatement, in the discretion of the civil service commission, even though such applicant shall be over the age of thirty-five years. Such applicant, providing his former term of service so justifies, may be reappointed to the fire department or as a fire alarm operator or fire box inspector in the bureau of electricity without examination, other than a physical examination. If such person is reinstated, he shall be the lowest in rank in the department next above the probationers of the department.

Section 10. No member of any fire department and no fire alarm operator or fire box inspector in any bureau of electricity, within the terms of this act, shall be removed, discharged, or reduced in rank or pay except for just cause, which shall not be religious or political, nor, in any event, until he shall have been furnished with a written statement of the reasons for such action. In every case of such removal or reduction, a copy of the statement of reasons therefor, and of the written answer thereto, if the person sought to be removed desires to file such written answer, shall be furnished to the civil service commission, and entered upon its records. If the person sought to be removed or reduced shall demand it, the civil service commission shall grant him a public hearing, which hearing shall be held within a period of fifteen days from the filing of the charges in writing and the written answer thereto. At such hearing, the burden shall be upon the removing officer to justify his action. In the event that the civil service commission fails to

Physical examination by medical commission.

Proviso.

Reinstatement.

Rank.

Removal or reduction in rank.

Statement of reasons.

Answer.

Hearing.

- Reinstatement.** sustain the action of the removing officer, the person sought to be removed shall be reinstated with full pay for the entire period during which he may have been prevented from performing his usual employment and no charges shall be recorded against him. A written record of all testimony taken at such hearing shall be kept and preserved by the civil service commission, which record shall be sealed and not be available for public inspection unless an appeal is taken from the action of the commission. In the event that the civil service commission shall sustain the action of the removing officer, the person removed shall have an immediate right of appeal to the court of common pleas. Such appeal shall be taken within ninety days from the entry by the civil service commission of its final order. The court shall proceed to hear the appeal upon the original record taken therein, and no additional proof shall be introduced. Any employe dissatisfied with the decision of the court of common pleas shall have the right of appeal to the Supreme Court. The removing officer and the person sought to be removed shall have the right to employ counsel to represent him before said civil service commission and upon appeal.
- Record.**
- Appeal.**
- Counsel.**
- Reductions for reasons of economy.** Section 11. If for reasons of economy, or other reasons, it shall be deemed necessary by any city to reduce the number of paid members of any fire department, or the number of fire alarm operators or fire box inspectors in the bureau of electricity, then such city shall follow the following procedure:
- Procedure.** First. If there are any paid firemen, fire alarm operators or fire box inspectors eligible for retirement under the terms of any pension fund, then such reduction in numbers shall be made by retirement on pension of all the oldest in age and service.
- Second. If the number of paid firemen, fire alarm operators and fire box inspectors eligible for retirement under the pension fund of said city, if any, is insufficient to effect the reduction in number desired by said city, or if there is no eligible person for retirement, or if no pension fund exists in said city, then the reduction shall be effected by suspending the last man or men, including probationers, that have been appointed. Such removal shall be accomplished by suspending in numerical order, commencing with the last man appointed, all recent appointees until such reduction shall have been accomplished. Whenever such fire department or fire alarm operators or fire box inspectors in the bureau of electricity shall again be increased in numbers to the strength existing prior to such reduction of members, or if any vacancies occur, the employes suspended under the terms of this act shall be reinstated to their former class before any new appointees are appointed.
- Political and religious opinions.** Section 12. No question in any form of application or in any examination shall be so framed as to elicit in-

formation concerning the political or religious opinions or affiliations of any applicant, nor shall inquiry be made concerning such opinions or affiliations, and all disclosures thereof by any applicant shall be discountenanced. No discrimination whatsoever shall be exercised, threatened, or promised by any person in the fire department or in the bureau of electricity against, or in favor of, an applicant, eligible, or employe in such fire department or as fire alarm operator or fire box inspector in the bureau of electricity, under this act, because of his political or religious opinions or affiliations.

Section 13. Any person who makes an appointment to office, or selects a person for employment, contrary to the provisions of this act, or wilfully refuses or neglects otherwise to comply with, or to conform to, any of the provisions of this act, or violate any of such provisions, shall be guilty of a misdemeanor.

Violations by
appointing
official.

Section 14. Any commissioner or examiner, or any other person, who wilfully, by himself or in cooperation with one or more persons, defeats, deceives or obstructs any person in respect to his right of examination or registration under the provisions of this act or under any rules or regulations adopted pursuant thereto; or who, wilfully or corruptly, falsely marks, grades, estimates or reports upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this act, or aids in so doing; or who wilfully or corruptly furnishes to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of appointment of any person so examined, registered or certified, or to be examined, registered or certified; or who impersonates any other person, or permits or aids in any manner any other person to impersonate him, in connection with any examination or registration, or application or request to be examined or registered,—shall, for each offense, be guilty of a misdemeanor.

Violations by
commissioner or
any other person.

Section 15. Any person guilty of a misdemeanor under the provisions of this act shall, upon conviction thereof, be sentenced to pay a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Penalty.

Section 16. All paid firemen, fire alarm operators and fire box inspectors in the bureau of electricity, in the employ of any city upon the effective date of this act, shall continue to hold their positions subject to the provisions of this act.

Incumbents.

Section 17. All acts and parts of acts, general, special or local, inconsistent with this act are hereby repealed. It is the purpose of this act to furnish a complete and exclusive system for the appointment, promotion, reduction, removal and reinstatement of all officers, fire-

Repeal.

Intent of act.

men, or other employes of fire departments, and of all fire alarm operators and fire box inspectors in the bureaux of electricity, in all cities of the second and third class wherein such officers and employes are paid.

APPROVED—The 31st day of May, A. D. 1933.

GIFFORD PINCHOT

No. 273

AN ACT

Declaring it to be a misdemeanor for accountants or auditors to issue, or permit to be issued, false financial statements.

Accountants or auditors.

False financial statements.

Misdemeanor.

Penalty.

When effective.

Section 1. Be it enacted, &c., That any person or persons practicing as accountants, public accountants, auditors, or certified public accountants in this State, who shall wilfully issue, or permit the issuance of, any false statement of the financial transactions, standing, or condition of any corporation, partnership, or individual business undertaking, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not more than two thousand dollars, or imprisoned for a period of not less than ninety days nor more than one year, or subjected to both said fine and imprisonment, in the discretion of the court.

Section 2. This act shall become effective immediately upon its approval by the Governor.

APPROVED—The 31st day of May, A. D. 1933.

GIFFORD PINCHOT

No. 274

AN ACT

For the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing penalties for the violation thereof; and providing for the enforcement thereof.

Ice cream and other similar frozen products.

"Ice cream," defined.

Section 1. Be it enacted, &c., That for the purpose of this act, "ice cream" is defined as any frozen sweetened milk product which is agitated during the process of freezing, and includes every frozen milk product which contains more than five per centum (5%) by weight of total milk solids, or skim milk solids, and which in any