

Ascertainment and payment of damages.

Any damages sustained by reason of taking property in the location, widening or construction of any such bridge, the approaches thereto and connections with State highways, shall be ascertained in accordance with laws applicable to the ascertainment of damages in relocating, widening or constructing State highways and such damages, when ascertained, shall be paid by the Commonwealth or county or counties as may be agreed upon in accordance with the laws relating to State highways.

The Department of Highways shall have authority to make and carry out and to do every other act necessary to carry out the project herein authorized.

Upon completion, future maintenance is duty of the department.

Section 3. After the completion of such bridge and the approaches thereto, they shall be reconstructed and maintained by the Department of Highways in accordance with present or future laws governing the reconstruction and maintenance of State highways.

Appropriation from Motor License Fund.

Section 4. So much of the money in the Motor License Fund from time to time as may be needed to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for such purposes.

APPROVED—The 3d day of July, A. D. 1963.

WILLIAM W. SCRANTON

No. 113

AN ACT

Amending the act of June 27, 1939 (P. L. 1207), entitled "An act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs, deputy chiefs and chief clerks) in bureaus of fire, and fire alarm operators and fire box inspectors in bureaus of electricity, in cities of the second class; defining the powers and duties of Civil Service Commissions for such purpose in said cities; and repealing inconsistent legislation," further regulating the appointment, promotion, transfer, assignments and suspension of employes in the bureau of fire; extending the provisions of the act to include deputy chiefs; and imposing penalties for violations of the act; and repealing inconsistent acts.

Cities of the second class.

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

Title and section 1, act of June 27, 1939, P. L. 1207, amended.

Section 1. The title and section 1, act of June 27, 1939 (P. L. 1207), entitled "An act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs, deputy

chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity, in cities of the second class; defining the powers and duties of Civil Service Commissions for such purpose in said cities; and repealing inconsistent legislation," are amended to read:

AN ACT

Regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs [deputy chiefs] and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity, in cities of the second class; defining the powers and duties of Civil Service Commissions for such purpose in said cities; and repealing inconsistent legislation. New title.

Section 1. All positions in bureaus of fire, except as here and after provided, and all positions of fire alarm operators and fire alarm box inspectors in bureaus of electricity, in cities of second class, shall be in the competitive class of the civil service of such cities. This act shall not apply to or include chief officers of bureaus of fire under the director of the department, by whatever title his position may be designated, [nor his ranking deputy, by whatever title his position may be designated,] nor to chief clerks in bureaus of fire in such cities. Bureaus of fire and electricity.
Civil service.

Section 2. The act is amended by adding, after section 3, three new sections to read: Act amended by adding sections 3.1, 3.2 and 3.3.

Section 3.1. (a) Both original appointments and promotions to any position in the competitive class in any bureau of fire in any city of the second class shall be made only from the top of the competitive list: Provided, however, That the appointing officer may pass over the person on the top of the competitive list for just cause in writing. Any person so passed over shall, upon written request, be granted a public hearing before the Civil Service Commission. Appointments and promotions.

(b) No oral examination shall be conducted as a means of determining the mental qualifications of any applicant for appointment or promotion in the competitive class in the bureau of fire. Oral examination limited.

(c) Any person taking a competitive examination for appointment or promotion in the competitive class in the bureau of fire shall, if he so requests within five days after receiving notice of the results of such examination, be permitted to see his examination papers and to review his answers with those who conducted the examina- Review of examination papers by applicant.

tion. Any person who is refused such review or who is dissatisfied with the results of such review shall, upon written request, be granted a public hearing before the Civil Service Commission.

Seniority credits.

(d) Any person taking a competitive examination for promotion within the competitive class in the bureau of fire shall be entitled to have added to the grade obtained in such examination, provided such grade is over the passing grade of seventy-five, a credit of one-half point for each year of service which such person has had in the bureau of fire, but in no case shall more than ten points be so added.

Filling vacancies.

(e) Any vacancy which may occur within the competitive class in the bureau of fire shall be filled from the next lowest rank.

Veteran credits for hoseman.

(f) Any person who served in the Armed Forces of the United States during any war or armed conflict in which the United States engaged and who has an honorable discharge from such service and who shall successfully pass a civil service examination for the position of hoseman in the bureau of fire shall be marked or graded an additional ten points above the mark or grade he received on the examination and the total mark or grade thus obtained shall represent the final mark or grade of such person and shall determine his standing on the competitive list, but otherwise the provisions of subsection (a) of this section shall apply to such person.

Filling vacancy with equal rank.

Section 3.2. (a) Whenever in the competitive class of any bureau of fire a vacancy of equal rank shall occur in another unit or company, the vacancy shall be filled by transferring the person with the longest period of service within the bureau of fire who requests such transfer. Notice of any such vacancy to be filled shall be prominently posted at all fire stations within five days after the occurrence of the vacancy, and any person desiring such transfer shall submit a written request therefor within ten days of the posting. A vacancy may be temporarily filled for a period not to exceed fifteen days. In the event that no person requests such transfer as above set forth, the vacancy may be permanently filled at the discretion of the appointing authority of the bureau of fire.

Posting notice of vacancy.

Temporary.

Permanent.

Driving assignments based on seniority.

Driving assignments within a unit or company shall be made on the basis of seniority within that unit or company.

No such transfer or driving assignment shall be denied the person entitled thereto by reason of seniority unless such person is found to be unable to perform the

necessary duties. The denial of any such transfer or driving assignment shall be in writing, and shall state the reasons therefor.

(b) Any person who is denied a transfer or who is denied a driving assignment to which he is entitled under subsection (a) of this section shall, upon written request, be granted a public hearing before the Civil Service Commission.

Denial of transfer or driving assignment subject to public hearing.

Section 3.3. Any hearing before the Civil Service Commission to which a person is entitled under the provisions of this act shall be held by said commission within a period of fifteen days from the date of the request therefor. Any person aggrieved by the findings of the commission shall have the right to appeal to the court of common pleas of the county, and if such person is aggrieved by the decision of the court of common pleas, he shall have the right to appeal to the Supreme Court of Pennsylvania.

Hearing.

Appeal.

Section 3. Section 5 of the act is amended to read:

Section 5 of act, amended.

Section 5. No employe in the competitive class in any bureau of fire in any city of the second class shall be removed, discharged, or suspended [for a period exceeding ten (10) days] for any period as a penalty, or reduced in rank or pay without his written consent, except for just cause which shall not be religious or political, nor in any event, except by the decision of a court, either of trial or inquiry, duly determined and certified in writing to the mayor, and approved in writing by the mayor, which court shall be composed of three persons employed in said bureau of fire equal or superior in rank therein to the accused. Such decision shall only be determined by trial of charges, with plain specifications made by or lodged with the director of the department of public safety, of which trial the accused shall have due notice, and at which he shall have the right to be present in person and also by a brother employe or an attorney at law to act as his counsel. The persons composing such court shall be appointed as hereinafter provided, and shall be sworn by the director of the department of public safety to perform their duties impartially and without fear or favor; and the person of highest rank in said court shall have the same authority to issue and enforce process to secure the attendance of witnesses, and to administer oaths to witnesses, as is possessed by any justice of the peace of this Commonwealth. If said persons shall be equal in rank, then the persons composing such court shall select one of their number to exercise said authority. Such charges may

Removal or suspension.

Reduction.

Court.

Charges.

Notice.

Composition of court.

Court of inquiry for disability. be of disability for service, in which case the court shall be one of inquiry, whose decision may be for the honorable discharge from the service of the employe concerned; or of neglect or violation of law or duty, inefficiency, intemperance, disobedience of orders, or unbecoming official or personal conduct, in which cases

Court of trial. the court shall be one of trial, and its decision shall authorize the director of the department of public safety to impose fines and pecuniary penalties, to be stopped from pay, or to suspend from pay or duty, or both, for a period fixed by them, not exceeding one year, or to dismiss from the service. It shall be lawful for the director of the department of public safety, at his discretion, to suspend from duty, before trial, any employe charged as aforesaid, until such trial can be had, with or without pay, as such court shall afterwards determine, but no trial shall be delayed for more than one month after the charge has been made.

Suspension before trial.

Act amended by adding a new section 7.1. Section 4. The act is amended by adding, after section 7, a new section to read:

Misdemeanor and penalty.

Section 7.1. Whoever knowingly makes an appointment or a promotion or a transfer in the competitive class in the bureau of fire in any city of the second class 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, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or undergo imprisonment not exceeding six months, or both.

Deputy chiefs in bureaus of fire.

Section 5. Persons who as of the effective date of this amending act hold positions as deputy chiefs in bureaus of fire in cities of the second class shall be deemed to have been appointed to such positions pursuant to the act to which this is an amendment, and all provisions of said act shall be applied to them as though they had been so appointed.

General repeal.

Section 6. All acts or parts of acts are repealed in so far as they are inconsistent herewith.

Effective date.

Section 7. This act shall take effect in sixty days.

APPROVED—The 3d day of July, A. D. 1963.

WILLIAM W. SCRANTON