

No. 15

AN ACT

HB 783

Amending the act of June 27, 1939 (P.L.1207, No.405), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except 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 providing for engine and truck companies housed together and eliminating units.

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

Section 1. Section 3.2, act of June 27, 1939 (P.L.1207, No.405), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employes (except 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," added July 3, 1963 (P.L.186, No.113), is amended to read:

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.

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

Engine and truck companies housed together shall be considered to be one company except where an engine company and a truck company with the same numbers are bound together in which case they shall be considered one company and the other company houses in the same facility shall be another company. Squad companies and elevated platforms shall be separate companies.

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.

Section 2. This act shall take effect immediately.

APPROVED—The 26th day of February, A. D. 1976.

MILTON J. SHAPP