

No. 1984-72

AN ACT

SB 898

Amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," eliminating certain mandatory retirement.

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

Section 1. Section 1133 of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, is amended to read:

Section 1133. Service Required Before Retirement.—The ordinance establishing the police pension fund shall prescribe a minimum period of total service, and/or a minimum age after which members of the force may be [retired] *eligible for retirement* from active duty. Borough policemen so retired shall be subject to service as police reserve, until unfitted for such service by reason of age or disability, when they may be finally discharged.

Section 2. Section 1190 of the act, amended October 22, 1981 (P.L.311, No.107), is amended to read:

Section 1190. Removals.—No person employed in any police or fire force of any borough shall be suspended, removed or reduced in rank except for the following reasons:

(1) Physical or mental disability affecting his ability to continue in service, in which cases the person shall receive an honorable discharge from service.

(2) Neglect or violation of any official duty.

(3) Violation of any law which provided that such violation constitutes a misdemeanor or felony.

(4) Inefficiency, neglect, intemperance, immorality, disobedience of orders, or conduct unbecoming an officer.

(5) Intoxication while on duty.

(6) Engaging or participating in conducting of any political or election campaign otherwise than to exercise his own right of suffrage.

A person so employed shall not be removed for religious, racial or political reasons. A written statement of any charges made against any person so employed shall be furnished to such person within five days after the same are filed.

If for reasons of economy or other reasons it shall be deemed necessary by any borough to reduce the number of paid employes of the police or fire force, then such borough shall apply the following procedure: (i) if there are any employes eligible for retirement under the terms of any retirement or pension law, *if the party to be retired exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act,"* then such reduction in numbers shall be made by

retirement of such employes, starting with the oldest employe and following in order of age respectively, (ii) if the number of paid employes in the police force or fire force eligible to retirement is insufficient to effect the necessary reduction in numbers, or if there are no persons eligible for retirement, or if no retirement or pension fund exists, then the reduction shall be effected by furloughing the person or persons, including probationers, last appointed to the respective force. Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have been accomplished. In the event the said police force or fire force shall again be increased the employes furloughed shall be reinstated in the order of their seniority in the service. The provisions of this paragraph as to reductions in force are not applicable to a chief of police.

Section 3. This act shall take effect in 60 days.

APPROVED—The 31st day of May, A. D. 1984.

DICK THORNBURGH