

No. 2011-99

AN ACT

HB 1459

Amending the act of June 23, 1931 (P.L.932, No.317), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," in civil service, further providing for promotions.

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

Section 1. Section 4406.1 of the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, reenacted and amended June 28, 1951 (P.L.662, No.164) and added October 19, 2010 (P.L.533, No.77), is amended to read:

Section 4406.1. Promotions.—*(a)* The civil service boards may recommend those in the employ of a department for promotion if the person recommended is competent for the higher position. If an examination is required, the city council shall notify the applicable civil service board of a civil service vacancy in the city which is to be filled by promotion and shall request the certification of an eligibility list as provided in this article. The board shall certify for each vacancy the names of three persons on the eligibility list who have received the highest average in the last preceding promotional examination held within the period of two years preceding the date of the request for the eligibility list. If three names are not available, the board shall certify the names remaining on the list. The city council shall make an appointment from the names certified, based solely on the merits and fitness of the candidates, unless the city council makes objections to the board regarding one or more of the persons on the eligibility list. The city council shall have power to determine in each instance whether an increase in salary shall constitute a promotion.

(b) Notwithstanding subsection (a), the mayor or other elected or appointed official of a city that has adopted one of the following shall retain the power to promote a candidate pursuant to that law:

(1) An optional charter pursuant to the act of July 15, 1957 (P.L.901, No.399), known as the "Optional Third Class City Charter Law."

(2) An optional plan pursuant to 53 Pa.C.S. Chs. 30 (relating to types of optional plans of government) and 31 (relating to general provisions common to optional plans).

(3) Any other law authorizing or permitting the mayor or other elected or appointed official to promote a candidate.

Section 2. The amendment of section 4406.1 of the act shall apply to promotions made on or after October 19, 2010.

Section 3. This act shall take effect immediately.

APPROVED—The 9th day of November, A.D. 2011

TOM CORBETT