

No. 2011-100

AN ACT

HB 1460

Amending the act of June 24, 1931 (P.L.1206, No.331), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," in civil service for police and firemen, further providing for examinations and for eligibility list and manner of filling appointments.

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

Section 1. Sections 635 and 638(a) of the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, reenacted and amended May 27, 1949 (P.L.1955, No.569) and amended October 19, 2010 (P.L.521, No.75), are amended to read:

Section 635. General Provisions Relating to Examinations.—(a) The commission shall make rules and regulations to be approved as provided in section 630 hereof, providing for the examination of applicants for positions in the police force and as paid operators of fire apparatus and for promotions, which rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing grades. All examinations for positions or promotions shall be practical in character and shall relate to such matters and include such inquiries as will fairly test the 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 the minimum qualifications required by the rules and regulations. Each applicant for examination *for an original position* shall:

- (1) be subject to the regulations adopted by the commission;
- (2) either before or after being admitted to the regular examination held by the commission, be required to submit to a physical fitness or agility examination that is job-related and consistent with business necessity; **[and]**
- (3) if made a conditional offer of employment, be given a physical and psychological medical examination in accordance with section 643 of this act[.]; **and**
- (4) *be subject to a background investigation. Background investigations may be restricted to those candidates on an eligibility list or those to be certified to the township commissioners for appointment in accordance with section 638 of this act.*

(a.1) Each applicant for promotion shall be subject to the regulations adopted by the commission and to examination and selection in accordance with section 642 of this act. Physical fitness or agility examinations that are job related and consistent with business necessity and physical and psychological medical examinations may, but need not, be required for promotions.

(b) Public notice of the time and place of every examination, together with the information as to the kind of position or place to be filled, shall be given by publication once in a newspaper of general circulation in the township or in a newspaper circulating generally in the township at least two

weeks prior to each examination, and a copy of the notice shall be prominently posted in the office of the commission or other public place.

(c) The commission shall post in its office the eligible list containing the names and grades of those who have passed the examination.

Section 638. Eligibility List and Manner of Filling Appointments.—(a) At the completion of the testing process, including **[any background,]** physical agility or other examinations, with the exception of *any background investigations to be conducted after the establishment of an eligibility list and* physical and psychological medical examinations pursuant to section 643 of this act, the commission shall rank the candidates who have satisfied the minimum requirements for appointment on an eligibility list. The eligibility list shall contain the names of individuals eligible for appointment listed from highest to lowest based on their scores on the examinations administered by the commission and any points for which the applicant was entitled by virtue of 51 Pa.C.S. Ch. 71 (relating to veterans' preference). The eligibility list will be valid for one year from the date the commission formally adopts the eligibility list. Prior to expiration of the one-year period, the commission may extend the validity of the eligibility list for up to an additional twelve (12) months by a majority vote of the commission at a duly authorized commission meeting. In the absence of a lawful extension by the commission, the list shall expire.

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Section 2. The amendment of section 635 of the act shall apply to all promotion examinations conducted 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