

No. 2013-99

## AN ACT

HB 1193

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," further providing for removals and for appointment, compensation and training of police officers.

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

Section 1. Section 644 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 July 7, 1983 (P.L.38, No.20) and May 9, 1984 (P.L.251, No.55), is amended to read:

Section 644. Removals.—(a) No person employed in any police or fire force of any township 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 of this Commonwealth which provides that such violation constitutes a misdemeanor or felony; (4) inefficiency, neglect, intemperance, 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[.], *except that this clause shall only apply to a police officer while on duty or in uniform or while using any township property. A police officer may also be suspended, removed or reduced in rank for engaging or participating in the conduct of any political or election campaign for an incompatible office pursuant to section 1401.* 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 with the commission.

(b) If for reasons of economy or other reasons it shall be deemed necessary by any township to reduce the number of paid employes of the police or fire force, then such township shall **[apply the following procedure: (a) if there are any employes eligible for retirement under the terms of any retirement or pension law, then such reduction in numbers shall be made by retirement 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"; (b) if the number of paid employes in the police or fire forces 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]** *furlough* 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 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 shall not apply to any chief of police.

Section 2. Section 1401 of the act is amended to read:

Section 1401. Appointment, Compensation and Training of Policemen.—The board of township commissioners shall, subject to the civil service provisions of this act, appoint and fix the number, rank and compensation of the members of the township police force. No policeman shall at the same time hold any public office other than constable **[and]**, health officer~~.]~~ ***or school board member of a school district situated within a county of the second class. A policeman, whether contracted or otherwise employed by a school district, who holds the public office of school director shall not be permitted to serve as a school police officer, as provided for in section 778 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.*** The board of commissioners shall prescribe all necessary rules and regulations for the organization of the police force. The board may assign the chief of police or any other member of the force to undergo a course of training at any training school for policemen, established and made available by the State or Federal Government, and may provide for the payment by the township of his expenses while in attendance in such training school.

Section 3. This act shall take effect immediately.

APPROVED—The 27th day of November, A.D. 2013

TOM CORBETT