

No. 30

AN ACT

Regulating the removal or dismissal of policemen and firemen in cities of the second class A.

Cities of second
Class A.

Policemen and
firemen.

Removal or
dismissal

Notice of trial.

Power to issue and
enforce process.

Charges.

Court of inquiry.

Court of trial.

Fines and pen-
alties.

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Suspension of per-
son under charge.

Findings to be
approved by
mayor.

Method of select-
ing court.

Section 1. Be it enacted, &c., That no regularly appointed policeman or fireman in cities of the second class A shall be removed or dismissed without his written consent, except by the decisions of court, either of trial or inquiry, duly determined and certified in writing to the mayor, which court shall be composed of three persons belonging to the police or fire force equal or superior in official position therein to the accused. Such decisions shall only be determined by trial of charges, with plain specifications made by or lodged with the director of the department of public safety, of which trial the accused shall have due notice, and at which he shall have the right to be present in person and also by a brother officer to act as his counsel. The persons composing such court shall be appointed as hereinafter provided, and shall be sworn by the director of the department of public safety to perform their duties impartially and without fear or favor; and the person of highest rank in such court shall have the same authority to issue and enforce process to secure the attendance of witnesses, and to administer oaths to witnesses, as is possessed by any justice of the peace of this Commonwealth.

Such charges may be of disability for service, in which case the court shall be one of inquiry, whose decisions may be for the honorable discharge from the service of the person concerned; or of neglect or violation of law or duty, inefficiency, intemperance, disobedience of orders, or unbecoming official or personal conduct, in which cases the court shall be one of trial, and its decision may authorize the director of the department of public safety to impose fines and pecuniary penalties to be stopped from pay, or to suspend from pay or duty, or both, for a period fixed by them, not exceeding one year, or to dismiss from the service.

It shall be lawful for the director of the department of public safety at his discretion, to suspend from duty, before trial, any person charged as aforesaid until such trial can be had, with or without pay, as such court shall afterwards determine, but no trial shall be delayed for more than one month after charge has been made.

The finding of the court of trial or inquiry, as aforesaid, shall be of no effect until approved by the mayor.

Section 2. The members of such court of inquiry or trial shall be selected as follows, namely: The director of the department of public safety shall, in the presence of the accused and a brother officer acting as his counsel, as aforesaid, cause the names of at least twenty-five members in said police or fire department, equal or superior

in rank to the accused, to be written upon separate slips of paper of the same size, color and texture, and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided, cause said slips to be placed in a box from which the same are to be drawn by lot by some disinterested person until seven names have been drawn therefrom; whereupon the director of the department of public safety and the accused shall each in order be entitled to exercise challenges until only three names are left, and said three persons shall compose said court, either of trial or inquiry, as the case may be.

Section 3. The provisions of article three, section one of the act, approved the seventh day of March, one thousand nine hundred and one (Pamphlet Laws, twenty), entitled "An act for the government of cities of the second class," is hereby repealed so far as it relates to the removal and dismissal of policemen and firemen in cities of the second class A.

All other acts or parts of acts inconsistent or conflicting herewith are hereby repealed insofar as they apply to cities of the second class A.

Article 3, section 1, act of March 7, 1901 (P. L. 20), is so far as relates to removals and dismissals, repealed.

Repeal.

APPROVED—The 14th day of April, A. D. 1931.

GIFFORD PINCHOT

No. 31

AN ACT

To amend section one of the act, approved the eighth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, one hundred eighty-six), entitled "A supplement to an act, entitled 'An act to authorize the formation of partnership associations in which the capital subscribed shall alone be responsible for the debts of the associations, except under certain circumstances,' approved June second, one thousand eight hundred and seventy-four, providing for the continuance of such associations after the expiration of the original term, prescribing the manner of electing managers thereof, and conferring authority to adopt by-laws for the regulation and government thereof, fixing the number of managers, and designating the title of the principal executive officer," by providing for the further continuance of such associations after the expiration of any renewal thereof, and waiving publication of notice of meeting of the members in certain cases.

Section 1. Be it enacted, &c., That section one of the act, approved the eighth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, one hundred eighty-six), entitled "A supplement to an act, entitled 'an act to authorize the formation of partnership associations in which the capital subscribed shall alone be responsible for the debts of the associations,

Partnership Associations.

Section 1, act of June 8, 1895 (P. L. 186), amended.