

of any permit under this act, or any act done by virtue of this act, be construed as estopping the Commonwealth, persons or municipalities, in the exercise of their rights under the common law or decisional law or in equity, from proceeding in courts of law or equity to suppress nuisances, or to abate any pollution now or hereafter existing, or enforce common\* law or statutory rights.

### ARTICLE VIII

#### REPEALER

Section 801. Repeal.—The following acts and parts of acts of Assembly are hereby repealed:

Sections four, five, six, seven, eight, nine, ten, and eleven of an act, approved the twenty-second day of April, one thousand nine hundred and five (Pamphlet Laws, two hundred sixty), entitled “An act to preserve the purity of the waters of the State for the protection of the public health.”

The act approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, seven hundred ninety-three), entitled “An act to preserve the purity of the sources of public water supplies hereafter approved; authorizing the Advisory Board of the Department of Health to make orders and regulations therefor, and the Commissioner of Health to enforce the same; providing penalties for violation thereof, and for abatement of nuisances by injunction.”

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

\* “comon” in the original.

APPROVED—The 22d day of June, A. D. 1937.

GEORGE H. EARLE

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No. 395

#### AN ACT

To amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled “An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other

assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Department of Public Assistance and a State Board of Public Assistance, and defining their powers and duties; providing for the employment and removal of all persons employed by the Department of Public Assistance by the State Board of Public Assistance, and by any board established by law and authorized to provide assistance in one or more counties only, and by changing the powers of the Department of Welfare.

Sections 201,  
202, 206, 207,  
209, 214, 709  
and 2303,  
act of April  
9, 1929 (P. L.  
177), as  
amended,  
further  
amended.

Section 1. Be it enacted, &c., That sections 201, 202, 206, 207, 209, 214, 709 and 2303 of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, are hereby amended or further amended, as the case may be, to read as follows:

Section 201. Executive Officers, Administrative Departments, and Independent Administrative Boards and Commissions.—The executive and administrative work of this Commonwealth shall be performed by the Executive Department, consisting of the—Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs, and Superintendent of Public Instruction; by the—Executive Board, and the Pennsylvania State Police; by the following administrative departments: Department of State, Department of Justice, Department of the Auditor General, Treasury Department, Department of Internal Affairs, Department of Public Instruction, Department of Military Affairs, Insurance Department, Department of Banking, Department of Agriculture, Department of Forests and Waters,

Department of Mines, Department of Highways, Department of Health, Department of Labor and Industry, Department of Welfare, Department of Property and Supplies, [and] Department of Revenue, *and Department of Public Assistance*; and by the following independent administrative boards and commission: Board of Game Commissioners, Board of Fish Commissioners, and The Public Service Commission of the Commonwealth of Pennsylvania.

All of the provisions of this act, which apply generally to administrative departments, or generally except to the Department of the Auditor General and the Treasury Department, shall apply to the Executive Board and to the Pennsylvania State Police.

Section 202. Departmental Administrative Boards, Commissions, and Offices.—The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

- In the Department of State,
  - State Employes' Retirement Board;
- In the Department of Justice,
  - Board of Pardons,
  - Board of Commissioners on Uniform State Laws;
- In the Treasury Department,
  - Board of Finance and Revenue;
- In the Department of Internal Affairs,
  - Board of Property,
  - State Aeronautics Commission;
- In the Department of Public Instruction,
  - State Council of Education,
  - Pennsylvania State Board of Censors,
  - Public School Employes' Retirement Board,
  - Pennsylvania Historical Commission,
  - Board of Trustees of Thaddeus Stevens Industrial School,
  - Board of Trustees of Pennsylvania State Oral School for the Deaf,
  - Board of Trustees of Home for Training in Speech of Deaf Children Before They Are of School Age, which shall hereafter be known as Board of Trustees of Home for Training in Speech of Deaf Children,
  - Board of Trustees of Pennsylvania Soldiers' Orphan School,
  - Board of Trustees of West Chester State Teachers' College,
  - Board of Trustees of Millersville State Teachers' College,
  - Board of Trustees of Kutztown State Teachers' College,

Board of Trustees of East Stroudsburg State Teachers' College,  
 Board of Trustees of Mansfield State Teachers' College,  
 Board of Trustees of Bloomsburg State Teachers' College,  
 Board of Trustees of Shippensburg State Teachers' College,  
 Board of Trustees of Lock Haven State Teachers' College,  
 Board of Trustees of Indiana State Teachers' College,  
 Board of Trustees of California State Teachers' College,  
 Board of Trustees of Slippery Rock State Teachers' College,  
 Board of Trustees of Edinboro State Teachers' College,  
 Board of Trustees of Clarion State Teachers' College,  
 Board of Trustees of Cheyney Training School for Teachers,  
 State Board of Medical Education and Licensure,  
 State Board of Pharmacy,  
 State Dental Council and Examining Board,  
 State Board of Optometrical Examiners,  
 State Board of Osteopathic Examiners,  
 Osteopathic Surgeons' Examining Board,  
 State Board of Examiners for the Registration of Nurses,  
 State Board of Undertakers,  
 State Board of Veterinary Medical Examiners,  
 State Board of the Examination of Public Accountants,  
 State Board of Examiners of Architects,  
 Anthracite Mine Inspectors' Examining Board,  
 Mine Inspector's Examining Board for the Bituminous Coal Mines of Pennsylvania,  
 State Registration Board for Professional Engineers;  
 In the Department of Military Affairs,  
 Armory Board of the State of Pennsylvania,  
 Board of Trustees of Pennsylvania Soldiers' and Sailors' Home,  
 State Athletic Commission;  
 In the Department of Banking,  
 Board to License Private Bankers,  
 Pennsylvania Securities Commission;  
 In the Department of Agriculture,  
 State Farm Products Show Commission;  
 In the Department of Forests and Waters,  
 Water and Power Resources Board,

Geographic Board,  
 Lake Erie and Ohio River Canal Board,  
 Pennsylvania State Park and Harbor Commission  
 of Erie,  
 Washington Crossing Park Commission,  
 Valley Forge Park Commission,  
 Fort Washington Park Commission ;  
 In the Department of Mines,  
 Anthracite Mine Inspectors,  
 Bituminous Mine Inspectors ;  
 In the Department of Highways,  
 State Bridge Commission ;  
 In the Department of Health,  
 Sanitary Water Board,  
 Anatomical Board ;  
 In the Department of Labor and Industry,  
 Workmen's Compensation Board,  
 Workmen's Compensation Referees,  
 State Workmen's Insurance Board ;  
 In the Department of Welfare,  
 State Council for the Blind,  
 Pennsylvania Alcohol Permit Board,  
 Board of Trustees of Eastern State Penitentiary,  
 Board of Trustees of Western State Penitentiary,  
 Board of Trustees of Pennsylvania Industrial Re-  
 formatory, hereafter to be known as Board of  
 Trustees of Pennsylvania Industrial School,  
 Board of Trustees of State Industrial Home for  
 Women,  
 Board of Trustees of Pennsylvania Training School,  
 Board of Trustees of Allentown State Hospital,  
 Board of Trustees of Danville State Hospital,  
 Board of Trustees of Farview State Hospital,  
 Board of Trustees of Harrisburg State Hospital,  
 Board of Trustees of Norristown State Hospital,  
 Board of Trustees of Warren State Hospital,  
 Board of Trustees of Wernersville State Hospital,  
 Board of Trustees of Torrance State Hospital,  
 Board of Trustees of Ashland State Hospital,  
 Board of Trustees of Blossburg State Hospital,  
 Board of Trustees of Coaldale State Hospital,  
 Board of Trustees of Connellsville State Hospital,  
 Board of Trustees of Hazleton State Hospital,  
 Board of Trustees of Locust Mountain State Hos-  
 pital,  
 Board of Trustees of Nanticoke State Hospital,  
 Board of Trustees of Philipsburg State Hospital,  
 Board of Trustees of Scranton State Hospital,  
 Board of Trustees of Shamokin State Hospital,  
 Board of Trustees of Laurelton State Village,  
 Board of Trustees of Pennhurst State School,  
 Board of Trustees of Polk State School,

Board of Trustees of Cumberland Valley State Institution for Mental Defectives,  
Board of Trustees of Selinsgrove State Colony for Epileptics;

In the Department of Property and Supplies,  
Board of Commissioners of Public Grounds and Buildings,  
State Art Commission;

*In the Department of Public Assistance,  
State Board of Public Assistance.*

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act.

Section 206. Department Heads.—Each administrative department shall have as its head an officer who shall, either personally, by deputy, or by the duly authorized agent or employe of the department, and subject at all times to the provisions of this act, exercise the powers and perform the duties by law vested in and imposed upon the department.

(a) The following officers shall be the heads of the administrative departments following their respective titles:

Secretary of the Commonwealth, of the Department of State;

Attorney General, of the Department of Justice;  
Auditor General, of the Department of the Auditor General;

State Treasurer, of the Treasury Department;

Secretary of Internal Affairs, of the Department of Internal Affairs;

Superintendent of Public Instruction, of the Department of Public Instruction;

Adjutant General, of the Department of Military Affairs;

Insurance Commissioner, of the Insurance Department;

Secretary of Banking, of the Department of Banking;

Secretary of Agriculture, of the Department of Agriculture;

Secretary of Forests and Waters, of the Department of Forests and Waters;

Secretary of Mines, of the Department of Mines;

Secretary of Highways, of the Department of Highways;

Secretary of Health, of the Department of Health;

Secretary of Labor and Industry, of the Department of Labor and Industry;

Secretary of Welfare, of the Department of Welfare;

Secretary of Property and Supplies, of the Department of Property and Supplies;  
 Secretary of Revenue, of the Department of Revenue;  
*Secretary of Public Assistance, of the Department of Public Assistance.*

Section 207. Appointment.—The Governor shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint:

(a) The Secretary of the Commonwealth, the Attorney General, the Superintendent of Public Instruction, the Adjutant General, the Insurance Commissioner, the Secretary of Banking, the Secretary of Agriculture, the Secretary of Forests and Waters, the Secretary of Mines, the Secretary of Highways, the Secretary of Health, the Superintendent of the Pennsylvania State Police, the Secretary of Labor and Industry, the Secretary of Welfare, the Secretary of Property and Supplies, the Secretary of Revenue, *the Secretary of Public Assistance*, and the members of all independent administrative boards and commissions.

The Adjutant General shall have the rank of Brigadier General of the Adjutant General's Department in the Pennsylvania National Guard. No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard, or equivalent length of service in the United States Army, at least five years of which service shall have been as a commissioned officer. In ascertaining the service, herein required, the time a person served in the army of the United States during any war, in which the United States was engaged, shall be computed double.

(b) Except as in this act otherwise provided, the members of all departmental administrative bodies, boards, and commissions, and the officers who shall fill the departmental administrative offices mentioned in this article.

(c) Except as in this act otherwise provided, the members of all advisory boards and commissions.

Section 209. Compensation of the Governor, Lieutenant Governor, and *the* Heads of Departments.—Annual salaries shall be payable in equal semi-monthly installments, as follows:

To the Governor, eighteen thousand dollars.

To the Lieutenant Governor, eight thousand dollars.

To the Secretary of the Commonwealth, ten thousand dollars.

To the Attorney General, twelve thousand dollars.

To the Auditor General, twelve thousand dollars.

To the State Treasurer, twelve thousand dollars.

To the Secretary of Internal Affairs, ten thousand dollars.

To the Superintendent of Public Instruction, twelve thousand dollars.

To the Adjutant General, ten thousand dollars.

To the Insurance Commissioner, ten thousand dollars.

To the Secretary of Banking, ten thousand dollars.

To the Secretary of Agriculture, ten thousand dollars.

To the Secretary of Forests and Waters, ten thousand dollars.

To the Secretary of Mines, ten thousand dollars.

To the Secretary of Highways, twelve thousand dollars.

To the Secretary of Health, ten thousand dollars.

To the Secretary of Labor and Industry, ten thousand dollars.

To the Secretary of Welfare, ten thousand dollars.

To the Secretary of Property and Supplies, ten thousand dollars.

To the Secretary of Revenue, twelve thousand dollars.

*To the Secretary of Public Assistance, ten thousand dollars.*

Neither the Governor, Lieutenant Governor, nor the head of any administrative department, shall receive any additional compensation for any services rendered to the Commonwealth in any capacity.

Section 214. Employment and Compensation of Directors, Bureau Chiefs, and Other Employes.—[The] *Except as otherwise provided in this act, the* heads of the several administrative departments, except the Auditor General and State Treasurer, and the independent administrative boards and commissions, shall appoint and fix the compensation of such directors, superintendents, bureau or division chiefs, assistant directors, assistant superintendents, assistant chiefs, experts, scientists, engineers, surveyors, draftsmen, accountants, secretaries, auditors, inspectors, examiners, statisticians, marshals, clerks, stenographers, bookkeepers, messengers, and other assistants and employes as may be required for the proper conduct of the work of their respective departments, boards, or commissions. Except as otherwise provided in this act, the heads of the respective administrative departments shall appoint and fix the compensation of such clerks, stenographers, and other assistants, as may be required for the proper conduct of the work of any departmental administrative bodies, boards, commissions, or officers, and of any advisory boards or commissions established in their respective departments.

[The] *Except as otherwise provided in this act, the* number and compensation of all employes appointed under this section shall be subject to approval by the Governor, and, after the Executive Board shall have fixed



the standard compensation for any kind, grade, or class of service or employment, the compensation of all persons in that kind, grade, or class, appointed hereunder, shall be fixed in accordance with such standard.

Section 709. Executive Board. — [The] *Subject to the provisions of this act, the Executive Board shall have the power:*

(a) To standardize the qualifications for employment, and all titles, salaries, and wages, of persons employed by the administrative departments, boards, and commissions, except the Department of the Auditor General and the Treasury Department. In establishing such standards the board may:

(1) Take into consideration the location of the work and the conditions under which the service is rendered,

(2) Establish different standards for different kinds, grades and classes of similar work or service;

(b) To approve or disapprove the establishment of bureaus and divisions by the administrative departments, other than the Department of the Auditor General and the Treasury Department, and by the independent administrative boards and commissions, and to investigate duplication of work of the several administrative departments, boards, and commissions, and the efficiency of the organization and administration thereof, and the better coordination of such departments, boards, and commissions;

(c) To approve or disapprove, as provided by this act, the payment of extra compensation to employes of administrative departments, boards, or commissions, who are employed at fixed compensation;

(d) To determine, from time to time, the hours when the administrative offices of the State Government shall open and close;

(e) To approve or disapprove extensions of leaves of absence, with pay, for employes of administrative departments, or of independent administrative boards or commissions;

(f) To make rules and regulations defining the expenses for which officers and employes of the executive branch of the State Government may be reimbursed;

(g) To determine by what members of independent administrative boards and commissions fidelity bonds shall be given, to approve or disapprove recommendations of department heads, or of independent administrative boards or commissions, for the bonding of officers or employes of their departments, or members or officers or employes of departmental administrative boards or commissions, or officers or employes of independent administrative boards or commissions, to fix the amounts of the bonds of all such members, officers, or employes required to give bond, and to require any bond or bonds

to be executed by a surety or sureties, even though the Commonwealth may have established its own indemnity fund, as elsewhere in this act provided;

(h) To approve or disapprove the establishment of branch offices outside of the Capital city by or for administrative departments, boards, or commissions;

(i) From time to time to determine within what limits the Department of Property and Supplies shall procure liability insurance covering claims for damages against the Commonwealth, and State officers and employes, arising out of the operation of State automobiles by such officers and employes;

(j) From time to time to determine the number and type of automobiles to be purchased by the Department of Property and Supplies, acting either on its own behalf or as purchasing agency for any other department, except the Department of the Auditor General and the Treasury Department, or for any board or commission, and to make rules and regulations for the use of State automobiles by State officers and employes, except the Department of the Auditor General and the Treasury Department.

Section 2303. Supervisory Powers.—The Department of Welfare shall have supervision over:

(a) All State institutions,

(b) All supervised institutions as defined in this article,

(c) All children's institutions within this Commonwealth,

(d) All maternity homes and hospitals within this Commonwealth,

[(e) The administration of any system provided by the Commonwealth for assistance to mothers,]

[(f)] (e) Any labor or system of labor carried on in the penal, correctional or reformatory institutions of the State,

[(g)] (f) Any system of reparation provided by the Commonwealth for relief from conditions caused by mine-caves, fire, flood or other casualty, and constituting a menace to public safety and welfare,

[(h)] (g) All boarding homes for children which have been licensed by the State.

Section 2. That at the end of article four of the said act, the following new section is hereby added.

*Section 450. State Board of Public Assistance.—The State Board of Public Assistance shall consist of the State Treasurer, the Auditor General, and seven other citizens of the Commonwealth. No appointed member of the board shall hold office in any political party.*

*When this act become effective, the Governor, in the manner provided in this act, shall appoint two members of the board to serve for each of the three original terms*

hereby created, which shall run until the third Tuesday of January of each year from one thousand nine hundred thirty-nine to one thousand nine hundred forty-one, both inclusive, and one member to serve for the original term hereby created, which shall run until the third Tuesday of January, one thousand nine hundred forty-two. As each original or subsequent term expires, the Governor, in like manner, shall fill each vacancy by an appointment for a term of six years. After the expiration of his term, a member of the board shall continue to serve until his successor shall be appointed and qualified. No member of the board shall be eligible to serve consecutively for more than two terms.

A vacancy occurring during a term shall be filled by the Governor for the unexpired term.

Five members of the board shall constitute a quorum.

The members of the board shall elect a chairman from the appointed members, and they shall elect a secretary who need not be a member of the board.

The board shall hold at least six regular meetings each year.

Section 3. That after article twenty-five of the said act the following new article is hereby added:

Article 25A,  
added.

#### ARTICLE XXV-A

##### POWERS AND DUTIES OF THE DEPARTMENT OF PUBLIC ASSISTANCE AND OF THE STATE BOARD OF PUBLIC ASSISTANCE.

Section 2501-A. Definitions.—As used in this article—

(a) "Assistance" means assistance as defined by the Public Assistance Law.

(b) "Local Board" means a board established by law and authorized to provide assistance in one or more counties including, until abolished in accordance with law, any board of trustees of the Mothers' Assistance Fund, or Boards of Trustees of Pension Fund for the Blind.

Section 2502-A. Powers and Duties of the Department of Public Assistance.—The Department of Public Assistance shall have power, and its duty shall be—

(a) To administer and carry out the provisions of the Public Assistance Law, and in so doing, to supervise local boards and to allocate to them on the basis of need and, as may be required for blind pensions, funds with which to provide assistance and funds for administrative expenses.

(b) To take any other action authorized or required by this or any other law.

Section 2503-A. State Board of Public Assistance.—The State Board of Public Assistance shall have the power, and its duty shall be—

(a) To approve or disapprove and adopt rules, regulations, and standards, consistent with law, recommended by the Department of Public Assistance and local boards, as to eligibility for assistance and as to its nature and extent. To establish for the department and local boards rules and regulations concerning the administration of this act as provided by law.

(b) To study the work of the Department of Public Assistance and, from time to time, to recommend to the Governor changes in administrative policy or in the law.

(c) To take any other action authorized or required by law.

Section 2504-A. Employment in the Department of Public Assistance.—(a) Definitions. As used in this section, and except as otherwise indicated—

“Board” means the State Board of Public Assistance.

“Demotion” means a transfer to a lower salaried position in a class of employment having a lower maximum salary.

“Employee” means any person employed by the Department of Public Assistance, by the State Board of Public Assistance, or by a local board, except the Secretary of Public Assistance and one secretary to the Secretary of Public Assistance and the secretary to a local board.

“Employer” means the officer or agency appointing an employe to his position.

“Employment” means the employment of any employe.

“Remove” means to remove permanently from employment an employe who—(1) is not on probation, (2) is not a provisional appointee.

“Reviewing Board” means the State Board of Public Assistance in a case of demotion or removal of an employe of the Department of Public Assistance or of the State Board of Public Assistance, and, in a case of demotion or removal of an employe of a local board, means a board appointed by the local board to review such cases.

The masculine pronoun shall include the feminine.

(b) The Governor shall appoint, by and with the consent of the Senate, an Employment Board of three members who shall hold no other public position to which a salary is attached, and shall receive actual expenses and such per diem compensation, not exceeding twenty-five dollars per day, as shall be fixed by the Executive Board and approved by the Governor. The Employment Board shall—

1. Prepare and conduct examinations for employment, which shall be practical in their character, and, so far as may be possible, shall relate to those matters directly bearing on and which will fairly test the relative ca-

capacity and fitness of persons examined to discharge the duties of the service into which they seek to be appointed, but no applicant shall be required to have had any scholastic education in social service work, nor to have had any other special scholastic education or special training or experience. In written examinations, the identity of each applicant shall be unknown to the examiners.

2. Grade each person taking an examination by a method of rating published as part of the announcement of the test, except that, in the final rating of all applicants, persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged, and who have an honorable discharge from such service, shall receive in addition to all other ratings an additional five per centum; and any such person who shall have been disabled by wounds or in any other manner while engaged in such service (so long as he is able to perform the work of the employment for which he is examined), shall be rated an additional five per centum over and above the five per centum hereinbefore set forth, and in either case, the total per centum mark or grade thus obtained shall determine the standing of any such persons on any list of eligibles.

(c) The qualifications shall be such as will best promote the most efficient administration of public assistance, and shall provide that persons applying for positions in the offices designated by the secretary as central administrative offices (which shall include all those having jurisdiction throughout the State) shall be citizens of the United States, and shall have been legal residents of Pennsylvania for a period of not less than one year before making application, and persons applying for positions in district offices (which shall include all those whose jurisdiction is limited to a particular district) shall be citizens of the United States, and shall have been legal residents of Pennsylvania for a period of not less than one year and in the district in which such office is located for a period of not less than six months before making application.

(d) The Secretary of Public Assistance and local boards shall have power to appoint provisional employes for the purpose of carrying on the work of the Department of Public Assistance and of local boards, until such time as appointees have been qualified by examination, and have been appointed under the provisions of this act; but such provisional appointments shall not be continued in employment after March first, one thousand nine hundred and thirty-eight, unless theretofore qualified by examination conducted by the employment board, as herein provided. Thereafter all\* employes, ex-

\* (d) deleted.

cept special examiners appointed by the Employment Board, shall be appointed from a list of eligibles who have passed the required examinations. Such lists shall be used and the names on them shall be placed in an order fixed by the rules of the Employment Board: *Provided, however, That no name shall remain on such list longer than two years. In an emergency, if there is no such list, an employer may, with the approval of the Employment Board, nominate a person for non-competitive examination, and may appoint him provisionally if he passes the required examination. After the first day of June, one thousand nine hundred and thirty-eight, no such provisional appointment or successive appointment (in the aggregate) shall be valid for more than ninety days.*

(e) *Probation. Every employe shall be on probation for a period of not less than three nor more than six months, as fixed by the rules and regulations of the Employment Board. During this period the employer may terminate the employment for just cause.*

(f) *Transfers. A transfer to a new class of employment having the same or a higher maximum salary shall be made only after examinations, as in the case of an original appointment.*

(g) *Suspensions. An employer may for just cause suspend an employe without pay for periods totalling not more than thirty days in a calendar year. Written reasons for every suspension shall be promptly sent to the Employment Board, and shall become part of its public records.*

(h) *Demotion and Removal. An employer may demote or remove an employe for just cause only after giving him written reasons for such action, and an opportunity to file a written answer. Both of such writings shall be promptly reported to the Employment Board, and shall be part of its public records. Such employes may appeal to the reviewing board under the rules and regulations established jointly by the State Board of Public Assistance and the Employment Board.*

(i) *Political Activity. An employe shall be removed if he shall during his employment—*

(1) *Be a member of a political committee or an officer of a political organization;*

(2) *Solicit, or\* receive a contribution for political purposes;*

(3) *Injure or benefit an employe or one who applies for or receives assistance, or threaten or promise to do so because of making or withholding a contribution for political purposes, because of any past or future vote, or because of taking or refraining from taking any political action;*

\*"or" inserted.

(j) No employer shall demand from any employe before or at the time of appointment any resignation or agreement to resign.

(k) No employe shall receive any compensation until the Employment Board shall certify that it is for lawful employment.

(l) *Improper Discrimination.* Race or religion or political or labor union affiliation shall not be a qualification of an applicant, nor a just cause for reduction in compensation, suspension, lay-off, demotion or removal.

(m) *Rules.* The Employment Board shall make rules and regulations, not inconsistent herewith, to carry this section into effect.

Section 2505-A. *Joint Actions by Department and Employment Board.*—The Department of Public Assistance and the Employment Board shall jointly have the following functions and duties—

(1) To classify employment positions according to the duty involved and the qualifications required.

(2) To fix maximum and minimum salaries for each class of employment.

(3) To establish qualifications for applicants for any class of employment.

(4) To make and promulgate rules and regulations establishing the procedure to be followed by an employer in demoting or removing an employe.

Section 4. *Constitutional Construction.*—The provisions of this act are severable, and if any of its provisions are declared unconstitutional, the decision so holding shall not be construed as impairing any other provision of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

Section 5. The provisions of this act shall become effective on the first day of July, one thousand nine hundred thirty-seven.

APPROVED—The 24th day of June, A. D. 1937.

GEORGE H. EARLE

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No. 396

AN ACT

Creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians