

cense or any time after any such license has issued, register with the county treasurer the make of the firearm he desires to carry, and the caliber and number thereof, on a blank to be furnished by the Commissioner of the Pennsylvania State Police. The original registration shall be delivered to the person registering such firearm, and a copy thereof shall be forwarded by the county treasurer to the Commissioner of the Pennsylvania State Police. The county treasurer shall be entitled to collect a fee of fifty (50) cents for each such registration of a firearm. *In all counties the treasurer shall retain twenty (20) cents of each fee and the remaining thirty (30) cents of each fee shall be paid to the county.* The registration of a firearm, as herein provided, shall be good only for the year for which the hunting or fishing license in connection with which it is granted, is issued.

Any such registration of a firearm may be revoked by the county treasurer issuing the same, upon written notice to the holder thereof, and any person aggrieved by the action of a county treasurer in revoking such registration, may appeal from such action in the manner provided by clause (k) of this section.

APPROVED—The 13th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 347

AN ACT

Amending the act of July 28, 1953 (P. L. 723), entitled "An act relating to counties of the second class; amending, revising, consolidating and changing the laws relating thereto," providing civil service coverage for firemen and fire inspectors.

Second Class
County Code.

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

Heading of Article XV.; subdivision heading of (a) and section 1502; subsections (a), (b) and (c), section 1509; and section 1510, act of July 28, 1953, P. L. 723, amended.

Section 1. Heading of Article XV., subdivision heading of (a) and section 1502, subsections (a), (b) and (c) of section 1509 and section 1510, act of July 28, 1953 (P. L. 723), known as the "Second Class County Code," are amended to read:

Article XV

Police, *Firemen, Fire Inspectors* and Employees of Jails and Workhouses

(a) Police, *Firemen and Fire Inspectors*

* * *

Section 1502. Exclusive System.—No member of the police force *and no firemen or fire inspectors* shall be

appointed, promoted, reduced in rank, suspended, furloughed, discharged or reinstated, except in accordance with provisions of this article.

Section 1509. General Provisions Relating to Examinations.—

(a) Each commission shall make rules and regulations, to be approved as herein prescribed, providing for the examination of applicants for positions in the police force or fire department or as a fire inspector and promotions therein. The rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing grades.

(b) All examinations for positions or promotions in the police force and for positions or promotions as firemen or fire inspectors 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, but in no case shall an applicant for promotion in the police force be considered until such applicant shall have first served three years in the police force in which he seeks promotion. Each applicant for examination shall be subject to the rules adopted by the commission, and shall be required to submit to a physical examination before being admitted to the regular examination held by the commission.

* * * * *

(c) In cases of applications for position to the police force or for positions as firemen or fire inspectors, soldiers, as defined by the act, approved the twenty-second day of May, one thousand nine hundred forty-five (Pamphlet Laws 837), entitled, as amended, "An act providing for and requiring in certain cases preference in appointments to and retention in public position or on public works for honorably discharged persons who served in the military or naval service during any war in which the United States engaged; and in certain cases for the widows and wives of such persons," shall be entitled to all the preferences and benefits therein provided, so far as applicable.

Section 1510. Application for Examination for Appointment to the Police Force or as Fireman or Fire Inspector.—Each person desiring appointment to the police force or as a fireman or fire inspector shall apply to the commission for examination, and shall file with the commission a formal application, as provided by it, and shall state, under oath or affirmation, (1) his full name and residence or post office address, (2) his citizenship, place and date of birth, (3) his condition of health

and physical capacity for public service, (4) his business or employment and his residence for the past five years, and (5) such other information as may be required by the commission's rules and regulations, showing the applicant's qualifications for the position for which he is being examined.

No person shall be eligible to apply for examination unless he is more than twenty-one years of age at the date of application, and has been a resident of the county for at least two years immediately preceding his application unless no resident applicants are available.

Section 1512 of act, amended April 28, 1961, P. L. 142, further amended.

Section 2. Section 1512 of the act, amended April 28, 1961 (P. L. 142), is amended to read:

Section 1512. Manner of Making Appointments.—Every position of employment, except that of superintendent of police or equivalent official, *and except that of fire chief or equivalent official or chief fire inspector or equivalent official*, unless filled by promotion or reinstatement, shall be filled only in the following manner: The county commissioners shall notify the commission of any vacancy in the police force *or as fireman or fire inspector* which is to be filled and shall request the certification of a list of eligibles. The commission shall certify for each existing vacancy, from the eligible list, the names of three persons thereon, who have received the highest average in the last preceding examination held within a period of two years next preceding the date of the request for such eligibles. The county commissioners shall thereupon, with sole reference to the merits and fitness of the candidates, make an appointment from the three names certified, unless they make objections to the commission as to one or more of the persons so certified for any of the reasons stated in the preceding section. As each subsequent vacancy occurs in the same or another position precisely the same procedure shall be followed.

Sections 1513, 1514, 1515, 1517, subsections (a) and (d), section 1518, sections 1519, 1520, 1521, 1522, 1524 and 1525 of act, amended.

Section 3. Sections 1513, 1514, 1515, 1517, subsections (a) and (d) of section 1518, section 1519, section 1520 and sections 1521, 1522, 1524 and 1525 of the act are amended to read:

Section 1513. Superintendent of Police *or Fire Chief or Chief Fire Inspector*, etc.—In the case of a vacancy in the office of superintendent of police *or fire chief or chief fire inspector* or equivalent official, the county commissioners may nominate a person to the commission. It shall thereupon become the duty of the commission to subject such person to a noncompetitive examination, and if such person shall be certified by the commission as qualified, he may then be appointed to such position,

and thereafter shall be subject to all the provisions of this article.

Section 1514. Probationary Period.—All appointments to any position in the county police force *or as fireman or fire inspector* shall be for a probationary period of six months, but during the probationary period an appointee may be dismissed only for cause, as specified in section 1511 of this act. If at the close of the probationary period, the conduct or fitness of the probationer has not been satisfactory to the board of county commissioners, the probationer shall be notified in writing that he will not receive a permanent appointment. Thereupon, his appointment shall cease; otherwise, his retention shall be equivalent to a permanent appointment.

Section 1515. Provisional Appointments. — Whenever there are urgent reasons for the filling of a vacancy in any position in the police force *or as fireman or fire inspector* and there are no names on the eligible list for such appointment, the board of county commissioners may nominate a person to the commission for a non-competitive examination, and if such nominee shall be certified by the commission as qualified, after such non-competitive examination, he may be appointed provisionally to fill such vacancy until an examination for such position can be held. It shall thereupon become the duty of the commission, within three weeks from the date of provisional appointment, to hold a competitive examination for such position, and certify a list of eligibles to the board of county commissioners, and they shall then make a regular appointment as prescribed in this article. Nothing herein contained shall prevent the appointment without examination of persons temporarily as police officers, in emergency cases, for the suppression of riots, tumults, in times of war, pestilence, conflagration or public celebration.

Section 1517. Physical Examinations.—All applicants for examination shall undergo a physical examination, which shall be conducted under the supervision of a doctor of medicine appointed by the board of county commissioners. No person shall be eligible to take an examination until said doctor certifies to the commission that the applicant is free from any bodily or mental defects, deformity or disease that might incapacitate him from the discharge of the duties of the position desired in the police force *or as fireman or fire inspector*.

Section 1518. Reducing in Rank; Suspension; Furloughing; Discharging.—(a) No person employed in a county police force shall be reduced in rank (except superintendent of police), suspended, furloughed or discharged, *and no fireman or fire inspector (except fire*

chief or chief fire inspector) shall be suspended, furloughed or discharged, except for the following reasons: (1) neglect or violation of any official duty; (2) violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or a felony; (3) inefficiency, except as hereinafter provided, wilful disobedience of orders, or conduct unbecoming a police officer; (4) drinking of intoxicating liquor while on duty or the use of which renders him unfit for duty when called upon.

* * * * *

(d) In the event the commission fails to uphold the action of the party who made the charges or reasons, then the person against whom the charges were preferred shall be paid in full his salary for the time he may have been prevented from performing his usual employment as a police officer or as a fireman or fire inspector, and no record of the case shall be placed against his service record in the police force or as fireman or fire inspector.

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Section 1519. Reduction in Number of Policemen, Firemen or Fire Inspectors; Reinstatement.—If, for reasons of economy or other reasons, it shall be deemed necessary by the board of county commissioners to reduce the number of policemen in the police force or firemen or fire inspectors, then such reduction in numbers shall be made in the following manner: (1) if there are any policemen, firemen or fire inspectors eligible for retirement under the terms of any retirement or pension system or law, then such reduction in numbers shall be made by retirement, if the party to be retired has served in the police force or as a fireman or fire inspector for a period of at least twenty-five years and reached the age of fifty-five years or over; (2) if the number of policemen, firemen or fire inspectors eligible for retirement is insufficient to effect the reduction in numbers decided upon by the board of county commissioners, or if no retirement or pension system or law exists, or if there are no policemen, firemen or fire inspectors eligible for retirement or pension, then the reduction shall be made by furloughing the last policeman, fireman or fire inspector, including the probationers, that have been appointed to the police force or as fireman or fire inspector, and continue in numerical order until the reduction decided upon by the board of county commissioners has been effected. In any case where there has been more than one employe appointed at the same time, then such furloughing shall be determined by the alphabetical order of the first letter of their surname. In the event the said police force, firemen or fire inspectors shall again be increased in numbers, then the employes furloughed

shall be reinstated, in the inverse order of that in which they were furloughed, before any new appointments shall be made to the police force *or as firemen or fire inspectors*.

Section 1520. Present Employes Exempted.—(a) All members (except superintendent of police) of the county police force upon the fourth day of May, one thousand nine hundred forty-three, shall continue to hold their positions, and shall not be required to take any examination under the provisions of this article except such as may be required for promotion. Any member of a county police force who was dismissed from such force between the first day of January, one thousand nine hundred forty-three, and the fourth day of May, one thousand nine hundred forty-three, for any reason except those as specified in section 1511 of this act, shall be reinstated to his former position in the police force without any examination whatsoever.

(a.1) *All members (except the fire chief) of the county fire department and all fire inspectors upon the effective date of this amending act shall continue to hold their positions and shall not be required to take any examination under the provisions of this article except such as may be required for promotion.*

(b) Each member of the county police force *and every fireman or fire inspector* now or hereafter serving in the armed forces of the United States during any war or any police action in which the United States is engaged shall, upon his honorable discharge from such service and return to such police force *or as a fireman or fire inspector*, be reinstated in the force in a position of equal grade to that which he held immediately before entering the armed forces of the United States. He shall continue to hold such position, and shall not be required to take any examination under the provisions of this article except such as may be required for promotion.

Section 1521. Discrimination on Account of Religious or Political Affiliations.—No question in any form of application for any examination or in any examination shall be so framed as to elicit information concerning the religious or political opinions of any applicant, nor shall inquiry be made concerning such opinions or affiliations, and all such disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened or promised by any person in or interested in the police force, *firemen or fire inspectors* against or in favor of an applicant on the eligible list for appointment to or promotion in the police force *or as fireman or fire inspector* because of his religious or political opinions or affiliations.

Section 1522. Penalties.—Any county commissioner or anyone acting for the board of county commissioners

who shall cause any person to be appointed to or promoted in the police force *or as a fireman or fire inspector* contrary to the provisions of this article, or who violates any of the provisions of this article, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not more than five hundred dollars (\$500) or suffer imprisonment not exceeding one year, or both.

Section 1524. Hours of Service; Exceptions; Vacations.—Every member of the police force shall have at least twenty-four consecutive hours of rest in each calendar week, except in emergency cases for the suppression of riots or tumults or the preservation of the public peace, in times of war, riot, conflagration or public celebration. No member shall be required to work more than eight consecutive hours in any twenty-four hours except in the aforesaid cases of emergency. Every member shall be allowed one day's vacation for each month of service for the first twelve months of service, and thereafter an annual vacation of not less than fourteen days. He shall also be allowed an annual sick leave of not less than fourteen days. All such vacation and sick leave shall be without any deduction or diminution of salary or compensation as fixed by the salary board. *Work hours of firemen and fire inspectors shall be as determined by the board of county commissioners.*

Section 1525. Compensation and Expenses to Policemen, *Firemen or Fire Inspectors*, Injured or Ill.—Every member of the police force *and every fireman and fire inspector* who may be injured or become sick through the performance of his duties, and by reason thereof is temporarily incapacitated from performing his duties, shall be paid by the county his full rate of salary as fixed by the salary board until the disability arising therefrom has ceased. All medical and hospital bills incurred in connection with any such injury or sickness shall be paid by the county. All benefits under the Workmen's Compensation Law which shall be received or collected by any such member during the period he has received salary for temporary disability shall be paid over to the county and paid into the treasury thereof. If any such payment or payments shall not be so made by the member of the police force, *fireman or fire inspector*, the amount so directed to be paid to the county shall be deducted from any salary which shall then or thereafter become due and owing to such member.

Effective date.

Section 4. This act shall take effect January 1, 1964.

APPROVED—The 13th day of August, A. D. 1963.

WILLIAM W. SCRANTON