

No. 1984-58

AN ACT

SB 887

Amending the act of June 5, 1941 (P.L.84, No.45), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expense on boroughs, incorporated towns and townships of the first class; imposing penalties, and repealing inconsistent laws," eliminating certain mandatory retirement.

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

Section 1. Section 20 of the act of June 5, 1941 (P.L.84, No.45), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expense on boroughs, incorporated towns and townships of the first class; imposing penalties, and repealing inconsistent laws," is amended to read:

Section 20. Removals.—No person employed in any police department of any political subdivision 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 the conducting of any political or election campaign otherwise than to exercise his own right of suffrage. 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.

If for reasons of economy or other reasons it shall be deemed necessary by any municipality to reduce the number of paid employes of the police department, then such political subdivision 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 [is sixty-five years of age or over] *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 force eligible to retirement is insufficient to effect the necessary reduction in numbers, or if there are no persons eligible for retirement, or if no retirements or pension fund exist, then the reduction shall be effected by furloughing the man or men, including probationers last appointed to said police force. Such removal shall be accomplished by furloughing in numerical order, commencing with the man 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.

Section 2. This act shall take effect in 60 days.

APPROVED—The 9th day of May, A. D. 1984.

DICK THORNBURGH