

and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," is hereby amended to read as follows:

Section 204. Exemptions from Taxation.—The following property shall be exempt from all county, city, borough, town, township, road, poor and school tax, to wit:

* * * * *

(g) All other public property used for public purposes, with the ground thereto annexed and necessary for the occupancy and enjoyment of the same, *but this shall not be construed to include property otherwise taxable which is owned or held by an agency of the Government of the United States.*

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 3rd day of May, A. D. 1943.

EDWARD MARTIN

No. 82

AN ACT

To amend the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," establishing the method of appointing, promoting, reducing in rank, suspension, furloughing, discharging and reinstating members of the police force of counties of the second class; creating and defining the powers and duties of a civil service commission; imposing certain duties and expenses on such counties; and prescribing penalties.

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

The General County Law. Subdivision (q), article 3, act of May 2, 1929, P. L. 1278, as added by act of March 30, 1937, P. L. 114, amended by adding sections 330.1, 330.2, 330.3, 330.4, 330.5, 330.6, 330.7, 330.8, 330.9, 330.10, 330.11, 330.12, 330.13, 330.14, 330.15, 330.16, 330.17, 330.18, 330.19, 330.20, 330.21, and 330.22.

Section 1. Subdivision (q) of article three of the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as added by the act, approved the thirtieth day of March, one thousand nine hundred thirty-seven (Pamphlet Laws, one

hundred fourteen), is hereby amended by adding thereto the following new sections to read as follows:

Police.

Section 330.1. No member of the police force of counties of the second class shall be appointed, promoted, reduced in rank, suspended, furloughed, discharged or reinstated, except in accordance with the following provisions: Provided, however, That all appointments to and promotions in the police force in said counties, which shall be made during the period beginning December seventh, one thousand nine hundred forty-one and ending six months after cessation of hostilities of the war in which the United States is now engaged, shall be provisional for and during such period.

Civil Service Commission.

Section 330.2. Civil Service Commission Created; Appointments; Vacancies.—There is hereby created in each county of the second class a civil service commission, hereinafter referred to as the commission. Each commission shall consist of three commissioners, who shall be appointed by the county commissioners and who shall be qualified electors of the county for which appointed, and shall be appointed initially to serve the terms of two, four, and six years, and as terms thereafter expire shall be appointed for terms of six years. Not more than two members of the commission shall be of the majority and at least one shall at all times be of the minority political parties. The members of the commission first appointed under the provisions of this act shall be appointed within thirty days after the effective date of this act. Any vacancy occurring in any commission, for any reason whatsoever, shall be filled for the unexpired term within a period of thirty days after such vacancy occurs. Each member of the commission created by this act shall, before entering upon the discharge of the duties of his office, appear before the court of common pleas and take an oath or affirmation to support the Constitutions of the United States and of the Commonwealth of Pennsylvania and to perform his official duties with fidelity.*

Appointed by county commissioners.

Term.

Vacancies.

May not hold other political office.

No commissioner shall at the same time hold an elective or appointive office under the United States Government, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth.

Organization.

Section 330.3. Organization of Commission; Quorum.—The commission for each county of the second class shall organize within ten days after its appointment, and shall elect one of its members as the chairman and one as the secretary of the commission. The commission shall thereafter meet and organize on the second Monday of each even-numbered year. Each commissioner shall be notified in writing of each meeting of the commission. Two members of the commission shall constitute a

Quorum.

* "Constitution" in original.

quorum and no action of the commission shall be valid unless it shall have the concurrence of at least two members.

Section 330.4. Clerks and Supplies.—The county commissioners of the counties of the second class shall furnish to the commission on its requisition such clerical assistance as may be necessary for the work of the commission. The board of county commissioners shall provide a suitable and convenient room or rooms for the use of the commission. The commission shall order from the county commissioners the necessary stationery, postage, printing and supplies, and the county commissioners shall aid the commission in all proper ways in carrying out the provisions of this act.

County commissioners to furnish clerks, supplies, etc.

Section 330.5. Rules and Regulations.—Each commission shall have power to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this act, and shall be governed thereby. Before any such rules and regulations are in force, the same shall first be approved by the board of county commissioners of such county. When such rules and regulations have been so approved they shall not be annulled, amended or added to without the approval of the board of county commissioners. All such rules and regulations and modifications thereof shall be printed for public distribution.

Rules and regulations.

Section 330.6. Minutes; Records; Annual Report.—Each commission shall keep minutes of its proceedings and records of examinations and other official actions. All recommendations of applicants for appointment received by the commission shall be kept and preserved for a period of five years, and all such records and all written causes of removal filed with the commission shall be subject to reasonable regulations and open to public inspection. The commission shall make an annual report to the board of county commissioners containing a brief summary of its work during the year, which shall be available for public inspection five days after the filing thereof.

Records.

Section 330.7. Investigations; Subpoenas.—The commission shall have power to make investigations concerning all matters touching the administration and enforcement of the provisions of this act and rules and regulations adopted thereunder. Any member of the commission is hereby given power to administer oaths as oaths are administered by other public officers invested by law with the power of administering oaths, with the same force and effect and carrying the same penalties. The commission shall have power to issue subpoenas over the signature of the chairman or secretary to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry

Investigations; subpoenas.

authorized by this act. The fees of such witnesses and for travel shall be the same as for witnesses appearing in the courts of common pleas, and shall be paid from appropriations for incidental expenses of the commission as provided by the board of county commissioners. All officers and employes in public service shall attend and testify when required to do so by the commission. If any person shall refuse or neglect to obey any subpoena issued by the commission he shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine not to exceed one hundred dollars (\$100.00) or imprisonment in the county jail not to exceed thirty days. If any person shall refuse or neglect to obey any subpoena issued by the commission, it may by petition apply to the court of common pleas of the county for its subpoena requiring the attendance of such persons before the commission or the court there to testify and to produce any records and papers, and in default thereof shall be held in contempt of court and punished therefor.

Examination
of applicants.

Section 330.8. *General Provisions Relating to Examinations.*—Each commission shall make rules and regulations to be approved as herein provided, providing for the examination of applicants for positions in the police force, and promotions therein, which rules and regulations shall prescribe the minimum qualifications of all applicants to be examined, and the passing grades. All examinations for positions or promotions in the police force of any county of the second class 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 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. Public notice of the time and place of every examination, together with the information as to the kind of position or place to be filled, shall be given by publication once in a newspaper or papers of general circulation in the county at least two weeks prior to each examination, and a copy of the notice shall be prominently posted in the office of the commission or other public place. The commission shall post in its office the eligible list containing the names and grades of those who have passed the examination for positions

under this act. In cases of applications for position to the police force, soldiers as defined by the act approved the fifth day of August, one thousand nine hundred forty-one (Pamphlet Laws, eight hundred seventy-two), entitled "An act providing for and requiring in certain cases preference in appointment to public position for honorably discharged persons who served in the military or naval service during any war in which the United States was engaged," shall be given the additional credits provided for by said act.

Veterans' preference.

Section 330.9. *Application for Examination for Appointment to the Police Force.*—Each person desiring appointment to the police force of counties of the second class 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: (a) his full name and residence or post office address, (b) his citizenship, place and date of birth, (c) his condition of health and physical capacity for public service, (d) his business or employment and his residence for the past five years, and (e) 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.

Application form.

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.

Eligibility.

Section 330.10. *Rejection of Applicant; Hearing.*—The commission may refuse to examine any applicant, or if examined may refuse to certify, after examination, as eligible anyone who is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which he has applied, or who is physically disabled and unfit for the performance of the duties of the position to which he seeks employment, or who is addicted to the habitual use of intoxicating liquors or drugs, or who has been guilty of any crime involving moral turpitude, or infamous or notorious disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the Constitutions and laws of the United States and of Pennsylvania. If any applicant or person feels himself aggrieved by the action of the commission in refusing to examine him or to certify him as eligible for examination, they shall at the request of such person, within ten days, appoint a time and place where he may appear personally and with counsel, whereupon the commission

Rejections.

Appeal to commission.

shall then review its refusal to make such examination or certification and take such testimony as may be offered and then again render its decision.

Appointments.

Section 330.11. Manner of Making Appointments.— Every position of employment (except that of superintendent of police 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 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 one year 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 of this act. As each subsequent vacancy occurs in the same or another position precisely the same procedure shall be followed.

Filling superintendent vacancy.

*Section 330.12. Superintendent of Police, etc.—*In the case of a vacancy in the office of superintendent of police 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 act.

Appointments probationary for six months.

*Section 330.13. Probationary Period.—*After the effective date of this act all appointments to any position in the county police force 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 330.10 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.

Provisional appointments under certain circumstances.

*Section 330.14. Provisional Appointments.—*Whenever there are urgent reasons for the filling of a vacancy in any position in the police force, 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 noncompetitive examination, and if

such nominee shall be certified by the commission as qualified, after such noncompetitive 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 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 act; but 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 330.15. *Promotions.*—Promotions shall be based on merit, to be ascertained by written examinations to be prescribed by the board of county commissioners, and held under the supervision of the commission. All examinations for promotions shall be practical in character, and such as will fairly test the merit and fitness of the persons seeking promotion. No member of the county police force shall be eligible to take any promotional examination until after serving three years in the county police force for which such examination is held. The board of commissioners shall have power to determine in each instance whether an increase in salary shall constitute a promotion. Promotions.

Section 330.16. *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. Physical examinations.

Section 330.17. *Reducing in Rank; Suspension; Furloughing; Discharging.*—No person employed in a county police force shall be reduced in rank (except superintendent of police), suspended, furloughed, discharged or reinstated, 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 (carrying both a fine and imprisonment), or a felony; (3) inefficiency, willful 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. In every such case of reduction of rank (except that of superintendent of police), suspension, furlough or discharge, a copy or statement of the Disciplinary restrictions.

reasons therefor and written answers thereto shall be furnished to the person sought to be reduced in rank, suspended, furloughed or discharged, if he shall demand it. He shall have the right to appeal to the commission for a hearing on the reasons or charges preferred against him. Upon the written request for such a hearing the commission shall arrange for such hearing within ten days from receipt of such request. At any such hearing the person against whom the charge or reason is made may be present in person and by counsel, and the burden shall be upon the party making such charges or reasons to justify his action. 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, and no record of the case shall be placed against his service record in the police force. If, in the case of demotion of any employe (except that of superintendent of police), the charges or reasons are sustained, then such person shall not be reverted below his seniority standing on the roster of the grades of patrolman in the police force. A written record of all testimony shall be taken at any and all hearings held by the commission, and such records shall be sealed and not available to public inspection in the event no appeals are taken from the action of the commission. In the event the commission shall sustain the party who preferred the charges or reasons, then the party against whom the charges or reasons were made shall have immediate right of appeal to the court of common pleas of the county. Such appeal shall be taken within the period of ninety days from the date of entry by the commission of its final order, and shall be by petition. Upon such appeal being taken and docketed, the court of common pleas shall fix a day for the hearing, and proceed to hear the appeal de novo on the original record, and the employe shall be reduced, suspended, furloughed, or discharged, in accordance with the order of the court of common pleas.

Appeal.

Reduction in
number of
policemen;
reinstatement.

Section 330.18. *Reduction in Number of Policemen; 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, then such reduction in numbers shall be made in the following manner: (a) if there are any policemen 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 for a period of at least twenty-five years, and reached the age of fifty-five years or over; (b) if the number of policemen eli-

gible 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 eligible for retirement or pension, then the reduction shall be made by furloughing the last policeman, including the probationers that have been appointed to the police force, 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 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.

Section 330.19. *Present Employes Exempted.*—All members (except superintendent of police) of the county police force, upon the effective date of this act, shall continue to hold their positions and shall not be required to take any examination under the provisions of this act, except such as may be required for promotion. Any member of a county police force for counties of the second class who was dismissed from such force since January first, one thousand nine hundred forty-three, for any reason except those as specified in section 330.10 of this act, shall be reinstated to his former position in the police force without any examination whatsoever. All members of the county police force now or hereafter serving in the armed forces of the United States during the war in which the United States is now engaged, shall upon their honorable discharge from such service and their return to such police force 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, and shall continue to hold such position, and shall not be required to take any examination under the provisions of this act, except such as may be required for promotion. Exemptions.

Section 330.20. *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, against or in favor of an applicant on the eligible list for appointment to or pro- Discrimination because of religious or political affiliations discountenanced.

motion in the police force, because of his religious or political opinions or affiliations.

Penalties.

Section 330.21. Penalties.—Any county commissioner or anyone acting for said board of county commissioners of counties of the second class, who shall cause any person to be appointed to or promoted in a police force for such counties contrary to the provisions of this act, or who violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine of not more than five hundred dollars (\$500.00) or suffer imprisonment not exceeding one year, or both.

Compensation of
commission and
its employes.

Section 330.22. Compensation of the Commission and its Employes.—The compensation to be received by members of the commission, or any of the employes they may require for putting into effect the provisions of this act, shall be fixed in the same manner as the compensation of other officers and employes are fixed in such counties.

Inconsistent acts
repealed.

Section 2. Repeal and Construction.—All acts and parts of acts, general, special or local, inconsistent with this act, are hereby repealed. It is the purpose of this act to furnish a complete and exclusive system for the appointment to, reduction in rank (except that of superintendent of police), suspension from, furloughing from, dismissal from, and reinstating to police forces for counties of the second class. If any section or part of a section of this act shall be contested in the courts of this Commonwealth and declared to be unconstitutional, then only such section or part of section of this act shall be so affected by the decision of the courts.

Provisions of act
to be severable.

Act effective
immediately.

Section 3. Effective Date.—The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 4th day of May, A. D. 1943.

EDWARD MARTIN

No. 83

AN ACT

To further amend section two hundred fifty-four of the act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws, four hundred forty-eight), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same.

Fish.

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