

No. 465

AN ACT

HB 2070

Amending the act of August 10, 1951 (P. L. 1189), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employes (except superintendents, assistant superintendents, inspectors, chief clerks and school guards) in bureaus of police in cities of the second class; and defining the powers and duties of civil service commissioners in such cities for such purposes," requiring any employe convicted of a felony to be summarily dismissed from employment.

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

Section 1. Section 7, act of August 10, 1951 (P. L. 1189), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employes (except superintendents, assistant superintendents, inspectors, chief clerks and school guards) in bureaus of police in cities of the second class; and defining the powers and duties of civil service commissions in such cities for such purposes," amended July 9, 1963 (P. L. 217), is amended to read:

Section 7. No employe in the competitive class in any bureau of police in any city of the second class, except any such employe who has been convicted of a felony and whose appellate remedies have been exhausted shall be removed, discharged or suspended for a period exceeding ten days as a penalty, or reduced in rank or pay without his written consent, except for just cause, which shall not be religious or political; nor, in any event, except by the decision of a court, either of trial or inquiry, duly determined and certified in writing to the mayor and approved in writing by the mayor: Provided, however, That any such employe who is suspended for a period of ten days or less shall, at his option, be granted a court hearing. Such court shall be composed of three persons employed in the competitive class of said bureau of police equal or superior in rank therein to the accused. Such decision 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 represented by a brother employe or any attorney-at-law to act as his counsel. The persons composing said court shall be selected as follows: The director of the department of public safety shall in the presence of the employe charged and his brother officer or the attorney-at-law acting as his counsel, as aforesaid,

cause the names of at least fifty employes of the bureau of police who hold a position in the competitive class equal or superior in rank to the employe charged, 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 or other receptacle properly adapted for the drawing therefrom of names by law, as hereinafter provided. Said fifty names so deposited shall be provided as follows: The director of the department of public safety shall supply twenty-five thereof and the employe charged shall supply twenty-five thereof. When said names shall have been so deposited in the box or receptacle, the same shall be thoroughly shaken by some disinterested person until the slips of paper have been thoroughly mixed, and thereupon such disinterested person shall draw therefrom singly and by law seven names, and the director of the department of public safety and the person charged shall each in order be entitled to exercise alternate challenges until the names of three persons are left and said three persons shall compose the court, either of trial or inquiry, as the case may be. In the event that there should not be fifty employes of the bureau of police holding positions in the competitive class equal or superior in rank to the employe under charges, then the names of all such employes equal or superior in rank to the employe under charges shall be so placed in said box and drawn therefrom and the court of trial or inquiry selected in the manner hereinabove described or as nearly in such manner as may be possible under the circumstances. Any employe so charged may waive by his written consent the selection of a board by agreeing to the board that has already been chosen. Any employe so charged, if he shall demand it in writing, shall be furnished promptly, without cost or expense to him, a transcript of the testimony taken before said court of inquiry or trial, duly certified by the official reporter.

The persons comprising said court shall be sworn by the director of the department of public safety to perform their duties impartially and without fear or favor.

The persons comprising said court shall select one of their number as chairman, who shall have the same authority to issue and enforce process to secure the attendance of witnesses and administer oaths to witnesses as is possessed by any justice of the peace of the Commonwealth. Such charges may be of disability for service, in which case the court shall be one of inquiry, whose decision may be for the honorable discharge of the employe concerned; or, of neglect or violation of law or duty, inefficiency, intemperance, disobedience of orders, or unbecom-

ing official or personal conduct, in which cases the court shall be one of trial, and its decision shall authorize the director 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 employe 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 ten days following the date of suspension.

Any employe in the competitive class in any bureau of police in any city of the second class convicted of a felony shall be summarily dismissed from employment by the director of the department of public safety.

Section 2. This act shall take effect immediately.

APPROVED—The 22d day of December, A. D. 1965.

WILLIAM W. SCRANTON

No. 466

AN ACT

HB 2146

Amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," increasing expense allowances.

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

Section 1. Subsection (a) of section 443, act of August 9, 1955 (P. L. 323), known as "The County Code," amended September 2, 1961 (P. L. 1159), is amended to read:

Section 443. Expenses of Attending Members to be Paid by County; Time Limit on Meetings.—(a) The expenses of all authorized county officers attending the annual meetings of their associations shall be paid by the several counties out of general county funds. Each of these officers, except the county commissioners, shall be allowed for his expenses [twenty dollars (\$20)] thirty-five dollars (\$35) per day for the