

No. 2002-54

AN ACT

SB 769

Amending the act of June 24, 1931 (P.L.1206, No.331), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further providing for members of the civil service commission, for organization and a quorum of the commission and for compensation.

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

Section 1. Sections 626 and 628 of the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, reenacted and amended May 27, 1949 (P.L.1955, No.569), are amended to read:

Section 626. Civil Service Commission Created; Appointments; Vacancies.—There is hereby created in each township where a police force or paid fire apparatus operators as hereinbefore provided are being maintained, a civil service commission, hereinafter referred to as the commission. The commission shall consist of three commissioners who shall be qualified electors of the township and shall be appointed by the township commissioners initially to serve for the terms of two, four and six years, and as terms thereafter expire shall be appointed for terms of six years.

Any vacancy occurring in any commission for any reason whatsoever shall be filled for the unexpired term within the period of thirty days after such vacancy occurs.

Each member of the commission created by this subdivision, before entering upon the discharge of the duties of his office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform his official duties with fidelity.

The township commissioners may appoint no more than three qualified electors of the township to serve as alternate members of the commission. The term of office of the alternate members shall be six years. When seated pursuant to section 628, an alternate shall be entitled to participate in all proceedings and discussions of the commission to the same and full extent as provided by law for commission members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other office in the township. Any alternate may participate in any proceeding or discussion of the commission but shall not be entitled to vote as a member of the commission unless designated as a voting alternate member pursuant to section 628.

Section 628. Organization of Commission; Quorum.—The commission first appointed shall organize within ten days of its appointment and shall elect one of its members as the chairman and one as the secretary. The commission shall thereafter meet and organize on the first Monday of each even-numbered year. Each commissioner shall be notified in writing of each and every meeting. ~~[Two]~~ **Three** members of the commission shall constitute a quorum ~~[and no]~~. ***If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman shall designate as many alternate members of the commission to sit on the commission as may be needed to provide a quorum. Any alternate member of the commission shall continue to serve on the commission in all proceedings involving the matter or case for which the alternate was initially designated until the commission has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. No*** action of the commission shall be valid unless it shall have the concurrence of at least two members.

Section 2. Section 703 of the act, amended October 31, 1995 (P.L.345, No.57), is amended to read:

Section 703. Compensation.—Each township commissioner may receive a salary, established by ordinance, of not more than one thousand eight hundred seventy-five dollars per year in townships having a population of less than five thousand, not more than two thousand five hundred dollars per year in townships having a population of five thousand or more but less than ten thousand, not more than three thousand two hundred fifty dollars per year in townships having a population of ten thousand or more but less than fifteen thousand, not more than four thousand one hundred twenty-five dollars per year in townships having a population of fifteen thousand or more but less than twenty-five thousand, not more than four thousand three hundred seventy-five dollars per year in townships having a population of twenty-five thousand or more but less than thirty-five thousand, and not more than five thousand dollars per year in townships having a population of thirty-five thousand or more. Such salaries shall be payable monthly or quarterly for the duties imposed by the provisions of this act. ***Benefits provided to the commissioners under section 1502(LXIII) shall not be considered pay, salary or compensation; but payment for all or a part of the premiums or charges for the benefits shall be in accordance with section 1502(LXIII).*** The population shall be determined by the latest available official census figures, except that no township shall be required to reduce the salary of a commissioner as a result of a decrease in population or when an increase in salary is authorized pursuant to this section, the increase may be applied to the amount of the salary of the commissioner at the time such an increase is enacted by the board of commissioners.

Section 3. This act shall take effect in 60 days.

APPROVED—The 12th day of June, A.D. 2002.

MARK S. SCHWEIKER