

or name practice chiropractic, or who, for the purpose of obtaining such license, shall falsely represent himself or herself to be the owner of a diploma from a reputable school, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars (\$500), or suffer imprisonment for not more than six months, for each offense, or both, at the discretion of the court.

Section 23. This act shall not apply either directly or indirectly, by intent or purpose, to affect the practice of any other branch of the healing art by any person duly licensed by the Department of Public Instruction to engage in such practice, nor to any person who, as an adherent of a well recognized religion which uses spiritual means or prayer for healing, practices the healing art in accordance with its teachings.

Practices excluded.

Section 24. The preliminary education, both secondary and collegiate, of applicants for licensure to practice chiropractic in this Commonwealth, shall be determined, valued, standardized and regulated by the Department of Public Instruction, as now required by law of applicants for licensure to practice any profession or work at any trade or occupation in this Commonwealth.

Department of Public Education to determine, value, standardize and regulate preliminary education of applicants for licensure.

Section 25. Repeal.—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 26. Effective Date.—The provisions of this act shall become effective immediately upon its final enactment.

APPROVED—The 10th day of August, A. D. 1951.

JOHN S. FINE

No. 265

### AN ACT

Regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employes (except superintendents, assistant superintendents, inspectors and chief clerks) 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.

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

Cities of the second class.

Section 1. All positions in the bureau of police, except as hereinafter provided, in cities of the second class, shall be in the competitive class of the civil service of such cities. This act shall not apply to or include superintendents of police under the direction of the department of public safety by whatever title his position may

Positions in bureau of police placed in competitive class of civil service of such cities.

Positions excepted.

be designated, nor his ranking assistant superintendent by whatever title his position may be designated, nor to the inspectors or chief \*clerks in bureaus of police in such cities.

Civil service commissions not to change nor waive effective rules or regulations.

Section 2. The civil service commissions in cities of the second class shall not have the power to change any rule or regulation which has been established and which is in force and effect on the date of the approval of this act in so far as the same shall apply to the positions provided for in this act to be in the competitive class; nor shall any commission have the power to waive any such rule or regulation in any specific case or cases.

Physical examination required in certain cases.

Section 3. Each applicant for original appointment to any position in the competitive class in any bureau of police in any city of the second class shall undergo a physical examination, which shall be conducted by a commission composed of doctors of medicine appointed for that purpose by the mayor. Said commission shall certify to the civil service commission that the applicant is free from bodily or mental defects, deformity or disease that might incapacitate him from the performance of the duties of the position he is seeking before such application is permitted to take any further examination.

Conduct of such examination.

Certification of medical commission.

Qualifications of applicants.

No application for such appointment shall be received from any person who is under twenty-one years of age or over thirty-five years of age at the date of his application. Nor shall any such application be received from any person who has not been a bona fide resident of the city for one year next preceding the date of his application: Provided, That any applicant for reinstatement as a member of the bureau of police who shall have served as an employe in such bureau of police for a period of more than six months, and who at the time of his application for reinstatement shall be a resident of such city, shall be eligible for such reinstatement, even though such applicant shall be over the age of thirty-five years.

Proviso.

Reinstatements as employes in bureau of police.

Section 4. Reinstatements as employes in said bureau of police may be made without any restriction or restrictions as to time. No examination, other than a physical examination as directed by the civil service commission, shall be required in any case of reinstatement. Any person so reinstated shall be the lowest in rank in the bureau next above the probationers in such bureau.

Promotion of persons employed in competitive positions.

Section 5. No person employed in a competitive position in the bureau of police in any city of the second class shall be eligible for promotion from a lower grade to a higher grade until such person shall have completed at least four years service in the grade of patrolman.

\* "clerk" in original.

Section 6. Vacancies in positions in the competitive class shall be filled by promotions from among persons holding positions in a lower grade in the bureau of police. Promotions shall be based upon merit to be ascertained by tests to be provided by the civil service commission and upon the superior qualifications of the person to be promoted as shown by his previous service and experience. The civil service commission shall maintain a list of those persons qualified for promotion to the next superior position, from which list the director of the department of public safety shall make all promotions in the order in which the names appear on said list. The director of the department of public safety shall not pass over any name appearing on the civil service commission list for promotion until the promotion is first tendered to the first name thereon and then only when said person refuses said promotion or is physically unable to carry out the duties of the new position. The civil service commission shall have the power to determine in each instance whether an increase in salary constitutes a promotion.

Section 7. No employe in the competitive class in any bureau of police in any city of the second class 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, which court shall be composed of three persons employed in 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 appointed and shall be sworn by the director of the department of public safety to perform their duties impartially and without fear or favor. The person of highest rank in said court 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; if said persons shall be equal in rank, then the persons composing said court shall select one of their number to exercise such authority. Such charges may be of disability for service, in which case the court shall be one of inquiry, whose decision

Filling of vacancies in competitive positions.

Promotions to be based upon merit.

Civil service commission to maintain list of persons qualified for promotion.

Promotions to be tendered in order in which names appear on list.

Removal, discharge, or suspension of employes.

Decision of court of trial or inquiry required.

Composition of court.

Decision to be determined by trial of charges.

Accused to have due notice of trial and right to be present or represented thereat.

Said court authorized to issue and enforce process and secure attendance of witnesses, etc.

Trial of charge of disability for service.

Trial of other charges.

Suspension of employe from duty before trial authorized.

Decision of court of trial or inquiry to be certified to mayor.

Approval by mayor.

Record of proceedings and decision of court to be furnished to civil service commission.

Accused employe to have right to appeal to civil service commission.

Civil service commission to review record and affirm, modify or revoke decision.

Employe to be reinstated in case commission fails to sustain decision of removal of officer.

Right of appeal to court of common pleas where decision is modified or sustained by commission.

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 unbecoming 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.

Section 8. After full and complete hearing, the court of trial or inquiry shall determine its decision which shall be promptly certified in writing to the mayor. After approval by the mayor in writing, the director of the department of public safety shall notify the accused in writing of such decision, including the penalty, if any. In every case of such removal, discharge, suspension, reduction or fine, the complete record of the proceedings and decision of the court of trial or inquiry, approval by the mayor, and notice of the director of the department of public safety shall be furnished forthwith to the civil service commission and entered upon its records. Within ten days following the receipt of the written notice of the director of the department of public safety, if served personally, or within ten days from the date of the mailing of such written notice by the director of the department of public safety to the last known address of the accused employe, the accused employe shall have the right to appeal to the civil service commission of such city. The civil service commission shall review the entire record, including the testimony before the court of trial or inquiry, and shall have the right to affirm, modify or revoke the decision of the court of trial or inquiry. The civil service commission, in arriving at its decision, may permit the taking of additional testimony, but shall not be bound to do so. If the civil service commission shall fail to sustain the decision of removal of the officer, the person sought to be removed shall be reinstated with full pay for the entire period during which he has been prevented from performing his usual employment, and no charges shall be recorded against him. In the event the decision shall be modified or sustained by the civil service commission, the person penalized shall have the right to appeal, by petition to the court of common pleas of the

county, within thirty days after receipt of written notice of such action by the civil service commission. It shall be the duty of the civil service commission to give such notice. In every case so appealed to the court of common pleas of the county, the court shall hear the charges made against the accused de novo. Notice of the taking of such appeal shall be served on the city solicitor within ten days following the taking of the appeal. The court shall fix a time and place for hearing, shall make findings of fact and conclusions of law, and file a decision. The issue before the court shall be whether the action of the trial court shall be affirmed or modified in any respect or whether the charges should be dismissed. Where any policeman has been suspended by the action of the trial court and the charges are dismissed on appeal, the policeman shall receive full compensation for the entire period of suspension.

Court to hear charges against accused de novo.

Notice of taking appeal.

Duties of court.

Issue.

Dismissal of charges on appeal after suspension.

Section 9. If, for reasons of economy or lack of funds, it becomes necessary for any city of the second class to reduce any employes of its bureau of police, then the city shall follow the following procedure:

Procedure to reduce number of employes of bureau of police.

First. If there are any employes in its bureau of police eligible for retirement under the terms of any police pension fund, then such reduction shall be made by retirement on pension of the oldest in age and service.

First, retirement on pension of oldest in age and service.

Second. If the number of employes in its bureau of police eligible for retirement under the pension fund of said city is insufficient to affect the reduction in number desired by the city, or if there is no eligible person for retirement, or if no retirement fund exists in said city, then the reduction shall be effected by suspending the last man or men, starting with probationers, that have been appointed. Such removal shall be accomplished by suspending in numerical order, commencing with the last man appointed, all recent appointees, until such reduction shall have been accomplished. Whenever the number of employes in the bureau of police shall be again increased in number, or if any vacancies occur, the employes suspended under the terms of this act shall be reinstated to their former class before any new appointees are appointed, in the inverse order in which they were suspended.

Second, suspending last man or men, starting with probationers that have been appointed.

Section 10. All persons holding appointive positions in the bureau of police in any city of the second class upon the effective date of this act shall continue to hold such positions, subject to the provisions of this act, except that they shall not be required to take any examinations required by this act other than examinations required for promotions.

Persons holding appointive positions in bureau of police to continue to hold such positions.

Section 1 of article 3, act of March 7, 1901, P. L. 20, as reenacted and amended by act of June 15, 1937, P. L. 1761, repealed in part.

Section 11. So much of section one of article three of the act, approved the seventh day of March, one thousand nine hundred one (Pamphlet Laws 20), entitled "An act for the government of cities of the second class," as relates to the removal and dismissal of policemen in cities of the second class, as reenacted and amended by the act, approved the fifteenth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1761), is hereby repealed.

Act of May 23, 1907, P. L. 206, and its amendments, repealed in part.

The act, approved the twenty-third day of May, one thousand nine hundred seven (Pamphlet Laws 206), entitled "An act to regulate and improve the civil service of the cities of the second class in the Commonwealth of Pennsylvania; making violations of its provisions to be misdemeanors, and providing penalties for violations thereof," and its amendments, are hereby repealed in so far as they relate to employes in bureaus of police in cities of the second class.

Inconsistent acts repealed.

All other acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 10th day of August, A. D. 1951.

JOHN S. FINE

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No. 266

### AN ACT

To amend sections 3 and 4 of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 1184), entitled "An act requiring all employable persons receiving public assistance, with certain exceptions, to perform certain work, or be refused further assistance; conferring powers and imposing duties on county boards of assistance, and on certain State and local officers and employes, and on charitable institutions, persons, copartnerships, associations, corporations, and State and Federal employment officers; and requiring payments to the Commonwealth on account of certain work performed," by imposing additional duties on county boards of public assistance; permitting non-profit cemetery associations, fire companies, public libraries, and other similar organizations, supported totally or partially by public subscriptions, donations or gifts, to furnish employment to certain persons; and changing the requirements for furnishing transportation.

Public assistance.

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

Sections 3 and 4, act of June 27, 1939, P. L. 1184, amended.

Section 1. Sections 3 and 4 of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 1184), entitled "An act requiring all employable persons receiving public assistance, with certain exceptions, to perform certain work, or be refused further assistance; conferring powers and imposing duties on county boards of assistance, and on