

(c) For all service prior to the time of commencing contribution, as the time he contributed at the one one-hundred-twentieth (1-120) rate bears to the total time of contribution and as the time he contributed at the one one-hundredth (1-100) rate bears to the total time of contribution.

APPROVED—The 22nd day of December, A. D. 1951.

JOHN S. FINE

No. 463

AN ACT

Relating to the loyalty to the United States and the Commonwealth of Pennsylvania of public officers and employes, including teachers and other employes of the public school system, and officers and employes of State-aided institutions of learning; requiring oaths or affirmations by applicants for public office or employment and by present appointed officers and employes; prohibiting appointment or employment and requiring discharges after hearing in certain cases; imposing conditions on the payment of appropriations to State-aided institutions of learning; requiring statements under oath or affirmation of candidates for elective public offices; and imposing duties on State and local appointing authorities and certain other State officers.

"Pennsylvania
Loyalty Act."

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

Section 1. This act shall be known and may be cited as the "Pennsylvania Loyalty Act."

Section 2. Definitions.—For the purposes of this act:

"Organization" means an organization; corporation, company, partnership, association, trust, foundation, fund, club, society, committee, political party, or any group of persons, whether or not incorporated, permanently or temporarily associated together for joint action or advancement of views on any subject or subjects.

"Subversive organization" means any organization which engages in or advocates, abets, advises or teaches, or a purpose of which is to engage in or advocate, abet, advise or teach, activities intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States or of the Commonwealth of Pennsylvania, or of any political subdivision of either of them, by force or violence.

"Subversive person" means any person who commits, attempts to commit, or aids in the commission, or advocates, abets, advises or teaches, by any means, any person to commit, attempt to commit, or aid in the com-

mission of, any act intended to overthrow, destroy, alter, or to assist in the overthrow, destruction or alteration of the constitutional form of government of the United States or of the Commonwealth of Pennsylvania, or any political subdivision of either of them, by force or violence, or who is knowingly a member of a subversive organization or a foreign subversive organization as defined in this act.

“Appointing authority” means any person, department, board, commission, or other agency of the Commonwealth, or of any political subdivision thereof, who appoints or employs officers or employes.

Section 3. Ineligibility for Employment or Appointment to Office.—No subversive person, as defined in this act, nor any person as to whom on all the evidence there is reasonable doubt concerning his loyalty to the government of the United States or the Commonwealth of Pennsylvania, shall be eligible for employment in or appointment to any office or any position of trust or profit in the government of or in the administration of the business of this Commonwealth, or of any school district, county, municipality or other political subdivision of this Commonwealth.

Section 4. Procedure in Appointments; Statement and Oath of Applicants.—Every appointing authority shall establish, by rules, regulations, or otherwise, procedures designed to ascertain, before any person, including teachers and other employes of the public school system, is appointed or employed, that he is not a subversive person and that there is no reasonable doubt on all the evidence as to the loyalty of the person involved to the government of the United States or the Commonwealth of Pennsylvania. In the event the applicant is deemed to be a subversive person, or in the event reasonable doubt as to loyalty exists, he shall not be appointed or employed. In addition, each applicant shall be required to make a written statement, under oath or affirmation, which statement shall contain notice that it is subject to the penalties of perjury, and shall be in the following form:

“I,, do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of with fidelity.

“And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of any organization that advocates, the overthrow of the government of the United States or of this Commonwealth by force or violence or other unconstitutional means, or

seeking by force or violence to deny other persons their rights under the Constitution of the United States or of this Commonwealth.

“And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employe of the Commonwealth of Pennsylvania (or political subdivision thereof).”

Section 5. Present Employes; Oath; Discharge.—The appointing authority of each person, including teachers and other employes of the public school system who, on the first day of March, one thousand nine hundred fifty-two, shall be in the employ of the Commonwealth of Pennsylvania or of any of its political subdivisions, other than those holding State or local elective offices of any kind, shall require such person to, and every such person shall, on or before the first day of April, one thousand nine hundred fifty-two, make a written statement, under oath or affirmation, which statement shall contain notice that it is subject to the penalties of perjury, and shall be in the following form:

“I,, do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of with fidelity.

“And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of any organization that advocates, the overthrow of the government of the United States or of this Commonwealth by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution of the United States or of this Commonwealth.

“And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employe of the Commonwealth of Pennsylvania (or political subdivision thereof).”

Any person failing or refusing to execute either statement required hereby shall be discharged immediately by the proper appointing authority.

Section 6. Investigations.—Any appointing authority may at any time, upon written complaint, investigate any person, including teachers and other employes of the public school system, appointed or employed by him, to determine whether he is a subversive person. If, upon any investigation, it appears that such person is a subversive person, the person shall immediately be privately and confidentially notified of the recommendation by the appointing authority. No public announcement, release,

statement or comment concerning the investigation, recommendation or notification shall be made by the appointing authority in any way whatsoever, unless and until the person so notified is discharged under section seven of this act.

Section 7. Hearing before Appointing Authority.— Any person, including teachers and other employes of the public school system, who has been so notified under this act, shall have a right to a hearing before the proper appointing authority within thirty (30) days after receiving said notification. If no hearing is requested within thirty (30) days after said notification is received, the person shall immediately be discharged by the appointing authority. He may appear before such appointing authority personally, accompanied by counsel or representative of his own choosing, and present evidence on his own behalf through witnesses. The person who has been so notified shall at the same time be further informed in writing of such hearing, at least ten days before the day set for the hearing, and shall be informed therein of the nature of the charges against him; and the person who has been so notified shall be informed in the notice (1) of his right to reply to such charges in writing within ten days after the date of service, (2) of his right to a hearing on such charges before the appointing authority, which hearing may be private and confidential or may be public, at the option of the person so notified, and (3) of his right to appear before such appointing authority personally, to be accompanied by counsel or representative of his own choosing, and to present evidence on his own behalf through witnesses. If, after due hearing, it is determined by the appointing authority by a fair preponderance of the evidence that the person who has been so notified is a subversive person, as defined in this act, the person who has been so notified shall be discharged; otherwise, the recommendation shall be ignored. Said determination shall be made within sixty (60) days after the hearing. If the appointing authority shall be comprised of three or more members, a vote of two-thirds of the members shall be necessary in order to discharge a person.

Section 8. Standards.—(a) The standard for the refusal of employment on grounds relating to loyalty shall be, that on all the evidence there is a reasonable doubt as to the loyalty of the person involved to the government of the United States or the Commonwealth of Pennsylvania.

(b) Activities and associations of an applicant which may be considered in connection with the determination of ineligibility may include, but shall not be limited to, one or more of the following:

(1) Sabotage, espionage, or attempts or preparations therefor, or knowingly associating with spies or saboteurs.

(2) Treason or sedition or advocacy thereof.

(3) Advocacy of revolution or force or violence to alter the constitutional form of government of the United States or the Commonwealth of Pennsylvania.

(4) Intentional unauthorized disclosure to any person, under circumstances which may indicate disloyalty to the United States or the Commonwealth of Pennsylvania, of documents or information of a confidential or non-public character, obtained by the person making the disclosure as a result of his employment by the Commonwealth of Pennsylvania or any political subdivision.

Section 9. Appeals to the Civil Service Commission.—After a final determination of discharge under this act by an appointing authority, any person, other than teachers and other employes of the public school system, in the employ of the Commonwealth or of any political subdivision who believes himself aggrieved by the determination may appeal from the determination by an application in writing to the Civil Service Commission of the Commonwealth within twenty days after receiving written notice of the determination. The commission shall set a time and place for hearing the appeal on the record, which hearing shall not be more than thirty (30) days after receipt thereof, and give due notice of said hearing to the appellant and to the appointing authority whose determination is under review. The hearing shall be held by the commission or by a person or persons, not exceeding three, designated by the commission in writing to hear the appeal in its behalf. The commission, in its discretion, may designate such person or persons to hear the appeal and to report to the commission. The report shall be acted upon by the entire commission. The persons so designated by the commission may be officers or employes of the civil service of the Commonwealth. The person or persons holding the hearing may make such inquiry as may be deemed advisable. Within sixty (60) days after the hearing on appeal, the commission shall affirm or reverse the findings and determination under review, and, in the case of reversal, shall order the reinstatement of the appellant, who shall be entitled to back pay from the date of his discharge. For the purposes of this section, officers and employes of the Department of Public Instruction or of any of its departmental administrative boards or commissions shall not be construed to be employes of the public school system. They shall be entitled to appeal to the Civil Service Commission as provided herein.

Section 10. Appeals to the Superintendent of Public Instruction.—After a final determination of discharge under this act by an appointing authority, any teacher or other person employed in the public school system of the Commonwealth who believes himself aggrieved by such determination may appeal on the record from the determination by an application in writing to the Superintendent of Public Instruction of the Commonwealth within twenty days after receiving written notice of such determination. The superintendent shall set a time and place for the hearing of the appeal, which hearing shall be not more than thirty (30) days after receipt thereof, and give due notice of said hearing to the appellant and to the appointing authority whose determination is under review. The hearings shall be held by the superintendent or by a person or persons, not exceeding three, designated by the superintendent in writing to hear the appeal in his behalf. The superintendent, in his discretion, may designate such person or persons to hear such appeal and to report to him. The persons so designated by the superintendent may be officers or employes of the civil service of the Commonwealth. The person or persons holding the hearing may make such inquiry as may be deemed advisable. Within sixty (60) days after the hearing on appeal, the superintendent shall affirm or reverse the findings and determination under review, and, in the case of reversal, shall order the reinstatement of the appellant, who shall be entitled to back pay from the date of his discharge.

Section 11. Evidence in Proceedings Taken Pursuant to this Act.—Evidence shall be restricted by the rules of evidence and procedure prevailing in the courts. All testimony shall be given under oath or affirmation, and the right of subpoena shall be accorded to either the appointing authority or the person so notified. Any judge of a court of record, either in term time or in vacation, shall, upon proper application of the appointing authority or person so notified, compel the attendance of witnesses, the production of books and papers, and the giving of testimony before the appointing authority, by attachment for contempt or otherwise, in the same manner as the production of evidence may be compelled before such court. Reasonable examination and cross-examination shall be permitted.

Section 12. Appeals to Court.—(a) The decision of the Civil Service Commission or the Superintendent of Public Instruction shall be final unless, within thirty (30) days after receipt by registered mail of written notice of the decision or order of the Civil Service Commission or the Superintendent of Public Instruction, an appeal which may be taken by either party is taken

therefrom to the court of common pleas of the county in which the proper appointing authority is located. A copy of such appeal shall be filed in writing in the office of the prothonotary and a copy shall be served on the Civil Service Commission or the Superintendent of Public Instruction, either by filing it in the office of the Civil Service Commission or the Superintendent of Public Instruction, or by delivering the same to the Civil Service Commission or the Superintendent of Public Instruction.

(b) When appeal is taken from the decision of the Civil Service Commission or the Superintendent of Public Instruction to the court of common pleas, the judge of the court of common pleas to whom such petition is presented shall fix a date for hearing by the court, which shall be not sooner than ten (10) days nor more than twenty (20) days after the presentation of such petition. If the employe aggrieved shall so request in his petition, such hearing shall be de novo. Upon the hearing of said petition, the court shall make whatever order it considers just, either affirming or reversing the action of the Civil Service Commission or the Superintendent of Public Instruction, and stating plainly whether the employe is to be discharged.

* Section 13. State-Aided Institutions of Learning.—No appropriation of public funds made after the first day of May, one thousand nine hundred fifty-two, of any character, shall be paid by the Commonwealth to any State-Aided institution of learning not a part of the public school system unless there shall be filed annually, on or before the first day of September, with the Governor (with copies furnished to the President of the Senate and to the Speaker of the House of Representatives), on behalf of the institution, a written report setting forth what procedures the institution has adopted to determine whether it has reason to believe that any subversive persons are in its employ and what steps, if any, have been or are being taken to terminate such employment. The report also shall unequivocally set forth that the institution has no reason to believe any subversive persons are in its employ. If the report shall be approved by the Governor, he shall notify the Auditor General and the State Treasurer that the provisions of this section have been complied with.

Section 14. Candidates for Elective Offices.—No person shall become a candidate for election under the provisions of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1333), known as the "Pennsylvania Election Code," and its amendments, to any State, district, county, or local public office whatsoever in this Commonwealth, unless

he shall file with his nomination petition, nomination paper or nomination certificate a statement, under oath or affirmation, that he is not a subversive person, as defined in this act, which statement shall contain notice that it is subject to the penalties of perjury. No nomination petition, nomination paper or nomination certificate shall be received for filing by any county board of elections or by the Secretary of the Commonwealth unless accompanied by the statement required hereby, nor shall the name of any person who has failed or refused to make the statement be printed on any ballot or ballot label to be used at any general, municipal, primary, or special election.

Section 15. Effect and Applicability of Act.—(a) The provisions of this act shall not affect the right to discharge any person for any cause other than those provided for by this act or without cause under existing law. No procedure provided by any existing tenure or civil service law shall be applicable in any proceeding under this act.

(b) The provisions of this act shall not apply to exchange teachers who are citizens or subjects of a foreign government and whose appointments to teach in the public school system of the Commonwealth of Pennsylvania have been approved by the Superintendent of Public Instruction.

Section 16. Specific Repeals.—The act, approved the twenty-eighth day of July, one thousand nine hundred forty-one (Pamphlet Laws 530), entitled "An act prohibiting the employment by the Commonwealth or any county, city, borough, incorporated town, township, school district, vocational school district, or institution district thereof, or by any authority or any institution supported in whole or in part out of * public funds, of persons who hereafter advocate or participate in un-American or subversive doctrines as herein defined; providing for dismissals under existing laws, and permitting appeals to courts of common pleas and appellate courts in all such cases," is hereby repealed.

Section 1122 of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," and its amendment, is hereby repealed insofar as it authorizes termination of the contract of a professional employe for advocating or participating in un-American or subversive doctrines.

* "the" deleted in original.

Act effective
March 1, 1952.

Section 17. The provisions of this act shall become effective on the first day of March, one thousand nine hundred fifty-two.

APPROVED—The 22nd day of December, A. D. 1951.

JOHN S. FINE

No. 464

AN ACT

To apportion the Commonwealth of Pennsylvania into congressional districts.

Congressional
reapportion-
ment.

Commonwealth
divided into
thirty (30)
districts.

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

Section 1. For the purpose of electing representatives of the people of Pennsylvania to serve in the House of Representatives in the Congress of the United States, this Commonwealth shall be divided into thirty (30) districts, which shall have one Congressman each, as follows:

The First District shall consist of the first, second, third, fourth, twenty-sixth, thirtieth, thirty-sixth, thirty-ninth and forty-eighth wards of the city of Philadelphia.

The Second District shall consist of the twenty-seventh, thirty-fourth, fortieth, forty-fourth, forty-sixth, fifty-first and fifty-second wards of the city of Philadelphia.

The Third District shall consist of the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-fifth, thirty-first and forty-fifth wards of the city of Philadelphia.

The Fourth District shall consist of the twenty-fourth, twenty-eighth, twenty-ninth, thirty-second, thirty-seventh, thirty-eighth and forty-seventh wards of the city of Philadelphia.

The Fifth District shall consist of the twenty-third, thirty-third, thirty-fifth, forty-first and forty-third wards of the city of Philadelphia.

The Sixth District shall consist of the twenty-first, twenty-second, forty-second, forty-ninth and fiftieth wards of the city of Philadelphia.

The Seventh District shall consist of the county of Delaware.

The Eighth District shall consist of the counties of Bucks and Lehigh.

The Ninth District shall consist of the counties of Lancaster and Chester.