

widow, dated May 10, 1921, and recorded in Montgomery County Deed Book 846, page 121, and part of the land conveyed to the Commonwealth of Pennsylvania by deed of Matthias T. Sheetz and Anna M. Sheetz, his wife, by deed dated November 20, 1895, and recorded in Montgomery County Deed Book 406, page 364.

The conveyance shall be made under and subject, nevertheless, to all easements, servitudes and rights of others, including but not confined to streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipe line companies, as well as under and subject, nevertheless, to any estate or tenancies vested in third persons, whether or not appearing of record, for any portion of the said land or improvements erected thereon.

Conditions.

Section 2. In consideration of the conveyance herein authorized, the Borough of Norristown shall erect or cause to be erected a fence separating the land authorized to be conveyed hereby from other lands of the Commonwealth of Pennsylvania. The fence shall be erected in accordance with specifications provided by the Department of Public Welfare.

Consideration.

Section 3. All costs and fees incidental to this conveyance shall be borne by the Borough of Norristown.

Costs and fees.

Section 4. The deed of conveyance shall be approved by the Department of Justice and shall be executed by the Secretary of Property and Supplies in the name of the Commonwealth of Pennsylvania.

Approval and execution of deed.

Section 5. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 3d day of July, A. D. 1963.

WILLIAM W. SCRANTON

No. 124

AN ACT

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 commissions in such cities for such purposes," changing the method of selection of courts of trial or inquiry; authorizing hearings after certain suspensions; providing for the review of examination papers and placing limitations on the requirements which may be set for promotional examinations.

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

Cities of second class.

Section 6, act of August 10, 1951, P. L. 1189, amended June 10, 1955, P. L. 147, further amended.

Section 1. Section 6, 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 June 10, 1955 (P. L. 147), is amended to read:

Vacancies.

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.

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.

Civil service list.

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 from among the first four names appearing on the list at the time the promotion is to be made. The civil service commission shall have the power to determine in each instance whether an increase in salary constitutes a promotion.

Salary increase.

The civil service commission shall have the power to determine in each instance whether an increase in salary constitutes a promotion.

Review of examination papers.

*Any person taking a competitive examination for promotion in the competitive class in the bureau of police shall, upon request, be permitted after such examination to see his examination papers and to review his answers with those who conducted the examination.*

Section 6.1 of act, added June 10, 1955, P. L. 147, amended.

Section 2. Section 6.1 of the act, added June 10, 1955 (P. L. 147), is amended to read:

Authority to create additional classes of detectives.

Section 6.1. In addition to existing powers of promotion in the bureau of police, cities of the second class are hereby authorized to create such additional classes of detectives as they shall determine to be designated as Detective Class I, Detective Class II and Detective Class III. Such classes of detectives shall carry salaries which shall not be less than the maximum of salaries of patrolmen and not greater than the minimum salaries of detectives presently existing in cities of the second class, and shall consist of members of the police bureau who have been assigned to such additional classes of detectives because of a particular aptitude for investigation, outstanding meritorious service, or unusual and exceptional bravery.

Salary range and requisites for assignment.

Assignments to the several additional classes of detectives shall be made in the following manner. Whenever a member of the police bureau is recommended by

Police merit board.

his superior officer for assignment to one of the additional classes of detectives authorized in this section a police merit board shall be convened.

The board shall be constituted in each instance in the same manner as police trial boards authorized by law. The police merit board shall hear such evidence as may be pertinent to the case and shall thereafter make its recommendation. Such recommendation shall then be forwarded to the superintendent of police who shall endorse thereon his approval or disapproval of the board's finding. Thereafter the said report with the endorsement of the superintendent of police shall be submitted to the director of the department of public safety who shall take such action thereon as in his discretion he deems proper. In case of such assignments to an additional detective classification the member of the bureau of police so assigned shall retain his civil service status under the civil service laws then in effect. Whenever for any reason within the discretion of the director of the department of public safety it is deemed necessary or desirable to reassign any such member to his former position the said director of the department of public safety shall have the right to make such reassignment. Civil service commissions of cities of the second class may, in their discretion, make such rules and regulations for grades, merits, or credits, concerning the positions authorized by this section and relating to promotional examinations for such positions in the bureau of police as they may see fit. *Rules and regulations relating to promotional examinations shall not require as a condition of taking any such examination that the applicant have any experience or service other than the completion of four years of service in the bureau of police.*

Section 3. Section 7 of the act is amended to read:

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] *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 de-*

Procedure of board.

Retention of civil service status.

Reassignment.

Civil service commission authorized to make rules and regulations.

Section 7 of act, amended.

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 notice, right to be present and to be represented.

Procedure to select court.

terminated 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] *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.*

Court to be sworn.

*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 [; 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 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.*

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.

APPROVED—The 9th day of July, A. D. 1963.

WILLIAM W. SCRANTON

No. 125

AN ACT

Amending the act of May 17, 1956 (P. L. 1609), entitled "An act to promote the welfare of the people of the Commonwealth by the reduction of unemployment in certain areas of the Commonwealth determined to be critical economic areas; providing for the establishment of industrial development projects in such areas; creating The Pennsylvania Industrial Development Authority as a body corporate and politic with power to allocate funds for and make secured loans to industrial development agencies for the payment of a part of the cost of industrial development projects in critical economic areas; authorizing the Authority to enter into agreements with the Government of the United States or any Federal agency or industrial development agency; empowering the Authority to