

No. 129

AN ACT

HB 702

Amending the act of May 31, 1933 (P.L.1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," regulating the suspension of firemen and other employes included within the act and making editorial changes.

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

Section 1. The title and section 10, act of May 31, 1933 (P.L.1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," are amended to read:

AN ACT

Providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the [second and] third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties.

Section 10. No member of any fire department and no fire alarm operator or fire box inspector in any bureau of electricity, *subject to civil service* within the terms of this act, shall be *suspended for a period in excess of three days* or removed, discharged, or reduced in rank or pay except for just cause, which shall not be religious or political, nor, in any event, *except in the case of a suspension, under conditions making the furnishing of a written statement impractical at that time*, until he shall have been furnished with a written statement of the reasons for such action. *In the case of a suspension, under conditions making the furnishing of a written statement impractical at that time, the person suspended shall be furnished with such written statement of the reasons for such action within a reasonable time thereafter.* In every case of such *suspension, removal or reduction*, a copy of the statement of reasons therefor, and of the written answer thereto, if the person sought to be [removed] *suspended, removed or reduced* desires to file such written answer, shall be furnished to the civil service commission, and entered upon its records.

If the person sought to be *suspended*, removed or reduced shall demand it, the civil service commission shall grant him a public hearing, which hearing shall be held within a period of fifteen days from the filing of the charges in writing and the written answer thereto. At such hearing, the burden shall be upon the [removing] officer *seeking the suspension, removal or reduction* to justify his action. In the event that the civil service commission fails to sustain the action of [the removing] *such* officer, the person sought to be [removed] *suspended, removed or reduced* shall be reinstated with full pay for the entire period during which he may have been prevented from performing his usual employment and no charges shall be recorded against him. A written record of all testimony taken at such hearing shall be kept and preserved by the civil service commission, which record shall be sealed and not be available for public inspection unless an appeal is taken from the action of the commission. In the event that the civil service commission shall sustain the action of the [removing] officer *seeking the suspension, removal or reduction*, the person [removed] *suspended, removed or reduced* shall have an immediate right of appeal to the court of common pleas. Such appeal shall be taken within ninety days from the entry by the civil service commission of its final order. The court shall proceed to hear the appeal upon the original record taken therein, and no additional proof shall be introduced. Any employe dissatisfied with the decision of the court of common pleas shall have the right of appeal to the Supreme Court. The [removing] officer *seeking the suspension, removal or reduction* and the person sought to be [removed] *suspended, removed or reduced* shall have the right to employ counsel to represent him before said civil service commission and upon appeal.

Section 2. Section 4408, act of June 23, 1931 (P.L.932), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P.L.662), is repealed in so far as inconsistent herewith.

APPROVED—The 22nd day of June, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 129.



Secretary of the Commonwealth.