

No. 1978-188

AN ACT

HB 2237

Amending the act of June 23, 1931 (P.L.932, No.317), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing for equal rights between men and women.

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

Section 1. Clauses 34, 39 and 41 of section 2403, act of June 23, 1931 (P.L.932, No.317), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P.L.662, No.164), clause 34 amended June 6, 1963 (P.L.81, No.56), are amended to read:

Section 2403. Specific Powers.—In addition to other powers granted by this act, the council of each city shall have power, by ordinance:

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34. Appropriations to Post of Veterans.—To appropriate annually to each camp of the United States War Veterans in the city, and to each post of the American Legion, and to each post of the Veterans of Foreign Wars, and to each post of the Veterans of World War I of the U. S. A., Inc., and to each post of the American Veterans of World War II (AMVETS), to each post of the Catholic War Veterans, Inc., and to each detachment of the Marine Corps League, and to each Naval Association, and to each post of the Grand Army of the Republic, and to each post of the Disabled American Veterans of the World War, and to each chapter of the Military Order of the Purple Heart, and to each post of the Jewish War Veterans, and to each organization of American Gold Star Mothers, and to each post of the Italian American War Veterans of the United States, Incorporated, and to any other such organization of ex-service **[men] persons** in the city, incorporated under the laws of the Commonwealth, a sum not to exceed three hundred dollars, to aid in defraying the expenses of Memorial Day and Armistice Day. Where the Grand Army of the Republic has ceased to exist or to function, such appropriation may be made to the Sons of Union Veterans of the Civil War, or, in the absence of such order, to a duly constituted organization which conducts the decorating of the graves of Union veterans of the Civil War. Such payments shall be made to defray actual expenses only. Before any payment is made, the organization receiving the same shall submit verified accounts of their expenditures.

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39. Purchase of Burial Grounds for Deceased Service **[Men] Persons**.—To appropriate money for and purchase plots of ground in any cemetery or burial ground, within their respective limits, for the interment of such deceased service **[men] persons** as shall hereafter die within such

city, or shall die beyond such city and shall have a legal residence within such city at the time of their death, and whose bodies are entitled to be buried by the county under the provisions of existing laws.

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41. Rooms for Meetings of Veterans.—To furnish, upon application, to each organization composed of veterans of the Civil War, veterans of the Spanish American War, veterans of the World War or World War II, veterans of any foreign war, and [sons] *children* of veterans, a room or rooms in any public building of such city, sufficient for the meeting of each of such organizations at least once each month.

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Section 2. Section 2505 of the act is amended to read:

Section 2505. Manner of Assessments.—The assessor may assess real estate in the name or names of the registered owner, actual owner (legal or equitable), reputed owner, owner of the life estate, occupier, vendor, vendees, or any person who has or has had any connection with the legal title thereof, or an interest in the premises, or has charge or control thereof; **[in the name of the husband, when lands are owned by the wife;]** partnership property, in the name of the partnership or in the name of the partners, or any of them; trust property, in the name of the trustee or trustees, or any of them, or in the name of the cestui que trust; property of a minor, in the name of the minor or his guardian; property of a lunatic, in the name of the lunatic or his guardian or committee; and property formerly belonging to a person, since deceased, may be assessed in the name of the decedent, or in the name of the estate of said decedent, or of his administrator or administrators, executor or executors, or his heirs generally, or in the name of any administrator, executor, or heir; and in assessing the same in the names of the executors, administrators or heirs, it shall not be necessary to designate them by their christian or surnames; and other property not herein provided for may be assessed in the manner the same is assessed for county taxation. This provision shall not prevent the collection, under existing laws, of any tax assessed against property by a sufficient designation or description, where the same has been assessed in the name of any person or persons who are not the owners thereof. Where lands of owners are part within and part without the city limits, they shall be assessed in the same manner and within the same jurisdiction as if the same were being assessed for county purposes.

Section 3. Section 2601 of the act is amended to read:

Section 2601. License Taxes for Revenue Purposes.—Council may, by ordinance, levy and collect a license tax for general revenue purposes, not exceeding one hundred dollars each, annually, on all photographers, auctioneers, contractors, druggists, hawkers, peddlers, produce or merchandise vendors, bankers, brokers, other than real estate brokers, undertakers, pawnbrokers, trading stamp or premium companies or dealers, warehouses or storage houses or places, parking lot operators, merchants of all kinds, persons selling or leasing goods upon installments,

grocers, confectioners, butchers, wholesale meat dealers, restaurants, billiard parlors, bowling alleys, billiard tables, pool tables, and other gaming tables, and devices; all motor buses and motor omnibuses, trackless trolley omnibuses and street railway cars transporting passengers for pay or hire within the limits of the city, or from such city only to points within a radius of ten miles of the city's boundaries; all skating rinks, operas, theatres, shows, circuses, menageries, and all kinds of public exhibitions for pay, except those for religious, educational or charitable purposes; all lumber dealers, *persons who work on commission [men,]* and all persons who make a business of buying lumber for sale at wholesale or retail; all furniture dealers, saddle or harness dealers, stationers, jewelers, livery or automobile or boarding-stable keepers; all market-house companies and owners of market-houses, garage companies, and owners of other than private garages, express companies or agencies; and all persons operating vehicles upon the streets of the city as carriers for hire or compensation, which persons regularly pick up or deliver or otherwise transport wholly within or to or from the city property at an annual rate not in excess of ten dollars per vehicle so used, but not to exceed one hundred dollars per annum from any person so operating: Provided, however, That in lieu thereof, the city may levy an annual license tax not in excess of one hundred dollars upon any such person having a place of business located within the city; and, where no other license tax is imposed, on telegraph, telephone, steam-heating, gas, natural gas, water, electric light or power companies, or agencies or individuals furnishing communication, light, heat or power, by any of the means enumerated, and to regulate the collection of the same. If any person, firm or corporation conducts a business at more than one location in a city, the business conducted at each location shall be considered and assessed as a separate and independent business, and shall be subject to a license tax: Provided, That the word "business," as used in this sentence, shall not be construed to mean or include any place of business at which the principal business conducted is that of selling, storing or distributing products manufactured by the firm, person or corporation operating the business. The taxes assessed under this section shall be in addition to all other taxes levied and collected by the city, county, or Commonwealth.

Section 4. Section 3705 of the act, amended August 10, 1965 (P.L.322, No.171), is amended to read:

Section 3705. Composition of Board.—(a) If council shall determine that the power to equip, operate, and maintain recreation places, shall be exercised by a recreation board, they may establish in said city such recreation board, which shall possess all the powers, and be subject to all the responsibilities of council under this article. Such board, when established, shall consist of a minimum of five and a maximum of nine persons, two of whom shall be members of and appointed by the school board. The city members of the board shall be appointed by the mayor with the approval of council and shall serve for terms no longer than five years

and the terms of the members shall be staggered in such a manner that at least one expires annually. Members of such board shall serve without pay. **[Women shall be eligible for appointment.]** Vacancies in such board, occurring otherwise than by expiration of term, shall be for the unexpired term and shall be filled in the same manner as original appointments.

(b) In addition to the establishment of a city recreation board, the council may appoint persons to serve as members of a school district recreation board established by the school district wherein the city is located.

Section 5. Section 4301, subsections (c) and (d) of section 4303 and sections 4305 and 4308 of the act, amended or added October 17, 1969 (P.L.273, No.111), are amended to read:

Section 4301. Police, Pension Fund; Direction of.—Cities shall establish, by ordinance, a police pension fund, to be maintained by an equal and proportionate monthly charge against each member of the police force, which shall not exceed annually four per centum of the pay of such member and an additional amount not to exceed one per centum of the pay of such member to be paid by such member or the municipal corporation to provide sufficient funds for payments required by subsection (d) of section 4303 to **[widows,] surviving spouses** or if no **[widows] spouse** survives or if **[she] such person** survives and subsequently dies or remarries, then to the child or children under the age of eighteen years, of members of the police force or of members retired on pension or who die in service; which fund shall at all times be under the direction and control of council but may be committed to the custody and management of such officers of the city or citizens thereof, or corporations located therein, as may be designated by council, and applied, under such regulations as council may, by ordinance, prescribe, for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability, **[widows,] surviving spouses** or if no **[widow] spouse** survives or if **[she] such person** survives and subsequently dies or remarries, then to the child or children under the age of eighteen years, of members of the police force or of members retired on pension; but such allowances as shall be made to those who are retired by reason of the disabilities of age shall be in conformity with a uniform scale, together with service increments as hereinafter provided. Any compensation paid to a corporate custodian of the police pension fund shall be paid from the general fund of the city.

Section 4303. Allowances and Service Increments.—* * *

(c) The **[widow] spouse** of a member of the police force or a member who retires on pension who dies or if no **[widow] spouse** survives or if **[she] such person** survives and subsequently dies or remarries, then the child or children under the age of eighteen years of a member of the police force or a member who retires on pension who dies on or after the effective date of this amendment, shall, during **[her] his** lifetime or so long as **[she] such person** does not remarry in the case of a **[widow] surviving spouse** or until reaching the age of eighteen years in the case of a child or children, be

entitled to receive a pension calculated at the rate of fifty per centum of the pension the member was receiving or would have been receiving had he been retired at the time of his death and may receive the pension the member was receiving or would have been receiving had he been retired at the time of his death.

(d) Any police officer who has less than ten years of service and who dies or is totally disabled due to injuries or mental incapacities not in line of duty and is unable to perform the duties of a police officer, may be entitled to a pension of twenty-five per centum of his annual compensation. For death or injuries received after ten years of service the compensation may be fifty per centum of his annual compensation.

The disability pension may be payable to the police officer during his lifetime and if he shall die, the pension payment that he was receiving may be continued to be paid to his **[widow] spouse** if **[she] such person** survives or if **[she] such person** subsequently dies or remarries, then the child or children under the age of eighteen years of the police officer.

Section 4305. **Payments to Pension Funds by City.**—There shall be paid annually to the organization or association, constituting and having in charge the distribution of police pension funds in every city, a sum of money sufficient to meet the requirements of and to maintain such police pension fund which sum in no year shall be less than one-half of one per centum nor more than three per centum of all city taxes levied by the city, other than taxes levied to pay interest on or extinguish the debt of the city or any part thereof. Council may exceed the limitations imposed by this section if an additional amount is deemed necessary to provide sufficient funds for payments to **[widows] surviving spouses** of members retired on pension or killed or who die in the service: Provided, however, That the city may annually pay into said fund not less than one-half of one per centum of all city taxes levied by the city, other than taxes levied to pay interest on or extinguish the debt of the city or any part thereof.

Section 4308. **Repayment Before Retirement.**—If for any cause any member of the police force contributing to the pension fund shall cease to be a member of the force before he becomes entitled to a pension, the total amount of the contributions paid into the pension fund by such member shall be refunded to him in full, without interest. If any such member shall have returned to him the amount contributed, and shall afterward again become a member of the police force, he shall not be entitled to the pension designated until twenty years after his reemployment, unless he shall return to the pension fund the amount withdrawn, in which event the period of twenty years shall be computed from the time the member first became a member of the police force, excluding therefrom any period of time during which the member was not employed by the police force. In the event of the death of a member of the police force not in the line of service before the member becomes entitled to the pension aforesaid and such member is not survived by a **[widow] spouse** or family entitled to payments as

hereinbefore provided, the total amount of contributions paid into the pension fund by the member shall be paid over to his estate.

Section 6. Section 4320 of the act, amended July 20, 1968 (P.L.434, No.204) is amended to read:

Section 4320. Firemen's Pension Fund; Management; Annuity Contracts.—Except as hereinafter provided, cities shall provide annuity contracts or establish, by ordinance, a firemen's pension fund, to be maintained in part by an equal and proportionate monthly charge against each member of the fire department, which shall not exceed annually four per centum of the pay of such member, and an additional amount not to exceed one per centum if deemed necessary by the council to provide sufficient funds for payments to **[widows] surviving spouses** of members retired on pension or killed or who die in the service. In any case where there is an existing organization or association for the benefit of fully paid firemen, constituting and having in charge the distribution of firemen's pension funds, no annuity contract shall be provided, nor shall any firemen's pension funds be established under the provisions of this section unless and until the members of such organization or association, by a two-thirds vote, elect to transfer said existing fund into the pension fund required to be established by this section.

All pension funds established under the provisions of this section shall be under the direction and control of a board of managers consisting of the mayor, the director of accounts and finance, the director of the department having charge of the fire department, or in cities where the mayor is also the director of the department having charge, of the fire department, then the director of public safety, the city controller and the chief of the bureau of fire, ex officio, and two members of the fire department to be chosen by the members of the fire department. Of the first managers so chosen by the members of the fire department one shall be chosen for a term of two years and one for a term of four years. Biennially thereafter one manager shall be chosen for a term of four years to take the place of the one whose term expires. In case of vacancy among the managers chosen by the fire department, a successor shall be chosen for the unexpired term. The fund shall be applied, under such regulations as the board of managers shall prescribe, for the benefit of such members of the fire department as shall receive honorable discharge therefrom by reason of service or age or disability, **[widows] surviving spouses** of retired members and the families of such as may be killed or who die in the service. All such pensions as shall be allowed to those who are retired by reason of the disabilities or of service or age shall be in conformity with a uniform scale, together with service increments as hereinafter provided. Benefits allowed from such fund to families of such as are killed or who die in service shall take into consideration the member's **[widow] surviving spouse** and his minor children under eighteen years of age, if any survive.

Section 7. Sections 4321 and 4322 of the act, amended May 31, 1974 (P.L.318, No.102), are amended to read:

Section 4321. Retirement; Final Discharge.—Such regulations shall prescribe a minimum period of continuous service, not less than twenty years and, when any minimum age is prescribed, a minimum age of fifty years, after which members of the department may retire on pension from active duty, and such members as are retired shall be subject to service, from time to time, as a firemen's reserve in cases of emergency until unfitted for such service, when they may be finally discharged by reason of age or disability. With the approval of council, all members of the firemen's pension fund who are contributors and who served in the armed forces of the United States subsequent to September 1, 1940, and who were not members of the firemen's pension fund prior to such military service, shall be entitled to have full credit for each year or fraction thereof, not to exceed five years of such service upon their payment to the firemen's pension fund of an amount equal to that which they would have paid had they been members during the period for which they desire credit, and their payment to such fund of an additional amount as the equivalent of the contributions of the city plus any interest the city would have been required to pay on the contributions on account of such military service. Upon the death of a member who retires on pension or is killed in the service on or after January 1, 1960, or who dies in the service on or after January 1, 1968, payments as hereinafter provided shall be made to his [widow] *surviving spouse* during [her] *his* life so long as [she] *he* does not remarry.

Section 4322. Pensions and Service Increments.—(a) Payments of pensions shall not be a charge on any fund in the treasury of the city or under its control save the firemen's pension fund herein provided for. The basis of the pension of a member shall be determined by the monthly salary of the member at the date of retirement, or the highest average annual salary which he received during any five years of service preceding retirement, whichever is the higher, whether for disability, or by reason of age or service, and except as to service increments provided for in subsection (b) of this section, shall be one-half the annual salary of such member at the time of retirement computed at such monthly or average annual rate, whichever is the higher. In the case of the payment of pensions to members for permanent injury incurred in service, and to families of members killed or who die in service, the amount and commencement of the payment of pensions shall be fixed by regulations of the board. Such regulations shall not take into consideration the amount and duration of workmen's compensation allowed by law. Payments to [widows] *surviving spouses* of members retired on pension or killed in the service on or after January 1, 1960, or who die in the service on or after January 1, 1968, shall be the amount payable to the member or which would have been payable had he been retired at the time of his death.

(b) In addition to the pension which is authorized to be paid from the firemen's pension fund by this act and notwithstanding the limitations therein placed upon such pensions and upon contributions, every

contributor who shall become entitled to the pension shall also be entitled to the payment of a "service increment" in accordance with and subject to the conditions hereinafter set forth.

(1) Service increment shall be the sum obtained by computing the number of whole years after having served the minimum required by this act during which a contributor has been employed by such city and paid out of the city treasury, including credit for military service as provided in section 4321, and multiplying the said number of years so computed by an amount equal to one-fortieth of the retirement allowance which has become payable to such contributor in accordance with the provisions of this act. In computing the service increment, no employment after the contributor has reached the age of sixty-five years shall be included, and no service increment shall be paid in excess of one hundred dollars (\$100) per month.

(2) Each contributor, from and after the effective date of this amendment, shall pay into the pension fund a monthly sum in addition to his pension contribution, which shall not exceed the sum of one dollar (\$1) per month: And provided, That such service increment contribution shall not be paid after a contributor has reached the age of sixty-five years.

(3) Any person who is a member of the department on the effective date of this amendment who has already reached the age of sixty-five years shall have his service increment computed on the years of employment prior to the date of reaching his sixty-fifth birthday.

(4) Service increment contributions shall be paid at the same time and in the same manner as pensions, and may be withdrawn in full, without interest, by persons who leave the employment of such city, subject to the same conditions by which retirement contributions may be withdrawn, or by persons who retire before becoming entitled to any service increment.

(5) All members of the fire department who are now contributors to the pension fund and all those employed by the city after the effective date of this amendment, if required to become contributors to the pension fund, shall be subject to the provisions of this act.

Section 8. Section 4324 of the act, amended July 20, 1968 (P.L.434, No.204) is amended to read:

Section 4324. Payments to Firemen's Pension Funds by City.—There shall be paid to the firemen's pension funds by every city annually the sum of money not less than one-half of one per centum nor more than three per centum of all city taxes levied by the city, other than taxes levied to pay interest on or extinguish the debt of the city or any part thereof. Council may exceed the limitations imposed by this section if an additional amount is deemed necessary to provide sufficient funds for payments to **[widows]** *surviving spouses* of members retired on pension or killed or who die in the service: Provided, however, That the city shall annually pay into said fund not less than one-half of one per centum of all city taxes levied by the city, other than taxes levied to pay interest on or extinguish the debt of the city or any part thereof.

Section 9. Section 4340 of the act, amended July 27, 1959 (P.L.569, No.181) is amended to read:

Section 4340. Pension Funds for Employes other than Police or City-Paid Firemen.—Cities may create a pension fund for the pensioning of employes of said cities who are not members of the police force or city-paid fire department thereof, [widows] *surviving spouses* of retired members if council so elects and the families of such as may be injured or killed in the service, in the manner, under the conditions and subject to the qualifications following. As used in this subdivision “employes” includes officers and officials of the city, whether elected or appointed.

Section 10. Section 4343 of the act, amended May 9, 1961 (P.L.178, No.88), July 27, 1959 (P.L.569, No.181), and June 11, 1968 (P.L.160, No.90), is amended to read:

Section 4343. Retirement Allowance; Proof of Disability; Joint and Single Coverage Members Defined.—During the lifetime of any person in the employment of any city creating such pension fund and pension board as hereinbefore provided, he or she shall be entitled to receive as a pension annually, from the fund set aside for the purpose, fifty per centum of the amount which would constitute the average annual salary or wages which he or she received during the last or any five years of his or her employment by the said city, whichever is the higher, said pension to be paid in semi-monthly payments. Should any persons so employed, after twenty years of service, be dismissed, voluntarily retired, or be in any manner deprived of his or her position or employment, before attaining the age of sixty years, upon continuing a monthly payment to the fund equal to the last amount due and paid monthly while in active service, said person shall be entitled to the pension above-mentioned, notwithstanding he or she has not attained the age of sixty years at the time of his or her separation from the service of such city, but said pension shall not commence until he or she has attained the age of sixty years. Should any employe, however, become totally and permanently disabled, after ten years of service and before attaining the age of sixty years, he or she shall be entitled to the said pension. Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians, designated by the board, that the employe is in a permanent condition of health which would permanently disable him or her from performing the duties of his or her position or office.

For the purpose of this article on pensions, the following words shall have the meaning herein assigned to them:

“Joint Coverage Member” of the retirement system shall mean a city employe who shall have become a member of the retirement system subsequent to the last date permitted by such city for statement or preference concerning social security coverage, or who, having become a member on or before such date, shall have filed with the Retirement Board a written statement that he or she elects social security coverage under an agreement with the Federal Secretary of Health, Education and Welfare entered into by the Commonwealth.

“Single Coverage Member” of the retirement system shall mean a city employe who shall have become a member of the retirement system on or before the last date permitted by such city for statement of preference concerning social security coverage and who either shall have filed with the Retirement Board a written statement that he or she does not elect social security coverage under any agreement with the Federal Secretary of Health, Education and Welfare entered into by the Commonwealth, or shall not have filed with the Retirement Board any written statement.

Where a city has entered into an agreement with the Commonwealth to place certain employes under the Federal Social Security Act, the pension to be paid joint coverage members according to the provisions of this section payable after the age and upon that portion of annual compensation on which social security benefits are payable, shall be reduced by an amount equal to forty (40) per centum of the primary insurance amount of social security paid or payable to the member. Such reduction shall be subject to the following provisions:

(1) Upon attainment of the age at which social security benefits are payable by a beneficiary receiving a pension or upon retirement of a contributor after attaining that age, his eligibility to the old age insurance benefit and the primary insurance amount of social security upon which the reduction in the pension shall be based, shall be computed by the board in the manner specified in the Federal Social Security Act, except that in determining such eligibility and such amount only wages or compensation for services performed in the employ of the city shall be included.

(2) The reduction shall not apply to a pension for total and permanent disability payable under this section.

(3) Whenever the amount of the reduction from the pension shall have been once determined, it shall remain fixed for the duration of the pension, except that any decrease in the primary insurance amount under the Social Security Act shall result in a corresponding decrease in the amount of the reduction from the pension.

(4) The total sum, including social security benefits, to be received upon retirement by an employe who is a member of the system at the time of the agreement shall not be less than the allowance that would be paid by the retirement system in the absence of the agreement.

If council elects, by ordinance, to make such payments, the **[widow surviving spouse]** of an employe who retired on pension or is killed in the service on or after January 1, 1960, shall, during **[her] his** lifetime or so long as **[she] he** does not remarry, be entitled to receive a pension calculated at the rate of fifty per centum of the pension the member was receiving or would have been entitled to had he been retired at the time of his death.

Section 11. Section 4344 of the act, amended July 27, 1959 (P.L.569, No.181) is amended to read:

Section 4344. Amount of Payments into Fund; Repayment before Retirement.—The employes of any city, creating such pension fund and

pension board, shall pay into the board of pensions monthly an amount equal to two per centum of their monthly salaries or wages, and if council elects, by ordinance, to make such payments, an additional amount not to exceed one per centum if deemed necessary by council to provide sufficient funds for payments to the [widows] *surviving spouses* of members who were retired on pension or killed in the service, which shall be applied to the purposes of the fund. Payment of the monthly amount or contribution herein mentioned shall cease and be discontinued at the time the beneficiary receives the pension herein provided. If for any cause any employe contributing to the pension fund shall cease to be an employe of the city before the said employe becomes entitled to a pension, the total amount of the contributions paid into the pension fund by such employe shall be refunded to him or her in full, without interest. If any such employe shall have returned to him or her the amount contributed as aforesaid, and shall afterward reenter the employ of the city, said employe shall not be entitled to the pension designated until twenty years after said reemployment, unless he or she shall return to the pension fund the amount withdrawn, in which event that period of twenty years shall be computed from the time said employe first enters the service of the city. In the event of the death of any such employe, before the said employe becomes entitled to the pension aforesaid, the said total amount of contributions paid into the pension fund by said employe shall be paid over to the estate of said deceased employe.

Section 12. Section 4408 of the act, amended May 11, 1955 (P.L.51, No.23) is amended to read:

Section 4408. Suspension and Discharge; Reduction of Employes; Appeals.—All employes subject to civil service shall be subject to suspension by the director of the department for misconduct, or violation of any law of this Commonwealth, any ordinance of the city, or regulation of the department, pending action by the city council upon the charges made against any of such employes. On hearing before the city council, where they may be represented by counsel, they may be fined or suspended for a period not exceeding thirty days with or without pay, or they may be discharged by city council, if found guilty of the charges made against them. The director of each such department may, for misconduct or violation as aforesaid, suspend any employe of such department for a period of ten days, with or without pay, without preferring charges and without a hearing of council; but no employe shall be suspended more than one time for the identical or same violation or act of misconduct. If it should become necessary to reduce the number of [men] *employes* in said department for purposes of economy, seniority rights shall prevail, and any and all removals for such cause or causes shall be from the members last appointed, and the member or members serving the shortest time shall be removed first; but members with longer times of service may be discharged for cause.

Any civil service employe aggrieved by the action of the council in fining, suspending or discharging him shall have the right to appeal by petition to the court of common pleas within thirty days after the suspension or after receipt of written notice of such action by council which it shall be the duty of the council to give and the court shall hear the charges made against him de novo. The issue before the court shall be whether the action of the council shall be affirmed or be modified in any respect or whether the charges should be dismissed or whether the suspension made by the director shall be affirmed or rescinded. Where any such employe has been suspended and the charges are dismissed or the suspension rescinded on appeal, he shall receive full compensation for the entire period of suspension.

Section 13. This act shall take effect in 60 days.

APPROVED—The 4th day of October, A. D. 1978.

MILTON J. SHAPP