

## No. 1980-188

## AN ACT

## HB 1990

Amending the act of June 24, 1931 (P.L.1206, No.331), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further providing for filling vacancies in the office of commissioner and granting additional powers to the civil service commission relating to the scheduling of applicants' physical examinations.

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

Section 1. Section 530, act of June 24, 1931 (P.L.1206, No.331), known as "The First Class Township Code," reenacted and amended May 27, 1949 (P.L.1955, No.569), and amended June 15, 1978 (P.L.475, No.69), is amended to read:

Section 530. Vacancies in General.—When a vacancy occurs in the office of township commissioner, auditor, controller, treasurer, assessor, assistant auditor, or assistant triennial assessor in any township, by reason of death, resignation, removal from the township or ward, or otherwise, the board of township commissioners of such township shall fill such vacancy by appointing by resolution a registered voter of the ward or township, as the case may be, in which the vacancy occurs. If the board of township commissioners of any township shall refuse, fail, or neglect, or be unable for any reason whatsoever, to fill such vacancy within thirty (30) days after the vacancy occurs, then the vacancy board shall fill the vacancy within fifteen (15) additional days by appointing a registered elector of the ward or township, as the case may be, in which the vacancy occurs. The vacancy board shall consist of the board of commissioners and one registered elector of the township, who shall be elected by the board of township commissioners at each reorganizational meeting, and who shall act as chairman of the vacancy board. If the vacancy board does not fill the vacancy within the prescribed time, the chairman shall petition the court of common pleas to fill the vacancy by appointing a registered elector of the ward or township, as the case may be, in which the vacancy occurs. In all cases, the person so appointed shall hold the office if the term thereof continues so long, until the first Monday in January after the first municipal election occurring more than sixty (60) days after the vacancy occurs, at which election an eligible person shall be elected for the remainder of the term and shall have been a resident of the township continuously for at least one (1) year before his appointment. In townships divided into wards, all appointed commissioners shall reside in the ward in which the vacancy occurred and shall have resided in said ward continuously for at least

one (1) year before appointment. *No person who was convicted of or pled guilty or no contest to a felony shall be eligible for appointment to fill a vacancy on the board of commissioners for a period of three (3) years from the date of the conviction or plea.*

Section 2. Section 635 of the act is amended to read:

Section 635. General Provisions Relating to Examinations.—The commission shall make rules and regulations to be approved as provided in section 630 hereof, providing for the examination of applicants for positions in the police force and as paid operators of fire apparatus and for promotions, which rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing grades. All examinations for positions or promotions shall be practical in character and shall relate to such matters and include such inquiries as will fairly test the merit and fitness of the persons examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations. Each applicant for examination shall be subject to the regulations adopted by the commission and shall be required to submit to a physical examination *either before or after* being admitted to the regular examination held by the commission.

Public notice of the time and place of every examination, together with the information as to the kind of position or place to be filled, shall be given by publication once in a newspaper of general circulation in the township or in a newspaper circulating generally in the township at least two weeks prior to each examination, and a copy of the notice shall be prominently posted in the office of the commission or other public place.

The commission shall post in its office the eligible list containing the names and grades of those who have passed the examination. Persons male or female who served in the military or naval service of the United States during any war in which the United States has been, is now, or shall hereafter be engaged and who have honorable discharges from such service, who have successfully passed the examination, shall be given the additional credits and preference in appointment and promotion provided for by law.

Section 3. Section 643 of the act, amended June 18, 1975 (P.L.19, No.7), is amended to read:

Section 643. Physical Examinations.—All applicants for examination shall undergo a physical examination *as provided in section 635* which shall be conducted under the supervision of a doctor of medicine appointed by the commission. No person shall be eligible for appointment until said doctor certifies that the applicant is free from any bodily or mental defects, deformity or disease that might incapacitate

tate him from the discharge of the duties of the position desired.

Section 4. This act shall take effect immediately but the provisions relating to the appointment of a felon shall be retroactive to September 1, 1980.

APPROVED—The 4th day of December, A. D. 1980.

DICK THORNBURGH