

No. 1984-57

AN ACT

SB 886

Amending the act of June 1, 1945 (P.L.1232, No.427), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expenses on boroughs, incorporated towns and townships of the first class; imposing penalties; and repealing inconsistent laws," eliminating certain mandatory retirement.

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

Section 1. Section 20 of the act of June 1, 1945 (P.L.1232, No.427), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expenses on boroughs, incorporated towns and townships of the first class; imposing penalties; and repealing inconsistent laws," is amended to read:

Section 20. Removals.—No person employed as a fire apparatus operator of any political subdivision shall be suspended, removed or reduced in rank except for the following reasons: (a) physical or mental disability affecting his ability to keep in service, in which cases the person shall receive an honorable discharge from service; (b) neglect or violation of any official duty; (c) violation of any law of this Commonwealth, which provided that such a violation constitutes a felony; (d) inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming a public servant; (e) intoxication while on duty; (f) participation in the conducting of any political or election campaign otherwise than to exercise his own right of suffrage. A person so employed shall not be removed for religious, racial or political reasons. A written statement of any charges made against any person so employed shall be furnished to such person within five days after the same are filed.

If for reasons of economy or other reasons it shall be deemed necessary by any municipality to reduce the number of paid employes of fire apparatus operators, then such political subdivision shall apply the following procedure: (a) if there are any employes eligible for retirement under the terms of any retirement or pension law, then such reduction in number shall be made if the party to be retired [is sixty-five years of age or over] *exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act"*; (b) if the number of

paid employes is insufficient to effect the necessary reduction, or if there are no persons eligible for retirement, or if no retirement or pension fund exists, then the reduction shall be effected by furloughing the man or men including probationers last appointed as fire apparatus operators. Such furloughing shall be effected by furloughing in numerical order from the last man appointed until such reduction shall have been accomplished.

In the event the said fire apparatus operators shall again be increased, the employes furloughed shall be reinstated in the order of their seniority in the service.

Section 2. This act shall take effect in 60 days.

APPROVED—The 9th day of May, A. D. 1984.

DICK THORNBURGH