

H.R. 167 POLICE SERVICES TASK FORCE

ALLEGHENY COUNTY POLICE ANALYSIS

Statute

Act of July 28, 1953, P.L. 723, Sections 1501 to 1525 (16 P.S. 4501 to 4525), the Second Class County Code

Provisions

- Authorizes the Allegheny County commissioners to employ police officers with full warrantless arrest powers, including arrests under the Vehicle Code, other powers "conferred by law upon members of the police force of cities of the first class", the powers of constables, and other powers of service of process.
- Creates a civil service commission with jurisdiction over hires and other employment actions.
- Includes provisions on testing, promotion, probationary period, physical examinations, vacation and sick leave, reductions in force complement, and discrimination.
- Includes provisions comparable to the Heart and Lung act concerning temporary disability, including receipt of full salary, full county compensation for medical expenses, and Workers' Compensation offset; the Heart and Lung act itself includes in its coverage "any policeman . . . of any county . . ." (53 P.S. 637)

Practice

The Allegheny County Department of Public Safety Services, a force of about 233 full time officers, is assigned to patrol the county parks and the county airport, and does some law enforcement under contract to the county housing authority. The Department is headed by a Director of Safety Services, who reports to the County Manager and is responsible to the County Commissioners. The Department does not provide courthouse security, nor does it do general patrols within the County or on County roads (Allegheny County, unlike most counties in the Commonwealth, has a system of county roads).

About a third of the officer complement forms a detective branch within the department that provides investigative services to all but five of the municipalities within the county, a service that the Department views as one of its most significant functions. It provides no other direct service to municipalities, although occasionally they will assist a municipality on request.

Other Statutes

The Allegheny County police officers are organized under the collective bargaining provisions of Act 111, and fall under the training provisions of the Municipal Police Officer Education and Training Act, including its salary reimbursement provisions.

Contact

Craig Edwards, Director of Safety Services, Allegheny County, 412-350-5060.

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 16. COUNTIES
CHAPTER 2. SECOND CLASS COUNTY CODE
ARTICLE XV. POLICE, FIREMEN, FIRE INSPECTORS AND EMPLOYEES OF JAILS AND
WORKHOUSES
(A) POLICE, FIREMEN AND FIRE INSPECTORS

Current through the end of 1996 Reg. Sess. and through 1996 Sp. Sess. No. 2

§ 4501. Employment of police

(a) The county commissioners in any county of the second class shall have power to employ such number of police as may be fixed by the salary board of the county. The compensation of such police officers shall be paid by the county.

(b) Such police officers shall have jurisdiction anywhere within the county by which employed, and shall have and possess all the following powers:

(1) To make arrests, without warrant, for all violations of the law which they may witness, and to serve and execute warrants issued by the proper authorities. In cases of offenses for violation of any of the provisions of the Vehicle Code, the power to make arrests without warrant shall be limited to cases where the offense is designated a felony or a misdemeanor, and cases causing or contributing to an accident resulting in injury or death to any person.

(2) The powers and prerogatives conferred by law upon members of the police force of cities of the first class.

(3) The powers and prerogatives conferred by law upon constables of the Commonwealth.

(4) To serve subpoenas issued for any examination investigation or trial had pursuant to any law of the Commonwealth.

§ 4502. Exclusive system

No member of the police force and no firemen or fire inspectors shall be appointed, promoted, reduced in rank, suspended, furloughed, discharged or reinstated, except in accordance with provisions of this article.

§ 4503. Civil service commission created; appointments; vacancies

(a) There is hereby created a civil service commission, hereinafter referred to as the commission. Each commission shall consist of three commissioners, who shall be appointed by the county commissioners, and who shall be qualified electors of the county for which appointed. They shall be appointed initially to serve the term of two, four and six years, and as terms thereafter expire, shall be appointed for terms of six years. Not more than two members of the commission shall be of the majority, and at least one shall at all times be of the minority political parties.

(b) Any vacancy occurring in any commission for any reason whatsoever shall be filled for the unexpired term within a period of thirty days after such vacancy occurs.

(c) Each member of the commission, before entering upon the discharge of the duties of his office, shall appear before the court of common pleas and take an oath or affirmation to support the Constitutions of the United States and of the Commonwealth of Pennsylvania and to perform his official duties with fidelity.

(d) No commissioner shall at the same time hold an elective or appointive office under the United States Government.

§ 4504. Organization of commission; quorum

The commission shall organize within ten days after its appointment, and shall elect one of its members as the chairman and one as the secretary of the commission. The commission shall thereafter meet and organize on the second Monday of each even-numbered year. Each commissioner shall be notified in writing of each meeting of the commission. Two members of the commission shall constitute a quorum, and no action of the commission shall be valid unless it shall have the concurrence of at least two members.

§ 4505. Clerks and supplies

The county commissioners shall furnish to the commission, on its requisition, such clerical assistance as may be necessary for the work of the commission. The board of county commissioners shall provide a suitable and convenient room or rooms for the use of the commission. The commission shall order from the county commissioners the necessary stationery, postage, printing and supplies, and the county commissioners shall aid the commission in all proper ways in carrying out the provisions of this article.

§ 4506. Rules and regulations

Each commission shall have power to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this article, and shall be governed thereby. Before any such rules and regulations are in force, the same shall first be approved by the board of county commissioners of the county. When such rules and regulations have been so approved, they shall not be annulled, amended or added to, without the approval of the board of county commissioners. All such rules and regulations and modifications thereof shall be printed for public distribution.

§ 4507. Minutes; records; annual report

Each commission shall keep minutes of its proceedings and records of examinations and other official actions. All recommendations of applicants for appointment received by the commission shall be kept and preserved for a period of five years. All such records and all written causes of removal filed with the commission shall be subject to reasonable regulations and open to public inspection. The commission shall make an annual report to the board of county commissioners, containing a brief summary of its work during the year, which shall be available for public inspection five days after the filing thereof.

§ 4508. Investigations; subpoenas

(a) The commission shall have power to make investigations concerning all matters touching the administration and enforcement of the provisions of this article and rules and regulations adopted thereunder.

(b) Each member of the commission is hereby given power to administer oaths as oaths are administered by other public officers invested by law with the power of administering oaths, with the same force and effect and carrying the same penalties.

(c) The commission shall have power to issue subpoenas, over the signature of the chairman or secretary, to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry authorized by this article.

(d) The fees of such witnesses and for travel shall be the same as for witnesses appearing in the court of common pleas, and shall be paid from appropriations for incidental expenses of the commission, as provided by the board of county commissioners.

(e) All officers and employees in public service shall attend and testify when required to do so by the commission.

(f) If any person shall refuse or neglect to obey any subpoena issued by the commission, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine not to exceed one hundred dollars (\$100) or imprisonment in the county jail not to exceed thirty days.

(g) If any person shall refuse or neglect to obey any subpoena issued by the commission, it may, by petition, apply to the court of common pleas of the county for its subpoena requiring the attendance of such persons before the commission or the court, there to testify and to produce any records and papers, and in default thereof, shall be held in contempt of court and punished therefor.

§ 4509. General provisions relating to examinations

(a) Each commission shall make rules and regulations, to be approved as herein prescribed, providing for the examination of applicants for positions in the police force or fire department or as a fire inspector and promotions therein. The rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing grades.

(b) All examinations for positions or promotions in the police force and for positions or promotions as firemen or fire inspectors 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, but in no case shall an applicant for promotion in the police force be considered until such applicant shall have first served three years in the police force in which he seeks promotion. Each applicant for examination shall be subject to the rules adopted by the commission, and shall be required to submit to a physical examination.

(c) 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 or papers of general circulation in the county at least two weeks prior to each examination. A copy of the notice shall be prominently posted in the office of the commission or other public place.

(d) The commission shall post in its office the eligible list containing the names and grades of those who have passed the examination for positions under this article.

(e) In cases of applications for position to the police force or for positions as firemen or fire inspectors, soldiers, as defined by the act, approved the twenty-second day of May, one thousand nine hundred forty-five (Pamphlet Laws 837), entitled, as amended, "An act providing for and requiring in certain cases preference in appointments to and retention in public position or on public works for honorably discharged persons who served

in the military or naval service during any war in which the United States engaged; and in certain cases for the widows and wives of such persons," shall be entitled to all the preferences and benefits therein provided, so far as applicable.

§ 4510. Application for examination for appointment to the police force or as fireman or fire inspector

Each person desiring appointment to the police force or as a fireman or fire inspector shall apply to the commission for examination, and shall file with the commission a formal application, as provided by it, and shall state, under oath or affirmation, (1) his full name and residence or post office address, (2) his citizenship, place and date of birth, (3) his condition of health and physical capacity for public service, (4) his business or employment and his residence for the past five years, and (5) such other information as may be required by the commission's rules and regulations, showing the applicant's qualifications for the position for which he is being examined.

No person shall be eligible to apply for examination unless he is more than eighteen years of age and, with respect to applicants for the police force not over thirty-five years of age at the date of application, and has been a resident of the county for at least two years immediately preceding his application unless no resident applicants are available.

§ 4511. Rejection of applicant; hearing

(a) The commission may refuse to examine any applicant, or after examination may refuse to certify as eligible anyone, who is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which he has applied, or who is physically disabled and unfit for the performance of the duties of the position to which he seeks employment, or who is addicted to the habitual use of intoxicating liquors or drugs, or who has been guilty of any crime involving moral turpitude or infamous or notorious disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the Constitutions and laws of the United States and of Pennsylvania.

(b) If any applicant or person feels himself aggrieved by the action of the commission in refusing to examine him or to certify him as eligible, they shall, at the request of such person, within ten days, appoint a time and place where he may appear personally and with counsel, whereupon the commission shall then review its refusal to make such examination or certification, and take such testimony as may be offered, and then again render its decision.

§ 4512. Manner of making appointments

Every position of employment, except that of superintendent of police or equivalent official, and except that of fire chief or equivalent official or chief fire inspector or equivalent official, unless filled by promotion or reinstatement, shall be filled only in the following manner: The county commissioners shall notify the commission of any vacancy in the police force or as fireman or fire inspector which is to be filled and shall request the certification of a list of eligibles. The commission shall certify for each existing vacancy, from the eligible list, the names of three persons thereon, who have received the highest average in the last preceding examination held within a period of three years next preceding the date of the request for such eligibles. The county commissioners shall thereupon, with sole reference to the merits and fitness of the candidates, make an appointment from the three names certified, unless they make objections to the commission as to one or more of the persons so certified for any of the reasons stated in the preceding section. As such subsequent vacancy occurs in the same or another position precisely the same procedure shall be followed.

§ 4513. Superintendent of police or fire chief or chief fire inspector, etc.

In the case of a vacancy in the office of superintendent of police, assistant superintendent of police, inspector of police, or fire chief or chief fire inspector or equivalent official, the county commissioners may nominate a person to the commission. It shall thereupon become the duty of the commission to subject such person to a noncompetitive examination, and if such person shall be certified by the commission as qualified, he may then be appointed to such position, and thereafter shall be subject to all the provisions of this article.

§ 4514. Probationary period

All appointments to any position in the county police force shall be for a probationary period of eighteen months and for any position as fireman or fire inspector shall be for a probationary period of six months, but during the probationary period an appointee may be dismissed only for cause, as specified in section 1511 of this act. If at the close of the probationary period, the conduct or fitness of the probationer has not been satisfactory to the board of county commissioners, the probationer shall be notified in writing that he will not receive a permanent appointment. Thereupon, his appointment shall cease; otherwise, his retention shall be equivalent to a permanent appointment.

§ 4515. Provisional appointments

Whenever there are urgent reasons for the filling of a vacancy in any position in the police force or as fireman or fire inspector and there are no names on the eligible list for such appointment, the board of county commissioners may nominate a person to the commission for a noncompetitive examination, and if such nominee shall be certified by the commission as qualified, after such noncompetitive examination, he may be appointed provisionally to fill such vacancy until an examination for such position can be held. It shall thereupon become the duty of the commission, within three weeks from the date of provisional appointment, to hold a competitive examination for such position, and certify a list of eligibles to the board of county commissioners, and they shall then make a regular appointment as prescribed in this article. Nothing herein contained shall prevent the appointment without examination of persons temporarily as police officers, in emergency cases, for the suppression of riots, tumults, in times of war, pestilence, conflagration or public celebration.

§ 4515.1. Special examination and appointment of police for criminal investigation

In counties of the second class within thirty days the commission shall arrange for special examinations of applicants for positions in the police force for the purpose of increasing the force by forty persons. The examination shall be practical in character and shall relate to such matters and include such inquiries as will fairly test the persons examined with respect to their expertise in criminal investigation and related police work and their merit and fitness to discharge the duties of their employment. Applicants for examination under the provisions of this section shall be eighteen years of age or older and need not be a resident of the county, but shall in all other respects meet the eligibility requirements of this article for examination for positions in the police force.

Except as otherwise in this section provided, examinations of qualified applicants shall be conducted in accordance with the provisions of this Article XV relating to examination of applicants for positions in the police force. Appointments not to exceed forty in number shall be made within one year and except as otherwise in this section provided, shall be made in accordance with the provisions of this Article XV relating to appointments to the police force. Anyone appointed under the provisions of this section shall in all respects be subject to the provisions of this article relating to members of the police force.

§ 4515.2. Limited filling of fifteen vacancies on the police force

In counties of the second class for a period of one year from the effective date of this section, county commissioners may fill fifteen vacancies in the police force as prescribed in this section. The county commissioners may nominate persons to the commission for a noncompetitive examination. It shall then become the duty of the commission to submit such persons to an examination to determine their merit and fitness to discharge the duties of police officers. Such persons who qualify shall be so certified by the commission and may then be appointed by the county commissioners. In order to qualify for such appointment, such persons must be at least eighteen years of age or older. Such persons need not be residents of the county. Persons appointed under this section shall thereafter be subject to the provisions of this article relating to members of the police force.

§ 4516. Promotions

Promotions shall be based on merit. The county commissioners shall notify the commission of any vacancy in the police force or as firefighter or fire inspector which is to be filled by promotion and shall request the certification of a list of eligibles. The commission shall certify for each existing vacancy, from the eligible list, the names of three persons thereon, who have received the highest average in the last preceding promotional examination held within a period of two years next preceding the date of the request for such eligibles. The county commissioners shall thereupon, with sole reference to the merits and fitness of the candidates, make an appointment from the three names certified, unless they make objections to the commission as to one or more of the persons so certified. No member of the county police force or a firefighter or fire inspector shall be eligible to take any promotional examination until after serving three years in the county police force or as a firefighter or fire inspector for which such examination is held. Each member of the county police force or a firefighter or fire inspector shall have his examination mark or grade increased by an additional one-half point for each year he served on the county police force or as a firefighter or fire inspector in excess of five years but such additional points shall not exceed ten points. The board of commissioners shall have power to determine in each instance whether an increase in salary shall constitute a promotion.

§ 4517. Physical examinations

All applicants for examination shall undergo a physical examination, which shall be conducted under the supervision of a doctor of medicine appointed by the board of county commissioners. No person shall be eligible for appointment until said doctor certifies to the commission that the applicant is free from any bodily or mental defects, deformity or disease that might incapacitate him from the discharge of the duties of the position desired in the police force or as fireman or fire inspector.

§ 4518. Reducing in rank; suspension; furloughing; discharging

(a) No person employed in a county police force shall be reduced in rank (except superintendent of police), suspended, furloughed or discharged, and no fireman or fire inspector (except fire chief or chief fire inspector) shall be suspended, furloughed or discharged, except for the following reasons: (1) neglect or violation of any official duty; (2) violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or a felony; (3) inefficiency, except as hereinafter provided, wilful disobedience of orders, or conduct unbecoming a police officer; (4) drinking of intoxicating liquor while on duty or the use of which renders him unfit for duty when called upon.

(b) In every case of reduction of rank (except that of superintendent of police), suspension, furlough or discharge, a copy or statement of the reasons therefor and written answers thereto shall be furnished to the person sought to be reduced in rank, suspended, furloughed or discharged, if he shall make demand therefor. He shall

have the right to appeal to the commission for a hearing on the reasons or charges preferred against him within ninety days of the date of service of a copy or statement of the reasons or charges.

(c) Upon the written request for a hearing, the commission shall arrange for the hearing within ten days from receipt of such request. At such hearing, the person against whom the charge or reason is made may be present in person and by counsel, and the burden shall be upon the party making such charges or reasons to justify his action.

(d) In the event the commission fails to uphold the action of the party who made the charges or reasons, then the person against whom the charges were preferred shall be paid in full his salary for the time he may have been prevented from performing his usual employment as a police officer or as a fireman or fire inspector, and no record of the case shall be placed against his service record in the police force or as fireman or fire inspector.

(e) If, in the case of demotion of any employee (except that of superintendent of police), the charges or reasons are sustained, then such person shall not be reverted below his seniority standing on the roster of the grades of patrolman in the police force.

(f) A written record of all testimony shall be taken at each hearing held by the commission, and such records shall be sealed and not available to public inspection in the event no appeals are taken from the action of the commission.

(g) In the event the commission shall sustain the party who preferred the charges or reasons, then the party against whom the charges or reasons were made shall have immediate right of appeal to the court of common pleas of the county. Such appeal shall be taken within the period of ninety days from the date of entry by the commission of its final order and shall be by petition. Upon such appeal being taken and docketed, the court of common pleas shall fix a day for the hearing and proceed to hear the appeal de novo on the original record, and the employee shall be reduced, suspended, furloughed or discharged, in accordance with the order of the court.

(h) In cases where a member of a county police force whose duties are those of an outside policeman is found to be physically unfit to perform such duties due to an infirmity resulting from the performance of his duties as a policeman, or whenever any such member has served for a period of twenty years and is at least fifty years of age, such member, upon application to the board of county commissioners, if there is any vacancy existing in the number of building policemen, building guards or other positions, the responsibility of which is building protection or security, as set forth in the budget of the county, shall be assigned to inside work as building policeman or other special duties and be paid such compensation as shall be fixed by the salary board for building policemen. Where more applications are made and filed than there are vacancies existing, such assignments shall be made first to applicants found to be physically unfit and secondly to applicants in order of their seniority in service. Where two or more applicants have equal seniority in service, assignments shall be determined by the alphabetical order of the first letter of the surname of the applicants. As vacancies occur, assignments shall be made according to a seniority list determined as aforesaid.

§ 4519. Reduction in number of policemen, firemen or fire inspectors; reinstatement

If, for reasons of economy or other reasons, it shall be deemed necessary by the board of county commissioners to reduce the number of policemen in the police force or firemen or fire inspectors, then such reduction in numbers shall be made in the following manner: (1) if there are any policemen, firemen or fire inspectors eligible for retirement under the terms of any retirement or pension system or law, then such reduction in numbers shall be made by retirement, if the party to be retired has served in the police force or as a fireman or fire inspector for a period of at least twenty-five years and [reached the age of fifty-five years or over] his age 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"; (2) if the number of policemen, firemen or fire inspectors eligible for retirement is insufficient to effect the reduction in numbers decided upon by the board of county commissioners, or if no retirement or pension system or law exists, or if there are no policemen, firemen or fire inspectors eligible for

retirement or pension, then the reduction shall be made by furloughing the last policeman, fireman or fire inspector, including the probationers, that have been appointed to the police force or as fireman or fire inspector, and continue in numerical order until the reduction decided upon by the board of county commissioners has been effected. In any case where there has been more than one employee appointed at the same time, then such furloughing shall be determined by the standing on the civil service list as hired, the individual having the lowest civil service score to be furloughed first. In the event the said police force, firemen or fire inspectors shall again be increased in numbers, then the employees furloughed shall be reinstated, in the inverse order of that in which they were furloughed, before any new appointments shall be made to the police force or as firemen or fire inspectors.

§ 4520. Present employees exempted

(a) All members (except superintendent of police) of the county police force upon the fourth day of May, one thousand nine hundred forty-three, shall continue to hold their positions, and shall not be required to take any examination under the provisions of this article except such as may be required for promotion. Any member of a county police force who was dismissed from such force between the first day of January one thousand nine hundred forty-three and the fourth day of May, one thousand nine hundred forty-three, for any reason except those as specified in section 1511 of this act, shall be reinstated to his former position in the police force without any examination whatsoever.

(a.1) All members (except the fire chief) of the county fire department and all fire inspectors upon the effective date of this amending act shall continue to hold their positions and shall not be required to take any examination under the provisions of this article except such as may be required for promotion.

(b) Each member of the county police force and every fireman or fire inspector now or hereafter serving in the armed forces of the United States during any war or any police action in which the United States is engaged shall, upon his honorable discharge from such service and return to such police force or as a fireman or fire inspector, be reinstated in the force in a position of equal grade to that which he held immediately before entering the armed forces of the United States. He shall continue to hold such position, and shall not be required to take any examination under the provisions of this article except such as may be required for promotion.

§ 4521. Discrimination on account of religious or political affiliations

No question in any form of application for any examination or in any examination shall be so framed as to elicit information concerning the religious or political opinions of any applicant, nor shall inquiry be made concerning such opinions or affiliations, and all such disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened or promised by any person in or interested in the police force, firemen or fire inspectors against or in favor of an applicant on the eligible list for appointment to or promotion in the police force or as fireman or fire inspector because of his religious or political opinions or affiliations.

§ 4522. Penalties

Any county commissioner or anyone acting for the board of county commissioners who shall cause any person to be appointed to or promoted in the police force or as a fireman or fire inspector contrary to the provisions of this article, or who violates any of the provisions of this article, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not more than five hundred dollars (\$500) or suffer imprisonment not exceeding one year, or both.

§ 4523. Compensation of the commission and its employes

The compensation to be received by members of the commission or any of the employes they may require for putting into effect the provisions of this article shall be fixed by the salary board.

§ 4524. Hours of service; exemptions; vacations

Every member of the police force shall have at least twenty-four consecutive hours of rest in each calendar week, except in emergency cases for the suppression of riots or tumults or the preservation of the public peace, in times of war, riot, conflagration or public celebration. No member shall be required to work more than eight consecutive hours in any twenty-four hours except in the aforesaid cases of emergency. Every member shall be allowed one day's vacation for each month of service for the first twelve months of service, and thereafter an annual vacation of not less than fourteen days. He shall also be allowed an annual sick leave of not less than fourteen days. All such vacation and sick leave shall be without any deduction or diminution of salary or compensation as fixed by the salary board. Work hours of firemen and fire inspectors shall be as determined by the board of county commissioners.

§ 4525. Compensation and expenses to policemen, firemen or fire inspectors, injured or ill

Every member of the police force and every fireman and fire inspector who may be injured or become sick through the performance of his duties, and by reason thereof is temporarily incapacitated from performing his duties, shall be paid by the county his full rate of salary as fixed by the salary board until the disability arising therefrom has ceased. All medical and hospital bills incurred in connection with any such injury or sickness shall be paid by the county. All benefits under the Workmen's Compensation Law which shall be received or collected by any such member during the period he has received salary for temporary disability shall be paid over to the county and paid into the treasury thereof. If any such payment or payments shall not be so made by the member of the police force, fireman or fire inspector, the amount so directed to be paid to the county shall be deducted from any salary which shall then or thereafter become due and owing to such member.