

SUBPART C
EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES

Chapter

21. Employees

CHAPTER 21
EMPLOYEES

Subchapter

- A. through C. (Reserved)
- D. Municipal Police Education and Training
- E. Employee Benefits

Enactment. Chapter 21 was added December 19, 1996, P.L.1158, No.177, effective in 60 days.

SUBCHAPTERS A through C
(Reserved)

SUBCHAPTER D
MUNICIPAL POLICE EDUCATION AND TRAINING

Sec.

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Cross References. Subchapter D is referred to in section 13718 of Title 11 (Cities); sections 5704, 5749 of Title 18 (Crimes and Offenses); section 3711 of Title 22 (Detectives and Private Police); section 6202 of Title 27 (Environmental Resources); section 711 of Title 51 (Military Affairs); sections 6302, 6304 of Title 61 (Prisons and Parole); section 6501 of Title 74 (Transportation).

§ 2161. Establishment of program and scope of subchapter.

(a) Municipal police officers' education and training program.--The commission shall establish a municipal police officers' education and training program in accordance with the provisions of this subchapter. The administration of this program shall be the responsibility of the Pennsylvania State Police.

(b) Scope of subchapter.--This subchapter applies to all municipalities.

§ 2162. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Certification." The assignment of a certification number to a police officer after successful completion of a mandatory basic

training course or receipt of a waiver of basic training from the commission and successful completion of mandatory in-service training. Certification is for a period of two years.

"College." A college which has a campus police department, as used in section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of "criminal justice agency" in 18 Pa.C.S. § 9102 (relating to definitions). The term does not include the State System of Higher Education and its member institutions.

"Commission." The Municipal Police Officers' Education and Training Commission.

"Commissioner." The Commissioner of the Pennsylvania State Police.

"Police department." Any of the following:

(1) A public agency of a political subdivision having general police powers and charged with making arrests in connection with the enforcement of the criminal or traffic laws. This paragraph includes the sheriff's office in a county of the second class.

(2) A campus police or university police department, as used in section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of "criminal justice agency" in 18 Pa.C.S. § 9102 (relating to definitions). This paragraph does not include a campus police or university police department of the State System of Higher Education and its member institutions.

(3) A railroad or street railway police department formed with officers commissioned under 22 Pa.C.S. Ch. 33 (relating to railroad and street railway police) or any prior statute providing for such commissioning.

(4) The Capitol Police.

(5) The Harrisburg International Airport Police.

(6) An airport authority police department.

(7) A county park police force under section 2511(b) of the act of August 9, 1955 (P.L.323, No.130), known as The County Code.

"Police officer." Any of the following:

(1) A full-time or part-time employee assigned to criminal or traffic law enforcement duties of any of the following:

(i) A police department of a county, city, borough, town or township.

(ii) Any railroad or street railway police.

(iii) Any campus or university police department.

(iv) The Capitol Police.

(v) The Harrisburg International Airport Police.

(vi) An airport authority police department.

(2) A deputy sheriff of a county of the second class.

(3) A security officer of a first class city housing authority or a police officer of a second class city housing authority.

(4) A county park police officer.

The term excludes persons employed to check parking meters or to perform only administrative duties and auxiliary and fire police.

"School." A training school or academy which provides a basic police training course within the functional organization of a police department or departments or any educational facility in this Commonwealth.

"University." A university which has a campus police department, as used in section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of "criminal justice agency" in 18 Pa.C.S. § 9102 (relating to definitions). The term does not

include the State System of Higher Education and its member institutions.

(Nov. 24, 1999, P.L.539, No.49, eff. 60 days; Dec. 30, 2003, P.L.450, No.65, eff. 60 days; Mar. 14, 2014, P.L.38, No.18, eff. 90 days)

2014 Amendment. Act 18 amended the defs. of "police department" and "police officer." See section 1 of Act 18 in the appendix to this title for special provisions relating to legislative findings and declarations.

§ 2163. Commission members.

(a) Selection.--The commission shall be composed of 20 members as follows:

(1) The following members shall serve by virtue of their office:

(i) The Commissioner of the Pennsylvania State Police who shall serve as chairman of the commission.

(ii) The Secretary of Community and Economic Development.

(iii) The Attorney General.

(iv) The police commissioner of a city of the first class or his designee.

(2) The following members shall be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives:

(i) A member of the Senate.

(ii) A member of the House of Representatives.

(3) The following members shall be appointed by the Governor.

(i) A borough official, a first class township official, a second class township official and a city official.

(ii) Four incumbent chiefs of police from the various municipalities of this Commonwealth, at least one to be a chief of a borough police department, at least one to be a chief of a township police department and at least one to be a chief of a city police department.

(iii) One Federal Bureau of Investigation special agent-in-charge.

(iv) One educator qualified in the field of law enforcement.

(v) One member representing the public at large.

(vi) Two noncommissioned police officers.

(vii) A director of one of the certified training schools.

(b) Terms of office.--All members of the commission appointed by the Governor shall serve for a period of three years. Any member of the commission, immediately upon termination of holding the position by virtue of which the member was eligible for membership or appointed as a member of the commission, shall cease to be a member of the commission.

(c) Vacancies.--A member appointed to fill a vacancy not created by the expiration of a term shall be appointed for the unexpired term of the member whom he is to succeed in the same manner as the original appointment.

(d) Compensation and expenses.--The members of the commission shall serve without compensation but shall be reimbursed the necessary and actual expenses incurred in attending the meetings of the commission and in the performance of their duties under this subchapter.

(e) Removal from office.--Members of the commission may be removed by the Governor for cause after written notice from the Governor.

(f) Affiliation.--The designated public member may not at any time have been a police officer or have been affiliated with a police department or training school.

(May 5, 1998, P.L.301, No.50, eff. 60 days)

1998 Amendment. Act 50 amended subsec. (a)(1)(ii).

§ 2164. Powers and duties of commission.

The powers and duties of the commission shall be as follows:

(1) To establish and administer the minimum courses of study for basic and in-service training for police officers and to revoke an officer's certification when an officer fails to comply with the basic and in-service training requirements or is convicted of a criminal offense or the commission determines that the officer is physically or mentally unfit to perform the duties of his office.

(1.1) To provide training for police officers with respect to:

(i) Recognition of mental illness, intellectual disabilities and autism.

(ii) Proper techniques to interact with and de-escalate individuals engaging in behavior indicative of mental illness, intellectual disability or autism.

(iii) Instruction on services available to individuals with mental illness, intellectual disabilities or autism.

(2) To approve or revoke the approval of any school which may be utilized to comply with the educational and training requirements as established by the commission.

(3) To establish the minimum qualifications for instructors, to approve or revoke the approval of any instructor and to develop the requirements for continued certification.

(3.1) To suspend or revoke the certification of a police officer or the approval of an instructor for a violation of 37 Pa. Code Ch. 203 (relating to administration of the program). The following shall apply:

(i) In the case of a suspension, a hearing examiner appointed by the commission shall recommend to the commission whether the certification of a police officer or the approval of an instructor shall be suspended. If the certification or approval is suspended, the hearing examiner shall recommend a period of suspension which may be approved by the commission. At the end of the period of suspension, the police officer or instructor may reapply for certification or approval.

(ii) A police officer or instructor whose certification or approval is revoked before, on or after the effective date of this paragraph may apply to the commission for reinstatement no sooner than one year following the date of revocation.

(iii) The commission shall develop standards and guidelines to determine whether certification or approval shall be reinstated. Separate standards shall be developed for suspension and revocations.

(4) To promote the most efficient and economical program for police training by utilizing existing facilities, programs and qualified Federal, State and local police personnel.

(5) To make an annual report to the Governor and to the General Assembly concerning the administration of the Municipal Police Officers' Education and Training Program and the activities of the commission, together with recommendations for executive or legislative action necessary for the improvement of law enforcement and the administration of justice.

(6) To require every police officer to attend a minimum number of hours of in-service training as provided for by regulation, unless the officer's employer files a show cause document with the commission requesting additional time for the officer to comply with the in-service training requirements. Approval of this request shall be made by the commission on a case-by-case basis.

(7) To require all police officers to undergo a background investigation to determine the individual's suitability for employment as a police officer. This investigation shall be completed prior to the employment of the officer and shall include a criminal history check, a credit check, personal interviews and any other applicable means of determining eligibility. An applicant who has been convicted of a felony or serious misdemeanor shall not be eligible for employment as a police officer.

(8) To require minimum standards for physical fitness, psychological evaluation and education as prerequisites to employment as a police officer.

(9) To appoint an executive director to administer the training program established by this subchapter. The position of executive director shall be filled by the commission which shall select the best qualified person from a list of three persons nominated by the chairman. The person who receives a simple majority of those members present and voting shall become the executive director. If the commission rejects all nominees, then the process shall be repeated until a person is selected. The executive director shall be directly responsible to the commission and may be dismissed only by two-thirds vote of the commission. The executive director shall employ a sufficient staff, including professional, administrative and clerical personnel, to perform the tasks of the office, including the preparation of an annual budget.

(10) To consult and cooperate with universities, colleges, community colleges and institutes for the development of specialized courses for police officers.

(11) To consult and cooperate with departments and agencies of this Commonwealth and other states and the Federal Government concerned with police training.

(12) To certify police officers who have satisfactorily completed basic educational and training requirements as established by the commission and to issue appropriate certificates to those police officers.

(13) To visit and inspect approved schools at least once a year.

(14) To make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program for police officers.

(15) With respect to mandatory basic training:

(i) To grant waivers of mandatory basic training to police officers who have successfully completed previous equivalent training or who have acceptable full-time police experience, or both.

(ii) To grant waivers of portions of mandatory basic training to Federal law enforcement officers and military police officers who have successfully completed previous equivalent training. In order to be certified by the commission, Federal law enforcement officers and military police officers shall fulfill basic police training requirements and meet the minimum standards required for certification.

(16) To assess, in consultation with the Department of Military and Veterans Affairs, the Department of Health and other State, community or local organizations and agencies that have expertise in the field of traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD), the training needs of police officers on recognizing and interacting with veterans and other individuals suffering from TBI or PTSD. Should the commission determine that there is a need for specialized training on TBI and PTSD, the commission shall develop a training course that shall be made available to all police officers and law enforcement agencies within this Commonwealth.

(Dec. 30, 2002, P.L.2001, No.230, eff. imd.; Oct. 9, 2008, P.L.1385, No.105, eff. 60 days; Oct. 24, 2012, P.L.1316, No.165, eff. imd.; July 10, 2015, P.L.138, No.25, eff. 60 days)

2015 Amendment. Act 25 added par. (1.1).

2012 Amendment. Act 165 amended par. (15) and added pars. (3.1) and (16).

2008 Amendment. Act 105 amended par. (1).

2004 Unconstitutionality. Act 230 of 2002 was declared unconstitutional. *City of Philadelphia v. Commonwealth*, 838 A.2d 566 (Pa. 2003).

Cross References. Section 2164 is referred to in sections 2167, 2168, 2169 of this title.

§ 2165. Meetings and quorum of commission.

The commission shall meet at least four times each year. Special meetings may be called by the chairman of the commission or upon written request of five members. A quorum shall consist of 11 members.

§ 2166. Applicability to civil service laws.

This subchapter shall not be construed to exempt any police officer or other officer or employee from the provisions of the existing civil service or tenure laws.

§ 2166.1. Prohibition on political activity (Repealed).

2003 Repeal. Section 2166.1 was repealed December 30, 2003, P.L.450, No.65, effective immediately.

§ 2167. Police training.

(a) General rule.--All municipalities of this Commonwealth or groups of municipalities acting in concert and all colleges and universities shall be required to train all members of their police departments pursuant to this subchapter prior to their enforcing criminal laws, enforcing moving traffic violations under Title 75 (relating to vehicles) or being authorized to carry a firearm.

(b) Ineligibility for compensation.--Any person hired as a police officer shall be ineligible to receive any salary, compensation or other consideration for the performance of duties as a police officer unless the person has met all of the requirements as established by the commission and has been duly certified as having met those requirements by the commission.

(c) Penalty.--Any person who orders, authorizes or pays as salary to a person in violation of the provisions of this subchapter commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100 or be imprisoned for a term not to exceed a period of 30 days. The commission may stop payment of all funds paid or payable to municipalities under this subchapter for any violation of this subchapter. It shall notify the State Treasurer to discontinue disbursement of any State funds until a municipality is in compliance with this subchapter.

(d) Mandatory waiver request.--If a police officer is unable to attend in-service training due to service in the military or National Guard or as a result of injury sustained in service as a police officer, the officer's employer shall request a waiver under section 2164(6) (relating to powers and duties of commission). A police officer whose employer fails to request a waiver as required under this subsection shall not be decertified unless, upon return to service, the officer fails to participate in such in-service training as the commission deems appropriate in accordance with this chapter and 51 Pa.C.S. Ch. 75 (relating to professional and occupational licenses).

(Dec. 30, 2003, P.L.450, No.65, eff. 60 days; Oct. 9, 2008, P.L.1385, No.105, eff. 60 days)

2008 Amendment. Act 105 added subsec. (d).

2003 Amendment. Act 65 amended subsecs. (b) and (c). See section 4 of Act 65 in the appendix to this title for special provisions relating to applicability.

§ 2168. Automatic certification.

(a) **General rule.**--All police officers, including deputy sheriffs in counties of the second class, hired prior to June 18, 1974, shall be automatically certified for basic training but shall be required to complete the in-service training as set forth in section 2164(7) (relating to powers and duties of commission).

(b) **Campus or university police.**--Any campus or university police officer who, as of August 27, 1993, has successfully completed a basic training course similar to that required under this subchapter shall, after review by the commission, be certified as having met the basic training requirements of this subchapter. Any campus or university police officer who, as of August 27, 1993, has not successfully completed a basic training course similar to that required under this subchapter which qualifies the police officer for certification under this subsection shall be able to perform the duties of a campus or university police officer until certified by the commission, but no later than August 29, 1994.

(c) **Deputy sheriffs in counties of the second class.**--Deputy sheriffs in counties of the second class who have successfully completed the basic training course under this subchapter prior to February 6, 1995, shall be assigned a certification number under this subchapter.

(d) **Railroad and street railway police.**--Any railroad or street railway police officer who, as of the effective date of this subsection, has successfully completed a basic training course similar to that required under this chapter shall, after review by the commission, be certified as having met the basic requirements of this chapter. Any railroad or street railway police officer who, as of the effective date of this subsection, has not successfully completed a basic training course similar to that required under this chapter which qualifies the police officer for certification shall be able to perform the duties of a railroad or street railway police officer until certified by the commission, but no longer than one year from the effective date of this subsection.

(May 5, 1998, P.L.301, No.50, eff. 60 days; Nov. 24, 1999, P.L.539, No.49, eff. 60 days)

1999 Amendment. Act 49 added subsec. (d).

1998 Amendment. Act 50 amended subsecs. (b) and (c).

§ 2169. In-service training by existing personnel.

The requirements of section 2164(7) (relating to powers and duties of commission) shall apply to every police officer.

§ 2170. Reimbursement of expenses.

(a) **General rule.**--The commission shall provide for reimbursement to each municipality of the entire amount of the allowable tuition and the ordinary and necessary living and travel expenses incurred by their police officers while attending certified municipal police basic training schools if the municipality adheres to the training standards established by the commission. The regular salary of police officers while attending approved schools shall be paid by the employing municipality. The commission shall reimburse the employing municipality for 60% of the regular salaries of police officers while attending schools approved under this subchapter. The commission shall require written documentation of all expenses incurred by municipalities relating to the training of municipal police officers for the purposes of reimbursement by the commission. All municipalities shall annually audit these funds as part of their annual audit and submit a copy of the audit to the commission. Failure to perform the audit and submit a copy of it to the commission shall render the municipality in violation of this subchapter.

(a.1) County park police.--A municipality shall be ineligible for reimbursement for tuition and expenses for the certified basic training of county park police.

(b) Grants for training other police.--The commission may approve in-service training grants for actual expenses incurred by municipalities for the providing for nonmandatory training programs to police officers in accordance with this subchapter.

(c) Application for funding.--All municipalities of this Commonwealth or groups of municipalities acting in concert may make application to the commission for funding pursuant to the provisions of this subchapter. The application shall be accompanied by a certified copy of a resolution adopted by its governing body. The resolution shall provide that, while receiving any State funds pursuant to this subchapter, the municipality agrees to adhere to the standards for training established by the commission. The application shall contain any information that the commission requests.

(d) Subsequent employment with another municipality.--If a police officer, within two years following certification, terminates his employment with the municipality by which the officer was employed at the time he was certified as having met the commission's requirement and subsequently obtains employment as a police officer with another municipality, the municipality which employs the previously certified police officer shall reimburse the municipality which formerly employed the police officer for the nonreimbursable portion of the salary paid to the police officer while complying with the provisions of this subchapter.

(e) Payment of mandatory in-service training.--

(1) Except as set forth in paragraph (2), the commission may pay for the cost of mandatory in-service training for all police officers to the extent determined by the commission.

(2) All of the following shall be ineligible for reimbursement of any expense under this section incurred during their police officer training:

- (i) A college or university.
- (ii) Railroad and street railway police.
- (iii) The Capitol Police.
- (iv) The Harrisburg International Airport Police.
- (v) An airport authority police department.
- (vi) A housing authority security or police department.

(Nov. 24, 1999, P.L.539, No.49, eff. 60 days; Dec. 30, 2003, P.L.450, No.65, eff. 60 days; Mar. 14, 2014, P.L.38, No.18, eff. 90 days)

2014 Amendment. Act 18 added subsec. (a.1). See section 1 of Act 18 in the appendix to this title for special provisions relating to legislative findings and declarations.

2003 Amendment. Act 65 amended subsec. (e).

Cross References. Section 2170 is referred to in section 6118 of Title 75 (Vehicles).

§ 2171. Payment of certain county costs.

(a) Second class counties.--Counties of the second class shall be liable for costs incurred for the certification of deputy sheriffs. The costs shall not exceed the sum per police officer assessed against municipalities.

(b) Counties generally.--Counties shall be liable for the costs incurred for any training required for the certification of county park police officers.

(Mar. 14, 2014, P.L.38, No.18, eff. 90 days)

2014 Amendment. See section 1 of Act 18 in the appendix to this title for special provisions relating to legislative findings and declarations.

SUBCHAPTER E
EMPLOYEE BENEFITS

Sec.

2181. Health insurance ordinances.

Enactment. Subchapter E was added November 24, 1999, P.L.539, No.49, effective immediately.

§ 2181. Health insurance ordinances.

An ordinance adopted by a municipality which requires or the effect of which is to require the provision of health insurance or other employee health care benefits shall not apply to a State-owned or State-related college or university.

Municipal Ordinances. Section 5 of Act 49 of 1999 provided that any municipal ordinance in effect on the effective date of section 2181 that is inconsistent with section 2181 shall be void as it relates to a State-owned or State-related college or university.