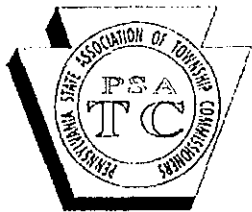


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PA State Association of Township Commissioners

**Testimony Before the
House Local Government Committee
Concerning House Bill 1193**

June 10, 2013

Chairwoman Harper and Chairman Freeman, thank you for the invitation to provide testimony before the Committee today on House Bill 1193. I am Amy Sturges, the Director of Governmental Affairs, for the PA State Association of Township Commissioners or PSATC. PSATC is a non-profit, non-partisan local government association that provides services to first class townships through their membership. PSATC's member townships make up a majority of the Commonwealth's 92 first class townships which are typically the first-ring suburbs around our cities.

As discussed today, HB 1193 amends the First Class Township Code authorizing police officers employed by first class townships to run for the office of and serve as a school board director. PSATC is opposed to this bill and requests the committee forgo further consideration of this authorization.

Since the 1940s, police officers in first class townships that employ 3 or more officers have enjoyed the protection of civil service rules and regulations. Employees hired and working under civil service are protected from political influences that could otherwise impact their hiring, promotion, dismissal or other employment actions against them. As part of these protections, Section 644 of the Code prohibits suspension, removal or a reduction in rank except for in a handful of actions including: *engaging or participating in conducting of any political or election campaign otherwise than to exercise his own right of suffrage*. Additionally, Section 1401 states, *no policeman shall at the same time hold any public office other than constable and health officer*.

PSATC's opposition to a police officer running for and serving on a school board lies in the political influence that this overlap will have on the performance of police duties; the possible use or influence of police status on citizen voting and politics; and the impediments the dual role will have on police involvement in schools.

PSATC believes the integrity and efficiency of a police department is compromised when politics are intentionally brought into the picture, even at the school board level. For example, if a police officer also served as a school board director and school budgetary cuts negatively

impacted the children and spouses of his fellow officers, how would that play out in the day to day operations of the department? It could easily cause animosity and hinder the public safety operations of the department. Similarly, police officers are known and recognizable in their communities. A police officer campaigning for a position on the school board will certainly be associated with his occupation. He may even use it to his advantage when campaigning for support from voters. Such actions are in direct conflict with the intent and protections of the civil service laws protecting the officer and his job from political decisions. Employees should not be able to utilize a law to protect them from politics in the work place one day; and then bring politics into the workplace the next.

Moreover, in today's schools police officers are prominent as role models and counselors. Community Resource Officers build relationships with students, gain their trust and mentor students both during and after school. PSATC is concerned that if a police officer placed in a school is also a member of the school board that valuable relationship and trust will disappear because of the complicating level of authority a school board member will introduce into the relationship.

Additionally, placing officers in schools requires agreements with municipalities. These agreements require the negotiation of terms involving compensation to the municipality for police time, staffing, officer assignment, removal, etc. These are municipal management decisions that police officers should not be involved in making under the guise of being a school board member. An officer/school board member could use her school board vote to affect the outcome of an agreement. It is a conflict of interest that can interfere with the provision of optimum public safety services to a school.

The issue of police political activity was tested in the 1990's in *Naccarati vs. Wilkins Township*. In this case, a township police chief challenged the language in the First Class Township Code in federal court by seeking to have the township enjoined from disciplining him if he decided to run for district justice. The U. S. District Court upheld the government's interest in proscribing the political activities of public employees. In its opinion, the Court made the following points: the chief was not prohibited from running for office, but rather was faced with the decision to resign

in order to run for office; there was no constitutional right to be able to remain employed while running for office; and the authority of government to regulate political activity of police officers has been recognized for many years by both the U.S. Supreme Court and the PA Supreme Court. PSATC believes its position to leave the Code language unchanged is supported by this court decision.

Recent changes to the Borough Code's civil service article that curtail an employer's ability to remove an officer for political activity to -- while on duty or in uniform or while using borough property -- should not impact the Committee's decision in this case. The decision to allow these changes in the Borough Code in no way indicates that they are positive changes that should be extended to First Class Townships.

As stated, PSATC believes there is a legitimate and practical need to keep politics out of their police forces and to concentrate on efficient public safety. PSATC respectfully requests that the Committee not entertain HB 1193 or amendments to HB 1193. On behalf of the members of PSATC, thank you for the opportunity to comment on this bill.