

**POLICY STATEMENT – Act 233 PAYMENT
PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY**

I. Definitions.

The following words and phrases, when used in this policy, shall have the following meanings unless the context clearly indicates otherwise.

Act - The Constables' Education and Training Act (42 Pa.C.S. § 2941 - § 2950)

Board - The Constables' Education and Training Board.

Executive Director – The Executive Director of PCCD.

Constable - An elected or appointed constable or deputy constable.

PCCD - The Pennsylvania Commission on Crime and Delinquency.

Payment –Funds paid to constables for costs associated with Continuing Education.

Training Year – period of time during any calendar year, in which the Act 44 training cycle starts and ends.

II. Constable payment under 42 Pa.C.S § 2949(f)

A. Eligibility Criteria for 233 Payment

1. Payment will be made if account moneys are sufficient to meet the expenses and costs, as determined by PCCD. In accordance with Title 42 Pa.C.S § 2949(f), for costs associated with continuing education a constable shall:
 - a. The constable must have current term dates of office (Title 37 Pa. Code § 431.11) at the time of training.
 - b. The constable must be currently or have been previously certified and have a valid, current certification number issued by PCCD. (Title 42 Pa C.S.§ 2942.).
 - c. The constable must have filed a W-9 with the PCCD within 90 days of registering with PCCD in compliance with Title 37 Pa. Code § 431.11.
 - d. The constable must pass all of the required subjects in continuing education as defined in Title 37 Pa. Code § 431.31 and Title 37 Pa. Code § 431.32.
 - e. The constable must maintain his or her professional liability insurance (Title 42 Pa

C.S. § 2942) for the training year he or she participated in continuing education.

f. The constable must maintain his / her current address as outlined in the Act (Title 42 Pa C.S. § 431.11 Registration), including the correct zip code + 4.

g. The constable may only receive one payment for each training year regardless of the circumstances.

2. The following areas will result in a constable not receiving the payment.

a. The constable who resigns during the training year will only receive a payment for the last training year that he or she meet the eligibility requirements.

b. The constable who receives a partial waiver of continuing education will receive a proportionate partial payment.

c. If a constable fails continuing education and does not retake and successfully complete continuing education (Title 37 Pa. Code § 431.32) during the same training year.

d. If a constable is dismissed or prohibited from a class based on a safety or discipline problem, he or she will not receive a payment for that training year.

B. Payment.

1. If account moneys are sufficient to meet the expenses and costs, PCCD will make a recommendation annually as to the amount of the payment to the Commission based on the annual fiscal statement of the Constables' Training Fund.

2. The Commission will have the authority to change the rates based on the financial considerations of the fund and the need to meet the statutory training requirements under Title 42 Pa C.S § 2941.

3. The Executive Director, PCCD, shall stop the payment based on an unforeseen fiscal shortage.

4. The following is the process for execution of payment:

a. Processing of payment of funds will occur once annually at the end of the training year. Corrections or adjustments for payments will be made on a case-by-case basis, based on eligibility.

b. Any payments, not processed due to a constable's failure to meet the eligibility requirements for the training year, will not be made after 15 March during the following training year.

c. PCCD will be responsible for coordinating with appropriate state agency, in

accordance with Commonwealth procedures for distribution of funds, to establish a vendor number for each constable. PCCD will maintain the vendor number as part of a constable's training record.

d. PCCD will track payment information from Comptroller, Office of Budget and Treasury regarding stipend paid to each constable.

f. Payments made under Title 42 Pa C.S § 2949(f) only apply to continuing education training as defined in Title 42 Pa C.S § 2946 and Title 37 Pa. Code § 431.31

C. Amount of Payment

1. The payment will consist of:
 - a. A per diem rate based on the per diem rate as specified in the Commonwealth Management Directive 230.10, Travel and Subsistence Allowances (Dec 28, 2005).
 - i. Specifically the per diem is based on Management Directive 230.10, Section 11, paragraph c (3). This per diem is only intended to assist with the cost associated with attendance at annual continuing education.
 - ii. As the above rates are changed, so will the rates paid to constables under Title 42 Pa C.S § 2949(f).
 - iii. Section 11, paragraph c (3) is the only section of Management Directive 230.10 that will apply to payment to constables under Title 42 Pa C.S § 2949(f).
 - b. Mileage for travel will be based on the statewide average mileage that constables travel, one way to attend continuing education training. This average is based on data in the PCCD's Constable Information System (CIS).
 - i. Mileage will be paid using IRS rate as of the date of payment. This rate will apply to all constables /deputies who qualify for the payment.