§ 24. Removal of municipal civil service commissioners and personnel officers. 1. Removal by appointing officer or body. The officer or body having the power of appointment of the members of a municipal civil service commission or a personnel officer may at any time remove any such member or personnel officer for cause, after a public hearing, and appoint his successor for the unexpired term.

2. Removal by state civil service commission. A municipal civil service commissioner or personnel officer may be removed by the state civil service commission for incompetency, inefficiency, neglect of duty, misconduct or violation of the provisions of this chapter or of the rules established thereunder, shown after a hearing upon stated charges to be served upon him, and he shall be allowed at least eight days for answering the same in writing. The hearing shall be conducted by the state civil service commission or by one of the members thereof designated in writing by the commission. In case a member of the commission is so designated, he shall for the purpose of such hearing, be vested with all the powers of the commission and shall make a record of such hearing which shall, together with his recommendations, be referred to the commission for review and decision. Upon the request of the municipal civil service commissioner or personnel officer against whom the charges are preferred, the commission or the member thereof designated to hold such hearing shall permit him to be represented by counsel, and shall allow him to summon witnesses in his behalf. The burden of proving the charges shall be upon the person alleging the same. Compliance with technical rules of evidence shall not be required. The state civil service commission, by unanimous vote of the three members, may find such municipal civil service commissioner or personnel officer guilty of the charges or any of them, and, upon such finding, with the written approval of the governor, may remove such municipal civil service commissioner or personnel officer. A municipal civil service commissioner or personnel officer so removed may review such removal in accordance with the provisions of article seventy-eight of the civil practice act.

3. Suspension pending determination. Where the state commission has commenced removal proceedings against all or a majority of the members

of a municipal commission or against a personnel officer, such state commission by unanimous vote of the three members may, with the written approval of the governor, suspend such municipal commissioners or personnel officer or a period not exceeding sixty days pending the determination of such proceedings, and, in such event, the officer or body having the power of appointment of the municipal commissioners or personnel officer involved shall designate, with the approval of the state commission, the persons or person to serve temporarily in the place of such suspended commissioners or personnel officer, as the case may be, pending the determination of such proceedings. If such designations are not made within a period of ten days after notice from the state commission, the state commission shall make such designations. In the event of the removal of one or more members of a municipal commission or a personnel officer, any person temporarily designated to serve in place of a removed commissioner or personnel officer, as the case may be, shall continue to serve until a new commissioner or personnel officer is appointed and qualifies.

4. Appointment of successor to removed or resigned commissioner or personnel officer. Whenever a municipal civil service commissioner or personnel officer has been removed by the state civil service commission, or whenever a municipal civil service commissioner or personnel officer shall resign or be removed by the appointing officer or body pending an investigation by the state civil service commission of the administration of civil service under the jurisdiction of such municipal commission or personnel officer or pending a hearing by the state civil service commission of charges preferred against such commissioner or personnel officer, the state civil service commission shall have exclusive jurisdiction to appoint a person to fill such vacancy. Such person so appointed shall hold office as municipal civil service commissioner or personnel officer, as the case may be, for the unexpired term of his predecessor and until his successor is appointed and qualifies; or in the event that his predecessor is reinstated pursuant to court order, he shall hold such office only until such reinstatement.