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**Authority**

The provisions of this Chapter 3 issued under Military Code, 51 Pa.C.S. §§ 1503 and 1509, unless otherwise noted.

**Source**

The provisions of this Chapter 3 adopted June 10, 1966, unless otherwise noted.

**GENERAL****§ 3.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Armory*—As defined in 51 Pa.C.S. § 102 (relating to definitions), lands, buildings and fixtures used for housing elements of the Pennsylvania military forces.

*Department*—The Department of Military Affairs of the Commonwealth.

*Local board*—A local armory board of the Commonwealth.

*Pennsylvania Guard*—As defined in 51 Pa.C.S. § 102, those organized units of the Pennsylvania military forces which are not Federally recognized or which serve under the authority of the Governor when the Pennsylvania National Guard, in whole or in part, is on extended Federal active duty.

*Pennsylvania military forces*—As defined in 51 Pa.C.S. § 102, the land, air and sea military units organized for the internal security of this Commonwealth.

*Pennsylvania National Guard* or *PNG*—As defined in 51 Pa.C.S. § 102, the Pennsylvania Army National Guard and the Pennsylvania Air National Guard.

*State Board*—The State Armory Board of the Commonwealth.

**Source**

The provisions of this § 3.1 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4289).

**Cross References**

This section cited in 43 Pa. Code § 3.81 (relating to transfer of local board control).

**§ 3.2. Composition of State Board.**

The State Board shall consist of the Adjutant General, who shall act as Chairperson, and five members appointed by the Adjutant General. Three of the members of the State Board appointed by the Adjutant General shall be members of the Pennsylvania National Guard. The State Board shall appoint a Secretary, who need not be a member of the State Board.

**Source**

The provisions of this § 3.2 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4289).

**§ 3.3. State control.**

(a) Armories are erected, acquired, leased, licensed and sold under the direction and control of the State Board.

(b) The State Board shall provide, equip, maintain, manage and regulate armories for the use of the Pennsylvania military forces.

(c) The State Board may waive the application of all or any part of this chapter if the State Board deems total or partial exemption from this chapter appropriate in the best interests of mission accomplishment by the Pennsylvania military forces or units of the Pennsylvania military forces.

**Source**

The provisions of this § 3.3 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4289).

**§ 3.4. Access to armories.**

The Commander-in-Chief, the Adjutant General, members of the State Board, National Guard officers in the chain of command and State Board inspectors shall have access to the armory. A person authorized by the State Board, or detailed by proper military authority, shall have access to the armory, as required by the authorization or detail. A visitor or inspector shall demonstrate clearly to the local board the need for access to an arms storage vault.

**Source**

The provisions of this § 3.4 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4290).

**§ 3.5. [Reserved].****Source**

The provisions of this § 3.5 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4290).

**§ 3.6. [Reserved].****Source**

The provisions of this § 3.6 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4290).

**§ 3.7. [Reserved].****Source**

The provisions of this § 3.7 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4290).

**§ 3.8. [Reserved].****Source**

The provisions of this § 3.8 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4290).

**§ 3.9. [Reserved].****Source**

The provisions of this § 3.9 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial pages (4290) to (4291).

**§ 3.10. [Reserved].****Source**

The provisions of this § 3.10 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4291).

**§ 3.11. [Reserved].****Source**

The provisions of this § 3.11 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4291).

**LOCAL ARMORY BOARDS****§ 3.21. Composition and authority of local boards.**

The local management of armory facilities under the control of the State Board is entrusted to a local board. The local board will consist of a minimum of five and a maximum of 11 members; the members will include a Chairperson, a Secretary and a Treasurer, who will be officers or noncommissioned officers of the Pennsylvania National Guard. The senior military officer commanding local troops is normally the Chairperson of the local board. The senior commander will select prominent citizens from the community and retired guardsmen who will be encouraged to be active members. One of the non-National Guard members will be designated to assume responsibility for the armory, including the premises, equipment, supplies and property, in the event the unit is mobilized. Reference should be made to § 3.81 (relating to transfer of local board control). The organization of the local board will be recorded on Form MAAB-5-1M-55 and forwarded in duplicate to the State Board for approval. One copy of the approved forms will be returned for local board files.

**Source**

The provisions of this § 3.21 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4291).

**Cross References**

This section cited in 43 Pa. Code § 3.81 (relating to transfer of local board control).

**§ 3.22. Meetings.**

The local board will conduct regular meetings, at least once every quarter or at the call of the Chairperson. Minutes of meetings will be kept by the Secretary and placed on file in the armory. A copy of these minutes will be forwarded to the State Board for permanent file. The custodial worker or senior State Board employe assigned to the armory shall report to the local board at regular meetings. This report will cover the condition of the armory with respect to any required maintenance and repairs, condition of the grounds and status of custodial supplies. If the State Board employe is a member of the local board, he will be an ex officio member without vote. Local board meetings will be open to the public in accordance with 65 P. S. §§ 261—269.

**Source**

The provisions of this § 3.22 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial pages (4291) to (4292).

**§ 3.23. Reports.**

The Secretary will include in his report, during regular meetings of the local board, information concerning nonmilitary use of the armory and rentals of the armory.

**Source**

The provisions of this § 3.23 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4292).

**§ 3.24. Inspections.**

A formal inspection of all parts of the armory, including the exterior of the building, pavements, driveways and grounds, will be made by the local board at least four times a year. The custodial worker or senior State Board employe assigned to the armory will accompany the local board during these inspections.

**Source**

The provisions of this § 3.24 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial pages (4292) to (4293).

**§ 3.25. [Reserved].****Source**

The provisions of this § 3.25 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4293).

**§ 3.26. [Reserved].****Source**

The provisions of this § 3.26 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4293).

**USE OF ARMORIES****§ 3.31. Military use.**

Armories are for military use by local units of the Pennsylvania National Guard, and are not public buildings in the sense that they may be entered into, or used by civilians, unless the entry or use is approved in advance by the local board or State Board.

**Source**

The provisions of this § 3.31 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4294).

**§ 3.32. Improper use.**

The armory may not be used for the care or storage of a property other than the property issued by the United States government, or the Commonwealth or property belonging to the Pennsylvania National Guard organizations. Exceptions may be granted by the State Board upon written request.

**Source**

The provisions of this § 3.32 adopted December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172.

**§ 3.33. Alcoholic beverages.**

The use or distribution of alcoholic beverages in the armory or on the premises is prohibited during operating and training hours.

**Source**

The provisions of this § 3.33 adopted December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172.

**§ 3.34. Gambling.**

Forms of illegal gambling are prohibited in an armory or on its premises.

**Source**

The provisions of this § 3.34 adopted December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172.

**§ 3.35. Repairs.**

(a) Minor repairs and improvements to the armory may be accomplished with local board resources. However, no permanent structural changes, such as installation of partitions, removal of doors or remodeling of functional areas, shall be made without prior authorization and approval of the State Board.

(b) Repairs and improvements to the armory involving State Board funds shall be approved in advance by the State Board. Payment for repairs, improvements or purchases of materials without prior approval will be the responsibility of the local board.

**Source**

The provisions of this § 3.35 adopted December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172.

**§ 3.36. Nonmilitary use.**

Use of the armory for other than military purposes shall be approved in advance by the local board and State Board.

**Source**

The provisions of this § 3.36 adopted December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172.

**§ 3.37. Short-term rentals.**

(a) The local board may enter into a rental agreement with responsible persons or organizations at rental rates established by the State Board, subject to the following conditions:

(1) The rental agreement form provided by the State Board will be completely executed and approved in advance by the State Board.

(2) The rental will not interfere with military operations.

(3) The rental fee will be paid in advance to the State Board, at the rates set forth in § 3.39 (relating to rental costs).

(4) An authorization for the use or rental of the armory premises will be carefully reviewed by the local board to insure that the use or rental is in full conformity with acceptable community standards and their regulation.

(5) A member of the local board, or an authorized representative, will be present at all times while the rental use is in progress to provide for physical security of the premises.

(6) The rental agreement shall provide that the renter of an armory shall be responsible for replacement of the armory or its repair in the event of damage or destruction caused during or as a result of the rental use. The renter shall procure, at the expense of the renter, property damage insurance for the armory premises in an amount specified in the rental agreement, to insure the premises against damage from any cause related to the rental use of the armory. Prior to



commencing the rental use, the renter shall provide the local board with a certificate of insurance indicating that the required amount of coverage is in force.

(7) The rental agreement shall provide that the renter agrees to indemnify and hold harmless the Commonwealth, the Department, the State Board, the local board and their agents, employes and assigns, against any and all claims, demands or actions that may be brought against them for personal injuries, death, property damage and the like that may arise out of or result from the rental of the armory or occur on the armory premises during the rental period. The renter shall procure, at the expense of the renter, appropriate public liability coverage naming the Commonwealth, the Department, the State Board and local board, and their agents, employes and assigns, as additional insureds. The amount of liability coverage to be procured shall be specified in the rental agreement and shall depend upon the nature of the rental use. Prior to commencing the rental use, the renter shall provide the local board with a certificate of insurance indicating that the required amount of coverage is in force for the rental. When the lessee is a governmental agency that provides self-insurance, the lessee shall provide a letter to that effect indicating the limitations on self-insurance coverage and the authority for such coverage.

(8) The renting agency shall pay the State Board for the services of a temporary State employe, or for the overtime services of a permanent State Board employe required as a result of the rental. Reference should be made to § 3.39. Use of personnel other than temporary State employes or State Board employes to provide security and custodial services required as a result of a rental is prohibited, unless the personnel receive no compensation for their services from any source.

(9) Every rental agreement shall provide that it is subject to cancellation or termination by the Adjutant General or his designee, without liability to the Commonwealth, the Department or the State Board or local board, when the armory is deemed necessary for use by Pennsylvania military forces or units thereof during periods of active State duty or to carry out other military requirements.

(b) Rental of the armory for nonmilitary purposes at a rate less than that established by the State Board may be approved by the State Board upon the recommendation of the local board. The recommendations should be for community service activities that support the goals of the Pennsylvania National Guard, or for events that do not require full use of the armory.

(c) Free use of the armory for nonmilitary purposes may be approved by the State Board upon recommendation of the local board. The recommendations should be for nonrevenue-producing, community service activities that support the goals of the Pennsylvania National Guard. Social functions sponsored by the PNG organization occupying the armory, where the purpose is to raise money for an organization fund that would be expended for the benefit of the entire military organization, may be held in the armory without the payment of rent. However,

this permission is not to be construed as applying to a continued series of entertainments sponsored by the military organization. The instructions pertaining to the use of personnel to provide security and custodial services as a result of a rental of the armory contained in subsection (a) (8) apply equally in the free use of an armory for nonmilitary purposes.

(d) The following procedures will be followed for rentals:

(1) The local board shall execute three copies of the rental agreement form provided by the State Board, including signatures by a local board representative and an official of the renting agency.

(2) The three copies of the rental agreement, with the check for payment of the rental, will be transmitted to the State Board for approval. Submission shall allow sufficient time for State Board approval in advance of the proposed rental date.

(3) The original and one copy of the approved rental agreement form will be returned to the local board. The original will be filed by the local board and the copy will be given to the renting agency.

(4) There may be occasions when, due to circumstances beyond local board control, it will not be possible to complete the processing of the rental agreement forms in advance of the proposed rental date. In such cases, advance telephone approval of the rental will be obtained from the State Board and the rental agreement forms will be processed, as outlined in paragraphs (1)—(3), as expeditiously as possible.

(e) Rental agreements shall provide that the renter will not discriminate on the basis of race, color, creed, national origin or sex in the rental use of the armory premises.

#### Source

The provisions of this § 3.37 adopted December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172.

### § 3.38. Long-term rentals.

(a) The State Board may approve the leasing of an armory or armory land under a long-term lease when the State Board determines by majority vote that the armory or armory land will not be necessary for military purposes during the term of the lease.

(b) The term of a lease under this section may not be more than 1 year, provided that the lease may provide for renewals for a like term for a period of up to no more than 5 years, at the option of the State Board.

(c) Leases of armories and armory property shall be for fair market rental as determined by the State Board. However, the State Board may approve a long-term lease for less than fair market rental when it determines that the lease is in the best interests of the Commonwealth because the lessee is a nonprofit, community service, educational or governmental entity.

(d) Long-term leases shall provide that the Adjutant General may terminate the lease upon 15 days written notice when the Adjutant General determines, in his sole discretion, that the armory or the armory land is necessary for use by the Pennsylvania military forces. The lease shall also provide that when an emergency is declared or threatened, the Adjutant General may suspend or terminate the lease agreement immediately and the Pennsylvania military forces may take immediate possession of the armory.

(e) Long-term lease agreements shall provide that the lessee shall procure at the expense of the lessee property damage insurance to insure the leased premises against damage by fire, storm, vandalism, civil disturbance or natural disaster. The amount of the insurance coverage shall be specified by the lease agreement and, prior to the commencement of the lease term, the lessee shall present to the State Board a certificate of insurance indicating that such coverage is in effect for the term of the lease and any renewals thereof. When the lessee is a governmental agency that provides self-insurance, the lessee shall provide a letter to that effect indicating the limitations on self-insurance coverage and the authority for such coverage.

(f) The lease agreement shall provide that the lessee agrees to indemnify and hold harmless the Commonwealth, the Department, the State Board and their agents, employes and assigns against claims, demands or actions that may be brought against them for personal injuries, death, property damage and the like that may arise out of a transaction or occurrence or act or omission concerning or happening on the leased premises during the term of the lease. The lessee shall procure at the lessee's own expense public liability coverage naming the Commonwealth, the Department, the State Board and their agents, employes and assigns, as additional insureds. The amount of liability coverage shall be specified in the lease agreement. Prior to the commencement of the lease term, the lessee shall present to the State Board a certificate of insurance indicating that the required insurance is in force for the lease term and any renewals thereof. When the lessee is a governmental agency that provides self-insurance, the lessee shall provide a letter to that effect indicating the limitations on self-insurance coverage and the authority for such coverage.

#### Source

The provisions of this § 3.38 adopted December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172.

### § 3.39. Rental costs.

(a) Rental fees for each armory are computed annually by the State Board, based upon prior year actual operating costs for the armory, less personnel costs and improvements. These fees are not intended to be revenue-producing. Rather, the fee is intended to reimburse the State Board for the increased use of utilities and supplies anticipated as a result of the rental. Current rental fees for each

armory appear below. The hourly fee is to be used when the armory is rented for four hours or less. The daily fee is to be used when the armory is rented for more than four hours.

<i>ARMORY</i>	<i>HOURLY</i>	<i>DAILY</i>
Allentown	\$ 35.00	\$ 177.00
Altoona (Frankstown)	25.00	127.00
Altoona (Band)	5.00	25.00
Bellefonte	14.00	69.00
Berwick	16.00	80.00
Bethlehem	21.00	107.00
Blairsville	5.00	25.00
Bradford	8.00	41.00
Butler	10.00	50.00
Canonsburg	10.00	48.00
Carbondale	21.00	103.00
Carlisle	25.00	126.00
Chambersburg	14.00	68.00
Chester	14.00	70.00
Clearfield	12.00	60.00
Columbia	16.00	78.00
Connellsville	7.00	37.00
Coraopolis	33.00	167.00
Corry	9.00	47.00
Doylestown	20.00	101.00
East Stroudsburg	19.00	94.00
Erie	26.00	130.00
Everett	10.00	52.00
Ford City	9.00	43.00
Gettysburg	9.00	43.00
Greensburg	19.00	97.00
Grove City	12.00	58.00
Hamburg	12.00	58.00
Hanover	14.00	68.00
Harrisburg (S. 19th St.)	17.00	86.00
Harrisburg (18th & Herr)	59.00	295.00
Harrisburg Mil Post	25.00	125.00
Hazleton	15.00	74.00
Hershey	24.00	121.00
Honesdale	14.00	69.00
Huntingdon	11.00	53.00
Indiana	\$ 11.00	\$ 54.00

<i>ARMORY</i>	<i>HOURLY</i>	<i>DAILY</i>
FIG Ord 103rd Maint Co	15.00	73.00
FIG Trans 228th S&T Bn	11.00	54.00
Johnstown (Walters)	28.00	138.00
Johnstown Airport	33.00	166.00
Kane	8.00	41.00
Kutztown	18.00	88.00
Lancaster	29.00	144.00
Latrobe	7.00	37.00
Lebanon	20.00	101.00
Lehighton	16.00	80.00
Lewisburg	15.00	75.00
Lewistown	32.00	158.00
Ligonier	11.00	54.00
Lock Haven	38.00	189.00
Mansfield	9.00	45.00
Meadville	9.00	43.00
Media	15.00	74.00
Milton	15.00	75.00
Mt. Pleasant	6.00	32.00
Nanticoke	20.00	101.00
New Castle	22.00	112.00
Norristown (Belvoir)	20.00	101.00
Norristown (Harding)	19.00	97.00
Oil City	11.00	54.00
Phila. (23d & Ranstead)	49.00	246.00
Phila. (Ogontz Ave.)	26.00	128.00
Phila. (32d & Lanc.)	93.00	466.00
Phoenixville	26.00	130.00
Pine Grove	11.00	54.00
Pittsburgh (Crane)	33.00	166.00
Pittsburgh (Hunt)	67.00	333.00
Plymouth	25.00	123.00
Pottstown	11.00	54.00
Pottsville	16.00	80.00
Punxsutawney	14.00	71.00
Reading	26.00	131.00
Ridgway	9.00	44.00
Scottdale	10.00	51.00
Scranton	66.00	330.00
Sellersville	19.00	97.00

<i>ARMORY</i>	<i>HOURLY</i>	<i>DAILY</i>
Sharon	16.00	78.00
Somerset	12.00	58.00
Sunbury	17.00	87.00
Tamaqua	19.00	97.00
Tyrone	12.00	59.00
Warren	9.00	46.00
Washington	44.00	221.00
Waynesboro	17.00	84.00
Waynesburg	5.00	25.00
Wellsboro	8.00	38.00
West Chester	15.00	63.00
West Pittston	21.00	105.00
Wilkes-Barre	80.00	398.00
Williamsport	\$ 25.00	\$ 125.00
Williamstown	16.00	82.00
York (George)	12.00	58.00
York (Eden)	16.00	81.00
FIG OCS	7.00	35.00
West View	33.00	164.00
Elrama (Finleyville)	11.00	56.00
Phila. (Byberry)	183.00	917.00
Elrama (Gastonville)	12.00	58.00
FIG E Co 728th Maint	17.00	83.00
Beaver Falls	23.00	115.00

(b) Temporary State employees and permanent State Board employees providing services required as the result of a rental will record the hours worked on time and attendance cards and be paid for services through normal payroll channels. The renting agency will be charged for these services, to include payment of fringe benefits. The hourly rates to be charged the renting agency are listed below:

(1) *Permanent State Board employees:*

Custodial Worker I	\$7.50	\$ 7.80	\$11.15	\$14.75
Security Officer I	8.10	8.40	12.00	15.85
Custodial Worker II	8.40	8.70	12.40	16.40
Custodial Work Supervisor	9.50	9.80	14.10	18.65
Maintenance Repairman II	9.95	10.30	14.75	19.50

(2) *Temporary State employes:*

Custodial Worker I	\$6.05	\$6.35	\$9.10	\$12.10
Security Officer I	6.50	6.80	9.75	13.00

**Source**

The provisions of this § 3.39 adopted December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172.

**Cross References**

This section cited in 43 Pa. Code § 3.37 (relating to short-term rentals).

**EMPLOYEES****§ 3.41. Supervision.**

The local board is responsible for the supervision of custodial, maintenance and security personnel that are employes of the State Board providing services to the armory. These personnel should be instructed carefully on their duties and responsibilities.

**Source**

The provisions of this § 3.41 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4294).

**§ 3.42. Duties.**

(a) State Board employes are responsible for maintaining the buildings and grounds in a clean, orderly condition at all times; for assisting in keeping the building and fixtures in a good state of repair; and for the duties pertaining to good housekeeping, maintenance and security of the armory.

(b) State Board employes are responsible for the care and condition of the building, and have the authority to take necessary measures to prevent abuse of the premises, fixtures, and State or Federal property stored therein.

**Source**

The provisions of this § 3.42 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial pages (4294) to (4295).

**§ 3.43. Working hours.**

The working hours of State Board employes shall be carefully defined by the local board, and shall be coordinated in advance with the State Board to avoid any possible deviation from normal payroll procedures. Approved work schedules shall be posted in the armory. The work schedules may not be changed without 2 weeks advance notice, except in emergency situations.

**Source**

The provisions of this § 3.43 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4295).

**§ 3.44. Supplies.**

(a) The local board is responsible for maintaining a proper stock of janitorial supplies for use by custodial workers. These supplies are provided by the State Board.

(b) A small room in the armory should be reserved for storage of janitorial and maintenance supplies and equipment for use by State Board employees. This room should be kept locked, with the key in the possession of the State Board employees.

(c) In cases of disorderly conduct, abuse or damage to the buildings or fixtures, the State Board employee will report the incident to the Chairperson of the local board.

**Source**

The provisions of this § 3.44 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4295).

**§ 3.45. Pay.**

State Board employees are paid biweekly. Time and Attendance Report, MA-AS Form 18, will be submitted by the local board at the close of each payroll period ending on alternate Tuesdays, and shall arrive at the State Armory Board not later than Friday of the same week. The report will be prepared to reflect the employee's name, classification, social security number, hourly rate of pay and actual hours the employee worked.

**Source**

The provisions of this § 3.45 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4295).

**INSPECTORS****§ 3.51. Access.**

State Board inspectors are appointed representatives of the State Board and shall be allowed access to all parts of the armory.

**Source**

The provisions of this § 3.51 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4296).



**§ 3.52. Responsibilities.**

(a) The State Board inspector is responsible for reporting to the Secretary of the State Board deviations from State Board regulations, policies or procedures observed during inspections.

(b) The State Board inspector is responsible for monitoring the performance of duty by State Board employees and reporting his observations to the Secretary of the State Board. The State Board inspector is required to comment on the annual Performance Evaluation Report for State Board employees assigned to armories under his supervision.

**Source**

The provisions of this § 3.52 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4296).

**§ 3.53. Periodic inspections.**

The State Board inspector will inspect the armories under his supervision at least once every 3 months for cleanliness and state of repair. During these inspections, the State Board inspector will complete the Armory Inspection Check List form in duplicate, leave one copy at the armory, and submit one copy to the Secretary of the State Board. The Armory Inspection Check List will record those items which are to be corrected by the local board, as well as items involving repair and maintenance projects beyond the capability of the armory personnel. These latter items will be reviewed by the Secretary of the State Board for approval and accomplishment with State Board funds.

**Source**

The provisions of this § 3.53 adopted December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172.

**SUPPLIES AND PURCHASES****§ 3.61. Custodial supplies.**

The Department of General Services contracts for custodial supplies for State agencies. These custodial supplies are obtained by the local board in the following manner:

- (1) In May of each year the State Board sends to the local board the supply forms to be used in ordering custodial supplies for the coming fiscal year.
- (2) These forms are completed by the local board, indicating the amount of supplies required for the year, and returned to the State Board not later than July 1.
- (3) The State Board orders these supplies in bulk for armories and stocks the supplies at Fort Indiantown Gap.

(4) Supplies are picked up at Fort Indiantown Gap by local board personnel, as the supplies are required.

**Source**

The provisions of this § 3.61 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4296).

**§ 3.62. Purchase of materials.**

Materials needed for maintenance and repair of the armory by local board personnel which are not included on Department of General Services contracts are obtained in the following manner:

(1) *Items costing less than \$100.* The local board prepares a Form 7, listing the required items and cost, and submits the Form 7 to the State Board. The State Board processes this request and upon approval receives a field limit for the purchase. A copy of the field limit, with a receiving report, is sent to the local board. Upon receipt of the required items, the local board signs and returns the receiving report to the Comptroller of the Department.

(2) *Items costing from \$100 to \$299.99.* The procedures for obtaining items costing from \$100 to \$299.99 is the same as the procedures set forth in paragraph (1), with one exception. The local board must submit at least two letterhead proposals, dated and signed, from suppliers, along with the Form 7, to the State Board.

(3) *Items costing \$300 to \$1,000.* The local board prepares a Form 7 (listing the required items), attaches a list of suppliers, and forwards the request to the State Board. The State Board sends invitations to bid to the suppliers. The bid proposals received from the suppliers are forwarded, unopened, to the Department of General Services for award. Upon award, a copy of the approved purchase order and a copy of the receiving report will be sent to the local board. Upon receipt of the required items, the local board signs and returns the receiving report to the comptroller of the Department.

**Source**

The provisions of this § 3.62 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial pages (4296) to (4297).

**§ 3.63. Purchase of equipment.**

Items of equipment, such as refrigerators, stoves, lawn mowers and tractors, are obtained by the State Board using a purchase requisition. Requirements for the items should be made known to the State Board.

**Source**

The provisions of this § 3.63 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4297).

**§ 3.64. Service purchase contracts for emergency repairs.**

Service purchase contracts are to be used for emergency repairs to the armory, such as a water line break or heating plant failure. These contracts, covering labor and materials, are processed partially in advance so that necessary emergency repairs can be obtained with minimum delay. The procedures to be followed in using these service purchase contracts are as follows:

(1) The State Board sends contractor bid proposal forms to the local board in April of each year. These forms are to be completed and signed by at least two contractors and returned to the State Board not later than June 1. The forms are held by the State Board and are not processed further until needed.

(2) When an emergency arises at the armory requiring work to be performed under a service purchase contract, the local board shall notify the State Board immediately. No work is to be authorized by the local board without the approval of the State Board.

(3) The State Board will take the necessary action to put the service purchase contract into effect. When this has been accomplished, the local board will be notified that emergency repairs can begin.

(4) The State Board will forward one copy of the approved service purchase contract, and two copies of receiving reports, to the local board. One copy of the receiving report is for use in connection with the current emergency repairs and one copy is for use in case of a future emergency.

(5) Upon completion of the emergency repair work, the local board shall obtain a copy of the contractor work order showing the labor and materials used to complete the work. This work order shall accompany the receiving report that is returned to the comptroller of the Department.

(6) Upon satisfactory completion of the emergency repair work, the local board will complete one copy of the receiving report. The receiving report will list the hours of labor and materials used to complete the work, will be signed by local board personnel, and will be returned to the comptroller of the Department. The dollar costs for the work are not to be entered on the receiving report.

(7) Invoices from contractors for material received or services performed at the armory will not be accepted by local board personnel. Contractors will be instructed to submit invoices direct to the comptroller of the Department.

**Source**

The provisions of this § 3.64 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4297).

**§ 3.65. Normal maintenance and repair.**

Required maintenance and repair, beyond the capability of the local board personnel, will be accomplished by State Board contracts. Requirements for the work should be made known to the State Board inspector.

**Source**

The provisions of this § 3.65 adopted December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172.

**§ 3.66. Service purchase contracts for maintenance services.**

The State Board may approve service purchase contracts for routine maintenance service at armories for ash and trash removal, refuse collection or custodial services. The State Board sends contractor bid proposal forms for the services to be performed during the upcoming fiscal year to the local board in April of each year. These forms are to be completed and signed by at least two contractors and returned to the State Board not later than June 1. These contracts shall be executed with a firm, and cannot be executed with an individual. Upon approval of the service purchase contract a copy will be sent to the local board, with the required number of receiving reports. The number of receiving reports required will depend upon the manner of billing provided for in the contract, that is, monthly, quarterly or annually. Work may not be performed under these service purchase contracts until an approved copy has been received by the local board. Receiving reports for these services will be submitted to the comptroller of the Department.

**Source**

The provisions of this § 3.66 adopted December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172.

**§ 3.67. Bids.**

If the State Board or a local board is required to solicit bids from more than one firm, collusive bids are forbidden. If the State Board determines that bids are not genuinely separate and distinct and prepared without communication or collusion between or among bidders, the bids will be rejected. Employees of the State Board or local board, or members of the State Board or local board, may not solicit or accept collusive bids.

**Source**

The provisions of this § 3.67 adopted December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172.

**PROPERTY****§ 3.71. Nonexpendable property.**

(a) Nonexpendable property items of the State Board located at the armory will be charged to the State property record of the local board. When these property items become unusable, through fair wear and tear, the local board will request permission from the State Board to drop the property from the State property record. The request for droppage will indicate the date of acquisition,

State Board item number, quantity and description of each item. The local board will conduct a physical inventory and reconciliation of State Board property with a State Board representative at least once every 2 years, and upon change of Chairperson of the local board.

(b) Accountability for nonexpendable property items maintained in the armory that are acquired from sources other than the Federal government or the State Board will be recorded on a separate property document. The local board is responsible for the accountability, maintenance and disposition of the property, to include the tagging of the items for identification during inventories.

**Source**

The provisions of this § 3.71 adopted June 10, 1966; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4298).

**Cross References**

This section cited in 43 Pa. Code § 3.81 (relating to transfer of local board control).

**§ 3.72. [Reserved].**

**Source**

The provisions of this § 3.72 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4298).

**§ 3.73. [Reserved].**

**Source**

The provisions of this § 3.73 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial pages (4298) to (4299).

**§ 3.74. [Reserved].**

**Source**

The provisions of this § 3.74 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4299).

**§ 3.75. [Reserved].**

**Source**

The provisions of this § 3.75 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4299).

**§ 3.76. [Reserved].****Source**

The provisions of this § 3.76 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial pages (4299) to (4300).

**§ 3.77. [Reserved].****Source**

The provisions of this § 3.77 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4300).

**§ 3.78. [Reserved].****Source**

The provisions of this § 3.78 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4300).

**§ 3.79. [Reserved].****Source**

The provisions of this § 3.79 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4300).

**§ 3.80. [Reserved].****Source**

The provisions of this § 3.80 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4300).

**FEDERAL SERVICE BY PENNSYLVANIA MILITARY FORCES****§ 3.81. Transfer of local board control.**

(a) In the event the units of the Pennsylvania National Guard assigned to an armory are ordered to active Federal service for an extended period of time and vacate the armory, Chairpersonship of the local board will be transferred as follows:

- (1) In the event the Governor of Pennsylvania exercises power granted under 51 Pa.C.S. § 507 (relating to draft from militia for emergency) to organize the Pennsylvania Guard at the vacated armory, the Senior Commander of troops so designated in the unit assigned to the vacated armory shall become Chairperson of the local board and will be charged with all duties and responsibilities applicable herein to the local board Chairperson. Reference should be

made to § 3.1 (relating to definitions) for the distinction between “Pennsylvania Guard” and “Pennsylvania National Guard.”

(2) In the event the armory is vacated and no unit of the Pennsylvania Guard is assigned to the vacated armory, the departing local board will designate an Acting Chairperson. The Acting Chairperson will be the senior retired officer serving on the local board, and if there is no retired officer on the board, the Acting Chairperson will be a responsible citizen serving on the local board. The Acting Chairperson of the local board will immediately reorganize the local board and forward Form MAAB-5-1M-55, in accordance with § 3.21 (relating to composition and authority of local boards).

(b) In the event a responsible person is not available to assume Chairpersonship of the local board, then the State Board will assume direct responsibility of the armory and take necessary measures to secure and safeguard the premises until a determination can be made as to the future use of the armory site.

(c) In any of the foregoing cases, a complete physical inventory and inspection of the premises will be conducted by the State Board as provided in § 3.71 (relating to nonexpendable property) for control and use of armories of the Commonwealth.

(d) The provisions of 51 Pa.C.S. § 1510 (relating to property in armories of units in Federal service) applies to subsections (a)—(c).

(e) This section applies only when armories are actually vacated by units mobilized for active Federal service or permanently transferred by competent authority. During periods of temporary absences such as State active duty or training exercises, responsibility for the armory and its contents will remain with the local board Chairperson.

#### Source

The provisions of this § 3.81 adopted December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172.

#### Cross References

This section cited in 43 Pa. Code § 3.21 (relating to composition and authority of local boards).

### § 3.91. [Reserved].

#### Source

The provisions of this § 3.91 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4301).

### § 3.92. [Reserved].

#### Source

The provisions of this § 3.92 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4301).

**§ 3.93. [Reserved].****Source**

The provisions of this § 3.93 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4301).

**§ 3.101. [Reserved].****Source**

The provisions of this § 3.101 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial pages (4301) to (4302).

**§ 3.102. [Reserved].****Source**

The provisions of this § 3.102 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4302).

**§ 3.103. [Reserved].****Source**

The provisions of this § 3.103 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4302).

**§ 3.104. [Reserved].****Source**

The provisions of this § 3.104 adopted June 10, 1966; reserved December 21, 1979, effective December 22, 1979, 9 Pa.B. 4172. Immediately preceding text appears at serial page (4302).

[Next page is 5-1.]