

Borough of Edgewood
Civil Service Commission
Rules and Regulations

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Chapter 1 - Definition of Terms

Section 1.1 - Definitions

Unless otherwise expressly stated, the following words and phrases, wherever used in these Rules and Regulations, shall be construed to have the meaning herein:

Applicant – Any individual who applies in writing to the Commission in response to a legally advertised notice of vacancy and/or examination for any position in the police department.

Appointing Authority – The Borough Council of the Borough of Edgewood, Allegheny County, Pennsylvania.

Certification – The submission to the appointing authority pursuant to their request of three names taken from the eligible list developed by the Civil Service Commission.

Chairperson – The Chairperson of the Civil Service Commission of the Borough of Edgewood, Allegheny County, Pennsylvania.

Commission – The Civil Service Commission of the Borough of Edgewood, Allegheny County, Pennsylvania.

Eligible – A person whose name is recorded on a current eligible list or furlough list.

Eligible list – The list of names of persons who have passed all examinations for a particular position in the police department.

Examination – The series of tests given to candidates to determine their qualifications for a position in the police department.

External Candidate – Individual not currently employed by the Borough of Edgewood who is an applicant or candidate for a posted position.

Governing Body - The Borough Council of the Borough of Edgewood, Allegheny County, Pennsylvania.

Internal Candidate – Individual currently employed by the Borough of Edgewood who is a candidate for a promotional posted position.

Police Officer – For purposes of the Rules and Regulations, a police officer is a Sworn full-time law enforcement position in a the Edgewood Borough police department.

Probationer – A police officer in the police department who has been appointed from an eligible list, but who has not yet completed the probationary period.

Reduction in Rank – A change to a lesser position or rank where the employee fulfilled all of the requirements of these Rules and Regulations for both the prior and current position and rank. However, a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank.

Removal – The permanent separation of a police officer from the police department.

Secretary – The Secretary of the Civil Service Commission of the Borough of Edgewood, Allegheny County, Pennsylvania.

Suspension – The temporary separation without pay of a police officer from the police department.

Chapter 2 – The Commission

Section 2.1 - Civil Service Commission

(a) The Commission shall consist of three (3) Commissioners who shall be qualified electors of the Borough of Edgewood and who shall be appointed by the Borough Council initially to serve for terms of two (2), four (4), and six (6) years, and as terms thereafter expire shall be appointed for terms of six (6) years.

(b) The Borough Council, by a majority vote, has the absolute right to remove, without cause and at any time, any member of the Commission.

(c) Any vacancy occurring in the Commission for any reason whatsoever shall be filled by Borough Council for the un-expired term within the period of thirty (30) days after such vacancy occurs.

(d) Each member of the Commission, before entering upon the discharge of the duties of their office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform their official duties with fidelity.

(e) No civil service Commissioner shall receive compensation.

Section 2.2 - Offices Incompatible with Civil Service Commissioner

(a) No Commissioner shall at the same time hold an elective or appointed office under the United States Government, the Commonwealth of Pennsylvania or any political subdivision of the commonwealth.

(b) One (1), and only one (1), Commissioner may be a member of a teaching profession.

Section 2.3 - Organization of Commission; Quorum

(a) The Commission first appointed shall organize within ten (10) days of its appointment and shall elect one (1) of its members as its Chairperson, one (1) of its members as its Vice-Chairperson and one (1) of its members as the Secretary.

(b) The Commission shall thereafter meet and organize on the first Monday of February of each even-numbered year.

(c) Two (2) members of the Commission shall constitute a quorum and no action of the Commission shall be valid unless it shall have the concurrence of at least two (2) members.

Section 2.4 - Duties of Chairperson

(a) The Chairperson, or in his or her absence, the Vice-Chairperson, shall preside at all meetings and hearings of the Commission, decide all points of order or procedure and perform any duties required by law or by these Rules and Regulations.

Section 2.5 - Duties of the Secretary

(a) The Secretary shall carry on, at the discretion of the Commission, all official correspondence of the Commission, send out all notices required by law and by these Rules and Regulations, keep a record of each examination or other official action of the Commission, and perform all other duties required by law or by these Rules and Regulations.

Section 2.6 - Meetings

(a) Except for the biennial organization meeting, all meetings shall be held either at the call of the chairperson or at the call of two (2) members of the Commission.

(b) All meetings shall be open to the public except when otherwise authorized by law.

(c) The Secretary of the Commission shall give each Commissioner twenty-four (24) hours prior written notice of each meeting of the Commission.

Section 2.7 - Clerks and Supplies

(a) The governing body shall furnish the Commission with supplies and clerical assistance as may be necessary for the Commission to fulfill its duties.

(b) The Commission may retain counsel, and any other consultants or experts, including physicians and psychiatrists, as are necessary, with prior written notice to Council of its intention to do so.

(c) The elected and appointed officials of the Borough of Edgewood shall assist the Commission with all reasonable and appropriate efforts including compensation for any counsel or experts retained by the Commission.

Section 2.8 - Amendment of Rules and Regulations

(a) The Commission may amend, revise, void or replace these Rules and Regulations for any reason by action of a majority of the Commission at any properly convened meeting of the Commission.

(b) Before any changes to these Rules and Regulations become effective, the Borough Council must approve and adopt them by a public vote.

(c) These Rules and Regulations, and any amendments thereto, shall be made available to the public for distribution and inspection.

Section 2.9 - Minutes and Records

(a) The Commission shall keep minutes of its proceedings and records of examinations and other official action.

(b) All records of the Commission shall be preserved and disposed of according to Retention and Disposition schedule for Records of Pennsylvania Municipalities issued by the Local Government Records committee under the authority of the Municipal Records Act. 1968 P.L. 961, No. 428,53 P.S. 9001.

(c) The Secretary shall keep minutes of its proceedings showing the vote of each member upon each question.

(d) If the member is absent or fails to vote, the Secretary shall indicate that fact in the minutes.

(e) A copy of all minutes and records shall be filed with the Borough Secretary and such copies shall be maintained within the physical confines of the Edgewood Borough Building.

Section 2.10 - Investigations

(a) The Commission shall have the power to conduct investigations concerning all matters relating to the administration and enforcement of these Rules and Regulations.

(b) The Chairperson of the Commission is authorized to administer oaths and affirmations in connection with such investigations.

Section 2.11 - Subpoenas

(a) The Commission shall have the power to:

(1) Issue subpoenas over the signature of the Chairperson or designee;

(2) Require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry.

(b) The fees of witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for the incidental expense of the Commission.

(c) All officers in public service and employees of the Borough of Edgewood shall attend and testify at a duly called Civil Service Commission meeting when required to do so by the Commission.

(d) If any person shall refuse or neglect to obey any subpoena issued by the Commission, upon conviction of such refusal or neglect in a summary proceeding, that person shall be sentenced to pay a fine not to exceed one hundred (\$100) dollars, and in default of the payment of such fine and cost shall be imprisoned not to exceed thirty (30) days.

(e) If any person shall refuse or neglect to obey any subpoena, the Commission may apply by petition to the Court of Common Pleas of Allegheny County for its subpoena, requiring the attendance of such persons before the Commission or the court to testify and to produce any records and papers necessary, and in default thereof shall be held in contempt of court.

Section 2.12 - Annual Report

(a) The Commission shall make an annual report by January fifteenth (15th) to the Borough Council.

(b) The Commission's annual report shall contain a brief summary of its work during the prior year and a full accounting for any expenditure of public monies.

(c) The annual report shall be available for public inspection.

Section 2.13 – Biennial Review and Report

(a) The Commission shall, after its biennial reorganization meeting, meet to review, in their entirety, the Civil Service Rules and Regulations in effect at that time.

(b) Upon completion of the review, the Commission shall submit a report to Council with its recommendations for possible updates and modifications to the Rules and Regulations.

(c) If the Commission recommends no changes to the Rules and Regulations, then the report will indicate as such.

Chapter 3 – Positions, Test Applications and Notice

Section 3.1 – Non-Discrimination Policy

(a) The Borough of Edgewood is an equal opportunity employer.

(b) It is the Borough's and the Commission's policy to grant equal employment opportunities to qualified persons without regard to race, religion, gender, age, marital status or non-job-related disability.

(c) The Borough of Edgewood and the Commission will provide equal opportunities in employment and promotion.

Section 3.2 - Public Notice.

(a) The Commission shall conspicuously post, in the Edgewood Borough building, an announcement of the hiring or promotional testing and set forth the time and place of every examination, together with the information as to the type of position to be filled, the requirements for that position, where applications may be obtained and the deadline for filing those applications.

(b) At least two (2) weeks prior to the close of the application period, publication of the notice shall occur in at least one (1) newspaper circulating generally in the Borough of Edgewood.

Section 3.3 – Full-time Civil Service Positions

(a) The Council of the Borough of Edgewood authorized and recognizes the following full-time Civil Service positions within the Edgewood Borough Police Department:

- (1) Patrol Officer
- (2) Sergeant
- (3) Lieutenant

Section 3.4 – Application Availability

(a) Application forms shall be available to all interested persons in the office of the Borough Manager, and from such other offices and officers that the Commission, from time to time, may choose to designate.

(b) In order to obtain an application form, each applicant will be assessed a non-refundable fee in the amount of \$50.00, payable by cash or check to the Borough of Edgewood.

(c) Application forms may be mailed to a potential applicant upon written or telephone request, subject to prior payment of the application fee. However, the Commission assumes no responsibility for missed filing deadlines due to delays in mail delivery.

Section 3.5 - Recording and Filing Applications

(a) Applications for positions in the police department shall be received at the Edgewood Borough building only after an examination has been properly advertised and before the expiration of the deadline for receiving applications which must be set forth in the public advertisement.

(b) The Borough Manager or his designee will receive applications.

(c) The Borough Manager or his designee shall record the receipt of all applications and provide each applicant with notice of the time and place for the first portion of the testing process, the written examination.

(d) The Chief of Police will review all applications upon receipt, for material errors or omissions of information. Any applicant whose application is found to contain material errors or omissions will be notified as promptly as possible and given the opportunity to have his/her application returned for amendment. Amendments must be completed prior to the deadline for filing applications. Neither new nor amended applications will be accepted after the filing deadline.

Chapter 4 – Qualifications

Section 4.1 - Eligibility for Examination

(a) In order to be eligible for participation in any examination for any full-time civil service position, within the police department, an applicant must submit a completed application form to the Commission before the expiration of the deadline stated by the Commission for that specific examination.

(b) The applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa. C.S. 54904 relating to falsification of information to authorities.

Section 4.2 - Age and Residency Requirements

(a) All applicants must present satisfactory documentation that they have reached their twenty-first (21st) birthday before the deadline for submitting completed applications.

(b) Successful applicants must take up residence within fifteen (15) air miles of Edgewood Borough limits within six (6) months following expiration of his/her probationary period as a new, full-time police officer.

(c) An applicant may appeal to the Civil Service Commission for an extension of the residency requirement for good cause.

Section 4.3 - General Qualifications - All Applicants

- (a) Every applicant for any full-time civil service position in the police department shall:
- (1) Possess a diploma from an accredited high school or a Graduate Equivalency Diploma (GED);
 - (2) Possess a four (4) year post-secondary education, or three (3) years experience in a law enforcement agency;
 - (3) Be a United States citizen;
 - (4) Be certified to act immediately as an active police officer and have satisfied all federal, state, and local laws, rules and regulations regarding their ability to act immediately as a police officer including successful completion at the time of application of what is commonly known as Act 120 training;
 - (5) Be deemed physically and mentally fit to perform the essential duties of a police officer; and,
 - (6) Possess a valid motor vehicle operator's license issued by the Commonwealth of Pennsylvania.

(b) An external applicant for appointment to the below listed positions shall have at least the listed full-time time in grade experience in a law enforcement agency in order to be eligible.

- | | |
|---------------|---------------------------|
| 1. Sergeant | 5 Years as Patrol Officer |
| 2. Lieutenant | 3 Years as Sergeant |

Section 4.4 - General Qualifications - Applications for Promotion

(a) In addition to meeting the qualifications in Section 4.3 above, all applicants for a promotion to a higher full-time civil service position shall not have been suspended without pay for more than a total of five (5) days during the two (2) years prior to the deadline for submitting applications.

(b) Any suspensions to which the applicant has timely appealed pursuant to a grievance procedure outlined in either Edgewood's Personnel Ordinance, Personnel Policy and Procedure Manual or in accordance with an approved contract between the Borough of Edgewood and the Edgewood Police collective bargaining unit or these Rules and Regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list

(c) To be eligible, an internal applicant seeking to compete to for promotion to the below listed positions shall have at least the listed full-time in grade experience in a law enforcement capacity prior to the deadline for submission of written applications.

- | | |
|---------------|-----------------------------|
| 1. Sergeant | 4 Years as a Patrol Officer |
| 2. Lieutenant | 2 Years as Sergeant |

Section 4.5- Rejection of an Applicant

(a) The Commission may refuse to examine, or if examined, may refuse as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these Rules and Regulations for the particular position for which the applicant has applied.

(b) The Commission may refuse to examine, or if examined, may refuse to certify any applicant who is physically or mentally unfit to perform the full duties of the position applied for, or who is illegally using a controlled substance, as defined in section 102 of the Controlled Substance Act(Public Law 91-513, 21 U.S.C.§802), or who is guilty of any crime involving moral turpitude, or who has engaged in infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitutions and laws of the United States and the Commonwealth of Pennsylvania.

Section 4.6 - Hearing for Disqualified Applicants

(a) Any applicants or other persons who believe that they are aggrieved by the actions of the Commission, in refusing to examine or to certify them as eligible after examination, may request a hearing before the Commission.

(b) The applicant or aggrieved party must make their request for a hearing in writing within ten (10) calendar days of the date when the party knew of, or should have known of, the Commission's action which is being challenged.

(c) Within ten (10) days after such a request, the Commission shall designate a time and place for the public hearing. The applicant may appear with or without counsel. The hearing shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. C.S. 101 et seq.

Chapter 5 - Examination and Grading Procedure

Section 5.1 - General Examination Requirements for the Position of Police Officer

(a) The examination for full-time civil service police officer will consist of a written and an oral examination, which will be graded on a one hundred (100) point scale. The written examination will represent sixty (60%) percent of the final score and the oral examination will represent forty (40%) percent of the final score.

(b) Each applicant will undergo a physical agility test that is job-related and consistent with business necessity and a background investigation.

(c) After an applicant has been extended an offer of employment, final appointment shall be contingent upon the applicant passing a physical (including a drug screen) and psychological examination.

Section 5.2 - General Examination Requirements for Application for Appointment or Promotion to the positions of Sergeant or Lieutenant

(a) The Borough will hold an internal competitive examination process for promotion whereby only qualified internal candidates will be tested for promotion, except as provided in (b) below.

(b) If no qualified internal candidate applies for and or successfully passes the competitive examination for a promotional position the Borough will hold an external competitive examination for appointment to the position whereby qualified external candidates will be tested for the appointment.

(c) The examination for the position shall include a written and an oral examination, which will be graded on a one hundred (100) point scale. The written examination will represent sixty (60%) percent of the final score and the oral examination will represent forty (40%) percent of the final score.

(d) Each applicant will undergo a physical agility test that is job-related and consistent with business necessity, which will be graded on a pass/fail basis for every applicant.

(e) After an applicant has been extended an offer of promotion or appointment, the final appointment to the promotional position shall be contingent upon the applicant passing a physical (including drug screen) and psychological examination.

Section 5.3 - Appointment of Examiners

(a) The Commission shall appoint a written exam administrator, a physical agility examiner, and an oral examination board to conduct the appropriate examination(s) as required by these Rules and Regulations. Following certification of an eligibility list and conditional appointment of an applicant, the Borough Council will appoint a medical examiner and a

psychological examiner, consistent with the requirements set forth in the Borough Code, to determine whether the conditional appointment is capable of performing all the essential functions of the position.

Section 5.4 - Written Examination

(a) The written examination will be selected by the Public Safety Committee in consultation with the Chief of Police, the selection being approved by Borough Council, and will be scored in accordance with instructions provided by the testing organization and approved by the Public Safety Committee and the Borough Council.

(b) The written examination shall be graded on a one hundred (100) point scale, and an applicant must score seventy-five (75%) or higher to continue in the application process.

(c) All applicants shall be given written notice of their test results prior to administration of the physical agility test or within 30 days, whichever date comes first. All applicants receiving a passing grade shall be scheduled for a physical agility test.

Section 5.5 - Physical Agility Testing

(a) Every applicant who scored seventy-five (75%) percent or higher on the written examination shall be given a physical agility test.

(b) An applicant for the-position of police officer must perform the following job-related physical agility requirements:

(1) **Stretcher Carry.** Applicants will be paired off and required to carry a stretcher with a simulated patient weighing approximately two hundred (200) lbs. over a distance of one hundred (100) feet. Those applicants failing on the first attempt will be allowed to retake the exercise with a person who has successfully completed the exercise.

(2) **Body Drag.** An applicant is required to remove a simulated motor vehicle operator weighing approximately two hundred (200) lbs. from behind the steering wheel of a motor vehicle and drag the simulated operator to a point fifty (50) feet from the motor vehicle.

(3) **Quarter Mile Run.** An applicant is required to run a distance of one-quarter (1/4) mile on a pre-measured course in less than one hundred ten (110) seconds.

(4) **Window Climb.** An applicant, **without assistance**, is required to climb through a six foot (6) high-level window onto a three (3) level platform on the other side of the window, and then to the ground. Applicants must then circle around a marker twenty (20) feet beyond the window and return up the three (3) level platform and out the window onto the ground below.

(5) **30 Second Trigger Pull.** Within a thirty (30) second time limit per hand, an applicant is required to repeatedly pull fifteen (15) times for each hand the trigger of a double action nonfunctional revolver with arms horizontally extended.

Section 5.6 - Oral Examination

(a) Every applicant who passes both the written exam and the physical agility test shall be given an oral examination by the Oral Examination Board.

(b) The oral examination shall be graded on a one hundred (100) point scale, and an applicant must score seventy-five (75%) percent or higher in order to continue in the application process.

(c) Applicants scoring less than seventy-five (75%) percent shall be rejected.

(d) The oral examination shall involve questioning applicants on how they would handle situations relevant to police work.

(e) The Oral Examination Board Each shall ask the same question(s) in the same order of any candidate who is invited to participate in the oral examination.

(f) Within thirty (30) days after the applicant's oral examination, all applicants shall be given written notice of their test results.

Section 5.7 – Oral Examination Board

(a) The Civil Service Commission shall, before the oral examination process begins, appoint the members of the Oral Examination Board.

(b) The Oral Examination Board shall consist of three (3) appointed members.

(c) The Governing Body shall, before the oral examination process begins, have the right to appoint an Observer who shall not grade the candidates.

(d) No member of the Edgewood Borough Council or the Edgewood Civil Service Commission shall be a member of the Oral Examination Board. The following individuals may be members of the Oral Examination Board:

(1) The Chief of the Edgewood Borough Police Department;

(2) A resident(s) of Edgewood Borough;

(3) A member(s) of the Pennsylvania State Police;

(4) A representative(s) from a bona fide testing agency which conducts interviews for police officers; or

(5) An instructor(s) who teaches law enforcement classes at a university, college, technical school, or other certified police officer training academy.

(e) The Civil Service Commission shall, before the oral examination process begins, submit the names of the Oral Examination Board appointees to the Governing Body.

(f) The Governing Body shall, before the oral examination process begins, have the right to veto, by motion at its next regularly scheduled meeting, any and all Oral Examination Board appointees. If no motion is offered at the aforementioned meeting, then no appointee shall be rejected.

(g) The oral examination process may begin after the regularly scheduled Council meeting after which the Oral Examination Board appointees have been submitted to the Governing Body and where none of the three (3) Oral Examination Board appointees has been vetoed.

Section 5.8 - Veterans Preference Points

(a) Pursuant to the Veterans Preference Act, any applicant for the position of entry level full-time police officer who qualifies as a "soldier" under said Act shall receive an additional ten (10) points to be added to their total score if that applicant had received passing scores under Chapter 5 of these Rules and Regulations.

(b) Veterans preference points, and the application thereof, shall only apply to applicants for the position of full-time civil service patrol level police officer and shall not apply to applicants for appointment or promotion to any other position within the Edgewood Borough police department or police chain of command.

(c) In order to receive veteran's preference points, an applicant must produce a valid DD-214 or other U.S. Government military discharge form as applicable indicating an honorable discharge.

(d) Applicants who qualify for veterans preference points shall have those points added to their passing score prior to being ranked on the eligibility list.

Chapter 6 - Certification of the List of Eligible Applicants and Appointment

Section 6.1 - Creation of Eligibility List

(a) At the completion of the examination requirements set forth in Chapter 5, the Commission shall rank all passing applicants on a list with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list.

(b) For promotional positions, fulfilling the performance requirement set forth in Section 4.4 is also required.

(c) In the case of tied scores, the tie will be broken by giving preference to the applicant who submitted a final completed application first. If both tied applicants submitted their completed applications on the same day, then the applicants shall be ranked in alphabetical order by surname.

(d) The eligibility list shall be valid for one (1) year from the date the Commission formally adopts the eligibility list.

(e) The Commission may, at its sole discretion, void an eligibility list at any time for any reason.

(f) The Commission may, at its sole discretion, extend the eligibility list for up to one (1) year by a vote of the majority of Commissioners at a duly organized Commission meeting, prior to the expiration of the one (1) year period and before the original expiration date.

Section 6.2 - Appointment

(a) The Governing Body may fill any vacancy in an existing position in the police department by the reappointment or reinstatement of a former employee of the police department who had been furloughed.

(b) Except for physical and psychological examinations, no other testing shall be required for a furloughed, rehired or re-appointed employee.

(c) If no furlough list exists, or if positions remain to be filled after all of the officers on the furlough list are offered reemployment, every full-time civil service position shall be filled only in the following manner:

(1) The Governing Body shall notify the Commission of any vacancy which is to be filled and shall request the certification of three (3) names from the list of those eligible.

(2) If three (3) names are not available, then the Commission shall certify the name(s) remaining on the list.

(3) The Borough Council shall make an appointment from one (1) of the three (3) names certified with reference to the merits and fitness of the candidates.

(4) However, for initial appointment to the position of police officer, when one (1) of the three (3) applicants on the certified list is a veteran, that applicant shall be selected.

(d) The Borough Council may object to one (1) or more of the persons certified for the reasons set forth in Section 4.5 of these Rules and Regulations.

(e) If the candidate to whom the Borough Council objects fails to timely exercise the rights of appeal under Section 4.6 or if the Commission declines to uphold the appeal, the Commission shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three (3) candidates for each name stricken off.

(f) In the case that there is more than one (1) vacancy to be filled, the Commission shall certify, from the eligible list, a number of the highest ranked candidates equal to the number of vacancies to be filled, plus the next two (2) highest ranked candidates. This provision will provide that the last appointment will always be made from the remaining three (3) names certified.

Section 6.3 - Background Investigation

(a) The Borough Council shall request the Chief of Police or the Chief's designee to conduct a background investigation of applicants who have passed the written, oral and physical components of the examination.

(b) The background investigation shall include:

(1) Interviews with the applicant's family, acquaintances, current and former employers, current and former neighbors, references and current and former teachers and school officials;

(2) Checking the applicant's credit history;

(3) Checking the applicant's criminal record for criminal convictions; and

(4) Checking the applicant's driver's license record and history.

(c) The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

(d) After the background investigation is completed, the Chief or designee shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment as a full-time civil service police officer. Appropriateness of the applicant shall be based on the criteria set forth in Section 4.5 of these Rules and Regulations.

(e) If the Chief's recommendation is to disqualify an applicant, then a detailed written explanation of the reasons for disqualification must be included.

(f) The Commission shall make the final determination on whether the information collected during the background investigation warrants rejection of the candidate.

(g) Within thirty (30) days after the Commission considers the recommendation of the Chief of Police or designee, all applicants shall be given written notice indicating whether they have passed the background investigation.

Section 6.4 - Appointment of Chief of Police

(a) The position of Chief of Police in the Borough of Edgewood is not a Civil Service position and shall not be filled as such unless otherwise explicitly decided by Council by resolution.

(b) The Borough Council is not required to appoint a Chief of Police with Civil Service status.

(c) If Council appoints a Chief of Police outside of the Civil Service system, the individual appointed shall be so appointed without civil service status.

(d) In the case of a vacancy in the office of Chief of Police, the appointing authority has full discretion in selecting the individual to fill the position of Chief of Police.

(e) If the appointing authority requests the Commission to subject a candidate for Chief of Police to a noncompetitive examination, and if that candidate successfully passes the non-competitive examination, then the Commission shall notify the appointing authority of the results of the examination.

(f) In the event that Council decides to remove a Chief of Police, the appointed individual may be returned to a prior rank if promoted from within Edgewood Borough's Civil Service System. If a Chief of Police was given and passed a non-competitive examination, the Chief of Police has a right to request a hearing consistent with the procedures set forth in Section 7.4 of these Rules and Regulations following the decision to remove him by Council. Otherwise, the individual may be dismissed without a Civil Service Hearing.

Section 6.5 - Physical and Psychological Examinations

(a) After the appointing authority selects a candidate from the certified list for conditional appointment to the vacant position, that candidate shall submit to a physical examination by a physician or other qualified medical professional, and a psychological examination under the direction of a psychiatrist or psychologist, as defined in the Borough Code. The appropriate medical experts shall be appointed by Borough Council and shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question the

person's ability to perform all the essential functions of the position for which the person was conditionally appointed.

(b) If the candidate successfully passes both the physical and psychological examinations, then that candidate shall be appointed to the vacant position in the police department for which the application was submitted.

(c) The appointment shall be contingent upon successfully passing both the physical and psychological examinations.

(d) Failure to pass either examination may result in the candidate being rejected from consideration.

(e) If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of a position, a person or persons designated by Council shall meet with the conditional appointee for the purpose of having one or more interactive discussions focused on the issue of whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position.

(f) In the event the candidate is rejected, the Commission shall then certify another name to be included with the two (2) previously certified names for consideration by the appointing authority pursuant to Section 6.2.

Section 6.6 - Probationary Period

(a) Every successful applicant for the full-time civil service position of police officer or for a promotional full-time civil service position within the police department shall serve a twelve (12) month probationary period beginning the date of the probationary appointment.

(b) During the probationary period, a newly hired full-time civil service officer may only be dismissed for the reasons set forth in-Section 4.5, or because of incapacity for duty due to the use of alcohol or drugs.

(c) During the probationary period, a promoted officer may only be returned to a prior rank for the reasons set forth in Section 4.5 or because of incapacity for duty due to the use of alcohol or drugs.

(d) During the probationary period, the Chief of Police shall monitor the performance and the general acceptability of each probationer to determine if the probationer is fully qualified for permanent appointment.

(e) At the end of each month during the probationary period, the Chief of Police shall make a written evaluation related to the performance and general acceptability of the probationer.

(f) Each monthly evaluation report shall be reviewed with the probationer, thereby giving them an opportunity to improve upon their performance and general acceptability.

(g) The Chief of Police shall make a final report no less than twenty (20) days and no more than forty (40) days prior to the end of the probation period for each probationer.

(h) The final report shall contain a final recommendation as to whether the probationer should be offered permanent appointment.

(i) All reports shall be submitted by the Chief of Police to the Chair of the Public Safety Committee upon completion of the report.

(j) Borough Council shall review the Police Chief's final report, as well as any monthly reports Council deems necessary, prior to the expiration of the probationer's probationary period in order to make a decision regarding permanent appointment.

(k) If Council finds that at the end of the twelve (12) month probationary period the conduct or fitness of the probationer has not been satisfactory, the probationer shall be notified in writing, within ten days of its decision and prior to the expiration of the probationary period that the appointment will not be permanent. At that time, a newly hired officer's employment shall end, and a promoted officer shall return to a previous rank.

(l) Any officer, who is not informed in writing that their performance or fitness has been unsatisfactory, shall receive a permanent appointment to the new position.

(m) Any probationer, who is notified in writing that their appointment will not be made permanent, has no rights of appeal under these Rules and Regulations.

(n) The probationary period may be extended for up to sixty (60) days in the event of extenuating circumstances or for just cause, such as a pending investigation of the probationer or illness at the request of the Mayor with the approval of Edgewood Borough Council and the probationer.

Section 6.7 - Provisional Appointments

(a) Whenever there are urgent reasons for the filling of a vacancy in any position in the police department and there are no names on the eligible list for such appointment, the Borough Council may nominate a person to the Commission for noncompetitive examination, and such nominee may be certified by the Commission as qualified after such noncompetitive examination, and may be appointed provisionally to fill such vacancy provided, that nothing within this section shall prevent the appointment, without examination, of the persons temporarily as police officers in cases of riot or other emergency.

(b) In the event of a provisional appointment, it shall thereupon become the duty of the Commission, within three (3) weeks, to hold a competitive examination and certify a list of those

eligible and then a regular appointment shall be made from the name or names submitted by the Commission.

Chapter 7 – Suspensions, Removals and Reductions in Rank

Section 7.1 - Grounds for Disciplinary Action

(a) No person appointed to a full-time civil service position in the police department pursuant to these Rules and Regulations may be suspended without pay or removed and no person promoted in rank pursuant to these Rules and Regulations may be reduced in rank except for the following reasons:

(1) Physical or mental disability affecting the officer's ability to continue in service, in which case the officer shall receive an honorable discharge from service;

(2) Neglect or violation of any official duty;

(3) Violation of any law of this Commonwealth, which provides that such violation, constitutes a misdemeanor or felony;

(4) Inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming an officer;

(5) Intoxication while on duty; or

(6) Engaging or participating in or conducting of any political or election campaign other than the officer's exercise of the right of suffrage.

(b) No officer shall be removed for reasons of religious beliefs or practices, racial or ethnic background, sexual orientation or political affiliations.

(c) A statement of any charges made against any officer employed by the Borough of Edgewood shall be furnished to the officer within five (5) days after the Borough Council has adopted those charges.

Section 7.2 - Furloughs

(a) If for any reason, it shall be deemed necessary by the Borough of Edgewood to reduce the number of full-time police officers in the department, then the Borough of Edgewood shall apply the following procedure:

(1) Such reduction shall be accomplished by furloughing in numerical order commencing with the person last appointed, including probationers, until such reduction shall have been accomplished.

(b) In the event that the appointing authority decides to increase the police department, the furloughed officers shall be reinstated in order of their seniority in the department.

(c) In order to be reinstated, a furloughed officer must accept reinstatement in writing within thirty (30) days of receiving notice of the opening.

(d) These reductions in force provisions are not applicable to the Chief of Police.

Section 7.3 - Notice of Suspension, Removal or Reduction in Rank

(a) Whenever a full-time civil service police officer is suspended, removed or reduced in rank, the specific charges warranting such actions shall be stated in writing by the Borough Council.

(b) Charges against an officer shall be stated clearly and in sufficient detail to enable the officer to understand the charges and to allow the officer an opportunity to respond to those charges.

(c) The charges shall specify the clause of Section 7.1 which provides the basis for the disciplinary action as well as an explanation of the factual circumstances upon which the appointing authority relied in finding a violation of Section 7.1.

(d) Within five (5) days after the Borough Council has voted to impose the disciplinary action, a written statement of the charges shall be delivered to the officer either by personal service or by certified and registered mail.

(e) The charges shall notify the officer of the right to appeal under Section 7.4 of these Rules and Regulations.

(f) A copy of the statement of charges shall also be served upon the members of the Civil Service Commission.

Section 7.4 - Hearings on Suspension, Removals and Reductions in Rank

(a) A full-time civil service officer who has been suspended, removed or reduced in rank may appeal the decision of the appointing authority.

(b) A written notice requesting a hearing shall be sent to the Secretary of the Civil Service Commission at:

Civil Service Commission
2 Race Street
Edgewood, PA 15218.

(c) This request shall be received by the Commission within ten (10) days after the officer received notice of the discipline.

(d) The officer may make written answers to any charges filed no later than the date fixed for the hearing.

(e) Failure of the officer to provide written answers to any of the charges shall not be deemed an admission of guilt or wrongdoing by the officer.

(f) The Commission shall schedule a hearing within ten (10) days from the officer's written request for a hearing unless continued by the Commission for cause at the request of the Commission, the Borough Council or the officer.

(g) At any such hearing, the officer against whom the charges have been made may be present and may be represented by counsel, may call witnesses and present testimony and documentation in defense.

(h) The Borough may be represented by counsel, call witnesses and present evidence as is necessary to support the charges.

(i) A stenographic record of all testimony shall be taken at every hearing and preserved by the Commission.

(j) In the event the charges are dismissed, the record shall be sealed and not be available for public inspection.

(k) In conducting the hearing, the Commission's standard of review shall be to determine whether sufficient evidence has been presented to support the statutory reason for disciplinary action.

(l) If the Commission finds that sufficient evidence has been introduced to support the charge, the Commission shall not modify the penalty imposed by the Borough Council unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Council's discretion.

(m) In considering the appropriateness of the discipline, the Commission shall not substitute its judgment for that of the Borough Council.

(n) The Commission may request post-hearing briefs, and shall issue a written decision containing specific findings of fact and conclusions of law within sixty (60) days of receipt of the hearing transcript.

Section 7.5 - Hearing Procedure

(a) All testimony shall be given under oath administered by the Chairperson, or in absence of the chair, the Vice-Chairperson.

(b) The Commission shall have the power to issue subpoenas as set forth in Section 2.11.

(c) The hearing shall be open to the public unless, prior to the commencement of the hearing, a written or oral request to close the hearing is made by the charged officer.

(d) If the Commission sustains the charges, the officer against whom disciplinary action was taken may file an appeal with the Court of Common Pleas within thirty (30) days from the date of entry by the Commission of its final order.

(e) No order of suspension shall be made by the Commission for a period longer than one (1) year.

(f) In the event that the Commission fails to uphold the charges, then the person sought to be suspended, removed or demoted shall be reinstated with full pay for the period of the suspension, removal or demotion, and no charges related to the suspension, removal or reduction in rank shall be officially recorded in the officer's record.

- End of Rules and Regulations -