


RESOLUTION 2020-13


A RESOLUTION OF THE BOROUGH OF LANSFORD

CARBON COUNTY, PENNSYLVANIA

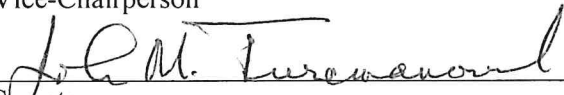
The foregoing Rules and Regulation, which are in accordance with powers granted by civil service sections of the Borough Code, Sections 1171-1195, enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the municipal governing body of Lansford, Pennsylvania, are hereby adopted by the Civil Service Commission of Lansford , Pennsylvania on August



Chairperson



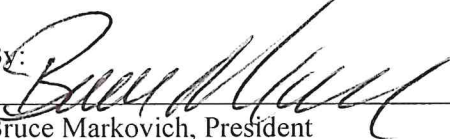
Vice-Chairperson



Secretary

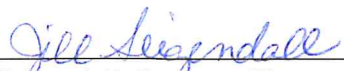
Approved by the Borough Council of Lansford Borough, Pennsylvania on this 8th day of July
2020.

BOROUGH OF LANSFORD

By: 

Bruce Markovich, President
Lansford Borough Council

Attest:



Jill Seigendall, Secretary/Treasurer

*Approved 7-8-2020
meeting*

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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 indicated herein:

Alternate Member– An alternate member shall be a qualified elector of the Borough and shall be entitled to participate in all proceedings and discussions of the Commission to the same and full extent as provided by law for Commissioners, including specifically the right to cast a vote as a voting member during proceedings, and shall have all the powers and duties set forth in these Rules and Regulations and as otherwise provided by law. Alternates shall hold no other office in the Borough. An alternate may participate in any proceeding or discussion of the Commission but shall not be entitled to vote as a member of the Commission unless designated as a voting alternate member pursuant to Section 2.3.

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 Lansford, Carbon 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 Lansford, Pennsylvania.

Commission - The Civil Service Commission of the Borough of Lansford, Pennsylvania.

Eligible - A person whose name is recorded on a current rent 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.

Furlough List - The list containing the names of persons temporarily laid off from positions in the police department because of a reduction in the number of officers.

Police Officer - For purposes of these Rules and Regulations, an entry level sworn full-

time position in a police department.

Probationer - An officer in the police department who has been appointed from an eligible list, but who has not yet completed the work-test period.

Reduction in rank - A change to a different position or rank where the employee fulfilled all of the requirements of these Rules and Regulations for both the prior and current position or 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 Lansford, Pennsylvania.

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

Section 1.2 Gender

The words “he”, “his”, “him” and “men” when used in these Rules and Regulations represent both the masculine and feminine genders.

CHAPTER 2. The Commission

Section 2.1 Civil Service Commission

The Commission shall consist of three commissioners who shall be qualified electors of the Borough and shall be appointed by the Borough initially to serve for the terms of two, four and six years, and as terms thereafter expire shall be appointed for terms of six years.

Borough Council may appoint no more than three (3) qualified electors of the Borough to serve as alternate members of the Commission. The term of office of the alternate members shall be for six (6) years. When seated pursuant to Section 2.3, an alternate shall be entitled to participate in all proceedings and discussions of the Commission to the same and full extent as provided by law for Commissioners, including specifically the right to cast a vote as a voting member during proceedings, and shall have all the powers and duties set forth in these Rules and Regulations and as otherwise provided by law. Alternates shall hold no other office in the Borough. An alternate may participate in any proceeding or discussion of the Commission but shall not be entitled to vote as a member of the Commission unless designated as a voting alternate member pursuant to Section 2.3.

Any vacancy occurring in the commission for any reason whatsoever shall be filled by the

Borough Council for the unexpired term within the period of thirty (30) days after such vacancy occurs.

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. No civil service commissioner shall receive compensation.

Section 2.2. Offices Incompatible with Civil Service Commissioner

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, except that one member of the commission may be a member of the Council of the Borough . One commissioner may be a member of the teaching profession.

Section 2.3. Organization of Commission; Quorum

The commission first appointed shall organize within ten days of its appointment and shall elect one of its members as its chairperson and one as the secretary. The commission shall thereafter meet and organize on the first Monday of February of each even-numbered year. Two 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 members.

If, by reason of absence or disqualification of a member a quorum is not reached, the Chairperson shall designate as many alternate members of the Commission to sit on the Commission as may be needed to provide a quorum. An alternate member of the Commission shall continue to serve on the Commission in all proceedings involving a matter or case for which the alternate was initially designated until the Commission has made a final determination of the matter or case. Designation of an alternate member pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among the alternates. In the event alternates are of equal seniority, alternates shall be designated on a rotating basis in alphabetical order based on the alternates' last names.

Section 2.4. Duties of Chairperson

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 these Rules and Regulations.

Section 2.5. Duties of Secretary

The secretary shall carry on at the direction of the commission all official correspondence of the commission, send out all notices required by law and 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 these Rules and Regulations.

Section 2.6. Meetings

Except for the biennial organization meeting, all meetings shall be held either at the call of the chairperson or at the call of two members of the commission. The commission shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or these Rules and Regulations. The secretary of the commission shall give each commission 24 hours notice in writing of each and every meeting of the commission.

Section 2.7. Clerks and Supplies

The governing body shall furnish the commission with such supplies and clerical assistance as may be necessary for the commission to fulfill its duties. In addition, the commission may retain counsel, and any other consultants or experts, including physicians and psychiatrists, as are necessary. The elected and appointed officials of the Borough 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

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. Before any changes to these Rules and Regulations become effective, those changes must be approved by the Borough Council. These Rules and Regulations, and any amendments thereto shall be made available to the public for distribution or inspection.

Section 2.9. Minutes and Records

The commission shall keep minutes of its proceedings and records of examination and other official action. All records of the commission shall be preserved and disposed of according to the 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.

Any and all records related to any disciplinary action filed with the commission shall be open to public inspection subject to reasonable regulation. The secretary shall keep minutes of its proceedings showing the vote of each member upon each question. If the member is absent or fails to vote, the secretary shall indicate that fact in the minutes.

Section 2.10. Investigations

The commission shall have the power to make investigations concerning all matters relating to the administration and enforcement of these Rules and Regulations. The chairperson of the commission is authorized to administer oaths and affirmations in connection with such

investigations.

Section 2.11. Subpoenas

The commission shall have the power to issue subpoenas over the signature of the chairperson, or designee, to acquire the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of such 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.

All officers in public service and employees of the Borough shall attend and testify when required to do so by the commission.

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 dollars (\$100), and in default of the payment of such fine and costs shall be imprisoned not to exceed thirty (30) days.

If any person shall refuse or neglect to obey any subpoena, the commission may apply by petition to the Court of Common Pleas of Carbon 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

The commission shall make an annual report to the Borough Council containing a brief summary of its work during the year and a full accounting for any expenditures of public monies. The annual report shall be available for public inspection.

CHAPTER 3. APPLICATIONS and QUALIFICATIONS

Section 3.1. Eligibility for Examination

In order to be eligible for participation in any examination for any position with the police department, every applicant must submit a completed application form to the commission before the deadline stated by the commission for that specific examination. 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. Section 4904 relating to unsworn falsification to authorities.

COMMENT: An application form is attached as Appendix A-1

Section 3.2 Discrimination

The Borough is an equal opportunity employer. It is the Borough and the commission's policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, age, veteran's status, marital status or nonjob-related physical or mental handicap or disability. The Borough and the commission will provide equal opportunities in employment and promotion.

Section 3.3 Availability

Application forms shall be available to all interested persons in the office of the Borough Secretary and from such other offices and officers that the commission, from time to time, may choose to designate. Application forms may be mailed to applicants upon written or telephone request. However, the commission assumes no responsibility for missed filing deadlines due to a delay in the mail.

Section 3.4. Age Requirement

All applicants must have reached their twenty-first (21st) birthday before the deadline for submitting completed applications.

Section 3.5. General Qualifications - All Applicants

Every applicant for any position in the police department shall possess a diploma from an accredited high school or a graduate equivalency diploma. In addition, every applicant must be a United States Citizen, be physically and mentally fit to perform the full duties of a police officer, and, prior to appointment, possess a valid motor vehicle operators license issued by the Commonwealth of Pennsylvania and be Act 120 certified.

Section 3.6 General Qualifications - Applicants for Promotion

(a) In addition to meeting the qualifications in Section 3.5 above, all applicants for a promotional position, except chief, shall not have been suspended without pay for more than five (5) days at any time in the three (3) years prior to the deadline for submitting applications. Any suspension to which the applicant has timely appealed pursuant to a grievance procedure or these Rules and Regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

(b) All applicants shall have continuous prior service with the Police Department of Lansford as follows:

- (1) an applicant for the position of sergeant shall have at least two (2) years of experience as a corporal within the police department;

Section 3.7 Rejection of Applicant

The commission may refuse to examine, or, if examined, may refuse to certify 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. In addition, 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 a habitual substance abuser, who is guilty of any crime involving moral turpitude, or of 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 3.8 Recording and Filing Applications

Applications for positions in the police department shall be received at the Borough building only after an examination has been properly advertised and before the deadline for receiving applications which must be set forth in the public advertisement. Applications will be received by the municipal officer designated in the public advertisement or that officer's designee. That person 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 procedure, The written examination. Any application containing material errors or omissions may, at the discretion of the commission, be returned to the applicant for correction prior to the deadline for filing applications after which no new applications or amended applications will be accepted.

Comment: A copy of the form for that notice is attached as Appendix A-2

Section 3.9 Hearing for Disqualified Applicants

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. Within ten days after such request, the commission shall designate a time and place for the hearing which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 PA C.S. Section 101 et.seq. The Applicant or aggrieved party must make their request for a hearing in writing within ten calendar days of the date when the party knew or should have known of the commission's action which is being challenged.

Section 3.10 Public Notice

The commission shall conspicuously post in the 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 deadline for filing those applications. In addition at least two weeks prior to the close of the application period, publication of the notice shall occur in at least one newspaper of general circulation or a newspaper circulating generally in the

Borough.

COMMENT: A model notice for posting and publication is attached as Appendix A-3.

CHAPTER 4 EXAMINATION AND GRADING PROCEDURE

Section 4.1 General Examination Requirements for the Position of Police Officer

The examination for police officer will consist of a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing seventy percent (70%) of the final score and the oral examination representing thirty percent (30%) of the final score. In addition, each applicant will undergo a physical fitness test, a polygraph test and a background investigation. These tests and investigation will be graded on a pass/fail basis for every applicant. After an applicant has been extended an offer of employment, final appointment shall be contingent upon the applicant passing a physical and psychological examination.

Section 4.2 General Examination Requirements for Promotion

The examination for the position of sergeant shall include a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing seventy percent (70%) of the final score and the oral examination representing thirty percent (30%) of the final score. In addition, each applicant will undergo a physical fitness test which will be graded on a pass/fail basis for every applicant. After an applicant has been extended an offer of promotion, the final appointment to the promotional position shall be contingent upon the applicant passing a physical and psychological examination.

Section 4.3 Notice of Examination

The commission may appoint a written examination administrator, an oral examination administrator, a polygraph examiner, a physical fitness examiner, a medical examiner and a psychological examiner to conduct the appropriate examination required by these Rules and Regulations unless said reports are furnished by applicant at his/her own cost.

COMMENT: Model resolutions for the appointment of each of these examiners are attached as Appendix B-1 through B-6, respectively, and model notices of appointment of these examiners are attached as Appendix C-1 through C-6, respectfully.

Section 4.4 Written Examinations

The written examination shall be graded on a 100 point scale, and an applicant must score seventy percent (70%) or higher and remains one of the top-scores including ties in order to continue in the application process. Applicants scoring less than seventy (70) percent shall be rejected. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their test results and passing applicants shall be scheduled for an oral examination appointment.

COMMENT: (1) A model letter informing a passing applicant of the written score and date for an oral examination is attached as Appendix A-4, and a model letter for a failing applicant is attached as Appendix A-5.

Section 4.5 Oral Examination

Every applicant who scored seventy percent (70%) or higher and receives one of the top-highest scores in the written examination shall be given an oral examination which will be graded on a 100 point scale with a score of seventy percent (70%) or higher necessary for passing. The oral examination shall involve questioning applicants on how they would handle situations relevant to police work. Within thirty (30) days after the applicants' oral examination, they shall be informed of the score in their oral examination and total overall score, and each passing applicant shall be informed of the date for physical fitness testing.

Comment: (1) A model letter informing a passing applicant of the oral score and the date for physical fitness testing is attached as Appendix A-6 and a model letter for failing applicant is attached as Appendix A-7.

Section 4.6 Veterans' Preference Points

Pursuant to the Veterans' Preference Act, any applicant for the position of patrol officer who qualifies as a "soldier" under this Act, shall receive an additional ten (10) points on top of their total score if that applicant had received passing scores under Sections 4.1, 4.4 and 4.5.

(a) Anyone who has served in the regular military, the National Guard or the reserves since July, 1953 and received an honorable discharge is eligible to receive veterans' preference points. Completion of basic training and receipt of an honorable discharge for members of the National Guard or the reserves bestows veteran's status on applicants even when they continue to serve in the National Guard or reserves.

(b) The portion of the Veterans' Preference Act which provides for a fifteen percent (15%) markup on an applicants' examination has been found unconstitutional and should be ignored.

(c) Veterans' preference points may not be provided for promotions because such an award overvalues military service.

(d) In selecting candidates from the certified list of three (3) under Section 5.2, where one of the three candidates is a veteran under the Act, then the appointing authority must select that individual for appointment. With respect to promotions and veterans preference, this issue is discussed in detail under Section 5.2.

(e) Finally, veterans' preference points are the only additional points authorized to be added to a candidate's passing score.

Section 4.7. Polygraph Examination

(a) Every applicant for the position of patrol officer shall fill out a personal data questionnaire and undergo a polygraph examination. The commission shall furnish each polygraph examiner with forms upon which the examiner shall state whether any of the applicant's personal data questionnaire are deceptive. The report on each examination shall be submitted to the commission within five (5) days after the date of the examination.

(b) The examiner shall ask questions based on the information contained in the personal data questionnaire. Before administering the test, the examiner shall ask each applicant whether there is any more information related to the personal data questionnaire which the applicant would like to provide. There shall also be a post test review, during which the examiner shall again ask the participant, if deception is indicated, whether there is any information which the applicant is withholding.

(c) If the examiner shall deem any of the applicant's responses to be deceptive, the examiner must tell the applicant immediately and give the applicant an opportunity to explain, deny or admit the deception. If the applicant denies being deceptive or if the explanation is found unsatisfactory by the examiner, the applicant will be given the opportunity to retake the test with a second examiner. Notice of the opportunity to retest shall be given in writing to the applicant. The second examiner will not have access to the results of the first test prior to read ministering the polygraph. If the second examiner finds no deception, the applicant will be considered as having passed the polygraph. If the second examiner also finds the applicant deceptive, the applicant will be considered as having failed the examination.

(d) An application who has failed both tests may appeal to the Civil Service Commission for a third examination, and the decision to give the applicant an opportunity to take a third test resides solely within the discretion of the commission. If the applicant is awarded an opportunity to take a third test and passes, then the applicant will be considered as having passed the polygraph test. If the applicant is found deceptive on a third test, the applicant will be rejected.

COMMENT: (1) A model letter informing an applicant passing the polygraph examination and the date for physical agility testing is attached as Appendix A-9. A model letter informing an applicant

failing, for the first time, a polygraph examination is attached as Appendix A-10. A model letter informing an applicant of the time and place for a second polygraph examination is attached as Appendix A-11. A model letter informing an applicant failing the polygraph examination for the second time is attached as Appendix A-12. A model letter informing an applicant passing the second polygraph examination and the date for a physical agility test is attached as Appendix A-13. A model letter informing an applicant that a request for a third polygraph examination has been denied is attached as Appendix A-14. A model letter informing an applicant that a request for a third polygraph examination has been granted is attached as Appendix A-15. A model letter informing an applicant passing the third polygraph examination and the date for physical agility tests is attached as Appendix A-16. A model letter informing an applicant the third polygraph examination is attached as Appendix A-17.

(2) A model notice of appointment and a model Resolution for the commission's appointment of a polygraph examiner has been included in Appendix B-3 and C-3, respectfully.

Section 4.8. Physical Fitness Testing

An applicant for the position of police officer must meet or surpass the following requirements which shall be administered by a state certified tester:

- (a) **Vertical Jump.** An applicant must be able to reach or surpass 15.5 inches above a base line reach height mark.
- (b) **Sit-Ups.** An applicant must be able to perform 30 repetitions of sit-ups within one minute.
- (c) **300 Meter Run.** An applicant is required to run a distance of 300 meters on a premeasured course in less that 66 seconds.
- (d) **Push-ups.** An applicant must be able to perform 25 repetitions of push-ups.
- (e) **1.5 mile run.** An applicant is required to run a distance of 1.5 miles on a premeasured course in less that 15 minutes 54 seconds.

Comment: (1) A model letter informing applicants that they passed the agility test is attached as Appendix A-18 and a model letter informing applicants that they failed the physical agility test is attached as Appendix A-19.

Section 4.9. Background Investigation

The chief of police or his/her designee shall conduct a background investigation on each applicant. The background investigation shall include interviews with the applicant's family, acquaintances, current and former employers, current and former neighbors, references and current and former teachers and school officials. In addition, the applicant's credit history and record of criminal convictions should be investigated. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

After the background investigation is completed, the designee shall make a written recommendation to the commission on whether the applicant is appropriate for consideration for appointment as a police officer. If the recommendation is to disqualify, then a detailed written explanation of the reasons for disqualification must be included. The Commission shall make the final determination on whether the information collected during the background check warrants rejection of the candidate

Appropriateness of the applicant shall be based on the criteria set forth in Section 3.7 of these Rules and Regulations. This recommendation shall be in writing and if the recommendation is to disqualify, then a detailed written explanation of the reasons for disqualifications must be included. The commission shall make the final determination on whether the information collected during the background investigation warrants rejection of the candidate. Within thirty (30) days after the commission considers the recommendation of the chief of police or designee, each applicant will be informed of whether they have passed the background investigation.

Comment: (1) A model letter informing an applicant that a background investigation has been successfully completed is attached as Appendix A-20 and a model letter informing an applicant failing the background investigation is attached as Exhibit A-21.

CHAPTER 5. CERTIFICATION OF THE LIST OF ELIGIBLES and APPOINTMENT

Section 5.1. Creation of Eligibility List

At the completion of the examination requirements set forth in Chapter 4, written examinations, oral examination, background investigation, physical fitness test and polygraph examination, 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. Applicants who qualify for veterans' preference points shall have those points added to their passing score prior to being ranked on the eligibility list.

For promotional positions, fulfilling the performance requirements set forth in Section 3.6 is also required. 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 complete applications on the same day, then the applicants shall be ranked in alphabetical order by surname.

The eligibility list shall be valid for one year from the date the commission ranks all passing applications, assigns veterans preference points and formally adopts the eligibility list. The commission may, at its sole discretion, by a vote of the majority of the commission at a duly authorized commission meeting extend the list for an additional year. The commission may, at its sole discretion, void an eligibility list at any time for any reason.

Section 5.2 Appointment

(a) The appointing authority of the Borough may fill any vacancy in an existing position in the police department which occurs as a result of expansion of the police force, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the police department who had been furloughed. Except for physical and psychological examinations, no other testing shall be required for a furloughed employee or a rehired or reappointed employee.

(b) If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, every position, except that of chief of police, shall be filled only in the following manner:

(1) The appointing authority of the Borough 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 eligibles;

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

(3) The Borough shall make an appointment from one of the three names certified with reference to the merits and fitness of the candidates. However, [for initial appointment to the position of police officer,] when one of the three applicants on the certified list is a veteran, that applicant shall be selected.

(4) If an applicant qualifies for veteran's preference, the Borough may, at its sole discretion, appoint such an applicant who has passed the required examination for appointment [or promotion] even though the applicant's name does not appear on the certified list of three.

(c) The Borough may object to one or more of the persons certified for the reasons set forth in Section 3.7 of these Rules and Regulations. If the candidate to whom the Borough Council objects fails to timely exercise the rights of appeal under Section 3.9 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 candidates for each name stricken off.

Section 5.3. Appointment of Chief of Police

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. If the appointing authority requests the commission to subject that person to a noncompetitive examination and if that person successfully passes the noncompetitive examination, then the commission shall notify the appointing authority of the results of the examination and that person may only be removed from the position of chief for the reasons set forth in Section 6.1.

Comment: A police chief may be appointed without civil service status. If this is done, that individual may be returned to a prior rank if promoted from within or dismissed if an outside appointment, without implicating civil service hearing rights.

Section 5.4. Physical and Psychological Examinations

After the appointing authority selects a candidate from the certified list of three for appointment to the vacant position, that candidate shall submit to a physical examination and a psychological examination by the appropriate medical experts. If the candidate successfully passes the physical and psychological examinations, then that employee shall be appointed to the vacant position in the police department for which the application was submitted. The appointment shall be contingent upon successfully passing both the physical and psychological examinations. Failure to pass either examination shall result in the candidate being rejected from consideration. The rejected candidate may appeal this decision under Section 3.9. The commission shall then certify another name to be included with the two previously certified names for consideration by the appointing authority pursuant to Section 5.2.

Comment: (1) Model letters informing a candidate of passing the physical examination, failing the physical examination, passing the psychological exam and failing the psychological exam, respectively, as Appendix A-22 to A-25.

(2) Model Resolutions for the appointment of medical and psychological examiners are included as Appendix B-5 and B-6, respectfully. Draft notices of appointment for a medical and psychological examiner are included in Appendix C-5 and C-6, respectively.

Section 5.5 Probationary Period

Every successful applicant to the position of patrol officer or to a promotional position with the police department shall serve a twelve (12) month probationary period. During the probationary period, a newly hired officer may only be dismissed for cause for the reasons set forth in Section 3.7. A promoted officer, during probation, may be returned to a prior rank only

for the reasons set forth in Section 3.7. However, at the end of the twelve (12) month probationary period, if the conduct of the probationer has not been satisfactory to the Borough Council, the probationer shall be notified in writing 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. Any officer who is not informed in writing that their performance has been unsatisfactory, shall receive a permanent appointment to the new position. Any probationer who is notified in writing that appointment will not be made permanent has no rights of appeal under these Rules and Regulations.

Section 5.6 Provisional Appointments

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. It shall thereupon become the duty of the commission within three weeks to hold a competitive examination and certify a list of eligibles and then a regular appointment shall then be made from the name or names submitted by the commission: provided, that nothing within this section shall prevent the appointment, without examination, of persons temporarily as police officers in cases of riot or other emergency.

CHAPTER 6 - SUSPENSIONS, REMOVALS and REDUCTIONS IN RANK

Section 6.1. Grounds for Disciplinary Action

(a) No person appointed to a 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 violations constitutes a misdemeanor or felony;
- (4) inefficiency, neglect, intemperance, disobedience of orders of conduct unbecoming an officer;
- (6) engaging or participating in or conducting of any political or election campaign other

than the officer's exercise of the right of suffrage.

(7) intoxication, while on duty, from alcohol or drugs.

(b) No officer shall be removed for religious, racial or political reasons. A Statement of any charges made against any officer so employed shall be furnished to the officer within five (5) days after those charges have been adopted by the Borough Council.

Section 6.2 Furloughs

(a) If for any reason, it shall be deemed necessary by te Borough of Lansford to reduce the number of full-time police officers in the department, then the Borough of Lansford 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 ave 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 office 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 6.3 Notice of Suspension Removal or Reduction in Rank

Whenever a police officer is suspended, removed or reduced in rank, the specific charges warranting such actions shall be stated in writing by the Borough Council. The charges 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. The charges shall specify the clause of Section 6.1 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 6.1.

Within five 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. In addition, the charges shall notify the officer of the right to appeal under Section 6.4 of these Rules and Regulations. A copy of the statement of charges shall also be served upon the members of the Civil Service Commission.

Section 6.4 Hearings on Suspension, Removals and Reductions in Rank

(a) The officer who has been suspended, removed or reduced in rank may appeal the

decision of the appointing authority by written notice to the secretary of the commission at 1 East Ridge Street, Lansford, PA 18232 requesting a hearing. This request shall be received by the commission within ten days after the officer received notice of the discipline. The officer may make written answers to any charges filed not later than the date fixed for the hearing. Failure of the officer to provide written answers to any of the charges shall not be deemed an admission by the officer.

(b) The commission shall schedule a hearing within ten 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. At any such hearing, the officer against whom the charges have been made may be present and represented by counsel, may call witnesses and present testimony and documentation in defense. The Borough may also be represented by counsel, call witnesses and present evidence as is necessary to support the charges. A stenographic record of all testimony shall be taken at every hearing and preserved by the commission. In the event the charges are dismissed, the record shall be sealed and not be available for public inspection

(c) 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 the disciplinary action. 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. In considering the appropriateness of the discipline, the commission shall not substitute its judgment for that of the Borough Council. The commission may request posthearing 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 6.5 Hearing Procedure

(a) All testimony shall be given under oath administered by the chairperson, or in absence of the chair the vice-chairperson. The Commission shall have power to issue subpoenas as set forth in Section 2.11. 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 either the charged officer of the Borough.

(b) If the commission sustains the charges, the officer who was suspended, removed or reduced in rank 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. No order of suspension shall be made by the commission for a period longer than one year. 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.