

**RULES
OF THE
SHALER TOWNSHIP
CIVIL SERVICE
COMMISSION**

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SECTION 1 DEFINITION OF TERMS

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SECTION 1 - DEFINITION OF TERMS

§ 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:

- a. **Alternate Commissioner** – An individual appointed by the Township Commissioners in a First Class Township to serve as an “Alternate Civil Service Commissioner.” Properly appointed Alternate Civil Service Commissioners shall have all the same powers and duties as a properly appointed Commissioner set forth in the First Class Township Code. [Amended April 23, 2007].
- b. **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.
- c. **Appointing Authority** – The Board of Commissioners of the Township of Shaler, Allegheny County, Pennsylvania.
- d. **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.
- e. **Chairperson** – The Chairperson of the Civil Service Commission of the Township of Shaler, Pennsylvania.
- f. **Commission** – The Civil Service Commission of the Township of Shaler, Pennsylvania.

- g. **Commissioner** – An individual appointed by the Township of Shaler, Pennsylvania to serve as a member of the Civil Service Commission. [Amended April 23, 2007].
- h. **Eligible** – A person whose name is recorded on a current Eligibility List or Furlough List.
- i. **Eligibility List** – The list of names of persons who have passed all examinations for a particular position in the Police Department.
- j. **Examination** – The series of tests given to applicants to determine their qualifications for a position in the Police Department.
- k. **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.
- l. **Governing Body** – The Board of Commissioners of the Township of Shaler. [Amended April 23, 2007].
- m. **Medical Examination** - Any examination, procedure, inquiry or test designed to obtain information about medical history or a physical or mental condition which might disqualify an applicant if it would prevent the applicant from performing, with or without a reasonable accommodation, all of the essential functions of the position. [Added February 8, 2011].
- n. **Physician** - Shall have the meaning given to it in 1 Pa.C.S. § 1991 (relating to definitions). [Added February 8, 2011].
- o. **Police Officer** – For purposes of these Rules and Regulations, an entry level sworn full-time position in a Police Department.
- p. **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.
- q. **Promotional Rank** – Shall include the position of Detective, Sergeant, Lieutenant, Captain and Chief of Police.[Amended May 4, 2022].
- r. **Qualified Medical Professional** - An individual, in collaboration with or under the supervision or direction of a physician, as may be required by law, who is licensed:
 1. As a physician assistant pursuant to the Act of December 20, 1985 (P.L. 457, No. 112), known as the “Medical Practice Act of 1985,” or the Act of October 5, 1978 (P.L. 1109, No. 261), known as the “Osteopathic Medical Practice Act”; or
 2. As a certified registered nurse practitioner pursuant to the Act of May 22, 1951 (P.L. 317, No. 69), known as “The Professional Nursing Law.” [Added February 8, 2011].
- s. **Reduction in Rank** – A change to a different civil service rank where the employee fulfilled all of the requirements of these Rules and Regulations for both the prior and current civil

service rank. However, a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank.

- t. **Removal** – The permanent separation of a police officer from the Police Department.
- u. **Secretary** – The Secretary of the Civil Service Commission of the Township of Shaler, Pennsylvania.
- v. **Suspension** – The temporary separation without pay of a police officer from the Police Department.
- w. **Township Manager** – The Manager of the Township of Shaler.
- x. **Veteran** – The term includes:

(1) An individual who served, as evidenced by the veteran's discharge papers, separation documents or statement of service, or hereafter serves in any of the following:

(i) in the armed forces of the United States, including a reserve component or National Guard, has completed their initial contractual military service obligation and their last discharge or release was under conditions other than dishonorable;

(ii) in the armed forces of the United States, including a reserve component or National Guard, has served during a period of war or armed conflict as determined by the United States Department of Defense, has completed a tour of active duty for purposes other than training, was released from that period of active duty under conditions other than dishonorable and continues to serve; or

(iii) in the armed forces of the United States, including a reserve component or National Guard, has completed an initial contractual military service obligation and continues to serve.

(2) An active duty member of the armed forces of the United States who is completing a tour of active duty that is three years or more and is within 90 days of an approved discharge or release, as evidenced by documentation of the projected discharge or release from active duty under conditions other than dishonorable.

§ 1.2 Gender

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

SECTION 2 THE COMMISSION

- § 2.1 Civil Service Commission
- § 2.2 Offices Incompatible with Civil Service Commission
- § 2.3 Organization of Commission; Quorum
- § 2.4 Duties of Chairperson
- § 2.5 Duties of Secretary
- § 2.6 Meetings; Order of Business
- § 2.7 Clerks and Supplies
- § 2.8 Amendment of Rules & Regulations
- § 2.9 Minutes and Records
- § 2.10 Investigations
- § 2.11 Subpoenas
- § 2.12 Annual Report

SECTION 2 - THE COMMISSION

§ 2.1 Civil Service Commission.

a. Terms of Office; Vacancies; Oath.

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

Any vacancy occurring in the Commission for any reason whatsoever shall be filled by the Board of Commissioners 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.

b. Alternate Commissioners; Term of Office; Oath.

Alternate members to the Civil Service Commission shall be appointed by the Township Board of Commissioners for terms of six (6) years and shall hold no other office in the Township. When seated pursuant to Section 628 of the First Class Township Code, alternate members shall be entitled to participate in all proceedings and discussions of the Civil Service Commission to the same and full extent as provided by law for commission members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the First Class Township Code and as otherwise provided by law. [Amended May 10, 2005].

Any 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 628 of the First Class Township Code. [Amended April 23, 2007].

§ 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 Board of Township Commissioners.

§ 2.3 Organization of Commission; Quorum.

a. Election of Officers; Organizational Meeting; Quorum.

The Commission first appointed shall organize within ten (10) days of its appointment and shall elect one of its members as its Chairperson, one as its Vice-Chairperson and one as the Secretary. The Commission shall thereafter meet and organize on the first Monday of each even-numbered year. If the first Monday is a legal holiday, the meeting shall be held the first day following. Three 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. [Amended May 10, 2005].

b. No Quorum; Service of Alternate Members.

If by reason of absence or disqualification of a member, a quorum is not reached, the chairman shall designate as many alternate members of the Commission to sit on the Commission as may be needed to provide a quorum. Alternate member of the Commission shall continue to serve on the Commission in all proceedings involving the 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 shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. [Amended April 23, 2007].

c. Official Action; Separate Matter or Case.

For purposes of hiring and promoting police officers under these Rules, each step of the hiring or promotional process requiring official action by the Commission shall be considered a “separate matter or case” under Subsection (b) above, and each step of the hiring or promotional process need not be voted upon or approved by the same composition of Commissioners or Alternate Commissioners, as the case may be, provided that the quorum requirement has been satisfied. [Amended April 23, 2007].

§ 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.

§ 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, these Rules and Regulations and by the Commission.

§ 2.6 Meetings; Order of Business.

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 Commissioner 24 hours' notice, in writing, of each and every meeting of the Commission. The order of business of all meetings of the Commission shall be as follows:

1. Roll Call
2. Approval of Minutes of previous meeting
3. Unfinished business
4. Hearing of cases
5. New business
6. Communications and reports

§ 2.7 Clerks and Supplies.

The Township 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 Township shall assist the Commission with all reasonable and appropriate efforts including compensation for any counsel or experts retained by the Commission.

§ 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 Township Board of Commissioners. These Rules and Regulations, and any amendments thereto shall be made available to the public for distribution or inspection.

§ 2.9 Minutes and Records.

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. The Commission shall retain official minutes permanently. Other records should be retained for a period of five (5) years, including announcements, test outlines, examination histories, eligibility lists, recommendations of applicants for appointment, correspondence and related records. (See Pennsylvania Municipal Records Manual and 53 P.S. § 55631).

Requests for public access to records of the Commission are subject to the Pennsylvania Right-to-Know Law (RTKL), 65 P.S. § 67.101 *et seq.*, which exempts from public disclosure certain records of a local agency, such as certain personnel records and investigatory records. Pursuant to the RTKL, only test score of individuals who obtained a passing score on a test administered by a local agency may be disclosed, and investigations into the character and reputation of applicants are exempt from public disclosure. All reports of investigations and inquiries into the character and reputation of applicants shall be kept confidentially and shall not be open to inspection.

§ 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 Chairman of the Commission is authorized to administer oaths and affirmations in connection with such investigations.

§ 2.11 Subpoenas.

The Commission shall have the power to issue subpoenas over the signature of the Chairperson, or his 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 Township 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 & 00/100 (\$100.00) Dollars, and in default of the payment of such fine and cost 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 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.

§ 2.12 Annual Report.

The Commission shall make an Annual Report to the Board of Commissioners 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.

SECTION 3 APPLICATIONS AND QUALIFICATIONS

§ 3.1 Eligibility of Examination

§ 3.2 Discrimination

§ 3.3 Availability

§ 3.4 Age and Residency Requirements

§ 3.5 General Qualifications – All Applicants

§ 3.6 Promotions. General Qualifications - Applicants for Detective, Sergeant, Lieutenant, Captain and Chief of Police

§ 3.7 Rejection of Applicant

§ 3.8 Recording and Filing Applications

§ 3.9 Hearing for Disqualified Applicants

§ 3.10 Public Notice

SECTION 3 - APPLICATIONS AND QUALIFICATIONS

§ 3.1 Eligibility for Examination.

No person shall be admitted to an examination for any position in the Police Department until such person has submitted in person, a completed application form giving such information as the Commission may require, to the Commission, before the deadline stated by the Commission, for that specific examination. The application form is attached as Appendix A-1 and incorporated into these Rules and Regulations. 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. Cons. Stat. § 4904 relating to unsworn falsification to authorities.

§ 3.2 Discrimination.

The Township is an equal opportunity employer. It is the Township's 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 disability. The Township and the Commission will provide equal opportunities in employment and promotion.

§ 3.3 Availability.

Application forms shall be available to all interested persons in the office of the Township Manager, and from such other offices and officers that the Commission, from time to time, may choose to designate. Application forms may be mailed or electronically transmitted upon written or telephone request. However, the Commission assumes no responsibility for missed filing

deadlines due to a delay in the mail. The interested party shall be solely responsible for any fees associated with the application process. [Amended January 24, 2023].

§ 3.4 Age and Residency Requirements.

All applicants must have reached their twenty-first (21st) birthday before the deadline for submitting completed applications. Each applicant shall present satisfactory evidence of date of birth. Applicants need not be Township residents; however, those hired as Police Officers shall reside within ten (10) air miles of 300 Wetzel Road, Shaler Township within six (6) months of completing their probationary period. [Amended January 6, 2020]

§ 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 and shall have successfully completed the Pennsylvania Municipal Police Officers' Basic Training Program requirements, commonly known as Act 120 (53 Pa.C.S. § 2161 et seq.) training at time of appointment and shall commit to the taking and successful completion of a certification examination administered by the Pennsylvania Municipal Police Officers' Education and Training Commission within sixty (60) days of notice by the Township to take and pass the examination. [Amended January 24, 2023].

Applicants who are currently out-of-state certified police officers shall obtain prior to application a Waiver of Training from the Pennsylvania Municipal Police Officers' Education and Training Commission under Section 203.12 of the Commission's Rules and Regulations.

Every applicant for an entry level position must: (a) have completed at least sixty college credits from an accredited college or university recognized by the United States Secretary of Education, the Council of Higher Education Accreditation or the Association of Specialized and Professional Accreditors and have either completed a two-year associate's degree, a four-year degree or provide a letter from the college or university that the applicant was a student in good standing; or (b) possess a minimum of four (4) years consecutive experience as a full-time active duty police officer within seven (7) years prior to application with an agency having powers of arrest under State, Federal or Military law. For purposes of this section only, the Township shall consider an applicant as having full-time active duty police experience if the applicant was employed as an active duty police officer with an agency having powers of arrest under State, Federal or Military law in excess of fifteen hundred (1,500) hours each year for four (4) consecutive years within seven (7) years prior to application. [Amended February 8, 2000; May 10, 2005; November 10, 2009; January 24, 2023].

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 must be licensed to operate a motor vehicle in the Commonwealth of Pennsylvania at the time of application.

§ 3.6 Promotions. General Qualifications - Applicants for Detective, Sergeant, Lieutenant, Captain, and Chief of Police.

Promotions in the police force shall be based on merits to be ascertained by examinations to be prescribed by the Commission. All questions, relative to promotions shall be practical in character and such as will fairly test the merit and fitness of persons seeking promotion. The Township Commissioners shall notify the Commission of a vacancy on the police force which is to be filled by promotion and shall request the certification of an Eligibility List. The Commission shall certify for each vacancy the names of the three persons on the Eligibility List who have received the highest average in the last promotion examination held within a period of two years preceding the date of the request for the eligibility list. If three names are not available, the Commission shall certify the names remaining on the Eligibility List. The Township Commissioners shall make an appointment from the names certified based solely on the merits and fitness of the candidate unless the Township Commissioners make objections to the commission regarding any person on the Eligibility List for any reason provided under section 637 of the First Class Township Code. [Added February 8, 2011].[Amended May 4, 2022].

The Township Commissioners shall have power to determine in each instance whether an increase in salary shall constitute a promotion. [Added February 8, 2011].

a. Applicants for Detective

All Applicants for a civil service position of Detective shall have been continuously employed in the Shaler Township Police Department for at least three (3) years before making application for such position; [Amended February 8, 2011; May 4, 2022].

b. Applicants for Sergeant or Lieutenant

All Applicants for the promotional rank of Sergeant or Lieutenant in the Shaler Township Police Department shall have been continuously employed in the Shaler Township Police Department the following periods of time prior to making application for such position:

1. Sergeant: Six (6) consecutive years immediately prior to the filing of the promotional application; three (3) of those consecutive years must have been served within the Shaler Township Police Department. The remaining three (3) consecutive years may be served within the Shaler Township Police Department, or with another Police Department so long as service with the other Department was continuous and full time. [Amended May 29, 2018].
2. Lieutenant: Have been continuously employed in the Shaler Township Police Department for at least six (6) consecutive years and have at least ten (10) years total full-time law enforcement experience; or have been continuously employed in the Shaler Township Police Department for at least six (6) consecutive years and hold a promotional rank, before making application for the promotional rank of Lieutenant. [Amended May 4, 2022].

c. Other Qualifications for Promotional Positions

Every applicant for a promotional position in the Shaler Township Police Department in addition to meeting the qualifications fixed for each applicant (excluding minimum agility standards and polygraph exam) for the position of Detective, Sergeant, Lieutenant, Captain and Chief of Police shall: [Amended May 29, 2018; May 4, 2022].

1. Have demonstrated an ability to carry out orders from supervisors;
2. Demonstrate a working knowledge of police science and administration and the criminal justice system;
3. Demonstrate an ability to supervise the work of subordinates in a humane way;
4. Have received at least a grade of "satisfactory" on the last two (2) years of his/her performance rating. However, this shall be included only if the candidate had reviewed his/her performance rating with his/her supervisor in the time period of the last two (2) years;
5. There shall be a written and oral examination for Sergeant and Lieutenant and civil service positions of Detective; [Amended February 8, 2011].
6. The oral examination shall be conducted by an Oral Examination Administrator appointed by the Commission; [Amended April 23, 2007].
7. When the total examination process is completed, the top three (3) candidates shall be presented to the Township Commissioners for selection. The Township Commissioners shall only view the highest three (3) top candidates at all times in the selection process. [Amended December 8, 2009; February 18, 2014]

d. Minimum Requirements for Captain of Police

The following shall be the minimum requirements for the position of Captain of Police:

1. Have been continuously employed in the Shaler Township Police Department for at least ten (10) years before making application for the promotional rank of Captain of Police;
2. Hold a promotional rank at time of application;
3. Have a comprehensive background in the entire criminal justice system;
4. There shall be a competitive examination of the applicants;
5. The Captain of Police examination process shall consist of a written examination and oral examination. [Amended May 4, 2022].

e. Minimum Requirements for Chief of Police

The following shall be the minimum requirements for certification of the candidate nominated by the Board of Commissioners to the Civil Service Commission for the position of Chief of Police:

1. Have at least ten (10) years of law enforcement experience;
2. Hold a promotional rank at the time of application;
3. Have a comprehensive background in the whole criminal justice system;
4. There shall be a non-competitive examination of the nominee. If the Commission determines the nominee is qualified, it shall certify same to the Board; and

5. That the police chief examination process consist of either a written examination or oral examination or both. [Amended February 8, 2000].

§ 3.7 Rejection of Applicant.

The Commission may refuse to examine, or, if examined, may refuse to certify after examination as eligible, any applicant whose official application shall contain any falsification, omission or concealment of material fact or 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.

Should investigation disclose any willful misstatement, falsification or concealment with respect to an application:

1. The application shall be invalidated and the applicant disqualified from examination, or
2. If the applicant shall have been examined, the name of such applicant shall be removed from the eligible list, or
3. If the applicant shall have been appointed, such willful misstatement, falsification or concealment shall constitute grounds for dismissal from the Police Department.

No person who shall make any willful false application shall be permitted to make any future application for any position in the Police Department of the Township.

In addition, the Commission may refuse to examine, or, if examined, may refuse to certify after examination as eligible, any applicant who is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which the applicant has applied. In addition, the Commission may refuse to examine, or, if examined, may refuse to certify any applicant who demonstrates an inability to adhere to the policies and rules set forth by Shaler Township and Shaler Township Police Department, which policies and rules are incorporated herein, or who is physically or mentally unfit for the performance of the duties of the position to which he seeks employment, 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 has been 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 form of government set forth in the constitutions and law of the United States and the Commonwealth of Pennsylvania. [Amended February 8, 2011].

§ 3.8 Recording and Filing Applications.

Applications for positions in the Police Department shall be received at the Office of the Township Manager and by such other offices as the Commission may designate 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 and reviewed by the Township

Manager or representative designated in the public advertisement or his designee upon receipt for errors and omissions. That person shall record the receipt of all applications which are free of errors and omissions and provide each applicant with notice of the time and place for the first portion of the testing procedure, the written examination. A copy of the form for that notice is attached as Appendix A-2 and incorporated into these Rules and Regulations. An application, once recorded, shall be a Commission record and shall not be returned to the applicant. Any application containing material errors or omissions shall not be accepted and shall 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.

§ 3.9 Hearing for Disqualified Applicants.

If any applicant or other person is aggrieved by the refusal of the Commission to examine or certify the applicant as eligible after examination, the Commission shall, at the request of the applicant, within ten (10) days appoint a time and place for a public hearing, with or without counsel, at which time the Commission shall take testimony and review its refusal to provide examination or certification. The deliberations of the Commission regarding the matter, including interim rulings or evidentiary or procedural issues, may be held in the nature of a closed executive session. The Commission's disposition of the matter shall constitute official action which shall occur at a public meeting and the decision of the Commission shall be final. [Amended February 8, 2011].

§ 3.10 Public Notice.

Public notice of the time and place of every examination, together with the information as to the type of position or place to be filled, shall be given by publication once in a newspaper of general circulation in the Township or in a newspaper circulating generally in the Township at least two weeks prior to each examination, and a copy of the notice shall be prominently posted in the office of the Commission or other public place. A model notice for hearing and publication is attached as Appendix A-3 and is incorporated into these Rules and Regulations. [Amended February 8, 2011].

In the case of promotional examinations, it is not necessary to provide notice by publication in a newspaper of general circulation. Posting within the police department and the Township Municipal Building shall satisfy this obligation. [Added February 18, 2014]

SECTION 4 EXAMINATION AND GRADING PROCEDURE

**§ 4.1 General Examination Requirements
for the Position of Police Officer**

**§ 4.2 General Examination for the Position of
Detective, Sergeant, Lieutenant
and Captain**

§ 4.3 Notice of Examination

§ 4.4 Written Examinations

§ 4.5 Physical Agility Testing

§ 4.6 Oral Examination

§ 4.7 Veterans' Preference Points

§ 4.8 Background Investigation

**§ 4.9 Polygraph Examination (Position of Police
Officer)**

SECTION 4 - EXAMINATION AND GRADING PROCEDURE

§ 4.1 General Examination Requirements for the Position of Police Officer.

The examination for police officer will consist of a written and oral examination which will be graded on a one hundred (100) point scale with the written examination representing fifty (50%) percent of the final score and the oral examination representing fifty (50%) percent of the final score. In addition, each applicant will undergo a physical fitness test, a polygraph examination and a background investigation as set forth in these Rules. The physical fitness test, polygraph examination 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. [Amended February 14, 2012; January 8, 2013; February 18, 2014].

§ 4.2 General Examination Requirements for the Positions of Detective, Sergeant, Lieutenant and Captain.

The examination for the positions of Sergeant, Lieutenant and Captain and civil service position of Detective shall include a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing fifty (50%) percent of the final score and the oral examination representing fifty (50%) percent of the final score. [Amended February 8, 2011; May 4, 2022].

§ 4.3 Notice of Examination.

The Commission shall appoint a written examination administrator, an oral examination administrator, a physical fitness examiner, a polygraph examiner, a medical examiner and a psychological examiner to conduct the appropriate examination required by these Rules and Regulations.

Model Resolutions of appointment 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, respectively, and all are incorporated into these Rules and Regulations. [Amended January 8, 2013].

§ 4.4 Written Examinations.

The written examination shall be graded on a one hundred (100) point scale, and an applicant must score seventy (70%) percent or higher and be one of the top twenty-five scores including ties on the written examination in order to continue in the application process. Applicants scoring less than seventy (70%) percent on the written examination and those applicants not having one of the top twenty-five scores on the written examination shall be rejected. Thus, even applicants having a passing grade on the written examination may not continue in the application process unless the applicant has one of the top twenty-five (25) scores including ties on the written examination. The applicant will be given a number by the Commission at the time of testing. This number will be placed on the test by the applicant. The applicant's name is not to be placed on the test. The names

and matching numbers will be placed in a sealed envelope and retained by the Commission. The test scores will be delivered in a sealed envelope to the Township Manager to be opened at a meeting of the Civil Service Commission with the Township Manager in attendance at which time the test scores will be matched to the applicants' names. [Amended February 8, 2000; May 10, 2005; February 8, 2011; February 18, 2014]

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 for the position of police officer shall be scheduled for physical fitness testing. A model letter informing a passing applicant of his written score and date for physical fitness testing is attached as Appendix A-4, and a model letter for a failing applicant is attached as Appendix A-5 and both are incorporated into these Rules and Regulations.

§ 4.5 Physical Agility Testing.

In an effort to impose an equal burden of compliance on both male and female applicants, requiring the same level of physical fitness for each, an applicant for the position of Police Officer shall be evaluated to determine physical fitness using the standards developed by the Cooper Institute for Aerobics Research. Each applicant shall score no lower than the 30th percentile of the Cooper standards for the person's age and gender, which coincides with the 30th percentile of the general population, in each of the required evaluations to be eligible for employment. The required evaluations shall be consistent with what is required for entrance to a Certified Municipal Police Academy by the MPOETC. [Amended January 19, 2022; May 4, 2022].

§ 4.6 Oral Examination.

Every applicant for the position of police officer who scored seventy (70%) percent or higher in the written examination and receives one of the top twenty-five scores and who shall have passed the physical fitness testing shall be given an oral examination which will be graded on a one hundred (100) point scale with a score of seventy (70%) percent or higher necessary for passing. The oral examination shall be conducted by an Oral Examination Administrator appointed by the Commission. The Township Chief of Police may attend but not participate in the oral examinations. The oral examination shall involve questioning the applicant on how he would handle situations relevant to police work. Within thirty (30) days after the applicant's oral examination, he shall be informed of his score in his oral examination and total overall score. [Amended February 8, 2000; August 13, 2002; May 10, 2005; February 18, 2014]

A model letter informing a passing applicant of his oral score is attached as Appendix A-8 and a model letter for a failing applicant is attached as Appendix A-9, and both are incorporated into these Rules and Regulations.

§ 4.7 Veterans' Preference Points.

Pursuant to the Veterans' Preference Act, as amended, any applicant for the position of patrol officer who qualifies as a Veteran 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, 4.5 and 4.6. Any applicant claiming veterans' preference is responsible for providing any and all relevant

documents to the Commission. Under no circumstances shall Veterans' Preference Points be added to any test score prior to the calculation of the final total score of an applicant. [Amended February 8, 2011; May 4, 2022]

§ 4.8 Background Investigation.

A. The Commission shall request the Chief of Police or his designee to conduct background investigations as set forth herein. Background investigations may be restricted to those candidates on an Eligibility List or those certified to the Township Commissioners for appointment in accordance with Section 638 of the First Class Township Civil Service Act. The background investigation must be consistent for each applicant and shall meet, at a minimum, all of the specific requirements of MPOETC and Act 57 of 2020, as required by law. The applicant shall be required to execute an authorization and release for the disclosure of employment information from the applicant's former employing law enforcement agencies, if any, in the Commonwealth, on a standard form promulgated by MPOETC, which shall be signed by the Township's Chief of Police. The "Authority to Release" portion of the form must be completed by the applicant. The background investigation must include, at a minimum, the following:

- i. A criminal history check, including the submission of fingerprints to the State Police Central Repository and the Federal Bureau of Investigation.
- ii. A check of the applicant's credit history.
- iii. Personal interviews with at least three people who have personal knowledge of the applicant but are not related to the applicant, nor are a member of the applicant's household.
- iv. Interviews of the applicant's employers, if any, for the past five (5) years to determine the applicant's work history.
- v. A review of the applicant's employment information from each previous law enforcement employer to determine the applicant's law enforcement work history. The Commission is authorized under Act 57 of 2020 to request personnel records maintained by any other police department(s) by which the applicant was previously employed.
- vi. A check of the applicant's driving history that includes a review of all traffic violations and verifications that the applicant has a valid driver's license.
- vii. A verification of the applicant's eligibility to lawfully possess a firearm.

An applicant may be interviewed directly when the information collected requires clarification or further explanation.

B. After the background investigation is completed, the Chief, or his designee, shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment as a police officer. 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 disqualification 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 his designee, the applicant will be informed of whether he has passed the background investigation. A model letter informing an applicant that a background investigation has been successfully completed is attached as Appendix A-11 and a model letter informing an applicant that he has failed the background investigation is attached as Exhibit A-12, and both are incorporated into these Rules and Regulations.

§ 4.9 Polygraph Examination – Position of Police Officer

Every applicant for the position of police officer, who shall undergo a background investigation, shall also 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 responses to questions from 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.

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.

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 immediately take a specific issue examination to address the area(s) in which deception was indicated. If this examination also finds the applicant deceptive, the applicant will be considered as having failed the examination.

A failure shall be defined as:

- 1) Any deception indicated on any or all portions of the polygraph examination.
- 2) Falsification or deception of any portion or questions on the Personal Data Questionnaire.
- 3) Based upon any information or admissions that arise during, or as a result of, the polygraph examination.

An applicant who has failed the polygraph examination may appeal to the Civil Service Commission within ten (10) days of notice of failure. If the Civil Service Commission authorizes a second polygraph, the second polygraph examination shall be administered by a polygraph examiner of the Commission's choice. If the second examiner finds no deception, the applicant

will be considered as having passed the polygraph. If this examiner also finds the applicant deceptive, the applicant will be considered as having failed the polygraph examination and no further appeal shall be allowed. The second polygraph shall be at the applicant's expense. [Added January 8, 2013].

SECTION 5 CERTIFICATION OF THE LIST OF ELIGIBLES AND APPOINTMENT

§ 5.1	Creation of Eligibility List	§ 5.4	Physical and Psychological Medical Examinations
§ 5.2	Appointment	§ 5.5	Probationary Period
§ 5.3	Appointment of Chief of Police	§ 5.6	Provisional Appointments

SECTION 5 - CERTIFICATION OF THE LIST OF ELIGIBLES AND APPOINTMENT

§ 5.1 Creation of Eligibility List.

At the completion of the testing process set forth in Section 4, including any written examination, physical agility test and oral examination, but with the exception of physical and psychological medical examinations, polygraph and background investigations which are to be conducted after the establishment of an Eligibility List, the Commission shall rank the candidates who have satisfied the minimum requirements for appointment on an Eligibility List. The Eligibility List shall contain the names of individuals eligible for appointment listed from the highest to lowest based on their scores on the examinations administered by the Commission and any points for which the applicant was entitled by virtue of 51 Pa.C.S. Ch. 71 (relating to veterans' preference) and the Commission shall post in its office the Eligibility List containing the names and grades of those who have passed the examination. [Amended February 8, 2011; February 14, 2012; February 18, 2014]

The Eligibility List will be valid for one year from the date the Commission formally adopts the Eligibility List. Prior to the expiration of the one-year period, the Commission may extend the validity of the Eligibility List for up to an additional twelve months by a majority vote of the Commission at a duly authorized Commission meeting. In the absence of a lawful extension by the commission, the list shall expire. [Added February 8, 2011].

For promotional positions, fulfilling the requirements as set forth in Section 4.5, 4.7, 4.8 and 4.9 are not required. [Amended February 18, 2014]

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 Commission may, at its sole discretion, void an eligibility list at any time for any reason, but in no case shall any eligibility list remain in effect for a period of time of more than two (2) years from the date of its preparation.

§ 5.2 Appointment.

a. Vacancy in an Existing Position.

The Board of Commissioners of the Township 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 previously complied with the provisions of this section. Except for physical and psychological examinations, no other testing shall be required in a case of reappointment or reinstatement to the force or department with which the employee previously served except at the discretion of the Township Commissioners or otherwise required by law and subject to any certification requirements prescribed by the Municipal Police Officers' Education and Training Commission. [Amended April 23, 2007; February 8, 2011].

In addition to the other reasons stated as grounds for removal in these rules, the name of any person appearing on a furlough list or an Eligibility List shall be removed by the Commission if such person:

1. Indicates his unavailability for immediate appointment if contacted by the Chief of Police or his designee when the Board of Commissioners requests the Commission to present to the Board the top candidates on the Eligibility List for possible permanent appointment. [Added January 8, 2013].
2. Is appointed to a position in the Police Department of the Township, or
3. Declines an appointment to a permanent position in the Police Department of the Township, or
4. Fails to make written reply to the Commission within seven (7) calendar days from the date of mailing of a notice of certification, or
5. Indicates availability for appointment and is appointed to fill a vacancy, but fails to report for duty at the time prescribed by the Board of Township Commissioners, unless, in the opinion of the Board, such person can show good and sufficient reasons for failing to report.

Nothing in this Section, however, shall be construed as authorizing the removal of the name of any person on any furlough list or eligible list who refuses or accepts a position of a lower rank than that for which he/she has qualified.

b. Manner of Filling Positions.

If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered re-employment, every position or employment, except that of Chief of Police, shall be filled only in the following manner:

1. The Board of Commissioners of the Township shall notify the Commission of any vacancy which is to be filled and shall request the certification of an Eligibility List. The Commission shall certify for each existing vacancy from the Eligibility List the names of

- the three (3) names who have received the highest average. In making this request the Board shall state the title of the position to be filled and the compensation to be paid;
2. If three (3) names are not available, then the Commission shall certify the name(s) remaining on the list;
 3. The Board of Commissioners shall make a conditional appointment from the three names certified based solely on the merits and fitness of the candidates, unless the Township Commissioners make objections to the Commission regarding one or more of the certified persons for any of the reasons stated in Section 3.7 of the Rules. 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.

c. Objections by Board of Commissioners.

The Board of Commissioners may object to one or more of the persons certified for the reasons set forth in Section 3.7 of these Rules and Regulations. Should such objections be sustained by the Commission, as provided in Section 3.7, or if the conditional appointee is determined to be unqualified in accordance with the procedures set forth in Section 3.7 of the Rules, the Commission shall strike the name of the person from the Eligibility List and certify the next highest name for each name stricken from the Eligibility List. As each subsequent vacancy occurs in the same or another position, precisely the same procedures shall be followed. If the candidate to whom the Board of Commissioners objects fails to timely exercise his rights of appeal under Section 3.9 or if the Commission declines to uphold his 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. [Amended February 8, 2011].

§ 5.3 Appointment of Chief of Police.

In the case of a vacancy in the Office of Chief of Police, the Board of Commissioners has full discretion in selecting the individual to fill the position of Chief of Police. When the Board of Commissioners request the Commission to subject that person to a noncompetitive examination, as required by Section 3.6, and if that person successfully passes the noncompetitive examination, then the Commission shall notify the Board of Commissioners of the results of the examination and that person may only be removed from the position of Chief of Police for the reasons set forth in Section 6.1.

§ 5.4 Conditional Offer of Employment

An applicant selected from the Eligibility List shall receive a conditional offer of employment. The offer of employment shall be conditioned upon: (1) Completion of a MPOETC Separation Records Request pursuant to Act 57 of 2020; and (2) the conditional employee undergoing a physical and psychological medical examination and a determination that the conditional employee is capable of performing all of the essential functions of the position. Physical medical examinations shall be under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be under the direction of a psychiatrist or psychologist. [Added February 8, 2011].

A. Act 57 of 2020-MPOETC Separation Records Request

1. After the Township selects a candidate from the certified eligibility list for conditional appointment to the vacant position, the candidate will be notified of a conditional offer of employment, and shall be required to provide a signed and notarized authorization for the release of separation records on a standard form promulgated by MPOETC. The Chief of Police, or a representative(s) from a bona fide background investigation agency, shall request separation records through the MPOETC Training and Certification System (“MPOETC TACS”) database, pursuant to Act 57 of 2020. The candidate may not proceed further in the application process until the separation record is obtained or a certification that no separation record exists is received from MPOETC.
2. If separation record(s) sent from the MPOETC TACS database indicate that the conditional appointee has a history of either final and binding disciplinary action or a criminal conviction, or both, for any of the offenses enumerated below, and the Township chooses not to disqualify the conditional appointee, the Township must electronically submit a Hiring Report Form to MPOETC, on a standard form promulgated by MPOETC, within seven (7) days of the final hiring decision. The Hiring Report Form must include a notarized statement, signed by the Chief of Police or the Chief’s designee, explaining the reasoning and rationale for hiring the conditional appointee.
 1. Excessive Force
 2. Harassment
 3. Theft
 4. Discrimination
 5. Sexual abuse
 6. Sexual misconduct
 7. Domestic violence
 8. Coercion of a false confession
 9. Filing a false report
 10. Judicial finding of dishonesty
3. The Hiring Report Form need not be submitted to MPOETC if no above-described separation history exists, or if the Township decides to disqualify the conditional appointee due to the conditional appointee’s separation history. However, the Township must notify MPOETC, in all instances, of the conditional appointee’s final employment status within seven (7) days of the final hiring decision.
4. If a conditional appointee is disqualified based upon above-described separation history, the conditional appointee will be so notified, and may appeal this decision under Section 3.9 of these rules and regulations. If the candidate fails to timely exercise the rights of appeal, or if the Commission declines to uphold the appeal, the Commission shall strike the name from the eligibility list and certify the next highest name for inclusion on the “certified list of three.”

5. If a conditional appointee is not disqualified at this stage, the conditional appointee shall be scheduled for the physical and psychological medical examination as set forth below.

B. Physical and Psychological Exams

1. The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by the Township Commissioners 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 of the essential functions of the position for which the person was conditionally appointed. [Added February 8, 2011].
2. 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 designated by the Township Commissioners shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position. [Added February 8, 2011].
3. If, at the conclusion of the interactive discussion under subsection 1 the Township Commissioners determine that the conditional appointee is not qualified, the Township Commissioners shall give written notice to the conditional appointee and the Civil Service Commission. The rejected candidate may appeal this decision under Section 3.9. [Added February 8, 2011].
4. A model letter of notice of medical examination is attached as Appendix A-13. If the candidate successfully passes the physical and psychological medical examinations, then that employee shall be appointed to the vacant position in the police department for which he had applied. [Amended February 8, 2011].
5. Model letters informing a candidate of passing the physical examination, failing the physical examination, passing the psychological medical examination and failing the psychological medical examination, respectfully, are attached hereto as Appendix A-14 to A-17 and are incorporated into these Rules and Regulations. 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. [Amended February 8, 2011].

§ 5.5 Probationary Period.

Every successful applicant to the position of patrol officer with the Police Department shall serve a twelve (12) month probationary period and shall successfully complete police training at a certified Police Academy in Pennsylvania approved by the Municipal Police Officers' Education and Training Commission under Act 120.

During the probationary period, a newly hired officer may only be dismissed for cause for the reasons set forth in Section 3.7 or because of incapacity for duty due to the use of alcohol or drugs.

The Chief of Police shall make a report on the performance and conduct of each probationer not less than ten (10) calendar days before the regular meeting of the Board of Commissioners immediately before the end of the probationary period. Each final probationary report shall include the recommendation of the Chief of Police either to retain or to reject the probationer. Each report shall be submitted, in writing, to the Board of Commissioners. [Amended February 8, 2011].

At the end of the twelve (12) month probationary period, if the conduct of the probationer has not been satisfactory to the Board of Commissioners, the probationer shall be notified in writing that he will not receive a permanent appointment. At that time, a newly hired officer's employment shall end. If the probationer is not informed in writing that his performance has been unsatisfactory or who was not dismissed in accordance with Section 640 of the First Class Civil Service Code, his retention shall be equivalent to a permanent appointment. Any probationer who is notified in writing that he will not receive a permanent appointment has no rights of appeal under these Rules and Regulations because a probationary officer has no expectation of continued employment until he or she successfully completes the work test period. [Amended April 23, 2007].

§ 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 Township Board of Commissioners may nominate a person to the Commission for noncompetitive examination. Such nominee may be certified by the Commission as qualified after such noncompetitive examination and he may be appointed provisionally to fill such vacancy.

It shall thereupon become the duty of the Commission within ninety (90) days 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.

SECTION 6 SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK

- § 6.1 Grounds for Disciplinary Action**
- § 6.2 Furloughs**
- § 6.3 Notice of Suspensions, Removal, or Reduction in Rank**
- § 6.4 Hearings on Suspensions, Removal, and Reduction in Rank**
- § 6.5 Hearing Procedure**

SECTION 6 - SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK

§ 6.1 Grounds for Disciplinary Action.

a. Grounds.

No person appointed to a position in the Police Department pursuant to these Rules and Regulations may be suspended, removed and/or 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;
6. Engaging or participating in conducting of any political or election campaign other than the officer's exercise of his own right of suffrage; or

Any person hired as a municipal police officer shall be ineligible to receive any salary, compensation or other consideration or thing of value for the performance of his duties as a police officer unless he has met all of the requirements as established by the Municipal Police Officers' Education and Training Commission and has been duly certified as having met those requirements by the Commission under 53 Pa.C.S. § 2161 *et seq.* and regulations promulgated thereunder.

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 Township Board of Commissioners (the Governing Body) and are filed with the Township Civil Service Commission. Service of the Statement of Charges to the officer shall be delivered either by personal service or by certified mail.

§ 6.2 Furloughs.

If for reasons of economy or other reasons, it shall be deemed necessary by the Township to reduce the number of full-time police officers in the department, the reductions shall be effected by furloughing the person or persons including probationers, last appointed to the respective force.

Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction has been accomplished. 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 if the furloughed officer accepts reinstatement in writing

within thirty (30) days of receiving notice of the opening. These reductions in force provisions are not applicable to the Chief of Police. [Amended February 10, 2009].

§ 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 Township Board of Commissioners (the Governing Body). The charges shall be stated clearly and in sufficient detail to enable the officer to understand the charges against him and to allow the officer an opportunity to respond to those charges. The charges shall specify the subsection 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 (5) days after the Board of Commissioners (the Governing Body) 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 mail. In addition, the charges shall notify the officer of his appeal rights 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.

§ 6.4 Hearings on Suspension, Removals and Reductions in Rank.

a. Right to Appeal.

The officer who has been suspended, removed or reduced in rank may appeal the decision of the Board of Commissioners (the Governing Body) by written notice to the Secretary of the Civil Service Commission at 300 Wetzel Road, Glenshaw, PA 15116 requesting a hearing. This request shall be received by the Civil Service Commission within ten (10) days after the officer received notice of the discipline. The officer may make written answers to any charges filed against him 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. Hearing on Appeal.

The Civil Service 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 Board of Commissioners 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 on his behalf. The Township may also be represented by counsel, call witnesses and present evidence as is necessary to support the charges. The 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. Commission's Standard of Review; Briefs; Written Decision.

In conducting the hearing, the Civil Service 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 Civil Service Commission finds that sufficient evidence has been introduced to support the charge, the Commission shall not modify the penalty imposed by the Board of Commissioners (the Governing Body) unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Board of Commissioner's discretion. In considering the appropriateness of the discipline, the Commission shall not substitute its judgment for that of the Board of Commissioners.

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.

§ 6.5 Hearing Procedure.

a. Oath; Conduct of Hearing; Sequence.

All testimony shall be given under oath administered by the Chairperson, or in the Chairperson's absence, 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 or the Township.

Each hearing shall be conducted in the following manner:

1. The Chairperson shall state the general purpose of the hearing.
2. The Secretary, upon direction of the Chairperson, shall read the written charges against the person accused together with the record of action taken against such officer.
3. The Secretary shall read any written reply of the person accused.
4. The Chairperson shall afford each person making charges, or his/her counsel an opportunity to make any further statements in support of the charges and to produce any witness.
5. The Chairperson shall afford the person accused, or his/her counsel, an opportunity to question or cross-examine any person making charges, and to question or cross-examine any witness produced by such person.
6. The Chairperson shall afford each person making charges an opportunity to examine the person accused.

7. The Chairperson shall permit each person making charges, or his/her counsel, to make a summation.
8. The Chairperson shall afford the person accused, or his/her counsel, an opportunity to produce any witness and to sum up the defense.
9. A stenographic record of all testimony taken shall be filed with and preserved by the Commission, which record shall be sealed and not available for public inspection in the event the charges are dismissed.

The Commission, at any time during the course of the hearing, may question or cross-examine any person making charges, the person accused, and any witness.

Within thirty (30) calendar days after the hearing, the Commission shall issue its decision in the form of a written order approved by at least two (2) members of the Commission. The written order shall include all findings of fact. If during the public hearing, opposing facts are presented, the Commission shall include in its written order its decision as to the correct facts. The findings and decision of the Commission shall be certified to any person making charges, to the accused officer, and to the Board of Commissioners.

b. Appeal to the Court of Common Pleas.

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 (1) 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 against his record.

SECTION 7
RESOLUTIONS FOR ADOPTION OF RULES
SECTION 7 - RESOLUTIONS FOR ADOPTION OF RULES

The foregoing Rules and Regulations, which are in accordance with powers granted by the Civil Service section of the First Class Township Code, Sections 625-650, enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the governing municipal body of Shaler Township, Pennsylvania, are hereby approved by the Civil Service Commission of Shaler Township, Pennsylvania on the _____ day of _____, _____.

Chairperson

Vice-Chairperson

Secretary

Approved by the Township Board of Commissioners of Shaler Township, Allegheny County, Pennsylvania on the ___ day of _____, _____

ATTEST:

TOWNSHIP OF SHALER

Christopher Lovato
Township Manger
Secretary

David W. Shutter
President
Board of Commissioners

SEAL