



## BOROUGH OF TARENTUM CIVIL SERVICE COMMITTEE



### CSC Rules Changes

Change section 3.4 to within 20 airmiles to match the Collective Bargaining Agreement.

Change section 4.2 that a physical fitness test will be at the discretion of the Chief of Police

## **Appendix A.**

### **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 Section 4 of these Rules and Regulations, written examination, physical fitness test, oral examination, and background investigation, 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. Entry level (Police Officer) 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 requirement set forth in Section 3.6 is also required. There shall be no minimum passing score on promotion tests with all applicants listed according to their scores with the highest score at the top and the lowest at the bottom of the list.

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

The eligibility list shall be valid for one (1) year from the date the Commission ranks all passing applicants, assigns Veterans' Preference Points, and formally adopts the eligibility list. The commission may, at its sole discretion, before the original expiration date, by a vote of the majority of the Commission at a duly authorized Commission Meeting extend the list for up to an additional twelve (12) months. The Commission may, at its sole discretion, void an eligibility list at any time for any reason.

#### **Section 5.2 Appointment**

1. The appointing authority of the Borough of Tarentum 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 or a former employee the police department who had been furloughed. Except for satisfactory completion of medical and psychological examinations, no other testing shall be required for a furloughed employee or a rehired or reappointed employee, subject to any re-certification requirements prescribed by the Municipal Police Officers' Education and Training Commission.
2. If no furlough list exists or if the positions remain to be filled after all of the

officers on the furlough list are offered re-employment, every position, except that of Chief of Police, shall be filled in only the following manner:

- A. The appointing authority of the Borough of Tarentum 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 eligible candidates;
  - B. if three (3) names are not available, then the Commission shall certify the name(s) remaining on the list;
  - C. the Borough Council shall make an appointment from one of the three (3) 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 (3) applicants on the certified list is a veteran, that applicant shall be selected.
3. The Borough Council 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 Borough Council objects fails to timely exercise the rights of appeal under Section 3.9 of these Rules and Regulations or if the Commission declines to uphold the appeal, the Commission shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three (3) candidates for each name stricken off.

### **Section 5.3 Appointment of the 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 notwithstanding the laws of the Commonwealth of Pennsylvania regarding police certification under the Municipal Police Education and Training Act. 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 of Police for the reasons set forth in Section 6.1 of these Rules and Regulations.

### **Section 5.4 Physical and Psychological Examinations**

After the appointing authority selects a candidate from the certified list of three (3) for appointment to the vacant entry-level 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 applicant 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 of 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 of these Rules and Regulations.

### **Section 5.5 Probationary Period**

Every successful applicant to the position of police officer and promotional positions within the police department shall serve a six (6) month probationary period. For newly hired police officers, the six (6) month probationary period shall not commence until the officer has completed training under Act 120 and receives a certification number. Newly hired police officers that do not satisfactorily complete training under Act 120 shall be dismissed with no probationary period and, with the exception of salary, shall reimburse the Borough of Tarentum for expenses (tuition, mileage, uniforms, etc.). During the probationary period, a newly hired officer may only be dismissed for cause for the reasons set forth in Sections 3.7 or 6.1 of these Rules and Regulations. A promoted officer, during probation, may be returned to a prior rank only for cause for the reasons set forth in Section 6.1 of these Rules and Regulations. However, at the end of the six (6) months 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 permanent appointment to the new position. Any entry-level probationer who is notified in writing that their 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 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, subject to the police training requirements of the Commonwealth of Pennsylvania, provisionally to fill such vacancy. It shall thereupon become the Duty of the Commission within three (3) 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 for the purpose of filling the position originally filled by provisional appointment: 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





## **Appendix B.**

### **CHAPTER 6. SUSPENSIONS, REMOVALS, AND REDUCTIONS IN RANK**

#### **Section 6.1 Grounds for Disciplinary Action**

1. 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:
  - A. Physical or mental disability affecting the officer's ability to continue in service, in which the officer shall receive an honorable discharge from service;
  - B. neglect or violation of any official duty;
  - C. violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony;
  - D. inefficiency, neglect, intemperance; disobedience of orders or conduct unbecoming and officer;
  - E. intoxication while on duty; or
  - F. engaging or participating in or conducting of any political or election campaign other than the officer's exercise of the right of suffrage.
2. No officer shall be removed for religious, racial or political reasons.
3. A statement of any charges made against any officer so employed shall be furnished to the officer within five (5) days after the Borough Council has adopted those charges.
4. The Borough may place any officer on Administrative Leave with pay pending further official action.

#### **Section 6.2 Furloughs**

1. If for any reasons of economy or other reasons, it shall be deemed necessary by the Borough to reduce the number of full-time police officers in the department, the Borough shall apply the following procedure:
2. Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have 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 reduction 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 subsection of Section 6.1, of these Rules and Regulations, 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 1.1 of these Rules and Regulations.

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

### **Section 6.4 Hearings on Suspension, Removals and Reductions in Rank**

1. 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 "Secretary, Tarentum Civil Service Commission," requesting a hearing. This request shall be received by the Commission within ten (10) 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.
2. The Commission shall schedule a hearing within ten (10) days from the officer's written request for a hearing unless continued by the Commission for cause at the request of the Commission, 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 necessary in support of the charges. A stenographic record of testimony shall be taken at every hearing and preserved by the Commission. In the event that the

charges are dismissed, the record shall be sealed and not available for public inspection.

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

### **Section 6.5 Hearing Procedure**

1. All testimony shall be given under oath administered by the Chairperson, or in absence of the Chair, the Vice-Chairperson. The Commission shall have the power to issue subpoenas as set forth in Section 2.11 of these Rules and Regulations. 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 Borough. All written requests to close the hearing, made at least five (5) days prior to the hearing, shall be granted. Any requests to close the hearing made less than five (5) days prior to the hearing will be granted only at the discretion of the Civil Service Commission.
2. 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 of Allegheny County, Pennsylvania 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 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 recorded in the officer's record.