



BOROUGH OF BRENTWOOD

RESOLUTION NO. 2012-30

"CIVIL SERVICE COMMISSION RULES AND REGULATIONS"

A RESOLUTION OF THE BOROUGH OF BRENTWOOD, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, ACCEPTING AND APPROVING THE CIVIL SERVICE COMMISSION RULES AND REGULATIONS AND AUTHORIZING EXECUTION OF SAID RULES AND REGULATIONS BY THE APPROPRIATE OFFICERS OF THE BOROUGH OF BRENTWOOD.

WHEREAS, the Brentwood Borough Civil Service Commission have heretofore amended the Brentwood Borough Civil Service Commission Rules and Regulations, and with an exact copy of said Rules and Regulations being attached hereto as Exhibit 1; and

WHEREAS, the Brentwood Borough Civil Service Commission has adopted said Rules and Regulations during their meeting conducted on May 9, 2012, and

WHEREAS, it is the desire of the Council of the Borough of Brentwood to accept and approve said Brentwood Borough Civil Service Commission Rules and Regulations and authorize execution of said Rules and Regulations by the appropriate officers of the Borough of Brentwood.

NOW, THEREFORE, BE IT RESOLVED AND ADOPTED By the Council of the Borough of Brentwood, County of Allegheny, Commonwealth of Pennsylvania, and it is hereby **RESOLVED** and **ADOPTED** by authority of the same, that:

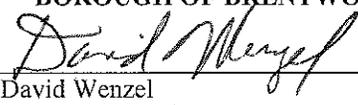
1. The Borough of Brentwood hereby accepts and approves the Brentwood Borough Civil Service Commission Rules and Regulations, and with an exact copy of said Articles of Agreement being attached hereto as Exhibit "1."
2. The appropriate officials of the Borough of Brentwood are hereby authorized and directed to execute said Rules and Regulations on behalf of the Borough of Brentwood, and which Rules and Regulations shall be identical in form and content to attached Exhibit "1" hereto.

RESOLVED AND ADOPTED by the Council of the Borough of Brentwood, County of Allegheny and Commonwealth of Pennsylvania, meeting in regular and public session, this 22nd day of May, 2012.

ATTEST:


George Zboyovsky, PE
Borough Manager

BOROUGH OF BRENTWOOD


David Wenzel
President of Council



BOROUGH OF BRENTWOOD

ALLEGHENY COUNTY PENNSYLVANIA

CIVIL SERVICE COMMISSION RULES AND REGULATIONS

ADOPTED BY:
THE CIVIL SERVICE COMMISSION
[DATE]
AND
THE BOROUGH OF BRENTWOOD COUNCIL
[DATE]

TABLE OF CONTENTS.

<u>Chapter/Section</u>	<u>PAGE</u>
INDEX	02
1 DEFINITION OF TERMS	
1.1 Definitions	04
2 THE COMMISSION	
2.1 Civil Service Commission	06
2.2 Office Incompatible with Position of Commissioner	06
2.3 Organization of Commission - Quorum	06
2.4 Duties of Chairperson	06
2.5 Duties of the Secretary	07
2.6 Meetings	07
2.7 Clerical Assistance & Supplies	07
2.8 Amendment of Rules & Regulations	07
2.9 Minutes and Records	08
2.10 Investigations	08
2.11 Subpoenas	08
2.12 Annual Report	09
3 APPLICATIONS & QUALIFICATIONS	
3.1 Eligibility for Examination	10
3.2 Discrimination	10
3.3 Availability	10
3.4 Age Requirements and Residency Requirements	10
3.5 General Qualifications -All Applicants	10
3.6 General Qualifications -Applicants for Promotion	11
3.7 Rejection of Applicant	11
3.8 Recording & Filing Application	12
3.9 Hearing for Disqualified Applicants	13
3.10 Public Notice- Notification	13

<u>Chapter/Section</u>	<u>PAGE</u>
4 EXAMINATION & GRADING PROCEDURE	
4.1 General Examination Requirements for Position of Police Officer	15
4.2 General Examination Requirements for Promotion	15
4.3 Appointment of Examiners	16
4.4 Written Examination (Police Officer)	16
4.5 Written Examinations (Promotions)	17
4.6 Oral Examination (Police Officer and Promotions)	17
4.7 Physical Agility Testing (Police Officer)	17
4.8 Veteran's Preference Points (Police Officer)	17
4.9 Background Investigation (Police Officer)	17
4.10 Polygraph Examination (Police Officers)	18
5 CERTIFICATION OF THE LIST OF ELIGIBLES & APPT	
5.1 Creation of Eligibility List (Police Officer)	20
5.2 Appointments (Police Officer)	20
5.3 Promotional Appointments	21
5.4 Appointment of Chief of Police	22
5.5 Physical & Psychological Examinations (Police Officer)	22
5.6 Probationary Period (Police Officer and Promotions)	23
5.7 Provisional Appointment	23
6 SUSPENSIONS, REMOVALS AND REDUCTION IN RANK	
6.1 Grounds for Disciplinary Action	25
6.2 Furloughs	25
6.3 Notice of Suspension, Removal or Reduction in Rank	26
6.4 Hearings on Suspension, Removal or Reduction in Rank	26
6.5 Hearing Procedure	27
7 RESOLUTION FOR ADOPTION	28

CHAPTER 1. DEFINITION OF TERMS.

1.1 Definitions.

Unless otherwise specifically stated, the following words and phrases, wherever used in these rules and regulations, shall be construed to have the meaning indicated herein:

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

Borough Council: – The Borough Council and Appointing Authority of Brentwood Borough, Allegheny County, Pennsylvania.

Borough Manager: – The Manager of the Borough of Brentwood, Allegheny County, Pennsylvania.

Certification: – The submission to the borough pursuant to their request of the top 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 Brentwood, Allegheny County, Pennsylvania.

Chief of Police: – A sworn police officer heading the police department who may be appointed with or without civil service status.

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

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

Eligible List: – The list of names of persons who have passed all tests and/or examinations, except for the physical and psychological tests and/or examinations, for a particular position in the Police Department, unless otherwise indicated.

Examination: – The series of tests and/or examinations 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.

Medical Examinations: – 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 accommodations, all of the essential functions of the position.

Officers: – For the purposes of these rules and regulations, any sworn police officer in the Brentwood Police Department.

Police Officer: – For purposes of these rules and regulations, an entry level, sworn, full-time position in the police department other than a promotional position as described herein.

Physician: - shall have the meaning given to it in 1 Pa.C.S. § 1991, that relates to definitions.

Promotion (Promotional Position): A sworn police officer in the police department appointed to the rank of sergeant or lieutenant under these civil service provisions, other than the Chief of Police.

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.

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: 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 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."

Reduction in Rank: – A change to a different position or rank where the officer 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 an officer from the police department.

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

Suspension: – The temporary separation of any sworn officer in the Brentwood Police Department, from his or her position for disciplinary reasons.

CHAPTER 2. THE COMMISSION.

2.1 Civil Service Commission.

The Commission shall consist of three commissioners who shall be qualified electors of the Borough of Brentwood, and shall be appointed by the borough council to serve for terms of six (6) years.

The term of not more than one (1) member shall expire every other year. Therefore, unless a vacancy occurs, borough council shall appoint one (1) member to the commission every two years. Commission members may be reappointed.

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 Civil Service 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. A Civil Service Commissioner for the Borough of Brentwood shall be reimbursed for travel expenses, and other commission related expenses, but shall receive no compensation for his or her service.

2.2 Office Incompatible with Position of 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 borough council. That same member, who is a member of the borough council, or another commissioner, but limited to not more than one, may be a member of the teaching profession.

2.3 Organization of Commission – Quorum.

The commission first appointed shall organize within ten (10) days of its appointment and shall elect one of its members as chairperson, one as vice chairperson and one as the Secretary. The commission shall thereafter meet and reorganize on the first Monday of February each even numbered year. Two members of the commission shall constitute a quorum. No action of the commission shall be valid unless it shall have the concurrence of at least two (2) members.

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 all duties required by law including these rules and regulations.

2.5 Duties of the Secretary.

The secretary, under the direction of the commission, shall handle all official correspondence of the commission, including the recording of votes cast by the commissioners, send out all notices required by law including these rules and regulations, keeping a record of each examination or other official action of the commission, and perform all other duties required by law including these rules and regulations. The Borough Manager shall be available to assist the secretary when reasonably requested by the commission.

2.6 Meetings.

Except for the annual 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 at least a twenty four (24) hour notice, in writing, of each and every meeting of the commission. In all cases regarding meetings, including scheduling, the commission shall follow the provisions provided for in the "Sunshine Law." The order of business for all meetings shall be as follows:

- (a) Roll Call
- (b) Public Comments (Agenda Items)
- (c) Approval of Previous Meeting's Minutes
- (d) Communications and Reports
- (e) Unfinished Business
- (f) Hearing of Cases
- (g) New Business
- (h) Public Comments (General)
- (i) Adjourn

2.7 Clerical Assistance, Legal Counsel & 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. The Civil Service Commission shall appoint legal counsel who shall be the attorney for the commission and shall advise the commission of all legal matters, including representation and advisement at all hearings on disciplinary proceedings. The Civil Service Commission may hire any other consultants or experts, as are necessary, in the performance of their duties, except as noted in these rules and regulations. The elected and appointed officials of the Borough of Brentwood shall assist the commission with all reasonable and appropriate efforts, including compensation for any counsel or experts retained by the commission and reasonable expenses incurred by the Commission in the course of their duties as stated in Section 2.1.

2.8 Amendment of Rules & Regulations.

The commission may amend, revise, void or replace these rules and regulations for any reason by action of a majority 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, once approved, by the borough council, shall be made available to the public for distribution or inspection, as amended.

2.9 Minutes and Records.

The commission shall keep minutes of its proceedings and records of examinations 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 of 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 regulations. The secretary shall keep minutes of the 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.

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.

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 Brentwood 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 (\$100.00), and 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 Allegheny County, Pennsylvania, for its subpoena, requiring the attendance of such persons before the commission or the court to testify and to produce any records and papers as necessary, and in default, shall be held in contempt of Court.

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 shall make a full accounting for any expenditure of public monies. The annual report shall be then available for public inspection.

Such report shall be provided to the borough council on or before the 31st day of January of each year. Such report shall further comply with Section 1191 of the borough code which provides that the report should not reference the record of any hearing on a dismissal or reduction where such charges have been dismissed as the borough code requires that such records shall be sealed.

CHAPTER 3. APPLICATIONS AND QUALIFICATIONS.

3.1 Eligibility for Examinations.

In order to be eligible for participation in any examination for any full-time position with the Brentwood Borough Police Department, every applicant must submit a completed application form to the commission or other offices or agencies designated by the commission, before the deadline stated for that specific examination. The applicant must make an oath or affirmation that the application has been completed truthfully, and that the applicant is subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

3.2 Discrimination.

The Borough of Brentwood is an equal opportunity employer. It is the borough council 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 non job related physical or mental handicap or disability. The borough council 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 borough manager and from other officers or agencies designated by the commission.

3.4 Age Requirements and Residency Requirement.

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

Upon successfully completion of the probationary period each newly appointed person has one calendar year to become a resident within eight (8) air miles of the borough line.

3.5 General Qualifications – All Applicants.

Every applicant for any position in the Brentwood Borough Police Department must possess the following qualifications:

- (a) A diploma from an accredited high school or a graduate equivalency diploma (GED).
- (b) At the time of application, applicants must be Act 120 certified or have successfully completed Act 120 training and testing requirements, as prescribed by the Police Officers' Education and Training Commission and other qualifications as provided for in the Borough's Civil Service Rules and Regulations.
- (c) Be a United States Citizen.

- (d) Be physically and mentally fit to perform the full duties of a police officer for the Brentwood Police Department as determined by the physical and psychological testing.
- (e) Be eligible to legally operate a motor vehicle in the Commonwealth of Pennsylvania.
- (f) Each applicant must have obtained a two (2) year associate degree or sixty (60) credits from an accredited college or have at least 4,160 hours of municipal policing experience.

3.6 General Qualifications -Applicants for Promotions.

The establishment of the position of Sergeant and Lieutenant shall be at the discretion of the borough council, as outlined in the collective bargaining agreement. If the positions of Sergeant and Lieutenant are established, by the borough council, those promotional positions shall only be filled in compliance with the collective bargaining agreement Article IV, Section A and Section B, and in the following manner and other sections of these civil service rules and regulations that address promotions.

(a) All applicants for a promotional position, except chief of police, shall not have received a formal written reprimand for one (1) year prior to the deadline for submitting applications and shall not have been suspended without pay for more than an aggregate of three (3) days over the most recent three (3) year period prior to the deadline for submitting an application for the promotional position. Any formal written reprimand or suspension to which the applicant has timely appealed pursuant to a grievance procedure of these rules and regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

(b) All applicants, except for chief of police, shall have had prior service as a full-time police officer with the Brentwood Borough Police Department as follows:

(1) An applicant for the position of sergeant shall have a minimum of five (5) years of police experience with the Borough of Brentwood Police Department.

(2) An applicant for the position of lieutenant shall have at least ten (10) years of police experience with the Borough of Brentwood Police Department.

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:

- (a) Found to lack any of the minimum qualifications for examination prescribed in the rules and regulations or have furnished incomplete, inaccurate, misleading or false information on the official application or in response to any portion of the hiring process,
- (b) Physically or mentally unfit to perform the full duties of the position of which the candidate seeks employment.
- (c) Illegally using a controlled substance, as defined in section 102 of the Controlled Substance Act (Public Law 91-513, 12 U.S.C. § 802),
- (d) 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 of office.
- (e) Affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitution and laws of the United States and the Commonwealth of Pennsylvania.

A candidate may be declared ineligible after the initial eligibility list is posted if he/she fails to qualify on the background investigation or polygraph examination as outlined in *Section 4.9 or 4.10* of these rules and regulations

3.8 Recording and Filing Application.

Applications for positions in the Brentwood Borough Police Department shall be received at the Borough Manager's Office, or other offices or agencies designated by the commission, only after a hiring or promotional test has been properly advertised and before the deadline for receiving the applications, which must be set forth in the public advertisement. That person(s) shall record the receipt of all applications, indicating the time and date received, and provide each applicant with notice of the time and place for the first portion of the testing process. 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.

No new applications or amended applications will be accepted after the advertised closing time and date.

Penalty for False Statement: The statements made by the applicant in the official application shall contain no falsification, omissions or concealment of material fact. Should any investigation disclose any material misstatement, falsification or concealment with respect to an application,

- (a) The application shall be invalid and the applicant shall be disqualified from examination, or
- (b) If the applicant shall have been examined, the name of such applicant shall be removed from the eligibility list, or

- (c) If the applicant shall have been appointed, such material misstatement, falsification or concealment shall constitute grounds for dismissal from the Brentwood Police Department.
- (d) No person who has made a material false application shall be permitted in the future to be an applicant for any position in the Brentwood Police Department.

3.9 Hearing for Disqualified Applicants.

Any applicant or person aggrieved by 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 days, appoint a time and place for a public hearing, which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. C.S. Section 101 et. seq., with or without counsel, at which time the commission shall take testimony and review its refusal to provide examination or certification. The decision of the commission shall be final.

3.10 Public Notice – Notification.

The commission shall conspicuously post in the Brentwood Borough Municipal Building, or other conspicuous locations, 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 for the examination, and the deadline for filing those applications. For the position of police officer, at least two (2) weeks prior to each examination, publication of the notice shall be placed in at least one newspaper of general circulation in the Borough of Brentwood.

For promotions, at least two weeks prior to the close of the application period, publication of a notice outlining the qualifications for the position, and requesting application forms, to apply for the position, shall be conspicuously posted in the police department and the borough office. At the discretion of the Civil Service Commission, the commission may receive documentation from the borough of those eligible for a promotional exam and may notify them, in writing, of the notice and the deadline for filing applications. It is important that all applicants that meet the qualifications for promotion be notified, by the Borough Manager or other individual designated by the commission.

The secretary, or other designated person, shall give, in writing, to each applicant qualified for the next step in the examination process, a notice which shall include the date, time and place the applicant shall report for the next examination in the process. In the case of physical and psychological examinations, the borough manager shall notify the police officer candidate who has been conditionally offered a position in the police department by a written notice of the date, time and place of the examination as well as the name of the physical and psychological examiners.

Every such notice shall be mailed or otherwise delivered at least seven (7) days prior to the date fixed for examination. Only applicants receiving notices to report for any examination shall be permitted to participate in such examination, and each applicant shall present his or her notice to the examiner before he or she shall be examined. Failure to report for an examination in accordance with the instructions contained in the written notice shall disqualify the applicant, except that in the

case of a physical or psychological examinations, the physician and psychologist designated in the notice may fix another date or time for such examination, provided, however, that any such date or time shall be written with the period of at least seven (7) days of the date and time established in the written notice.

CHAPTER 4. EXAMINATION AND GRADING PROCEDURE.

4.1 General Examination Requirements for the Position of Police Officer

The examination for police officer will consist of both a written examination and an oral examination, which will be graded on a one hundred (100) point scale. The written examination will represent sixty percent (60%) of the final score. The oral examination will represent forty percent (40%) of the final score. Each applicant will undergo a physical agility test. Prior to being placed on the list of certified candidates (top three), the applicant will undergo a complete background examination. These tests, examinations and investigations, with the exception of the written and oral exams, will be graded on a pass/fail basis. Although a requirement, only a sufficient number of top scoring candidates necessary for consideration, as determined by the civil service commission, will need to have a background check and polygraph exam performed. Thus, any individual appearing on the initial eligibility list is subject to background investigation and polygraph examination and no one will be certified as eligible on a list of three, until they have successfully completed a background investigation and polygraph examination and received a written recommendation that the applicant is appropriate for consideration in accordance with *Section 4.9 and 4.10* of the rules and regulations.

Thus, no one will be certified in accordance with *Section 5.2* of these rules and regulations until they are in compliance with all of the rules as outlined above.

4.2 General Examination Requirements for Promotion.

The examination for the positions of sergeant and lieutenant shall include a written examination and an oral examination, which will be graded on a one hundred (100) point scale with the written examination representing sixty percent (60%) of the final score, the oral examination representing thirty percent (30%). The final ten percent (10%) shall be graded as indicated below.

Every applicant for promotion, who has satisfied all of the written examination requirements, as stated above, shall be given an oral examination. An applicant must score at least seventy-five percent (75%) to qualify and continue in the application process. Any applicant who scores less than seventy-five percent (75%) will be disqualified. The oral examination shall involve questioning applicants on police oriented issues, including how they would handle situations relevant to police work. Within thirty (30) days after the administration of the oral examination, the applicant for promotion shall be given written notice of their examination results.

In addition, every applicant for promotion that passes the written and oral examination will be evaluated on objective performance evaluations/criteria, by the Police Chief. This objective criteria will be based on prior work history and provide five categories of two (2) points per category for a possible total of 10 points or ten (10%). This evaluation/criteria score will be added to the written score and the oral examination score to determine the final score of the applicant.

<u>Category</u>	<u>Points</u>
1) Bachelor's Degree	02
2) Seniority – this category allows for either 1 or 2 points. One point will be awarded to an officer who has worked for 10-15 years as a police officer in the Brentwood Police Department. Two points will be awarded to an officer who has worked for 16 or more years as a police officer in the Brentwood Police Department.	01 or 02
3) Commendations	02
4) No unsubstantiated tardiness/absenteeism (2 years)	02
5) No Substantiated Citizen Complaints (3 Years)	<u>02</u>
Total	10 Points or 10%

4.3 Appointment of Examiners

The commission shall appoint a written examination administrator, an oral examination administrator(s), and a physical agility examiner, to conduct the appropriate examinations required by these rules and regulations. All appointments shall be at the sole discretion of the commission.

The borough council shall appoint the physical examiner and the psychological examiner as outlined in *Section 5.5* of these rules and regulations.

Members of the Civil Service Commission of the Borough of Brentwood shall not participate, as observers or otherwise, in the oral examination procedures, nor will they conduct or participate in background investigations, either as examiners or observers. Members of the Civil Service Commission shall have the option to observe the written and physical agility examinations, but they shall not otherwise participate in these examinations. The Civil Service Commission shall coordinate all of the hiring processes to assure compliance with these Civil Service Rules and Regulations.

The commission shall prepare a statement of instructions and rules for the conduct of the written and oral examinations. The regularly appointed examiners shall carry on each such examination in accordance with the instructions of the commission and the commission will be responsible for enforcing the rules of conduct for written and oral examinations.

4.4 Written Examination. (Police Officer)

The written examination shall be graded on a one hundred (100) point scale. An applicant must score at least seventy-five percent (75%) and must be among the top twenty percent (20%) of all applicants taking the written examination, or among the top ten (10) scores of all applicants taking the examination, whichever results in the greater number of applicants being eligible for the oral exam, to continue in the initial hiring process. Applicants who score less than seventy-five percent (75%) shall be disqualified. Within thirty (30) days after the administration of the written

examination, all applicants shall be given written notice of their examination results. Written examinations for promotional positions are covered in *Section 4.2 and 4.5* of these rules and regulations.

4.5 Written Examination. (Promotions)

The written examination shall be graded on a one hundred (100) point scale. An applicant must score at least seventy-five percent (75%) to be eligible for the oral exam and continue in the promotional process. Applicants who score less than seventy-five percent (75%) shall be disqualified. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their examination results.

4.6 Oral Examination. (Police Officer and Promotions)

Every applicant who has satisfied all of the written examination requirements provided in *Section 4.4 and Section 4.5* respectively, shall be given an oral examination. An applicant must score at least seventy-five percent (75%) to qualify and continue in the application process. Any applicant who scores less than seventy-five percent (75%) will be disqualified. The oral examination shall involve questioning applicants on police oriented issues, including how they would handle situations relevant to police work. Within thirty (30) days after the administration of the oral examination, the applicant shall be given written notice of their examination results.

4.7 Physical Agility Testing. (Police Officer)

An applicant for the entry level position of police officer must meet the physical agility requirements, as administered by, and in accordance with the Allegheny County Police Academy Standards or other reasonable criteria established by the commission or other designated agencies. In all cases, candidates shall be provided with the physical agility requirements prior to the time of physical agility testing.

Applicants who have either successfully passed or failed the physical agility test will be so notified in writing by the commission within thirty (30) days.

4.8 Veterans' Preference Points. (Police Officer)

Pursuant to the Veterans' Preference Act, any applicant for the position of police officer who qualifies as a military veteran under this Act, shall receive an additional ten (10) points on top of their final score if that applicant qualifies under *Sections 4.1, 4.4, 4.6 and 4.7* of these rules and regulations. Applicants claiming veteran's preference shall have submitted satisfactory proof of service and honorable discharge therefrom with their application form.

4.9 Background Investigation. (Police Officer)

The commission shall request the Chief of Police or the chief's designee to conduct a background investigation on the top scoring eligible applicants, as determined by the Civil Service Commission, prior to inclusion on the certified list of those eligible as set forth in *Section 5.2* of

these rules and regulations. The background investigation must be consistent for each applicant and shall meet, at a minimum, all the specific requirements of the Municipal Police Officers Education and Training Commission (MPOETC), as required by law. The applicant may be interviewed directly when the information collected requires clarification or further explanation. The police chief may use his own discretion in the expansion or contracting of these items and time frames.

After the background investigation is completed, the Chief of Police 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 for the Borough of Brentwood.

The recommendation by the chief of police or his designee shall be based on the criteria set forth in *Section 3.7* of these rules and regulations and on any other relevant information developed during the background investigation. This report to the commission shall be in writing and in compliance with the Americans with Disabilities Act and must not include any physical history information on a candidate. If the recommendation is to disqualify, then a detailed, written explanation of the reasons for disqualification must be included. The commission shall then make a final determination on whether additional information is required or if the information collected and reported warrants acceptance or rejection of the candidate.

Within thirty (30) days after the commission considers the recommendation based on the background investigation, each applicant shall be notified as to whether they have passed or failed this portion of the examination process.

4.10 Polygraph Examination (Police Officer)

The commission shall designate a qualified polygraph examiner to conduct a polygraph examination on the top scoring eligible applicants, as determined by the Civil Service Commission, prior to inclusion on the certified list of those eligible as set forth in *Section 5.2* of these rules and regulations.

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 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 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 re-administering 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.

An applicant 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.

If the applicant is finally rejected because of the failure of the polygraph examination, as described above, or the applicant passes the polygraph examination, as described above, within thirty (30) days after the final determination, the commission shall notify the candidate as to whether he or she has passed or failed this portion of the examination process.

CHAPTER 5. CERTIFICATION OF THE LIST OF ELIGIBLES AND APPOINTMENTS.

5.1 Creation of Eligibility List. (Police Officer)

At the completion of the examination requirements set forth in *Chapter 4*, the written examination, the oral examination, physical agility testing, background examination, and the polygraph examination, the commission shall rank all passing candidates on an eligibility list. The applicant having received the highest score shall be at the top of the list, with all other candidates being listed in descending order of their scores. Applicants who qualify for veteran's preference points, as outlined in *Section 4.8*, shall have those ten (10) points added to their final score prior to being ranked on the eligibility list.

In the case of tied scores, the tie will be broken by giving preference to the applicant who received the highest score on the written test. In the event the qualifying applicant received identical scores, the order of listing shall be determined by the order in which they were numbered for recording purposes.

Any individual appearing on the initial eligibility list is subject to a background investigation and polygraph examination and no one will be certified in accordance with *Section 5.2* of these rules and regulations until they have successfully completed these investigations and received a written recommendation that the applicant is appropriate for consideration in accordance with *Section 4.9 and 4.10* of these rules and regulations.

The eligibility list will be valid for a period of one (1) years from the date the commission formally adopts the eligibility list. Prior to 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.

5.2 Appointments. (Police Officer)

(a) Furloughed officers shall be given first consideration for re-employment, prior to any other hiring procedure and shall be reinstated in order of their seniority.

(b) The Borough Council of the Borough of Brentwood may fill any vacancy in an existing position in the police department which occurs as a result of retirement, resignation, disability or death, by the reappointment or reinstatement of a former employee of the police department who had previously complied with the civil service provisions of the borough. As stated, those officers considered for reinstatement must have previously complied with the provisions of the Borough Civil Service requirements and reappointment is subject to the recertification requirements prescribed by the MPOETC.

(c) Except as provided above, every original position (Police Officer) for employment in the police department, except that of the Chief of Police, or equivalent, shall be filled only in the following manner:

(1) The borough council shall notify the commission of any vacancy which is to be filled and shall request certification of three names from the list of eligible.

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

(3) The borough council shall make an appointment from one of the three names certified, or a lesser number certified, with reference to the merits and fitness of the candidates. However, for the 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. If two or more of the names on the certified list of three are veterans, the appointing authority shall have the discretion to appoint the veteran they deem most qualified.

(d) 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 the of Brentwood Borough Council objects or 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 that name from the eligibility list and certify the next highest name for inclusion on the certified list of three candidates for each name stricken off.

5.3 Promotional Appointments

Promotions shall be based on merit 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.

For promotional positions, fulfilling the performance requirements set forth in *Section 3.6* is also required.

Borough council shall notify the commission of a vacancy in the police force in the borough 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 three persons on the eligibility list. If three names are not available, the commission shall certify the names remaining on the eligibility list. The borough council shall make an appointment from the names certified, based solely on the merits and fitness of the candidate, unless council makes objections to the commission regarding one or more of the persons so certified for any reason provided under *Section 3.7* of these rules and regulations.

The eligibility list will be valid for a period of one (1) years from the date the commission formally adopts the eligibility list. Prior to 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.

The council shall have power to determine in each instance whether an increase in salary shall constitute a promotion.

5.4 Appointment of Chief of Police.

In the event 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 non-competitive examination, and if the commission certifies that person as qualified, in compliance with the borough code, that candidate may then be appointed to such position, and if appointed, shall then only be removed from the position of chief of police for reasons set forth in *Section 6.1* of these rules and regulations.

The chief of police, if appointed under these civil service provisions, shall serve a one (1) year probation period with evaluation guidelines developed and administered by the borough council.

A chief of police may also 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.

5.5 Physical and Psychological Examinations. (Police Officer)

After the borough council selects a candidate from the certified list of three for appointment to the vacant position, that candidate shall receive a conditional offer of employment. The offer of employment shall be conditioned upon the conditional appointee undergoing a physical and psychological medical examination and a determination that the conditional appointee is capable of performing all 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.

The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by council and shall render an opinion as to whether the conditional appointee has 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.

The physical and psychological exams will be conducted in compliance with the MPOETC regulations. The completion of the required MPOETC physical and psychological forms will be provided by the Borough. Drug testing shall be included as one component of the requirements. In addition, the respective examiners will be given a copy of the job description and the "Essential Functions of the Job" for performing the duties of police officer. The completed forms will be certified by the examining physician(s) indicating that the candidate is physically or psychologically fit, as the case may be, to perform the duties of a police officer. The completed forms shall be confidential and submitted to the appropriate borough official for disposition.

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 council 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.

If, at the conclusion of the interactive discussion council determines that the conditional appointee is not qualified, council shall give written notice to the conditional appointee and the commission.

The rejected candidate 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.

5.6 Probationary Period. (Police Officer and Promotions)

Every successful applicant for the position of police officer or to a promotional position except chief of police, within the police department shall serve a twelve (12) month probationary period. For newly hired police officers, the probationary period will begin on the first day the new officer reports for work. During this probationary period, a newly hired police officer may only be dismissed for cause for the reasons set forth in *Sections 3.7* of these rules and regulations, or because of incapacity for duty due to the use of alcohol or drugs.

A promoted police officer, during probation, may be returned to the rank from which he was promoted, only for cause for the reasons set forth in *Sections 3.7 and/or 6.1* of these rules and regulations, or because of incapacity for duty due to the use of alcohol or drugs.

The chief of police shall submit a final probationary report, not less than ten (10) days nor more than fifteen (15) calendar days before the next regular meeting of the borough council, immediately preceding the end of the probationary period. Each report shall be submitted in writing to borough council. Within five (5) calendar days after receiving a probationary report from the chief of police, if the conduct of the probationer has not been satisfactory to the borough council, the probationer shall be notified in writing by the borough council that the appointment will not be permanent. Following receipt of this notification by the probationer, a newly hired police officer's employment shall end. Any probationer who is notified in writing by the borough council, prior to completion of the twelfth month probation period, that his appointment will not be made permanent, has no rights of appeal under these rules and regulations.

The borough manager shall notify the commission, in writing, of its decision to retain or remove the probationer of such decision within five (5) calendar days and in no event beyond the last day of the probationary period.

At the end of the twelve (12) month probationary period, if the probationer is not notified or dismissed in accordance with this section, then he/she shall receive permanent status within the police department.

5.7 Provisional Appointment.

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 list of eligibles, for such appointment, the borough council may nominate a person to the commission for a non-competitive examination. Such nominee may be certified by the commission after the nominee successfully passes such non-competitive examination. He may then be appointed provisionally to fill such vacancy. It shall

thereupon become the duty of the commission, within thirty days, to begin the process for a competitive examination and related tests, investigations and examinations, under *Sections 3 and 4* of these rules and regulations. A list of eligibles will then be established and a certified list of three names will be presented to borough council from which a regular appointment shall be made. Nothing in this section shall prevent the appointment, without examination, of persons temporarily assigned the full duties of a police officer for the Borough of Brentwood in cases of riots or other such emergencies.

CHAPTER 6. SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK.

6.1 Grounds for Disciplinary Action.

- (a) No person appointed to a position in the police department may be suspended without pay, removed 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 with the Brentwood Borough Police Department.
 - (2) Neglect or violation of any official duty.
 - (3) Violation of any law of the Commonwealth of Pennsylvania which provides that such violation constitutes a misdemeanor or felony.
 - (4) Inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming a police officer of the Borough of Brentwood..
 - (5) Intoxication while on duty.
 - (6) Engaging or participating in, or conducting of any political or election campaign other than the officer's exercise of the right of suffrage.
- (b) No police officer, including Chief of Police, Lieutenant or Sergeant, shall be removed, censured or reprimanded for any religious, racial or political reasons.

6.2 Furloughs.

- (a) If it shall be deemed necessary by the borough council to reduce the number police officers in the department, then the borough shall apply the following procedures:
- (1) If there are any employees eligible for retirement under the terms of any retirement or pension law, the borough may first determine whether any of those employees eligible for retirement are interested in retiring. In the event the number of employees voluntarily retiring is insufficient to affect the number of reductions required, the borough shall proceed under *Section 6.2(a)(2)* below.
 - (2) If the number police officers who voluntarily elect to retire is insufficient to affect the number of reductions required, then the reduction shall be affected by furloughing the police officer(s), including probationers, last appointed to the police department.

In the event that the borough council decides to increase the size of the police department officer personnel, the furloughed police officers shall be reinstated in order of their seniority in the police department. Employees so notified of reinstatement must accept reinstatement within thirty (30) days of receipt of such notice, otherwise such employee shall be deemed to have waived any right to reinstatement. These reductions in force provisions are not applicable to the Chief of Police.

6.3 Notice of Suspension, Removal or Reduction in Rank.

Whenever any officer is suspended, removed or reduced in rank, the specific charges warranting such actions shall be stated in writing by borough council. The charges shall be stated clearly and in sufficient detail to enable the officer to understand the charges and to allow the police officer an opportunity to respond to the charges. The charges shall specify the *Sub-section of Section 6.1* of these rules and regulations which provides the basis for disciplinary action as well as an explanation of the factual circumstances upon which the borough council relied in finding a violation of *Section 6.1* of these rules and regulations.

Within five (5) days after the borough council has voted to impose 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 letter of 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 all members of the Civil Service Commission, again either by personal service or by certified mail.

6.4 Hearings on Suspension, Removal or Reduction in Rank.

Any officer who has been suspended, removed or reduced in rank, may appeal the decision of the borough council by requesting a hearing with the Civil Service Commission. In the event an officer aggrieved by such a decision is entitled by a collective bargaining agreement to pursue a grievance on the matter, the officer must elect to pursue the matter either under the processes in place under the collective bargaining agreement or under these rules and regulations. Once an election of remedies is made, the alternate procedure is waived. When chosen, the civil service hearing process is as follows:

(a) The hearing request notice must be received in writing by the Secretary of the Civil Service Commission at the Brentwood Borough Municipal Building, 3624 Brownsville Road, Brentwood, PA 15227, within ten (10) days after the police 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 (10) days from receipt of the officer's written request for a hearing. Such hearing date may be delayed by the commission for cause at the request of the commission, the borough council or the officer charged. At the hearing the officer against whom the charges have been made, may be present and/or may be represented by legal counsel. The officer may call witnesses and present testimony and documentation in his own defense. The borough may also be represented by legal counsel, call witnesses and present evidence as is necessary to support the charges against the officer. A stenographic record of all testimony shall be taken at every hearing and preserved by the commission. In the event that charges are dismissed against the officer, the record shall be sealed and will not be made 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 proposed disciplinary action. If the commission finds that sufficient evidence has been

introduced to support the charge(s), 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 borough council's discretion. In considering the appropriateness of the discipline, the commission shall not substitute its judgment for that of the borough. 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.

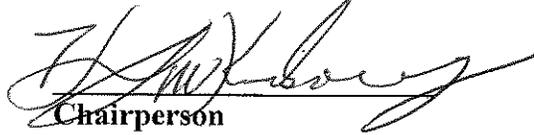
(a) All testimony shall be given under oath administered by the chairperson, or in the absence of the chairperson, the vice chairperson. The commission shall have the power to issue subpoenas as set forth in *Section 2.11* of these rules and regulations.

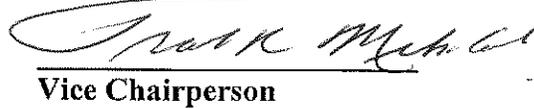
(b) The hearing shall be open to the public unless, prior to commencement of the hearing, a written or oral request to close the hearing is made either by the officer charged or the borough council. Such request will be taken into consideration by the commission and if deemed advisable, the commission, acting under *Section 2.6* of these rules and regulations, shall issue a decision as to whether the hearing shall be open or closed to the public. This decision shall be final.

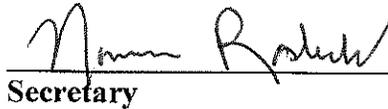
(c) If the commission sustains the charges, the officer who was suspended, removed or reduced in rank may file an appeal with the Court of Common Pleas within thirty (30) days from the date of entry by the commission of its final order. No order of suspension shall be made against an officer for a period longer than one (1) year. In the event that the commission fails to uphold the charges, then the officer shall be reinstated with full pay for the period of the suspension, removal or reduction in rank. No charges related to the suspension, removal or reduction in rank shall be officially recorded in the officer's official personnel records, nor may any of these charges be held against the officer for future merit pay raises or promotional opportunities.

CHAPTER 7. RESOLUTION FOR ADOPTION

The foregoing rules and regulations, which are in accordance with powers granted by the Civil Service Section 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 the Borough of Brentwood, Allegheny County, Pennsylvania, are hereby adopted by the Civil Service Commission of the Borough of Brentwood.


Chairperson


Vice Chairperson


Secretary

Approved by the Brentwood Borough Council, Allegheny County, Pennsylvania, this [date].

Attest:


Borough Manager

Signed:


Borough Council President