

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
BOARD OF COMMISSIONERS**

RESOLUTION NO. 11-2022-1762 1770

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA
AMENDING CIVIL SERVICE RULES AND REGULATIONS TO
REMOVE EXISTING 3.9E SUBSECTIONS (1) AND (2) BOTH
REQUIRING AN APPLICANT TO HAVE ACT 120 CERTIFICATION TO
APPLY AS A POLICE OFFICER AND MODIFYING SECTION 5.5
CONCERNING CONDITIONAL APPOINTMENTS**

WHEREAS, the Salisbury Township Civil Service Commission on November 16, 2022 passed Resolution Number CSC-2022-002 amending the Rules and Regulations with respect to Act 120 for police officer applicants; and

WHEREAS, the aforesaid Resolution of the Civil Service Commission including amendments to the Rules and Regulations, in order to become effective, must be approved by the Salisbury Township Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania and it is hereby resolved by same that the Salisbury Township Civil Service Commission Rules and Regulations are amended as follows:

ARTICLE I. Section 3.9 General Qualifications for Police Officer Applicants shall be amended as follows:

A. Section 3.9E is hereby amended to remove the language in the first paragraph *"and have either of the following:"*

B. Section 3.9E is hereby amended to remove subsections E (1) and E (2) in their entirety

ARTICLE II. Section 5.5 Physical and Psychological Medical Examinations shall be amended as follows:

A. Heading for Section 5.5 shall be changed to *"Conditional Appointment Requirements Including Physical and Psychological Medical Examinations"*

B. Beginning paragraph shall be changed to read as follows: *"After the Board of Commissioners selects a candidate from the eligibility list, the candidate shall receive a conditional offer of employment to the police department subject to the following conditions:"*

C. Insert Subsection Heading- 1. Physical and Mental Medical Examinations. The existing subsections in Section 5.5 (a) through (f) will be amended as written below and be designated as appropriate sub subsections under the heading "1. Physical and Mental Medical Examinations".

(a) The offer of employment shall be conditioned upon the conditional appointee undergoing both a physical medical examination and psychological medical examination and a determination that the conditional appointee is capable of performing all the essential functions of the rank including Act 120 certification. 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

(b) The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by the Board of 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 rank for which the person was conditionally appointed.

(c) 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 rank, the Board of Commissioners or Township official designated by the Board of 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 rank.

(d) If, at the conclusion of the interactive discussion under subsection (c), the Board of Commissioners or designated official determines that the conditional appointee is not qualified, the Board of Commissioners shall give written notice to the conditional appointee and the Civil Service Commission.

(e) Nothing in these Rules and Regulations shall be construed to authorize physical or psychological medical examinations prior to conditional appointment.

(f) As used in this section, the following definitions shall apply:

"Medical examination" shall mean an 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 rank.

"Physician" shall have the meaning given to it in 1 Pa.C.S. §1991 (relating to definitions).

"Qualified medical professional" shall mean 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."

D. Additionally, the following subsections shall be added to Section 5.5 as written below.

2. Background Examination. A condition of employment shall include the successful passing of the background examination as outlined in Section 4.8. If a background examination is not conducted prior to preparation of the eligibility list, see Section 5.1.
3. Polygraph Examination. Successful completion of a polygraph examination as outlined in Section 4.8. If a polygraph examination is not conducted prior to preparation of the eligibility list, see Section 5.1.
4. Academy Training If a conditional appointee is required to attend the academy to become Act 120 certified before being sworn in as a police officer, the Township will make it part of the conditional offer of employment. The conditional appointee will have the cost of tuition and expenses for taking the Act 120 coursework for certification be deducted from the conditional appointee's pay (to the extent not paid by the state or any other agency). The Board of Commissioners shall determine the amount of temporary pay, if any, to be paid to a conditional appointee who is not Act 120 certified until the appointee is sworn in as a police officer of the Township. During this time, the police CBA shall have no application and the same will only apply after the police officer is sworn in and begins work as a police officer. All provisions concerning repayment of state or agency funds will apply. The conditional appointee will attend Act 120 training classes as soon as possible. The one-year probationary period noted under Section 11.1 shall begin only after the appointee is sworn in. Any conditional appointee who fails to timely complete the Academy training shall be deemed to have violated the condition of appointment and that person shall be removed from the eligibility list and conditional appointment shall be terminated.
5. Other Conditions. The Board of Commissioners may include such other conditions of appointment as it deems appropriate.

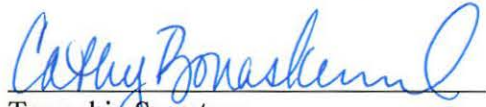
ARTICLE III. All other provisions of the Salisbury Township Civil Service Commission Rules and Regulations will remain in full force and effect except for the provisions specifically modified by this Resolution.

RESOLVED and adopted on this 22nd day of November, 2022 by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania.

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)

By: 
President, Board of Commissioners

ATTESTED:


Township Secretary

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA
BOARD OF COMMISSIONERS**

RESOLUTION NO. 1-2023-1771

**A RESOLUTION PROVIDING FOR RENUMBERING OF
PRIOR RESOLUTIONS TO ENSURE SECURE RECORDKEEPING
FOR SALISBURY TOWNSHIP**

WHEREAS, Salisbury Township enacts various Ordinances and Resolutions as part of its obligations to maintain the health, safety and welfare of the residents of Salisbury Township; and

WHEREAS, two (2) Resolutions were passed that included the Resolution number 11-2022-1762; and

WHEREAS, in order to ensure ease of recordkeeping for the residents of Salisbury Township

NOW THEREFORE, BE IT HEREBY RESOLVED, by the Board of Commissioners for the Township of Salisbury, that:

1. The Resolution numbered 11-2022-1762 and titled:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, AMENDING CIVIL SERVICE RULES AND REGULATIONS TO REMOVE EXISTING 3.9E SUBSECTIONS (1) AND (2) BOTH REQUIRING AN APPLICANT TO HAVE ACT 120 CERTIFICATION TO APPLY AS A POLICE OFFICER AND MODIFYING SECTION 5.5 CONCERNING CONDITIONAL APPOINTMENTS

is hereby renumbered to 11-2022-1770 for administrative and recordkeeping purposes.

2. The content of the newly renumbered Resolution 11-2022-1770 is not amended in any way, and shall retain its lawful purpose.

3. Any Resolution, or part of a Resolution, conflicting with the provisions of this Resolution is hereby repealed insofar as the same affects this Resolution.

4. The Township Manager, or her designated agents, shall distribute copies of this Resolution to the proper officers and other personnel whose further action is required to achieve the purpose of this Resolution.