

**SALISBURY TOWNSHIP CIVIL SERVICE
COMMISSION**



**RULES AND REGULATIONS
SALISBURY TOWNSHIP CIVIL SERVICE COMMISSION**

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CHAPTER 1 - DEFINITION OF TERMS

Section 1.1 Definitions

Unless otherwise expressly stated, the following words and phrases, wherever used in these Rules and Regulations, shall be construed to have the meaning indicated herein:

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

Appointing Authority – The Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania.

Certification – The submission to the appointing authority pursuant to their request of three names taken from the eligible list developed by the Civil Service Commission.

Chairperson – The Chairperson of the Civil Service Commission of the Township of Salisbury, Pennsylvania.

Commission – The Civil Service Commission of the Township of Salisbury, 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 examinations for a particular rank in the police department.

Examination – The series of tests given to candidates to determine their qualifications for a rank in the police department.

Furlough List – The list containing the names of persons temporarily laid off from ranks in the police department because of a reduction in the number of officers. However, if the furloughed employee does not express his intent in writing to remain on the list, his name will be removed after two (2) years.

Municipal Police Department – Any municipal or governmental body police department from any state which has a selection process for its police officers equivalent to or similar to the Commonwealth of Pennsylvania's Civil Service Statute contained in the Township Code. A Municipal Police Department shall not include school police, private police, part-time police, college or university police or any other police department which does not specifically meet the aforesaid definition of a municipal police department (including police departments which do not have three or more officers and thus do not have a civil service requirement).

Police Officer – For purposes of these Rules and Regulations, an entry level sworn rank in a police department. There are two classifications of a Police Officer, both requiring the same manner of testing, and qualifications review, for consideration for appointment:

Full-Time Officer – A police officer that has been appointed to a rank and is expected to work a normal full-time schedule eight (8) hours a day, forty (40) hours per week or more for the calendar year, entitled to receive a salary for the forty (40) hours per week worked and is covered by Worker's Compensation and other benefits provided for by the contract.

Part-Time Officer – A police officer that has been appointed to a rank and is expected to work no more than one thousand two hundred fifty (1,250) hours per calendar year and is entitled to receive an hourly rate of compensation for the hours worked and is covered by Worker's Compensation.

Position – A particular job or assignment within the police department including, but not limited to, dog handler, bicycle officer, etc. These positions are not ranks and the position is not protected by civil service. Assignment to a position shall be made by the Board of Commissioners or its designee and the term of assignment shall be at will.

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.

Rank – A position of authority over other police officers. Ranks shall be designated by the Board of Commissioners. Where the Board of Commissioners has not designated a priority of ranks, the priority shall be the same as in the military (or paramilitary organization).

Reduction in Rank – A change to a different rank where the employee fulfilled all of the requirements of these Rules and Regulations for both the prior and current rank. However, a decrease in salary without a change to a different rank shall not necessarily constitute a reduction in rank.

Removal – The permanent separation of a police officer from the police department.

Secretary – The Secretary of the Civil Service Commission of the Township of Salisbury, Pennsylvania.

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

Vice Chairperson – The person who shall serve in the absence of the Chairperson of the Civil Service Commission of the Township of Salisbury, Pennsylvania.

Section 1.2. Gender

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

CHAPTER 2 - THE COMMISSION

Section 2.1. Civil Service Commission

The Commission shall consist of three Commissioners who shall be qualified electors of the Township of Salisbury. Pursuant to the Township Code, the Commissioners were originally appointed by the Board of Commissioners to serve for the terms of two, four and six years, and as terms expire, Commissioners shall be appointed for terms of six years.

Any vacancy occurring on 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.

Members of the Commission, before entering upon the discharge of the duties of their office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform their official duties with fidelity. No Civil Service Commissioner shall receive compensation.

Section 2.2 Alternate Members of the Commission

The Salisbury Township Board of Commissioners may appoint up to three qualified electors of the Township to serve as alternate members of the Commission. Where the Chairman has designated alternate members to sit on the Commission, that alternate member 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. 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 as heretofore provided by designation of the Chairman of the Commission. Designation of an alternate to serve on the Commission shall be made on a case-by-case basis, in rotation, according to declining seniority among all alternates.

Section 2.3. 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, including the Township of Salisbury, except that one member of the Commission may be a member of the Township Commissioners.

Section 2.4. Organization of Commission; Quorum

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

Section 2.5. Duties of Chairperson/Vice-Chairperson

The chairperson, or in his absence the vice-chairperson, shall preside at all meetings and hearings of the Commission, decide all points of order or procedure and perform any duties required by law or these Rules and Regulations.

Section 2.6. Duties of Secretary

The secretary shall carry on at the direction of the Commission all official correspondence of the Commission, send out all notices required by law and these Rules and Regulations, keep a record of each examination or other official action of the Commission, and perform all other duties required by law or these Rules and Regulations. If the secretary is unavailable, or if, in the sole discretion of the chairperson, the chairperson determines that it is appropriate to expedite the business of the Commission, the chairperson may assume the ministerial duties of the secretary.

Section 2.7. Commission Meetings

Except for the biennial organizational meeting, all other meetings shall be held either at the call of the chairperson or at the call of two members of the Commission. All meetings shall be open to the public except as provided by applicable law. At least forty-eight (48) hours written notice of each public meeting shall be given to each member. Meeting notices to the public shall conform to law and these Rules and Regulations. The order of business of all Commission meetings shall include but not be limited to:

- A. Roll call
- B. Approval of minutes of previous meetings
- C. Public input
- D. Unfinished business
- E. Hearing of cases
- F. New business
- G. Communications and reports

Section 2.8. Clerks and Supplies

The Board of Commissioners shall furnish the Commission with supplies and clerical assistance as may be necessary for the Commission to fulfill its duties. In addition, the Commission shall select and retain counsel to serve as its solicitor and any other consultants or experts, the examiners to administer the actual testing, as necessary. The elected and appointed officials of the Township shall assist the Commission with all reasonable and appropriate expenses including payment of reasonable compensation for any counsel, consultants, experts, and examiners to administer the actual testing retained by the Commission.

Section 2.9. Minutes and Records

The Commission shall keep minutes of its proceedings and records of examinations and other official action. All recommendations of applicants for appointment received by the Commission shall be kept and preserved for a period of five years and all such records and all written causes of removal filed with the Commission shall be subject to reasonable regulation and open to public inspection.

Any and all records related to disciplinary action filed with the Commission shall only be open to public inspection upon completion of the disciplinary proceeding and a finding that at least one of the charges was sustained. Upon request of the police officer during the pendency of a disciplinary action, these records shall be open to public inspection subject to reasonable regulation. The secretary shall keep minutes of its proceedings showing the vote of each member upon each question. If the member is absent or fails to vote, the secretary shall indicate that fact in the minutes.

Section 2.10. Investigations

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

Section 2.11. Subpoenas

The Commission shall have the power to issue subpoenas over the signature of the chairperson, or his designee, to require 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 expenses of 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, in default of the payment of such fine and costs, shall be imprisoned not to exceed thirty (30) days.

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

The Commission shall have the power to make investigations concerning all matters pertaining to any investigation, inquiry or hearing. The Chairperson is authorized to administer oaths and affirmations in connection with such investigations.

Section 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 expenditure of public monies. The annual report shall be available for public inspection.

CHAPTER 3 – APPLICATIONS AND QUALIFICATIONS FOR INITIAL EMPLOYMENT AS PART-TIME OR FULL-TIME POLICE OFFICER

Section 3.0. Consortium Option

A. The Lehigh County Chiefs of Police Association has created a consortium of municipalities located in Lehigh to advertise, perform the physical agility test, and administer the written examination. The Commission intends to use the consortium whenever practical and will seek to become a member of the consortium to handle the matters set forth above. The Commission will automatically use the consortium unless it specifically elects to proceed under its own Rules and Regulations to conduct its testing. This rule hereby approves the consortium for advertising and testing without further affirmative vote of the Commission.

B. The consortium will advertise, conduct the physical agility test, and conduct a written examination for the various member municipalities of Lehigh County which are seeking to prepare an eligibility list. The applicants for a police officer position in Salisbury Township will apply through the consortium and be tested for physical agility and a written examination with the scores being reported back to the Commission. It is understood that since multiple municipalities are involved, only the scores for individuals who have elected to have their name and score submitted to Salisbury Township will be considered by the Township.

C. The consortium will advertise for the position of entry level police officer as concerns Salisbury for both a full time and part-time list in accordance with the state law.

D. Once Salisbury receives the results from the consortium for the applicants interested in attempting to obtain a position on an eligibility list for Salisbury Township, either full time or part-time, the Civil Service Commission may elect to proceed further by having the applicants, after appropriate notice, take their oral examination, background examination, and any other applicable testing necessary to complete a new eligibility list. There is no requirement that the Commission must proceed to do so with the names submitted from the consortium.

E. Accordingly, Section 3.1 dealing with announcement of application period and examinations will be handled by the consortium under the consortium's rules and will supersede Section 3.1 of the Civil Service Rules if the consortium is handling the same. Further, the same applies to Section 4.4 entitled "Physical Fitness/Agility Testing" and Section 4.5 entitled "Written Examination."

F. Nothing herein shall change in any way the requirements dealing with the eligibility of a police officer to apply to Salisbury Township or the scores that are necessary for passing the

examinations to qualify and proceed to obtain a position on the Salisbury Township eligibility list or lists for entry level applicants, both full and part-time.

G. The Civil Service Commission reserves the right to proceed under its own rules and not use the consortium if it finds that it is necessary and more convenient to do so based upon the needs of the Township to obtain an eligibility list. The reasons for this option are numerous including staleness of the list, few applicants from the consortium, the need for officers by the Township, an insufficient number remain on the eligibility list, and any other reason.

H. The eligibility list will not affect or change any of the rules of the Salisbury Township Civil Service Commission except for the partial suspension of the three rules specifically enumerated above. Accordingly, all other requirements of the Rules and Regulations must be complied with by applicants who wish to proceed and/or remain on an eligibility list for Salisbury Township.

I. The Civil Service Commission may elect to opt out of using the consortium if it so desires but it is the intention of the Commission to use the consortium to obtain a greater number of entry level applicants in a uniform manner with cost savings.

J. The Commission shall enter into a written agreement with the consortium which will detail the method of payment for the work done by the consortium.

K. Under no circumstance must the Commission proceed in creating an eligibility list with the names received in a particular year from the consortium. The Commission has the option to elect not to proceed with the final creation of an eligibility list which includes administering the oral examination and background examination if it so elects for that year.

Section 3.1. Announcement of Application Period and Examinations

Whenever the need for a new police officer eligibility list occurs, the Commission shall make public notice of the police officer examination application period at least thirty (30) days prior to the date of commencement of the examination process. This notice shall be given by publication in a minimum of one (1) newspaper of general circulation in the Township and a copy of the notice shall be posted on the bulletin board in the Township offices. Additional public notice may be given at any time at the discretion of the Commission. The public notice shall contain, at a minimum, the following information:

- A. Title and general requirements of the rank to be filled
- B. Deadline for the acceptance of applications
- C. Date, time and place for the commencement of the examination process.

The public notice may further include a statement of the residence requirements, starting salary and benefits, education requirements, application processing fee, and/or any other pertinent information as deemed appropriate by the Commission.

Public notice of the time and place of every examination along with the position to be filled shall be given at least once in a newspaper of general circulation in the Township at least two (2) weeks prior to each examination and a copy of the notice shall be prominently posted in the Municipal building. The initial public notice may contain all of the above information concerning the time and place of every examination so as to comply and remove the need for any further publications. If, for any reason, the date, time and place of the examination is altered after the original notice containing said information, then the general provision set forth above shall apply requiring further publication of the same.

Section 3.2. Eligibility for Examination

In order to be eligible for participation in any examination for any police officer rank with the police department, every applicant must submit a completed application form to the Commission before the deadline stated by the Commission for the specific examination. The applicant shall make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities. The Commission shall establish and/or approve the application form to be used. The Commission shall establish an appropriate non-refundable application fee which must be paid by the applicant when the application is filed.

Section 3.3. Discrimination

The Township of Salisbury 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, marital status or non job-related physical or mental handicap or disability. The Township and the Commission will provide equal opportunities in employment and promotion.

Further, no discrimination shall be exercised against any disabled person capable of performing normal customary police functions, except to the extent permitted pursuant to the Americans with Disabilities Act and the Rules and Regulations promulgated thereunder.

Section 3.4. Availability

A. 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 upon written or telephone request. However, the Commission assumes no responsibility for missed filing deadlines due to a delay in the receipt of the application.

B. Each person desiring to apply for examination shall file with the Commission a formal application in which the applicant shall state under oath or affirmation, (a) his full name and residence or post office address, (b) his citizenship, place and date of birth, (c) his condition of health and physical capacity for public service, (d) his business or employment and his residence for the past five years, and (e) such other information as may be required by the Commission's rules and regulations showing the applicant's qualifications for the rank for which he is being examined.

Section 3.5. Application Period

The application period shall be no less than fourteen (14) calendar days in length.

Section 3.6. Filing of Applications

Completed applications for police officer ranks may be received at any time during normal business hours in the office of the Township Manager and by such other offices and officers as the Commission may designate. The receipt of such applications shall be subject to the following conditions:

A. Applications must be received on or before 4:30 P.M. of the day set by the Commission as the close of the application period.

B. At the time of filing, all applications must be accompanied by the non-refundable processing fee paid in cash or by personal check. A receipt will be given for any fee paid. No application will be accepted for filing without payment of the appropriate fee.

C. An application becomes invalid one (1) year after the deadline per (A) above or when an eligibility list is certified for that rank.

Section 3.7. Recording of Applications

The Commission shall review each application as soon as practical after filing for the purpose of determining that such application is complete and contains no omissions. Any application which is incomplete is invalid and may, at the discretion of the Commission, be returned to the Applicant for completion and refiling prior to the filing deadline. The secretary or other designated officer shall date, number and record in the order of receipt all completed applications which, once recorded, become Commission records and shall not be returned to the applicants.

Section 3.8. Age Requirement

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

Section 3.9. General Qualifications for Police Officer Applicants

All applicants for police officer must meet the following qualifications:

A. Shall be a citizen of the United States.

B. Must have reached his or her twenty-first (21st) birthday before the deadline for submitting completed applications.

C. Must possess a valid motor vehicle operator's license for the Commonwealth of Pennsylvania.

D. Shall be physically, medically and psychologically fit to perform the essential job functions of a police officer as further defined in Section 3.10.

E. Must possess a diploma from an accredited high school or a graduate equivalency diploma

F. Shall speak, read and write the English language.

G. Must be of good moral character.

Section 3.10. Essential Job Functions of a Police Officer

See Appendix 2 – Essential Functions for a Police Officer – attached hereto and fully incorporated as part of these Rules and Regulations.

Section 3.11. Rejection of Applicant

(a) 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 rank or employment for which he has applied, or who is physically unfit for the performance of the duties of the rank to which he seeks employment, or who is illegally using a controlled substance, as defined in section 102 of the Controlled Substances 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 laws of the United States and Pennsylvania.

(b) The Commission shall refuse to certify as eligible any applicant who fails to accurately and truthfully disclose all facts and information requested of the applicant in the application, psychological testing, physical examination or interviews conducted pursuant to the background examination. If an applicant fails to appear for any scheduled examination or interview, that applicant shall immediately be removed as an eligible applicant. If an applicant's credit history is unsatisfactory so as to possibly affect police work, this may disqualify the applicant.

(c) An applicant shall automatically be removed and disqualified if that person fails to meet all of the provisions of Appendix 1 which is hereby fully incorporated herein. Said list shall not be considered exclusive.

(d) If, at any time, an applicant desires to be removed from further consideration for inclusion in the eligibility list, the applicant shall submit that request to the Commission. After receipt of the same, the Commission shall remove that person's name from further consideration as an applicant. The Commission shall notify that person in writing of the same.

Section 3.12. Additional Grounds for Rejection of an Applicant/Removal from Eligibility List

(a) If a person on the eligibility list fails to respond to a notice sent to that party's current address on file with the Commission or fails to appear for any scheduled testing or interviews, that party's name shall be removed from the eligibility list upon action of the Commission.

(b) If a person no longer desires to remain on the eligibility list, that person shall notify the Commission of the same and the Commission shall remove that person's name from the list.

(c) In the event of either (a) or (b) above, after the Commission takes action to remove the person's name from the eligibility list, it shall notify the person in writing of that person's removal from the list.

(d) The Commission shall refuse to certify as eligible any applicant who fails to accurately and truthfully disclose all facts and information requested of the applicant in the application and interviews conducted pursuant to the background examination. If an applicant fails to appear for any scheduled examination or interview, that applicant shall immediately be removed as an eligible applicant. If an applicant's credit history is unsatisfactory so as to possibly affect police work, this may disqualify the applicant.

(e) If, at any time, an applicant desires to be removed from further consideration for inclusion in the eligibility list, the applicant shall submit that request to the Commission. After receipt of the same, the Commission shall remove that person's name from further consideration as an applicant. The Commission shall notify that person in writing of the same.

Section 3.13. Hearing for Rejection of an Applicant or Removal of an Applicant from Eligibility List

If any applicant or person is 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 (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 decision of the Commission shall be final.

Section 3.14. Public Notice

The Commission shall conspicuously post in the Salisbury Township Municipal Building an announcement of the hiring or promotional testing and set forth the time and place of every examination, together with the information as to the type of rank to be filled, the requirements for that rank, where applications may be obtained and the deadline for filing those applications. In addition, at least two weeks prior to the close of the application period, publication of the notice shall occur in at least one daily newspaper of general circulation in Lehigh County and a newspaper circulating generally in the Township of Salisbury.

Section 3.15. Continuing Duties of Applicants and/or Persons on Eligibility List

All applicants or persons on the eligibility list shall have a continuing duty to apprise the Commission/Township of the applicant or eligible person's current address and telephone number. All notices will be deemed received by the applicant or eligible person, if sent to the current address of that applicant or eligible person on file with the Commission by regular, first-class mail.

CHAPTER 4 – EXAMINATION AND GRADING PROCEDURE FOR INITIAL POLICE OFFICER APPLICANTS

Section 4.1. Notice of Examination

In addition to the public notice of Section 3.1, the Commission shall give written notice of each examination to each qualified applicant. The notice shall be mailed or otherwise delivered to each applicant at least ten (10) days prior to the date of the examination. The notice shall specify the date, time, duration and place of the examination and explain the following:

A. Only applicants receiving notices to report for any examination shall be permitted to participate in such examination, and each applicant shall present his/her notice and a photo I.D. motor vehicle operator's license to the examiner before being examined.

B. Any person who fails to report for the examination in accordance with the instructions contained in the notice shall be disqualified.

Section 4.2. General Examination Requirements for the Rank of Police Officer

The examination for police officer will consist of a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing fifty percent (50%) of the final score and the oral examination representing fifty percent (50%) of the final score. In addition, each applicant will undergo a physical fitness test and a background investigation. The fitness test and background 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 both a physical and psychological examination.

Section 4.3. Appointment of Examiners

The Commission shall appoint a physical fitness examiner, a written examination administrator, and an oral examination administrator, to conduct the appropriate examination required by these Rules and Regulations. The Commission reserves the right to conduct the three testing criteria in any order that it so determines. However, generally the tests will be administered in the following order: physical fitness/agility, written exam, oral exam.

Section 4.4. Physical Fitness/Agility Testing

(a) Either before or after the written examination, an applicant is required to submit to a physical fitness or an agility examination which must be job related and consistent with business necessity.

(b) The Civil Service Commission may select an independent testing agency to administer the physical fitness/agility testing.

(c) If an independent testing service is selected, the service will provide to the Civil Service Commission, before its selection, a detailed list of the physical and agility testing to be done together with the specific tests, timing, repetitions, and other matters upon which the applicant is to be tested and the necessary scores which must be achieved in all phases of the physical fitness/agility testing which shall be considered passing.

(d) Unless provided to the applicant at the time the application is submitted, the Civil Service Commission or its designee shall forward to all applicants at least ten (10) days prior to the administration of the physical fitness/agility test, the items on which each applicant will be tested, and the passing scores necessary for each item.

(e) The physical fitness/agility test shall be graded on a pass/fail basis and each applicant must complete and pass all individual parts of the physical fitness and agility test process.

(f) If, and only if, the Civil Service Commission does not appoint an independent entity to administer a physical fitness/agility test which has its own testing procedures and passing scores, then the appointed examiner shall test the physical fitness and agility of the applicants based on the current police academy fitness requirements. It is the intent of this provision that whatever current police academy fitness requirements are in effect at the time the physical fitness is performed by the Salisbury Township Civil Service Commission's designee, the candidate must meet those particular physical fitness requirements. Accordingly, if the police academy's physical fitness requirements are updated or changed, then those new requirements shall be applicable to the physical fitness test to be given to all applicants. The physical fitness requirements shall be graded on a pass/fail basis equal to the pass/fail requirements of the police academy.

(g) It is the intent of this Rule to allow the Civil Service Commission to approve an independent physical fitness/agility testing service which has its own testing procedures and passing scores and, if so appointed, the Civil Service Commission specifically adopts that independent testing service's agility testing procedures and passing scores. The provision requiring notice to the applicant of the specific testing procedures and necessary passing scores for the same is to provide the applicant with notice of the exact nature of the test and the scores which will be necessary to pass the same. The prior notice shall only be required if the police academy standards are not employed by the Civil Service Commission.

(h) The Civil Service Commission requires that each applicant sign a consent and release form prior to undergoing the physical agility examination.

Section 4.5. Written Examination

The written examination shall be graded on a 100 point scale. To pass the written examination, a person must score seventy percent (70%) or greater on the examination. Within thirty (30) days of the administration of the written examination, all applicants shall be given notice as to whether they have passed the written examination. Those candidates who have passed the above written examination will be eligible to continue with the testing.

Section 4.6. Oral Examination

The oral examination shall be graded on a 100-point scale with a score of seventy percent (70%) or higher necessary for passing. The oral examination shall involve questioning applicants on how they would handle situations relevant to police work, their character and reasoning abilities. Within thirty (30) days after the oral examination, applicants whose scores are passing shall be informed of their numerical scores on the oral examination as well as their numerical score on the written examination. If their scores on the oral examination are not passing, they shall be informed of the same without the necessity of providing a numerical score. Each applicant who has passed the written and oral exams shall be informed of the date for physical fitness testing if not already given. The Civil Service Commission shall have the following options for administering the oral examination:

(a) It may select a third-party provider to administer the test and provide the results of the same.

(b) It may elect to administer the test in house by use of a panel of three Salisbury Township police officers (none of whom shall be involved with the background investigation). The Chief of Police shall select the officers to administer the test which shall consist of a series of questions that shall be the same for all applicants. The questions shall have an objective list of acceptable answers to allow the officers to individually score each applicant. All other details of the testing shall be determined by the panel of officers. The results of the same shall be reported to the Commission. The notes of the answers of the applicants shall be kept by the parties administering the test until all appeal times have expired.

Section 4.7. Veterans' Preference Points

Pursuant to the Veterans' Preference Act, any applicant for the rank of patrol officer who qualifies as a "soldier" under the Act, shall receive an additional ten (10) points on top of his total score if the applicant received passing scores under Sections 4.5 and 4.6. Any applicant requesting veterans' preference points must furnish sufficient proof of both service and discharge in accordance with instructions from the Commission in order to be eligible to receive the veterans' preference points.

Section 4.8. Background Investigation

(a) The Commission shall request the Chief of Police or the Chief's designee to conduct a background investigation on up to three (3) and not more than six (6) applicants (unless more are requested by the Police) who have passed the written examination, oral examination and physical fitness test either before or after creation of the eligibility list or selection of potential candidates by the Commission. The background investigation shall include interviews with the applicant's family, acquaintances, current and former employers, current and former neighbors, references and current and former teachers and school officials. In addition, the applicant's credit history and record of criminal convictions shall be investigated. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation. (*See Automatic Disqualifications – Appendix 1 – attached hereto and fully incorporated as part of these Rules and Regulations*).

(b) The Applicant shall undergo and pass (no deception indicated) a polygraph examination. The party administering the polygraph examination shall be a qualified professional who shall be appointed by the Civil Service Commission. The polygraph examiner shall render an opinion in writing to the Chief of Police or his designee as to whether the conditional appointee has successfully passed the polygraph examination. The polygraph examiner's opinion concerning the applicant will address whether that party has any issues which call into question the person's character, history, records and other information revealed by the polygraph examination which could call into question that person's ability to perform the functions and tasks of a police officer in the appropriate manner. Failure of a polygraph examination by an applicant disqualifies the applicant from any further consideration and he shall be removed as an applicant. However, within ten (10) days after notice of the applicant's failure of said polygraph examination, the applicant may request, in writing, from the Civil Service Commission, a second polygraph examination. The applicant must prepay fifty percent (50%) of the costs related to such re-examination. Failure to timely request and pay for such polygraph re-examination as set forth above shall conclusively mean that that person has failed the background investigation and he or she shall no longer be considered as an applicant.

(c) 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.

(d) The recommendations 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.

(e) Within thirty (30) days after the Commission considers the recommendation of the Chief of Police or his designee, each applicant will be informed of whether he has passed the background investigation.

(f) The background investigations shall be done by the police department as soon as possible after the receipt of the preliminary eligibility list (applicants who have passed the physical test, written test and oral test).

(g) All background investigations shall include all provisions of Act 57 of 2020.

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, the physical fitness test, written examination, oral examination, and background investigation which may be conducted after the establishment of an eligibility list and physical and psychological medical examinations or certified for appointment, the Commission shall rank all passing applicants on a list with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list. Applicants who qualify for veterans' preference points shall have those points added to their passing score prior to being ranked on the eligibility list. 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 ranked by the drawing of lots.

At the election of the Commission, the eligibility list may be approved in segments of ten (10) based upon the receipt of the results of the background investigation as set forth in Section 4.8. If segmented, the eligibility list shall initially consist of ten (10) applicants and the same shall be valid immediately without awaiting results from the background investigations of the lower scoring applicants. The Commission shall add to the eligible list further names upon receipt and review of the results of the subsequent background investigations on the remaining successful applicants.

The eligibility list shall be valid for one (1) year from the date the Commission approves the whole list or, if segmented, from the date of approval of the first group of applicants. Before the expiration of the original first year, the Commission may, at its sole discretion, by a vote of the majority of the Commission at a duly authorized Commission meeting, extend the list for an additional year. The Commission may, at its sole discretion, void an eligibility list at any time for any reason.

Section 5.2. Removal from Eligibility List

(a) If a person on the eligibility list fails to respond to a notice sent to that party's current address on file with the Commission or fails to appear for any scheduled testing or interviews, that party's name shall be removed from the eligibility list upon action of the Commission.

(b) If a person no longer desires to remain on the eligibility list, that person shall notify the Commission of the same and the Commission shall remove that person's name from the list.

(c) In the event of either (a) or (b) above, after the Commission takes action to remove the person's name from the eligibility list, it shall notify the person in writing of that person's removal from the list.

(d) The name of a person appearing on the eligibility list shall be removed by the Commission if that person is appointed to a rank in the Police Department.

(e) The name of a person appearing on the eligibility list shall be removed by the Commission if that person declines an appointment to a permanent rank in the Police Department.

(f) The name of a person appearing on the eligibility list shall be removed by the Commission if that person indicated availability for appointment and is so appointed but fails to report for duty at the time prescribed, unless, in the opinion of The Board of Commissioners, such person can show good and sufficient reason for failing to report.

(g) The Commission may, at its own discretion, remove from the eligibility list the name of any person certified for appointment consideration three (3) times as the top name, but not appointed.

Section 5.3. Appointment

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

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

(1) The Board of Commissioners shall notify the Commission of any vacancy which is to be filled and shall request the certification of three (3) names from the appropriate list of eligibles;

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

(3) The Board of Commissioners shall make an appointment from one of the three names certified with reference to the merits and fitness of the candidates. However, when one of the three applicants on the certified list is a veteran, that applicant shall be selected.

(c) The Board of Commissioners may object to one or more of the persons certified for the reasons set forth in Sections 3.11 and 3.12 of these Rules and Regulations. If the candidate to whom the Board of Commissioners objects fails to timely exercise the rights of appeal under Section 3.13 or if the Commission declines to uphold the appeal, the Commission shall strike the

name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three candidates for each name stricken off.

Section 5.4. Procedure for Appointment as Part Time, Full Time or Promotional Ranks

1. The Commission shall prepare an eligibility list for part time police officers and full time police officer candidates. Each list shall be separate and may only be used to appoint to the rank for which it is applicable.

2. For any promotional ranks, the Commission shall prepare an eligibility list of candidates who successfully pass the test for that rank.

3. If there are less than three names on any eligibility list, the Commission may submit whatever name or names appear on the list to the Board of Commissioners to fill a rank as long as the eligibility list remains valid.

Section 5.5. Conditional Appointment Requirements Including Physical and Psychological Medical Examinations

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:

1. Physical and Mental Medical Examinations

(a) 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 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, a person designated by the appointing officer or body 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 appointing

officer or body determines that the conditional appointee is not qualified, the appointing officer or body shall give written notice to the conditional appointee and the 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."

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.

CHAPTER 6 – FURLOUGHES

Section 6.1. Furlough Lists

Whenever the Board of Commissioners shall deem it necessary to make personnel reductions in the police force, the Commission shall prepare and maintain a list containing the name, rank and length of full-time service of each furloughed officer. Names on the furlough list shall be arranged in priority order based on the length of service of each furloughed officer.

Section 6.2. Removal of Names from Furlough Lists

In addition to other reasons stated as grounds for removal in these Rules and Regulations, the name of a person appearing on a furlough list shall be removed by the Commission if that person:

- A. is appointed to a rank in the Police Department; or
- B. declines an appointment to a permanent rank in the Police Department; or
- C. indicated availability for appointment and is so appointed but fails to report for duty at the time prescribed, unless, in the opinion of The Board of Commissioners, such person can show good and sufficient reason for failing to report.
- D. The Commission may, at its own discretion, remove from a furlough list the name of any person certified for appointment consideration three (3) times as the top name, but not appointed.

Nothing in this section, however, shall be construed as authorizing the removal of the name of a person from a furlough list who refuses to accept a rank of lower rank than that from which furloughed.

CHAPTER 7 - PROMOTIONS - GENERAL INFORMATION AND QUALIFICATIONS

Section 7.1. Promotion Policy

- A. The Police Ordinance currently recognizes the following ranks for police:
 - a. Patrol Officer
 - b. Detective/Corporal (co-extant)
 - c. Sergeant
 - d. Lieutenant (As provided in the First-Class Township Code)
 - e. Chief of Police (As provided in the First-Class Township Code)

The ranks listed above are in order from lowest to highest (*See Ordinance 02-2023-660*). The ranks may be changed in the future, subject to requirements of the Police Department, the law and, if applicable, the Collective Bargaining Agreement.

- B. The ranks above listed (if populated) will have the power to supervise those below them in rank. Rank priority will be as set forth above as listed or the equivalent military ranks. If two officers are of the same rank, then the officer with the highest seniority shall be in charge. Note the Detective/Corporal ranks are co-equal. An officer appointed to a particular one of these ranks will normally have duties listed for that rank as noted in the rank job description; however, the officers will serve either rank's duties as necessary or as so ordered. The Police Ordinance makes these ranks co-extant.

Section 7.2. Promotion Eligibility Lists

The Civil Service Commission shall create eligibility lists for the ranks designated in the police ordinance when requested by the Township. A promotional eligibility list certified by the Commission shall remain in effect for a period of one (1) year from the date of its certification unless voided earlier by the Commission. Further, the promotional eligibility list may be extended by a vote of the Commission prior to its expiration for up to an additional one (1) year.

Section 7.3 General Examination Requirements for the Ranks Established by Ordinance.

- A. The Board of Commissioners or its designee shall establish a job description for each rank. Upon request, the Civil Service Commission shall prepare an eligibility list for those qualified for the duties listed in the job description (as well as other applicable qualifying provisions in these rules and regulations). Because of the relative size of the police department, all police officers are at times required to perform all actions and duties of a police officer no matter what rank they have obtained.
- B. The examination for the rank of Sergeant and any other designated rank shall include a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing seventy percent (70%) of the final score and the oral examination representing thirty percent (30%) of the final score. Both the written and oral examinations shall be graded on a one hundred (100) point scale and an applicant must score seventy percent (70%) or higher on each promotional examination to continue the

testing.

- C. In addition to passing the oral and written examinations as set forth in Subsection A, all applicants for a promotional rank, except for Chief, 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 at any time within five (5) years prior to the deadline for submitting an application. Any formal reprimand or suspension to which the applicant has timely appealed pursuant to agreements, procedure or these rules and regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.
- D. All applicants shall have continuous prior service in the Salisbury Township Police Department in accord with Section 8.3.

Section 7.4. Notification of Vacancy

When a rank within the Police Department is to be filled by promotion, The Board of Commissioners shall submit a written request to the Commission for certification of a list of eligibles for the vacant rank. If a current eligible list for the rank to be filled does not exist, the Commission shall direct the Township Manager to post a notice of the opening on the bulletin board in Police Headquarters. This notice shall be posted at least four (4) months prior to the date set for the written promotion examination, and shall contain the following information:

- A. The rank to be filled and its qualification requirements,
- B. The place, date and time of the written examination,
- C. A statement specifying that all qualified officers interested in applying for the opening must file a letter of intent with the Secretary or Township Manager,
- D. The deadline for accepting letters of intent, such deadline being at least fourteen (14) days after the date of the notice.

CHAPTER 8 - APPLICATION FOR PROMOTION

Section 8.1. Letter of Intent

Each person interested in applying for promotion shall file a signed letter of intent with the Township Manager. Letters of Intention may be received at any time during normal business hours in the office of the Township Manager. The receipt of such letter of intention shall be subject to the following conditions:

- A. The letter shall be received on or before 4:30 P.M. of the deadline date set by the Commission.
- B. Letters of Intent shall become invalid for testing purposes when a current promotional eligibility list is certified for that rank.

Section 8.2. Investigation of Applicants

An investigation of the character and reputation of the applicant may be made by the Commission or its designee.

Section 8.3. Length of Service for Promotions

A. A police officer must have three (3) years of continuous police service with the Township of Salisbury Police Department to be eligible to apply for the rank of Corporal or Detective.

B. A police officer must have five (5) years of continuous police service with the Salisbury Police Department to be eligible to apply for the rank of Sergeant.

C. For determining years of continuous service as set forth above, the same shall begin from the date the officer is actually sworn in as an officer or to a designated rank and the time period shall include time spent in probationary service in said rank.

Section 8.4. Rejection of Applicant

The Commission may refuse to examine for promotion any applicant who:

A. Does not possess the qualifications specified in Section 3.9.

B. Is physically or mentally unfit to perform the full duties of the rank to which he/she seeks promotion.

C. Fails to meet the requirements as set forth in subsection 8.3.

Section 8.5. Hearing for Disqualified Applicant

Any applicant who believes he/she is aggrieved by the action of the Commission in refusing to examine or to certify him/her as eligible after examination may request a hearing before the Commission. The applicant must make the written request within ten (10) calendar days of the date of the written notice of such action. The Commission shall, within ten (10) days following receipt of such written request, designate a time and place for the hearing where the applicant may appear in person and be represented by counsel. The hearing shall be conducted pursuant to the procedure set forth in the Local Agency Law, 2 Pa. Cons. Stat. 101 et. seq. whereupon the Commission shall review its refusal to make such examination or certification, shall take such testimony as may be offered and render a written decision. The decision of the Commission shall be final; however, the applicant has the right of appeal to the Court of Common Pleas of Lehigh County by filing such appeal within thirty (30) days from the date of notice of entry by the Commission of its final decision.

CHAPTER 9 – PROMOTION EXAMINATIONS

Section 9.1. Notice of Examination

The Commission or its designee shall give written notice of each promotion examination to each qualified applicant. The notice shall be mailed or otherwise delivered to each applicant at least three (3) months prior to the date of the examination. The notice shall specify the date, time, duration and place of the examination and explain the following:

- A. Only applicants receiving notices to report for examination shall be permitted to participate in such examination, and each applicant shall present his/her notice and photo I.D. motor vehicle operator's license to the examiner before being examined.
- B. Failure to report for an examination in accordance with the instructions contained in the notice shall be a cause for disqualification, absent a waiver of such requirement by the Commission upon good cause shown, the decision of the Commission on any waiver request shall be final and binding.
- C. Include identification of the materials that are to be reviewed in preparation for the promotional exam
- D. All qualified applicants will be given copies of the materials to be reviewed for the examination no less than three (3) months prior to the date of the scheduled examination, unless the availability of the materials is delayed due to the provider of such materials, in which case the date for the promotion examination shall be rescheduled to comply with this requirement.
- E. Each qualified applicant who takes the promotion examination will be provided with his/her examination results directly from the entity conducting and grading the examination or directly from the Commission

Section 9.2. Breaking Tie Scores

When two (2) or more eligible applicants receive the same final overall score, the order in which the names of such persons appear on the eligible list shall be determined by their respective scores on that part of the examination assigned the greatest weight. In the event a tie still exists, the next lower weighted score shall be used. If a tie still exists, the final tie-breaker shall be the lengths of service of each applicant.

Section 9.3. Eligible List

When all examinations and evaluations have been completed and final overall scores have been computed, the Commission shall prepare a promotion eligible list and such list will be posted on the bulletin board in the Police Headquarters within ten (10) days of its approval.

CHAPTER 10 - PROMOTIONS - CERTIFICATION OF ELIGIBLES AND APPOINTMENTS

Section 10.1. Certification of Promotion

Upon receipt of a request from The Board of Commissioners for certification of a list of eligibles for promotion to the rank specified, the Commission shall certify the names of the top three (3) persons, or a lesser number if three are not available, on the promotion eligible list for the rank to be filled.

Section 10.2. Promotional Appointment

When The Board of Commissioners receives the certified list of eligibles for promotion from the Commission, it may elect to decline or proceed to make an appointment from such list. The Board of Commissioners may also make objections to the Commission as to the qualifications of one or more of the candidates certified by the Commission. Should such objections be sustained by the Commission, the Commission shall remove the name of such person from the eligible list and certify the next highest person on the list.

After an appointment is made, the names of those persons not appointed shall remain on the eligible list unless removed for cause as stated above.

CHAPTER 11 – PROBATIONARY PERIOD

Section 11.1. Probationary Period

Every successful applicant to the position of patrol officer or to a promotional rank within the police department shall serve a twelve (12) month probationary period commencing upon the swearing in of the officer or the actual date of promotion. For newly hired police officers, the one (1) year probationary period shall not commence until after the officer has completed training under Act 120 and receives a certification number. During training and the probationary period, a newly hired officer may only be dismissed for cause as specified in Section 1183 of the Civil Service Act or because of incapacity for duty due to the use of alcohol or drugs. A promoted officer, during probation, may be returned to a prior rank only for cause for the reasons set forth in Section 14.1. The Chief of Police shall report to the Commissioners at a minimum of every three months during the probationary period of any new officer or new promotion on the progress of that person in that rank. However, at the end of the twelve (12) month probationary period, if the conduct of the probationer has not been satisfactory to the Township of Salisbury, 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 his performance has been unsatisfactory, shall receive a permanent appointment to the new rank. Any probationer who is notified in writing that appointment will not be made permanent has no rights of appeal under these Rules and Regulations.

CHAPTER 12 - PROVISIONAL APPOINTMENTS

Section 12.1.

Whenever there are urgent reasons for the filling of a vacancy in any rank in the police department and there are no names on the eligible list for such appointment, the Board of Commissioners may nominate a person to the Commission for noncompetitive examination, and such nominee may be certified by the Commission as qualified after such noncompetitive examination, and may be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the Commission within three weeks to hold a competitive examination and certify a list of eligibles and then a regular appointment shall then be made from the name or names submitted by the Commission; provided, that nothing within this section shall prevent the appointment, without examination, of persons temporarily as police officers in cases of riot or other emergency.

CHAPTER 13 – CHIEF OF POLICE

Section 13.1. Appointment of Chief of Police

In the case of a vacancy in the office of Chief of Police, the appointing authority has full discretion in selecting the individual to fill the rank of Chief of Police. If the appointing authority requests the Commission to subject that person to a noncompetitive examination, and if that person successfully passes the noncompetitive examination, then the Commission shall notify the appointing authority of the results of the examination and that person may only be removed from the position of Chief of Police for the reasons set forth in Section 14.1.

CHAPTER 14 - SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK

Section 14.1 Grounds for Disciplinary Action

(a) No person appointed to a rank in the Police Department pursuant to these Rules and Regulations may be suspended without pay or removed from duty and no person promoted in rank pursuant to these Rules and Regulations may be reduced in rank except for the following reasons:

- (1) Physical or mental disability affecting the officer's ability to continue in service, in which case the officer shall receive an honorable discharge from service;
- (2) Neglect or violation of any official duty;
- (3) Violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony;
- (4) Inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming an officer;
- (5) Intoxication while on duty; or
- (6) Engaging or participating in conducting of any political or election campaign

other than the officer's exercise of his/her own right of suffrage.

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

(c) All appeals of disciplinary actions for full-time police officers and part-time police officers (both types of police covered by the current CBA) will be handled in accord with the terms of the CBA (Collective Bargaining Agreement). If for any reason the disciplinary actions are not covered by the CBA or in the future are removed from the CBA, then the disciplinary appeals will be heard by the Civil Service Commission in accord with the following Rules and Regulations. (Note: Part-time police in Salisbury Township are governed by the civil service requirements in accord with the Order of September 28, 1993 of Judge Young in the case of *Salisbury Township Police Officers Association v. Township of Salisbury, et al.*, to No. 93-C-64.)

Section 14.2. Notice

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 charges shall be stated clearly and in sufficient detail to enable the officer to understand the charges against him/her and to allow the officer an opportunity to respond to those charges. The charges shall specify the subsection of Section 14.1 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 14.1.

Within five (5) days after the Board of Commissioners 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 his/her appeal rights under Section 14.3 of these Rules and Regulations. A copy of the statement of charges shall also be served upon the members of the Civil Service commission.

Section 14.3. Hearings

(a) The Officer who has been suspended, removed or reduced in rank may appeal the decision of the appointing authority by written notice to the Secretary of the Commission at 2900 S. Pike Avenue, Allentown, PA 18103 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 against him/her 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 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) 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 Board of Commissioners unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Board'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.

Section 14.4. Hearing Procedure

(a) All testimony shall be given under oath administered by the Chairperson, or in his/her 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.

(b) If the Commission sustains the charges, the officer who was suspended, removed or reduced in rank may file an appeal with the Court of Common Pleas within thirty (30) days from the date of entry by the Commission of its final order. No order of suspension shall be made by the Commission for a period longer than one year. In the event that the Commission fails to uphold the charges, then the person sought to be suspended, removed or demoted shall be reinstated with full pay for the period of the suspension, removal or demotion, and no charges related to the suspension, removal or reduction in rank shall be officially recorded against his/her record.

CHAPTER 15 – COMMISSION FORMS

Section 15.1. Use of Forms

The Commission may adopt and use various types of forms to perform its official functions. These forms and all notations, references and statements appearing in them are incorporated by reference into these Rules and Regulations and shall be as much a part of these rules as if they were fully described herein.

Section 15.2. Copies of Forms

Copies of these Rules and Regulations and all official forms shall be printed for public distribution at the expense of the Township, and shall be made available for distribution from the Secretary or the offices of the Township Manager.

CHAPTER 16 – AMENDMENT OF RULES AND REGULATIONS

Section 16.1.

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, insofar as such changes do not run contrary to the Civil Service Section of the First Class Township Code. Before any changes to these Rules and Regulations become effective, those changes must be approved by The Board of Commissioners.

CHAPTER 17 – SEVERABILITY

Section 17.1.

In the event that any provision of these Rules and Regulations shall be deemed contrary to Federal or Commonwealth of Pennsylvania law, it is the stated intent that the remaining provisions of these Rules and Regulations shall remain in full force and effect as though the contrary provisions had not been included.

APPENDIX 1

Automatic Disqualifications

If one or more of the following disqualifications applies to an applicant, the applicant shall not be eligible for appointment as a police officer in the Township of Salisbury.

1. The applicant, having been a citizen of the United States, has relinquished his or her citizenship.
2. Does not meet any of the established preliminary requirements or has not filed all of the documents requested.
3. Refusal to submit to a pre-employment polygraph, psychological evaluation, medical examination and urinalysis drug test.
4. Intentionally falsified, omitted, concealed or misrepresented any material information during any portion of the current or any prior employment application process for a position with the Salisbury Township Police Department, including, without limitation, Pre-Employment Questionnaire, Polygraph Screening Packet, and interview.
5. The applicant has been previously been disqualified for employment by the Salisbury Township Police Department.
6. The applicant has willfully submitted a false application to any other law enforcement agency.
7. The applicant has been dishonorably discharged from any branch of military service or law enforcement agency.
8. Convicted in any state of a crime for which more than one year in prison can be imposed as a punishment.
9. The applicant was convicted of any offense involving domestic violence.
10. Convicted of False Swearing (18 Pa. C.S. § 4903), Unsworn Falsification to Authorities (18 Pa C.S. §4904) or an equivalent offense in another state.
11. The applicant was convicted of two or more offenses of driving while intoxicated as defined under 75 Pa. C.S. §3802 or an equivalent offense in any other state.
12. The applicant was convicted of driving while intoxicated as defined under 75 Pa. C.S. §3802 within the last five years or an equivalent offense in any other state.

13. The applicant is currently on probation or has been on probation at any time within the last 12 months.
14. If the applicant pled guilty or has been found guilty of any motor vehicle violation five or more times within the past two years.
15. The applicant was adjudicated by a court to have violated any person's civil rights.
16. The applicant is subject to a Protection from Abuse or Restraining Order from any other state for any domestic violence related offense or for harassing, stalking, or threatening.
17. Has engaged in the following drug usage:
 - a) Use of marijuana or steroids within three years of the application date.
 - b) Ever illegally sold, produced, cultivated, distributed, or transported a controlled dangerous substance, narcotic drug, or marijuana.
 - c) Illegally used a controlled dangerous substance, narcotic drug, or marijuana while employed as a law enforcement officer.
 - d) Ever used heroin or injected a controlled substance.
 - e) Use of cocaine, methamphetamine, barbiturates, inhalants, designer drugs, or hallucinogens.
 - f) Abuse of prescription drugs within five years of application date.
18. Has at any time had his or her driver's license revoked in any state.
19. Has at any time incurred three or more suspensions of his or her driver's license (including a combination of suspensions in any state).
20. Has within three years of the application date incurred a second suspension of his or her driver's license (including a combination of suspensions in any state).
21. Bad Credit History including but not limited to bankruptcy, credit card defaults, civil actions, or a poor credit rating.
22. Past or current gang affiliations.
23. Two or more convictions of the following offenses (or equivalent offenses in another state) with seven years of the application date:
 - a. Accidents involving damage to attended vehicle or property (75 Pa. C.S. §3743).
 - b. Driving without lights to avoid identification or arrest (75 Pa. C.S. §3734).
 - c. Drivers required to be licensed (75 Pa. C.S. §1501).
 - d. Required financial responsibility (75 Pa. C.S. §1786).
 - e. Obedience to authorized person directing traffic (75 Pa. C.S. §3102).

- f. Meeting or overtaking school bus (75 Pa. C.S. §3345(a)).
 - g. Maximum speed limit (31 miles per hour and over) (75 Pa. C.S. §3362).
 - h. Racing on highway (75 Pa. C.S. §3767).
 - i. Reckless driving (75 Pa. C.S. §3736).
 - j. Accident involving damage to unattended vehicle or property (75 Pa. C.S. §3745).
 - k. False Reports (75 Pa. C.S. §3748).
24. Visible body mutilation. This includes "plug" or "gauge" style earrings.
25. Displaying or demonstrating anti-government, racist or hate related ideologies or maintaining membership in a group that displays or demonstrates anti-government, racist or hate related ideologies.

APPENDIX 2

Essential Functions for a Police Officer

In accordance with the Americans with Disabilities Act (ADA), the following list of essential job functions is established as criteria for qualification to receive confirmed offers of employment as a commissioned police officer with the Salisbury Township Police Department.

GENERAL SUMMARY: The work of the commissioned police officer involves responsibility for the protection of life and property, prevention of crime, apprehension of criminals and the general enforcement of laws and ordinances. Duties normally consist of routine patrol, preliminary investigation and traffic regulation. Police officers also may be assigned duties as detectives, court security officers, crime prevention officers, Department training officers, evidence technicians, field training officers, accident investigators, helicopter pilots, firearms instructors, DARE program officers, hostage negotiators, dog handlers or special response team officers. Work involves an element of personal danger. The employee must be able to exercise sound independent judgment under stress. Assignments may include work on special tasks, which call upon specialized abilities and knowledge possessed by the officer.

Work assignments can be general or specific and instructions are received from a supervisor who reviews work methods and results through reports, personal inspection and discussion.

I. DUTIES AND RESPONSIBILITIES

A. Crime Prevention and Investigation

- Performs preventive patrol in assigned beat;
- Continually observes for criminal activity, safety hazards, traffic violations, persons needing assistance, etc;
- Becomes and remains familiar with patrol beats, geographic locations, known offenders, neighborhood routines, potential problem areas;
- Conducts security inspections and surveys of buildings and businesses and makes recommendations regarding security, etc;

- Makes presentations to groups and individuals on subjects related to the job's tasks and functions;
- Handles complaints made by the public;
- Observes for, detects and investigates violations of laws and ordinances and documents those actions for future use;
- Conducts interviews and interrogations of victims, witnesses, suspects and offenders;
- Conducts searches of person, vehicles, places and things;
- Identifies and arrests offenders, including subduing resistive arrestees;
- Seeks and serves arrest warrants, search warrants and other court documents;
- Assists prosecutors in the preparation of cases for trial;
- Appears and testifies in court, juvenile hearings, at deposition sessions and similar proceedings;
- Enforces traffic and parking laws, including driving under the influence detection and apprehension;
- Controls, regulates and directs vehicular and pedestrian traffic;
- Investigates traffic accidents, including protecting the scene, aiding the injured, controlling traffic, clearing the scene, determining the cause, preparing reports and diagrams;
- Assists disabled motorists;
- Deals with children of all ages in a variety of situations, such as delinquents, minors requiring authoritative intervention, neglected, abused, runaways, lost, found, victims of crimes, public relations and instructional functions and informants.

B. Miscellaneous Order Maintenance

- Deals with domestic disputes and other interpersonal and business contacts;

- Recognizes and corrects or reports public hazards and inconveniences, as gas leaks, traffic signals out of service, traffic obstructions and other safety hazards;
- Responds to specific requests for ambulance/fire service and assists as needed;
- Administers first aid, including CPR, to sick and injured persons;
- Investigates incidents involving dead persons resulting from criminal, accidental, suicidal and natural causes, including determination of the circumstances and handling/removal of the body and dealing with the family, relatives, friends, witnesses, etc.;
- Investigates reports of lost and found property;
- Investigates reports of missing and found persons;
- Investigates animal complaints, including the humane disposition of severely injured animals;
- Directs and/or supervises civilian employees and the public at the scenes of crimes, accidents, disasters, assemblies, etc.;
- Generally assists persons in distress.

C. Organizational Support

- May perform desk duties, including telecommunications (telephone, computer terminal, radio), assisting persons at the counters of the precinct stations, processing reports;
- Conducts background investigations for prospective police applicants;
- Attends training as assigned;
- Develops and maintains required skills and licenses/permits/certifications associated with area of special instruction, expertise, etc. (Firearms qualification, evidence technician, juvenile law, criminal investigations);
- Trains new officers, reserve officers and other officers in areas of special skills or expertise;
- prepares clear, accurate and complete reports on any and all activities engaged in.

II. WORK CHARACTERISTICS/CONDITIONS

A. Scheduling

Police officer positions involve regular and irregular shift work and shift rotations necessary to provide police services 24 hours a day, 7 days a week, 52 weeks a year (weekends and holidays included). Work shifts are normally eight (8) or twelve (12) hours in duration but may be extended in the event of emergency, disaster, manpower shortage, workload or work-in-progress. High percentage of attendance, on-time arrival to work and ability to work overtime when necessary are required.

B. Environmental Factors

Police officer positions involve exposure to and require the officer to function in the presence of the following:

- Inclement weather, to include extreme heat/cold, rain, snow, wind, etc.
- Light conditions associated with day and night;
- Fire, smoke, chemical leaks/spills - as close proximity as necessary to provide emergency services;
- Personal danger, including but not limited to:
 - Armed and/or dangerous persons/animals;
 - Persons and/or articles with contagious/communicable diseases;
 - Hazards associated with emergency driving, traffic control and working in and around traffic;
 - Hazards associated with natural and man-made disasters.

C. Infectious Diseases

Because police officers may be called upon in adverse conditions to come into physical contact with others, the County will not knowingly expose citizens or other employees to an employee infected with a contagious disease that poses a direct threat. Decisions regarding infectious diseases will be based on reasonable medical judgments given the state of medical knowledge about: a) the nature of the risk (how the disease is transmitted), b) the duration of the risk (how long is the carrier infectious), c) the severity of the risk (what is the potential harm to third parties, and d) the probability that the disease would be transmitted and will cause varying degrees of harm. (*School Board of Nassau County v. Arline*, 480 U.S. 273, 107 S.Ct. 1123, 1987).

III. PHYSICAL ABILITIES

The Salisbury Township Police Department has a strong interest in promoting confidence with the general public by having our employees maintain a uniform, professional appearance and image. Uniforms, equipment items and personal appearance are regulated by the Department's General Order, Uniforms and Appearance. All commissioned police officers must be able to wear and effectively utilize all Department issued items of uniforms and equipment as specified in the general order, regardless of assignment. This includes, but is not limited to: the field uniform (gun belt and included equipment; soft body armor; and specialized equipment such as riot helmet, riot baton and ballistic shield).

A. Motor Skills/Flexibility

The police officer position requires the employee to have and maintain the physical and mental ability needed to:

- React and move rapidly from a sedentary to active condition in response to environmental situations or events;
- Assume a variety of bodily position and postures necessary to employ available "cover and concealment" during a deadly force encounter;
- Respond to a physical attack and possess the ability to escape the attacker and/or summon aid;
- Operate a motor vehicle in a safe and prudent manner (possess a Pennsylvania driver's license with less than five chargeable points);
- Operate and qualify with the Department-issued firearms, utilizing both hands, as well as each hand individually;
- Operate office equipment, such as telephones, audio/visual devices, computer or workstation keyboards, calculators and security locking systems;
- Operate all equipment necessary for performing routine daily assignments, apprehending and processing criminals and conducting both criminal and traffic-related investigations;
- Operate/utilize all Department vehicle mounted equipment whether in a mobile or stationary mode;
- Administer first aid, to include Cardio Pulmonary Resuscitation (CPR);

- Perform required duties for extended periods of time while exposed to adverse conditions, to include time worked in excess of the normal daily duty shift and rotating shift work;
- Apprehend suspects to the extent of engaging in foot pursuits while summoning assistance and/or engaging in the necessary use of force;
- Discern colors as they are applied in traffic safety situations (electric signals, signing, hazardous materials placards, vehicle and clothing descriptions, etc.);
- adequately judge distances and estimate speed;
- See read and recognize obstacles in a variety of normal and/or emergency environments. Have vision that is correctable to "Department vision" standards;
- Determine or estimate the point of origin of noise;
- Recognize/relate sound to situations based on frequencies or voice inflection within the normal range of human hearing;
- Employ the normal senses of touch and smell.

B. Communicative Skills

The police officer position further requires the employee to have and maintain the physical and mental condition needed to:

- Speak read and write the English language in a clear, understandable fashion;
- Reasonably identify and display basic non-verbal communications (body language);
- Effectively relate to or communicate with a variety of personality types during interpersonal contacts.

C. Judgment/Decision Making Ability

The police officer position requires the employee have the ability to:

- Comprehend and implement verbal and written instructions;

- Apply reasoning skills when confronted with circumstances requiring discretionary decisions;
- Establish priorities and construct subsequent plans when investigating incidents or events;
- Formulate and carry out an appropriate course of action for a given situation for which no specific rule or procedure has been established;
- Apply theory-based instruction or training to actual incidents/situations;
- Handle situations firmly, courteously, tactfully and impartially;
- Retain and retrieve information furnished in the form of bulletins, verbal reports, training keys, etc.
- Be capable of receiving and giving instructions.

D. Emotional Psychological Stability

The police officer position requires the employee to have the emotional and psychological stability required to:

- Cope with and perform day-to-day duties under the principles of discipline;
- Maintain self-control when receiving constructive criticism and/or being ridiculed;
- Continue performing all required tasks at a professional level when faced with unpleasant circumstances;
- Perform police duties without dependence on alcohol/narcotics;
- Deal effectively with the morbid, the macabre, the repugnant, the abnormal, the morose, the psychotic, and the neurotic.