



# **CIVIL SERVICE COMMISSION**

**BOROUGH of POTTSTOWN  
MONTGOMERY COUNTY  
PENNSYLVANIA**

**RULES and REGULATIONS**

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# CHAPTER 1. DEFINITIONS 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:

**Administrative Leave** – The involuntary temporary separation, with pay, of a police officer from the police department.

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

**Appointing Authority** – The Borough Council of the Borough of Pottstown, Montgomery 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 Borough of Pottstown, Pennsylvania.

**Commission** – The Civil Service Commission of the Borough of Pottstown, 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 position in the police department.

**Furlough List** – The list containing the names of persons temporarily laid off from positions in the police department because of a reduction in the number of officers.

**Officer** – Any sworn full-time position in the police department.

**Police Officer** – For the purpose of these Rules and Regulations, an entry level sworn full time position in *the* police department.

**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.

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

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

**Secretary** – The Secretary of the Civil Service Commission of the Borough of Pottstown, Montgomery County, Pennsylvania.

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

## **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 Borough of Pottstown, Montgomery County, Pennsylvania and shall be appointed by the Borough Council initially to serve for the terms of two, four, and six years, and as terms thereafter expire shall be appointed for terms of six years.

Any vacancy occurring in the Commission for any reason whatsoever shall be filled by the Borough Council for the unexpired term within the period of thirty (30) days after such vacancy occurs.

Each member of the Commission, before entering upon 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 the official duties with fidelity. No Civil Service Commissioner shall receive compensation.

### **Section 2.2 Offices Incompatible with Civil Service Commissioner**

No Commissioner shall at the same time hold an elective or appointed office under the United States government, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth, except that one member of the Commission may be a member of the Council of the Borough. One Commissioner may be a member of the teaching profession.

### **Section 2.3 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 and one as the Secretary. The Commission shall thereafter meet and organize on the first Monday of February of each even-numbered year. Two 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.

### **Section 2.4 Duties of Chairperson**

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

## **Section 2.5 Duties of Secretary**

The Secretary shall carry on at the direction of the Commission all official correspondence of the Commission, send out all notices required by law and these Rules and Regulations, keep a record of each examination or other official action of the Commission, and perform all other duties required by law or these Rules and Regulations.

## **Section 2.6 Meetings**

Except for the biennial organization meeting, all meetings shall be held at the call of the Chairperson or at the call of two members of the Commission. The Commission shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or these Rules and Regulations. The Secretary of the Commission shall give each Commissioner 24 hours notice in writing of each and every meeting of the Commission.

## **Section 2.7 Clerks and Supplies**

The governing body shall furnish the Commission with such supplies and clerical assistance as may be necessary for the Commission to fulfill its duties. In addition, the Commission may retain counsel, and any other consultants or experts, including physicians and psychiatrists, as are necessary. The elected and appointed officials of the Borough shall assist the Commission with all reasonable and appropriate efforts including compensation for any counsel or experts retained by the Commission.

## **Section 2.8 Amendment of Rules and Regulations**

The Commission may amend, revise, void or replace these Rules and Regulations for any reason by action of a majority of the Commission at any properly convened meeting of the Commission. Before any changes to these Rules and Regulations become effective, those changes must be approved by the Borough Council. The Borough agrees to negotiate with representatives of the police bargaining unit, any revision in the Rules and Regulations that affect the terms and conditions of employment. These Rules and Regulations, and any amendments thereto shall be made available to the public for distribution or inspection.

## **Section 2.9 Minutes and Records**

The Commission shall keep minutes of its proceedings and records of examinations and other official action. All records of the Commission shall be preserved and disposed of according to the *Retention and Disposition Schedule for Records of*

*Pennsylvania Municipalities* issued by the Local Government Records Committee under authority of the Municipal Records Act, 53 Pa. C.S.A. § 1381 *et seq.*

Any and all records related to any disciplinary action filed with the Commission 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 make investigations concerning all matters relating to the administration and enforcement of these Rules and Regulations. The Chairperson of the Commission is authorized to administer oaths and affirmations in connection with such investigations.

### **Section 2.11 Subpoenas**

The Commission shall have the power to issue subpoenas over the signature of the Chairperson, or designee, to acquire the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of such witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for the incidental expense of the Commission.

All officers in public service and employees of the Borough shall attend and testify when required to do so by the Commission.

If any person shall refuse or neglect to obey any subpoena issued by the Commission, upon conviction of such refusal or neglect in a summary proceeding, that person shall be sentenced to pay a fine not to exceed one hundred dollars (\$100), and in default of the payment of such fine and cost shall be imprisoned not to exceed thirty (30) days.

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

### **Section 2.12 Annual Report**

The Commission shall make an annual report to the Borough Council containing a brief summary of its work during the year and a full accounting for any expenditure of public monies. The annual report shall be available for public inspection.

## **CHAPTER 3. APPLICATIONS AND QUALIFICATIONS**

### **Section 3.1 Eligibility for Examinations**

In order to be eligible for participation in any examination for any position with the police department, every applicant must submit a completed application on the prescribed form to the Commission before the deadline stated by the Commission for that specific examination.

The applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa. C.S. §4909 relating to Un-Sworn Falsification to Authorities.

### **Section 3.2 Discrimination**

The Borough of Pottstown is an equal opportunity employer. It is the Borough's and the Commission's policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, age, veteran's status, marital status, sexual preference, or non job-related physical or mental handicap or disability. The Borough and the Commission will provide equal opportunities in employment and promotion.

### **Section 3.3 Availability**

BOROUGH OF POTTSTOWN, PA – POLICE OFFICER APPLICATION FOR WRITTEN EXAMINATION forms shall be available to all interested persons in the office of the Borough of Pottstown Human Resources Coordinator, and from other such offices and officers that the Commission, from time to time, may choose to designate. Application forms may be mailed upon written, e-mail, or telephone request. However, the Commission assumes no responsibility for missing filing deadlines due to delay in the mail.

### **Section 3.4 Age and Residency Requirements**

All applicants must have reached their eighteenth (18<sup>th</sup>) birthday before the deadline for submitting completed applications. Applicants hired after April 30, 1997 must establish a permanent bona fide residence within fifteen (15) miles of any legal boundary of the Borough of Pottstown within nine (9) months of completing their probationary period.

### **Section 3.5 General Qualifications – All Applicants**

Every applicant for any position in the police department shall possess a diploma from an accredited high school or a graduate equivalency diploma. In addition, every applicant must be a United States citizen, be physically and mentally fit to perform the full duties of a police officer, and, prior to appointment, possess a valid motor vehicle operator's license issued by the Commonwealth of Pennsylvania.

### **Section 3.6 General Qualifications – Applicants for Promotion**

(a) In addition to meeting the qualifications in section 3.5 above, all applicants for a promotional position, except Chief of Police, **shall not have** been suspended without pay for a total of more than five (5) days in the three (3) years prior to the deadline for submitting applications. Any suspension to which the applicant has timely appealed pursuant to a contractual grievance procedure or these Rules and regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

(b) All applicants for promotion shall have continuous prior service with the Police Department of the Borough of Pottstown, Montgomery County, and college credits as follows:

(1) An applicant for the rank of corporal shall have a minimum of two (2) years of continuous prior service with the department after completion of the initial (new hire) probationary period, and shall have a minimum of an Associates Degree in a degree granting program in law enforcement or its equivalent, or; an applicant for the rank of corporal shall have a minimum of four (4) years of continuous prior service with the department after completion of the initial (new hire) probationary period, and shall have a minimum of fifteen (15) credits in a degree granting program in law enforcement or its equivalent.

(2) An applicant for the rank of sergeant shall have a minimum of three (3) years of continuous prior service with the department after completion of the initial (new hire) probationary period, shall have served a minimum of one (1) year in the rank of corporal, and shall have a minimum of an Associates Degree in a degree granting program in law enforcement or its equivalent, or; an applicant for the rank of sergeant shall have a minimum of five (5) years of continuous prior service with the department after completion of the initial (new hire) probationary period, shall have served a minimum of three (3) years in the rank of corporal, and shall have a minimum of thirty (30) credits in a degree granting program in law enforcement or its equivalent.

(3) An applicant for ranks above sergeant, except Chief of Police, shall have a minimum of seven (7) years of continuous prior service with the department after completion of the initial (new hire) probationary period, shall have served a minimum of two (2) year in the immediate preceding rank, and shall have a minimum of a Bachelor's

Degree in a degree granting program in law enforcement or it's equivalent, or; an applicant for ranks above sergeant shall have a minimum of eleven (11) years of continuous prior service with the department after completion of the initial (new hire) probationary period, shall have served a minimum of two (2) years in the immediate preceding rank, and shall have an Associates Degree in a degree granting program in law enforcement or it's equivalent.

### **Section 3.7 Rejection of Applicant**

The Commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these Rules and Regulations for the particular position for which the applicant has applied. In addition, the Commission may refuse to examine, or if examined, may refuse to certify any applicant who is physically or mentally unfit to perform the full duties of the position applied for, or who is a habitual substance abuser, who has been convicted of any crime, 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 forms of government set forth in the Constitutions and laws of the United States and the Commonwealth of Pennsylvania.

### **Section 3.8 Recording and Filing Applications**

Applications for positions in the police department shall be received at the Borough building only after a hiring or promotional test has been properly advertised and before the deadline for receiving applications, which must be set forth in the public advertisement. Applications will be received by the municipal officer designated in the public advertisement or that officer's designee. That person shall record the receipt of all applications and provide each applicant with notice of the time and place for the first portion of the testing procedure. Any application containing material errors or omissions may, at the discretion of the Commission, be returned to the applicant for correction prior to the deadline for filing applications after which no new applications or amended applications will be accepted.

### **Section 3.9 Hearing for Disqualified Applicants**

Any applicant or other persons who believes that they are aggrieved by the actions of the Commission, in refusing to examine or certify them as eligible after examination, may request a hearing before the Commission. Within ten (10) days after such request, the Commission shall designate a time and place for the hearing, which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. Cons. Stat. §101 *et seq.* The applicant or aggrieved party may make their request for a hearing in writing within ten (10) calendar days of the date when the party knew or should have known of the Commission's action, which is being challenged.

### **Section 3.10 Public Notice of Examination**

The Commission shall conspicuously post in the Borough 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 position, 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 (1) newspaper of general circulation or a newspaper circulating generally in the Borough.

## **CHAPTER 4. EXAMINATION AND GRADING PROCEDURE**

### **Section 4.1 General Examination Requirements for the Position 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 sixty percent (60%) of the final score and the oral examination representing forty percent (40%) of the final test score. A final combined weighted score of at least eighty (80) on the written and oral portions of the examination process is required for passing. In addition, each applicant will undergo a physical fitness test, and background investigation. These tests will be graded on a pass/fail basis for every applicant. After an applicant has been extended an offer of employment, final appointment shall be contingent upon the applicant passing a physical and psychological examination.

### **Section 4.2 General Examination Requirements for Promotion**

The Commission shall appoint a promotional examination administrator. The examination for the positions of Corporal and ranks above Corporal will be graded on a one hundred (100) point scale and shall include; a written job knowledge examination representing fifty percent (50 %) of the final test score, a test of job-related aptitude representing twenty percent (20 %) of the final test score, and an oral examination representing thirty percent (30 %) of the final test score. There shall be no minimum passing score on promotional examinations. A maximum of ten (10) service points may be added to the applicant's test aggregate score based upon the following schedule:

1. **3 Points**  
Pottstown Police Department Educational Achievement Award (Master's Degree)
2. **2 Points**  
Pottstown Police Department Medal of Honor  
Pottstown Police Department Educational Achievement Award (Bachelor's Degree)
3. **1.5 points**  
Pottstown Police Department Combat Cross of Valor
4. **1 Point**  
Pottstown Police Department Meritorious Service Award  
Pottstown Police Department Police Officer of the Year Award  
Pottstown Police Department Lifesaving Award  
Pottstown Police Department Educational Achievement Award (Associate's Degree)  
Pottstown Police Department Wounded in Combat Award

5. **.5 Points**  
Pottstown Police Department Commendation  
Pottstown Police Department Unit Commendation  
Pottstown Police Department Administrative Excellence Award
6. **.25 Points**  
Pottstown Police Department Honorable Service Award (Maximum 1 point)

### **Section 4.3 Appointment of Examination Administrators**

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

### **Section 4.4 Written Examinations (Position of Police Officer)**

The written Examination shall be graded on a one hundred (100) point scale, and a applicant must receive an overall score of eighty percent (80%) or higher and receive one of the top fifty (50) highest scores including ties in order to continue in the application process. Applicants scoring less than eighty percent (80%) overall, less than seventy percent (70%) in one or more sections of the exam, or not receiving one of the top fifty (50) highest scores shall be rejected. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their test results and passing applicants shall be scheduled for Physical Fitness Testing.

1. Included with this written notice will be a blank Borough of Pottstown, PA - Police Officer Application. All applicants shall submit their completed Borough of Pottstown, PA - Police Officer Application to the Physical Fitness Testing Administrator at the time of their scheduled Physical Fitness testing. Failure to provide the completed application at the time of the applicants Physical Fitness testing will disqualify him/her from further consideration

### **Section 4.5 Physical Fitness Examination (Position of Police Officer)**

1. All applicants for the position of police officer must meet the below listed physical fitness requirements.

**A. 1 Minute Sit-Up Test**

This test measures the muscular endurance of the abdominal muscles. This is important for performing tasks that involve the use of force, and it helps maintain good posture and lower back problems. Perform this test on a mat or carpeted surface.

Required number of Sit-Ups/Male

Under 20	20-29 years old	30-39 years old	40-49 years old
41	38	34	29

Required number of Sit-Ups/Female

Under 20	20-29 years old	30-39 years old	40-49 years old
32	32	25	20

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**B. Maximum Push-Up Test**

This test measures the muscular endurance of the upper body muscles in the shoulders, chest and back of upper arms (the extensors). This is important for use of force involving pushing motion.

Required number of Push-Ups/Male

Under 20	20-29 years old	30-39 years old	40-49 years old
32	29	24	18

Required number of Push-Ups/Female

Under 20	20-29 years old	30-39 years old	40-49 years old
17	15	11	9

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**C. Repetition Maximum Bench Press**

This test measures the amount of force the upper body can generate. Upper body strength is important for performing tasks such as use of force.

Bench press amount=Applicant body weight x listed bench press ratio

Male

Under 20	20-29 years old	30-39 years old	40-49 years old
1.06	.99	.88	.80

Female

Under 20	20-29 years old	30-39 years old	40-49 years old
.57	.59	.53	.50

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#### D. 300 Meter Run

This is a test of anaerobic capacity, which is important for performing short intense bursts of effort such as pursuits.

Maximum time in Seconds/Male

Under 20	20-29 years old	30-39 years old	40-49 years old
58	62	66	73

Maximum time in seconds/Female

Under 20	20-29 years old	30-39 years old	40-49 years old
63	67	71	77

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#### E. 1.5 Mile Run

This run is a measure of cardiovascular endurance or aerobic power. It measures the heart and vascular system's capability to transport oxygen (cardiovascular endurance). This is important for performing tasks involving stamina and endurance.

Maximum time in minutes and seconds/Male

Under 20	20-29 years old	30-39 years old	40-49 years old
12:20	12:51	13:36	14:29

Maximum time in minutes and seconds/Female

Under 20	20-29 years old	30-39 years old	40-49 years old
15:10	15:26	15:57	16:58

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- 1) These standards are established through norms from the Cooper Institute for Aerobics Research database of approximately 25 000 adults. The standard for the 300-meter run is established through 1500 random law enforcement samples.
  - 2) Screening and method for testing is established through the FitForce Coordinator Guide and The Total Peace Officer's Total Fitness Program.
  2. All entry-level applicants are required to complete all of the listed standards in this section as prescribed by the test coordinator and established through FitForce standards.
  3. Failure-An entry-level applicant will receive a "Failure" for not completing any of the standards listed in this section as prescribed and demonstrated by the physical fitness test coordinator as established through FitForce standards.
    - a) An entry-level applicant may retest in any one of the five listed standards after receiving a failure for not completing the test in the required standard.

- b) The retest must be completed within 5 hours of the initial test failure. Only one retest, in any one standard, will be permitted per applicant.
  - c) Retesting must be arranged and completed through the Test Administrator.
4. Within thirty (30) days after the administration of the Physical Fitness Examination, all applicants shall be given written notice of their test results and passing applicants shall be scheduled for Oral Examination.

#### **Section 4.6 Oral Examination (Position of Police Officer)**

Every applicant for an entry-level position of police officer who scored eighty percent (80%) or higher and receives one of the top fifty (50) highest scores, including ties in the written examination, and who passes the Physical Fitness Testing shall be given an oral examination which will be graded on a one hundred (100) point scale with a score of eighty percent (80%) or higher necessary for passing. Within thirty (30) days after the applicant's oral examination, they shall be informed of the score and total overall score.

#### **Section 4.7 Veterans' Preference Points**

Pursuant to the Veterans' Preference Act, any applicant for the position of Police Officer who qualifies as a "soldier" under this Act, shall receive an additional ten (10) points on their total score if that applicant had received passing scores under Sections 4.1, 4.4, 4.5, and 4.6 of these Rules and Regulations. No Veterans' Preference Points will be awarded on Promotional Examinations.

#### **Section 4.8 Background Investigations**

The Commission shall request the Chief of Police, or the Chief's designee to conduct a background investigation on each applicant who has successfully passed all examination criteria to this point. The background investigation shall include, but not be limited to, interviews with the applicant's family, acquaintances, current and former employers, current and former neighbors, references, and current and former teachers and school officials. At a minimum, interviews shall be conducted with at least five (5) people that have personal knowledge of the applicant but who are not related to the applicant and the applicant's employer(s) for the past seven (7) years. The background investigation shall also include a criminal history check, to include the submission of the applicant's fingerprints to the Central Repository for the Commonwealth of Pennsylvania, the Federal Bureau of Investigation, and any other agency deemed appropriate during the background investigation. In addition to the applicant's credit history, military service record, and record of criminal convictions, his/her driving record

shall be investigated for verification that he/she possesses a valid driver's license. The applicant will be interviewed directly as part of the background investigation process, to obtain pertinent information and/or for clarification or explanation regarding information collected.

After the background investigation is completed, the Chief, or designee, shall make written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment as a Pottstown Police Officer.

Appropriateness of the applicant shall be based on the criteria set forth in Section 3.7 of these Rules and Regulations. This recommendation shall be in writing and if the recommendation is to disqualify, then a detailed written explanation of the reasons for disqualification must be included. The Commission shall make the final determination on whether the information collected during the background investigation warrants rejection of the candidate. Within thirty (30) days after the Commission considers the recommendation of the Chief of Police or designee, each applicant will be informed of whether they passed the background investigation.

## **CHAPTER 5. CERTIFICATION OF THE LIST OF ELIGIBLES AND APPOINTMENT**

### **Section 5.1 Creation of Eligibility List**

At the completion of the examination requirements set forth in Section 4 of these Rules and Regulations, written examination, physical fitness test, oral examination, and background investigation, the Commission shall rank all passing applicants on a list with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list. Entry level (Police Officer) applicants who qualify for Veterans' Preference Points shall have those points added to their passing score prior to being ranked on the eligibility list.

For promotional positions, fulfilling the performance requirement set forth in Section 3.6 is also required. There shall be no minimum passing score on promotion tests with all applicants listed according to their scores with the highest score at the top and the lowest at the bottom of the list.

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

The eligibility list shall be valid for two (2) years from the date the Commission ranks all passing applicants, assigns Veterans' Preference Points, and formally adopts the eligibility list. The commission may, at its sole discretion, before the original expiration date, by a vote of the majority of the Commission at a duly authorized Commission Meeting extend the list for up to an additional twelve (12) months. The Commission may, at its sole discretion, void an eligibility list at any time for any reason.

### **Section 5.2 Appointment**

- (a) The appointing authority of the Borough of Pottstown may fill any vacancy in an existing position in the police department which occurs as a result of expansion of the police force, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the police department or a former employee the police department who had been furloughed. Except for satisfactory completion of medical and psychological examinations, no other testing shall be required for a furloughed employee or a rehired or reappointed employee, subject to any re-certification requirements prescribed by the Municipal Police Officers' Education and Training Commission.

- (b) If no furlough list exists or if the positions remain to be filled after all of the officers on the furlough list are offered re-employment, every position, except that of Chief of Police, shall be filled in only the following manner:
  - a. The appointing authority of the Borough of Pottstown shall notify the Commission of any vacancy which is to be filled and shall request the certification of three (3) names from the list of eligible candidates;
  - b. if three (3) names are not available, then the Commission shall certify the name(s) remaining on the list;
  - c. the Borough Council shall make an appointment from one of the three (3) names certified with reference to the merits and fitness of the candidates. However (for initial appointment to the position of police officer), when one of the three (3) applicants on the certified list is a veteran, that applicant shall be selected.
- (c) The Borough Council may object to one or more of the persons certified for the reasons set forth in Section 7.3 of these Rules and Regulations. If the candidate to whom Borough Council objects fails to timely exercise the rights of appeal under Section 3.9 of these Rules and Regulations or if the Commission declines to uphold the appeal, the Commission shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three (3) candidates for each name stricken off.

### **Section 5.3 Appointment of the Chief of Police**

In the case of a vacancy in the office of Chief of Police, the appointing authority has full discretion in selecting the individual to fill the position of Chief of Police notwithstanding the laws of the Commonwealth of Pennsylvania regarding police certification under the Municipal Police Education and Training Act. If the appointing authority requests the Commission to subject that person to a noncompetitive examination, and if that person successfully passes the noncompetitive examination, then the Commission shall notify the appointing authority of the results of the examination and that person may only be removed from the position of Chief of Police for the reasons set forth in Section 6.1 of these Rules and Regulations.

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

After the appointing authority selects a candidate from the certified list of three (3) for appointment to the vacant entry-level position, that candidate shall submit to a physical examination and a psychological examination by the appropriate medical experts. If the candidate successfully passes the physical and psychological examinations, then that applicant shall be appointed to the vacant position in the police department, for which the application was submitted.

The appointment shall be contingent upon successfully passing both the physical and psychological examinations. Failure to pass either examination shall result in the candidate being rejected from consideration. The rejected candidate may appeal this decision under Section 3.9 of these Rules and Regulations. The Commission shall then certify another name to be included with the two previously certified names for consideration by the appointing authority pursuant to Section 5.2 of these Rules and Regulations.

#### **Section 5.5 Probationary Period**

Every successful applicant to the position of police officer and promotional positions within the police department shall serve a twelve (12) month probationary period. For newly hired police officers, the one (1) year probationary period shall not commence until the officer has completed training under Act 120 and receives a certification number. Newly hired police officers that do not satisfactorily complete training under Act 120 shall be dismissed with no probationary period and, with the exception of salary, shall reimburse the Borough of Pottstown for expenses (tuition, mileage, uniforms, etc.). During the probationary period, a newly hired officer may only be dismissed for cause for the reasons set forth in Sections 3.7 or 6.1 of these Rules and Regulations. A promoted officer, during probation, may be returned to a prior rank only for cause for the reasons set forth in Section 6.1 of these Rules and Regulations. However, at the end of the twelve (12) month probationary period, if the conduct of the probationer has not been satisfactory to the Borough Council, the probationer shall be notified in writing that the appointment will not be permanent. At that time, a newly hired officer's employment shall end, and a promoted officer shall return to a previous rank. Any officer, who is not informed in writing that their performance has been unsatisfactory, shall receive permanent appointment to the new position. Any entry-level probationer who is notified in writing that their appointment will not be made permanent has no rights of appeal under these Rules and Regulations.

#### **Section 5.6 Provisional Appointments**

Whenever there are urgent reasons for filling of a vacancy in any position in the police department and there are no names on the eligible list for such appointment, the Borough Council may nominate a person to the Commission for noncompetitive

examination, and such nominee may be certified by the Commission as qualified after such noncompetitive examination, and may be appointed, subject to the police training requirements of the Commonwealth of Pennsylvania, provisionally to fill such vacancy. It shall thereupon become the Duty of the Commission within three (3) weeks to hold a competitive examination and certify a list of eligibles and then a regular appointment shall then be made from the name or names submitted by the Commission for the purpose of filling the position originally filled by provisional appointment: provided, that nothing within this section shall prevent the appointment, without examination, of persons temporarily as police officers in cases of riot or other emergency.

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

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

- (a) No person appointed to a position in the police department pursuant to these Rules and Regulations may be suspended without pay or removed and no person promoted in rank pursuant to these Rules and Regulations may be reduced in rank except for the following reasons:
  - (1) Physical or mental disability affecting the officer's ability to continue in service, in which 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 and officer;
  - (5) intoxication while on duty; or
  - (6) engaging or participating in or conducting of any political or election campaign other than the officer's exercise of the right of suffrage.
- (b) No officer shall be removed for religious, racial or political reasons.
- (c) A statement of any charges made against any officer so employed shall be furnished to the officer within five (5) days after the Borough Council has adopted those charges.
- (d) The Borough may place any officer on Administrative Leave with pay pending further official action.

### **Section 6.2 Furloughs**

- (a) If for any reasons of economy or other reasons, it shall be deemed necessary by the Borough to reduce the number of full-time police officers in the department, the Borough shall apply the following procedure:
- (b) Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have been accomplished. In the event that the appointing authority decides to

increase the police department, the furloughed officers shall be reinstated in order of their seniority in the department if the furloughed officer accepts reinstatement in writing within thirty (30) days of receiving notice of the opening. These reduction in force provisions are not applicable to the Chief of Police.

### **Section 6.3 Notice of Suspension, Removal or Reduction in Rank**

Whenever a police officer is suspended, removed or reduced in rank, the specific charges warranting such actions shall be stated in writing by the Borough Council. The charges shall be stated clearly and in sufficient detail to enable the officer to understand the charges and to allow the officer an opportunity to respond to those charges. The charges shall specify the subsection of Section 6.1, of these Rules and Regulations, which provides the basis for the disciplinary action as well as an explanation of the factual circumstances upon which the appointing authority relied in finding a violation of Section 6.1 of these Rules and Regulations.

Within five (5) days after the Borough Council has voted to impose the disciplinary action, a written statement of the charges shall be delivered to the officer either by personal service or by certified and registered mail. In addition, the charges shall notify the officer of the right to appeal under Section 6.4 of these Rules and Regulations. A copy of the statement shall also be served upon members of the Civil Service Commission.

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

- (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 “Secretary, Pottstown Civil Service Commission, c/o Borough Manager 100 East High St. Pottstown, PA 19464-9525”, requesting a hearing. This request shall be received by the Commission within ten (10) days after the officer received notice of the discipline. The officer may make written answers to any charges filed not later than the date fixed for the hearing. Failure of the officer to provide written answers to any of the charges shall not be deemed an admission by the officer.
- (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, Borough Council or the officer. At any such hearing, the officer against whom the charges have been made may be present and represented by counsel, may call witnesses and present testimony and documentation in defense. The Borough may also be represented by counsel, call witnesses and present evidence as necessary in support of the charges. A stenographic record of testimony shall be taken at

every hearing and preserved by the Commission. In the event that the charges are dismissed, the record shall be sealed and not available for public inspection.

- (d) In conducting the hearing, the Commission's standard of review shall be to determine whether sufficient evidence has been presented to support the statutory reason for the disciplinary action. If the Commission finds that sufficient evidence has been introduced to support the charge, the Commission shall not modify the penalty imposed by the Borough Council unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Council's discretion. In considering the appropriateness of the discipline, The Commission shall not substitute its judgment for that of the Borough Council. The Commission may request post-hearing briefs, and shall issue a written decision containing specific findings of fact and conclusions of law within sixty (60) days of receipt of the hearing transcript.

## **Section 6.5 Hearing Procedure**

- (a) All testimony shall be given under oath administered by the Chairperson, or in absence of the Chair, the Vice-Chairperson. The Commission shall have the power to issue subpoenas as set forth in Section 2.11 of these Rules and Regulations. The hearing shall be open to the public unless, prior to the commencement of the hearing, a written or oral request to close the hearing is made by either the charged officer or the Borough. All written requests to close the hearing, made at least five (5) days prior to the hearing, shall be granted. Any requests to close the hearing made less than five (5) days prior to the hearing will be granted only at the discretion of the Civil Service Commission.
- (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 of Montgomery County, Pennsylvania within thirty (30) days from the date of entry by the Commission of its final order. No order of suspension shall be made by the Commission for a period longer than one (1) year. In the event that the Commission fails to uphold charges, then the person sought to be suspended, removed or demoted shall be reinstated with full pay for the period of the suspension, removal or demotion, and no charges related to the suspension, removal or reduction in rank shall be recorded in the officer's record.

## CHAPTER 7. RESOLUTION FOR ADOPTION

The foregoing Rules and Regulations, which are in accordance with powers granted by the Civil Service section of the Borough Code, enacted by General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the municipal governing body of the Borough of Pottstown, Montgomery County Pennsylvania, are hereby adopted by the Civil Service Commission of Pottstown, Pennsylvania on August 25<sup>th</sup>, 2003.

James Smale, Jr.

Chairperson

Edward Freeman

Vice-Chairperson

John J. Armatto

Secretary

Approved by the Borough Council of the Borough of Pottstown, Pennsylvania on:

September 8 , 2003.

ATTEST:

Jack P. Layne, Jr.

Municipal Secretary,  
Borough of Pottstown

Jack F. Wolf

President  
Pottstown Borough Council

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