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 position 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 position in the police department.

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

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

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 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. 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 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, one as vice chairperson, and one as the secretary. The Commission shall thereafter meet and organize on the first Monday ~~of February~~ 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 2.4. 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 2.5. 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 organization meeting, all meetings shall be held either at the call of the Chairperson or at the call of two members of the Commission. The Commission shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or these Rules and Regulations. The Secretary of the Commission shall give each Commissioner 24 hours' notice in writing of each and every meeting of the Commission.

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, including physicians and psychiatrists/psychologists, 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 or experts 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 records of the Commission shall be preserved and disposed of according to the *Retention and Disposition Schedule for Records of Pennsylvania Municipalities* issued by the Local Government Records Committee under the authority of the Municipal Records Act, 1968 P.L. 961, No. 428, 53 P.S. 9001.

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 Three Hundred Dollars ($300.00) 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.

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. The report shall be filed on or before April 1 of the following year.

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

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 position 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.

Section 3.2. Eligibility for Examination

In order to be eligible for participation in any examination for any police officer position 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

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.

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 positions 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 position.

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, and be a graduate of a Municipal Police Officers Education and Training Commission Approved Police Training School and be currently qualified to be certified under Act 120.

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

Each of the following are essential functions of a Police Officer's job:

(1) Running for several hundred yards;

(2) Climbing over obstacles;

(3) Crawling;

(4) Pushing motor vehicles;

(5) Pulling or carrying accident, fire, or crime victims;

(6) Using physical force to apprehend and subdue arrestees;

(7) Withstanding prolonged exposure (as long as eight hours) to extreme weather conditions;

(8) Withstanding prolonged periods of standing and sitting;

(9) Withstanding frequent exposure to stress-producing situations, such as encountering persons injured or killed by accidents, crimes, or suicide;

(10) Dealing with domestic disputes;

(11) Dealing with verbal and physical abuse of the Police Officer, including taunts, insults, and threats to the Police Officer, family members, or fellow Police Officers;

(12) Communicating effectively with individuals suffering from trauma;

(13) Operating a motor vehicle for long periods of time;

(14) Using a firearm effectively;

(15) Filling out written reports in a clear and concise manner;

(16) Hearing;

(17) Walking;

(18) Using hands to finger, handle, or operate objects, controls, or tools such as a police car, police radio, VASCAR unit, telephone, handgun and other weapons, handcuffs, breathalyzer, pager, first aid equipment, and a personal computer, including word processing software;

(19) Reaching with hands and arms;

(20) Balancing;

(21) Smelling;

(22) Stooping and kneeling;

(23) Seeing, including close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus;

(24) Working in an environment with a noise level that is generally moderate, although occasionally louder;

(25) Working near moving mechanical parts;

(26) Working in high, precarious places;

(27) Working with explosives;

(28) Withstanding exposure to wet and/or humid conditions, extreme heat, or extreme cold; and

(29) Withstanding short-term exposure to fumes, airborne particles, toxic or caustic chemicals and/or vibration.

Section 3.11. Rejection of Applicant

(a) 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 is 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 forms of government set forth in the constitutions and laws of the United States and the Commonwealth of 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) 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. Hearing for Disqualified Applicants

Any applicants or other persons who believe that they are aggrieved by the actions of the Commission, including but not limited to refusing to examine or to 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.C.S. §101, et seq. The applicant or aggrieved party must make his 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 3.13. Public Notice

The Commission shall conspicuously post in the Salisbury Township Hall an announcement of the hiring or promotional testing and set forth the time and place of every examination, together with the information as to the type of position to be filled, the requirements for that position, where applications may be obtained 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 3.14. 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 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 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 written examination administrator, an oral examination administrator, a physical fitness examiner, a physician examiner and a psychological examiner to conduct the appropriate examination required by these Rules and Regulations.

Section 4.4. 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 4.5. 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.**

Section 4.6. Veterans' Preference Points

Pursuant to the Veterans' Preference Act, any applicant for the position 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 4.7. Physical Fitness/Agility Testing

(a) An applicant for the position of police officer must be tested by the appointed examiner on the then 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 testing 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 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.

(b) If, and only if, the police academy fitness requirements are no longer in effect for whatever reason, then an applicant for the position of police officer must meet the following requirements:

(1) One Quarter Mile Run and Radio Broadcast. An applicant is required to run a distance of one quarter mile on a pre-measured course in less than one hundred ten (110) seconds to be immediately followed by reading aloud a complete description of a wanted person in an intelligible manner.

(2) Obstacle Course consisting of the following:

a. Run forty (40) yards and step through the center of each of nine (9) tires.

b. Run twenty (20) yards and traverse a fifteen foot (15') planking, three feet (3') above the ground.

c. Run eight (8) yards and surmount a four foot (4') high wooden obstacle.

d. Run six (6) yards and step over three (3) railroad ties.

e. Run five (5) yards and crawl under a beam.

f. Run eight (8) yards and surmount a four foot (4') high wooden obstacle.

g. Run fifteen (15) yards and do three (3) pull-ups.

h. Run ten (10) yards and drag a two hundred pound (200 lb.) dummy fifty feet (50').

(3) The physical fitness/agility test shall be graded on a pass/fail basis. The candidate must complete all parts of the obstacle course in ninety (90) seconds or less and the candidate must complete the one-quarter mile run in one hundred and ten (110) seconds or less.

(4) It is intended that the Subsection (b) requirements will have no effect and the candidate will not be tested on them unless there are no current physical fitness agility requirements of the police academy.

Section 4.8. Background Investigation

The Commission shall request the Chief of Police or the Chief's designee to conduct a background investigation on each applicant who has passed the written examination, oral examination and physical fitness test. 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.

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.

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.

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.

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, written examination, oral examination, background investigation and physical fitness test, 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.

The eligibility list shall be valid for two (2) years from the date the Commission approves the whole list or, if segmented, from the date of approval of the first group of applicants. 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 position 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 position 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 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 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 positions remain to be filled after all of the officers on the furlough list were offered reemployment, every position, 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 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 Section 3.11 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 3.12 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 Positions

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 position for which it is applicable.

2. For any promotional positions, 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 position or rank as long as the eligibility list remains valid.

Section 5.5. Physical and Psychological Examinations

After the Board of Commissioners selects a candidate from the certified list of three for appointment to the vacant position, the candidate shall submit to a physical examination and a psychological examination by appropriate experts appointed by the Commission. The psychological examination shall include the administration of the MMPI or MMPI-2 by the examiner. If the candidate successfully passes the physical and psychological examinations, then that employee may 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 applicant's name will also be removed from the eligibility list. The rejected candidate may appeal this decision under Section 3.12. The

Commission shall then certify another name to be included with the two previously certified names for consideration by the Board of Commissioners pursuant to Section 5.3.

CHAPTER 6 – FURLOUGHS

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 position in the Police Department; or

B. declines an appointment to a permanent position 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 accepts a position of lower rank than that from which furloughed.

CHAPTER 7 - PROMOTIONS - GENERAL INFORMATION AND QUALIFICATIONS

Section 7.1. Promotion Policy

Promotions in the Police Department shall be based on the needs of the Police Department and the Township. A rank shall be filled only when, in the opinion of the Board of Commissioners, the Police Department and the Township will benefit from such action. All ranks specified in the Police Ordinance need not be populated.

Section 7.2. Promotion Eligibility Lists

The Commission shall create eligible lists for the positions of sergeant and criminal investigator when requested by the Township Commissioners. A promotional eligibility list certified by the Commission shall remain in effect for a period of two (2) years from the date of its certification unless voided earlier by the Commission.

Section 7.3 General Examination Requirements for the Positions of Sergeant and Criminal Investigator

A. The examination for the positions of Sergeant and Criminal Investigator 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.

B. In addition to passing the oral and written examinations as set forth in Subsection A, all applicants for a promotional position, 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.

C. All applicants shall have continuous prior service in a municipal police department as follows:

1. An applicant for the position of Sergeant shall have at least four (4) years of experience as a police officer in a municipal police department or at least four (4) years of experience as a Criminal Investigator in a municipal police department.

2. An applicant for the position of Criminal Investigator shall have at least a total of two (2) years of experience as a police officer in a municipal police department.

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 position.

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. 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 position to which he/she seeks promotion.

Section 8.4. 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 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 ties 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 in the bulleting board in the Police Headquarters within ten (10) days of its preparation.

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 from the Commission, it may elect to make an appointment from such list of eligibles, unless it makes 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 be returned to 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 position within the police department shall serve a twelve (12) month probationary period commencing upon

the swearing in of the officer. For newly hired police officers, the one (1) year probationary period shall commence on the date when the officer actually commences work as a police officer. A probationary officer must work a minimum of 600 hours during the probationary term. If these hours are not worked, then the officer will be deemed to have not successfully completed his probation, and he shall be terminated at the end of the probationary term. During training and the probationary period, a newly hired officer may only be dismissed for the reasons set forth in Section 637 of the First Class Township Code entitled "Rejection of an Applicant, Section 644 of the First Class Township Code entitled "Removal", reasons of economy, or any other reason allowed under the First Class Township Code or these Rules and Regulations. A promoted officer, during probation, shall be returned to prior rank as allowed under the First Class Township Code. The Chief of Police shall report to Council 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 position. 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 position. Any probationer who is notified in writing that appointment will not be made permanent has no rights of appeal under these Rules and Regulations.

Section 11.2. Residency Requirement

All permanent full time officers shall become residents of the Township or reside within Fifteen (15) air miles from the Township border within six (6) months of successfully completing their probationary period, and may do so with no Board approval required.

CHAPTER 12 - PROVISIONAL APPOINTMENTS

Section 12.1.

Whenever there are urgent reasons for the filling of a vacancy in any position in the police department and there are no names on the 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 position 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 position 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.