

TOWNSHIP OF SALISBURY
Lehigh County, Pennsylvania
MINUTES FROM THE CIVIL SERVICE COMMISSION
SPECIAL MEETING – 3:00 PM
MARCH 16, 2009

A special meeting of the Township of Salisbury Police Civil Service Commission was publicly held on Monday, March 16, 2009 at 3:00 p.m. in the Township Municipal Building located at 2900 South Pike Avenue. Present were Commissioners Walker, Hartzell and Mr. Harper, as alternate Commissioner. Excused was Ms. Kraft, Commissioner. Also present were Mr. Soriano, Township Manager; Mr. Stiles, Chief of Police; and Attorney Dimmich. There were no members of the public present.

The Civil Service Commission Meeting was called to order.

APPROVAL OF MINUTES – April 30, 2008

On motion of Mr. Hartzell, seconded by Mr. Harper, the Civil Service Commission voted unanimously to approve the Minutes from the April 30, 2008 Civil Service Commission Meeting.

NEW BUSINESS

Consideration of motion to approve the Resolution Requesting Amendments to the Civil Service Rules and Regulations pursuant to the Police CBA.

Attorney Dimmich reviewed the circumstances surrounding the proposed amendments promulgated by a joint Resolution by the Civil Service Commission and Board of Commissioners, pursuant to the most recently negotiated Collective Bargaining Agreement between the Police Department and Township. Attorney Dimmich noted that it is somewhat problematic for the Commission to not have been able to review the changes as negotiated, because the Commission may not have agreed with them, although in this case, Attorney Dimmich noted that he did not see a problem with what was negotiated.

Attorney Dimmich provided some background on PLRB decision(s) on promotion guidelines set forth in the rules and regulations that have been deemed subject to collective bargaining. Attorney Dimmich noted that in the future, the Township should review any changes with the Civil Service Commission prior to agreeing to the requests. Attorney Dimmich commented that he believed the changes to be non-evasive and recommended the revisions.

A subsequent discussion took place regarding a change in the law requiring that the Commission reorganize on the first Monday of January of each even numbered year. Attorney Dimmich noted that the current rules set forth the reorganization on the first Monday of February. Mr. Soriano suggested that the Commission could add this revised requirement as an amendment in the current Resolution in order to save time and the need to meet again only on that issue.

Chief Stiles asked whether the Commission could also review the Rules & Regulations to change the way the Commission addresses the Physical Agility examination by promulgating new rules adopted by the Chief of Police Association. A lengthy discussion ensued on whether this change would require further review in light of what is being proposed. Mr. Soriano noted that the Commission should review this from an objective and uniformed perspective and not cater to a specific process by an exam provider.

Attorney Dimmich believed that the current standards for the agility exam follow the Act 120 standards that the Police Academy uses and there have not been any challenges on the validity. Attorney Dimmich noted that the standards must be able to fairly and adequately test the performance of the candidates. Attorney Dimmich noted that the Commission has not had the opportunity to review the standards proposed by the FOP (Provider) and should not follow their standards only because they may not be adequate in what the Commission would like to promulgate. Attorney Dimmich noted that the Commission could authorize the Chief to start the process of preparing a new eligibility list with the written and oral exam, and look to adopt new rules for the Agility exam.

Chief Stiles noted that in the past, the Township had conducted the Agility Test first in order to save money in the event an applicant would fail the agility exam and be ineligible for the written exam. Attorney Dimmich noted that presently the rules do not have any order requirement for which exam is conducted first. After some discussion, the Chief noted that his objective is to prepare an eligibility list as soon as possible and would not want to hold up the process. Chief Stiles suggested that this be reviewed at a later time. Chief Stiles will follow up with additional information for the Commission and Solicitor to review and determine the course of action.

Motion by Mr. Hartzell and second by Mr. Harper to amend the proposed Resolution in order to add a revision to Section 2.3 of the Rules & Regulations in order to comply with the organizational requirement of the First Class Township Code as it pertains to the reorganization of the Civil Service Commission. Motion was passed on unanimous voice vote.

Motion by Mr. Hartzell and seconded by Mr. Harper to approve the Civil Service Commission Resolution 03-2009-01, as amended, incorporating changes to various sections in order to conform to the Police Department Collective Bargaining Agreement. Motion was passed by unanimous voice vote. Resolution CSC 03-2009-01 was adopted. The Resolution will be forwarded to the Board of Commissioner for approval.

Discussion on Entry Level Examination for the development of a new Civil Service Police Eligibility List.

The Commission next discussed a request from the Chief of Police Stiles to commence the preparation of a new entry level eligibility list pursuant to the existing rules and regulations in effect. A discussion ensued the current requirements for the agility exam and found the existing Act 120 valid for the preparation of a new list.

On motion of Mr. Hartzell, seconded by Mr. Harper, the Civil Service Commission voted 3-0 to authorize the Chief of Police to engage Harrisburg Community College in administering the exams. The order being as such: (1) Physical Fitness/Agility Test, (2) Written, (3) Oral, (4) Background. Additionally, authorizing the Chief and Township Manager to advertise the Notice of the Examination. Motion was passed by unanimous voice vote.

OTHER BUSINESS

Chief Stiles presented the Commission with the 2007 Annual Report. Chief Stiles noted that he along with the Township will be assembling the 2008 Annual Report that will be distributed to the Commissioners no later than the April 1.

A discussion ensued on changing the requirement for general qualifications for Police Officer for applicants wishing to take the exam. Attorney Dimmich provided a brief background on the

change to the Municipal Police Education Training Act that went into effect in 2004 which allows the payment of the training tuition and 60% of the salary while the officer is at school. If another municipality hires the officer within two (2) years, then that municipality must pay the Township the other 40% of the salary. Attorney Dimmich noted that the current qualifications that the Township has in place are that applicants must be a graduate of a Municipal Police Officers Education and Training Commission and be currently certified under Act 120. Attorney Dimmich noted that this requirement substantially diminishes the pool of potential applicants as evidenced by the number of applicants on the list and puts a burden on the Commission to annually prepare an eligibility list. Attorney Dimmich noted that this is a policy decision and should be discussed with the Board to gauge their support. Mr. Soriano noted that this change would certainly attract more applicants thus increasing the pool. Mr. Soriano noted that the counter-argument has been that the Township must wait at least six months before it can utilize the officer. Mr. Soriano noted that this is an area that both the Chief and Board can discuss.

Attorney Dimmich discussed the historical selection of Part-Time Officers in the Township and the impact of Judge Young's Decision. Attorney Dimmich discussed the court case that is applicable to Boroughs concerning having to promote the top candidate from a promotional list rather than from the top three eligible officers. This court decision does not apply to First Class Townships since the language is slightly different from the Borough Code. Attorney Dimmich noted that the Board in a First Class Township can select from the top three candidates for promotions.

PUBLIC COMMENT

No public was present for comment.

ADJOURNMENT

On a motion by Mr. Hartzell and seconded by Mr. Harper, the meeting was adjourned at 4:10 p.m.