

**TOWNSHIP OF SALISBURY
BOARD OF COMMISSIONERS**

RESOLUTION NO. 07-2021-1713

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA
AMENDING THE RULES AND REGULATIONS OF THE CIVIL
SERVICE COMMISSION**

WHEREAS, the Salisbury Township Civil Service Commission voted to amend the Rules and Regulations by Resolution Number 1-2021 on June 23, 2021 at a public meeting; and

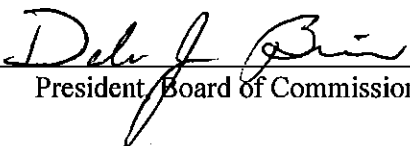
WHEREAS, the aforesaid Resolution of the Civil Service Commission is subject to approval by the Salisbury Township Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania and it is hereby resolved by same as follows:

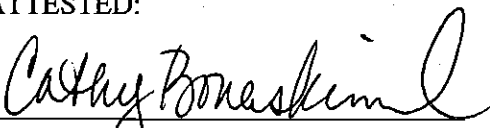
1. The Rules and Regulations of the Civil Service Commission are amended as set forth in the version attached hereto.
2. That Resolution Number 1-2021 enacted by the Civil Service Commission of the Township of Salisbury is hereby approved.

APPROVED and adopted on this 8th day of July, 2021 by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania.

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)

By: 
President, Board of Commissioners

ATTESTED:


Cathy Bonaskiewich, Township Secretary

RESOLUTION NO. 1-2021

A RESOLUTION OF THE CIVIL SERVICE COMMISSION OF THE TOWNSHIP OF SALISBURY AMENDING ITS RULES AND REGULATIONS TO CHANGE THE ADMINISTRATION OF THE ORAL EXAMINATION PROCESS AND TO ADD A PROVISION TO THE RECOMMENDED REJECTION LIST BY INCLUDING AN AUTOMATIC DISQUALIFICATION LIST AND TO REMOVE AND REPLACE THE PROVISION REGARDING ESSENTIAL FUNCTIONS OF A POLICE OFFICER.

WHEREAS, the Civil Service Commission desires to amend its Rules and Regulations;
and

WHEREAS, the Civil Service Commission believes that by these amendments, it will allow for a prompt administration of the oral examination to applicants; and

WHEREAS, the current Rules, Section 4.6 dealing with oral examination testing, will be deleted and replaced by the following new Section 4.6 contained in this resolution; and

WHEREAS, the Commission desires to modify the regulations on background investigation to allow for faster completion of the said investigation; and

WHEREAS, the Commission is aware that, under the law, the background investigation can be made as part of a conditional appointment, however, the police favor doing the background investigation quickly upon the completion of the oral examination and receipt of the scores for a preliminary eligibility list; and

WHEREAS, the Commission wants to change the rules on background investigation to limit the number of investigations actually conducted based upon the needs of the Township; and

WHEREAS, the Commission desires to include another provision in the Rules to include an appended list of Automatic Disqualifications for applicants; and

WHEREAS, the Board desires to remove and replace Section 3.10 dealing with Essential Job Functions of a Police Officer.

NOW, THEREFORE, it is hereby resolved by the Civil Service Commission of the Township of Salisbury, Lehigh County, Pennsylvania that the following provisions of the Civil Service Rules and Regulations are hereby repealed and the amended provisions are hereby adopted subject to the approval of the Salisbury Township Board of Commissioners.

ARTICLE 1. Oral Examination Section 4.6 shall be amended to read as follows:

Section 4.6 Oral Examination

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

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

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

ARTICLE 2. Background Investigation Section 4.8 shall be amended to read as follows:

Section 4.8. Background Investigation

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

(b) The Applicant shall undergo and pass (no deception indicated) a polygraph examination. The party administering the polygraph examination shall be a qualified professional who shall be appointed by the Civil Service Commission. The polygraph examiner shall render an opinion in writing to the Chief of Police or his designee as to whether the conditional appointee has successfully passed the polygraph examination. The polygraph examiner's opinion concerning the applicant will address whether that party has any issues which call into question the person's character, history, records and other information revealed by the polygraph examination which could call into question that person's ability to perform the

functions and tasks of a police officer in the appropriate manner. Failure of a polygraph examination by an applicant disqualifies the applicant from any further consideration and he shall be removed as an applicant. However, within ten (10) days after notice of the applicant's failure of said polygraph examination, the applicant may request, in writing, from the Civil Service Commission, a second polygraph examination. The applicant must prepay fifty percent (50%) of the costs related to such re-examination. Failure to timely request and pay for such polygraph re-examination as set forth above shall conclusively mean that that person has failed the background investigation and he or she shall no longer be considered as an applicant.

(c) After the background investigation is completed, the Chief, or his designee, shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment as a police officer.

(d) The recommendations shall be in writing and if the recommendation is to disqualify, then a detailed written explanation of the reasons for disqualification must be included. The Commission shall make the final determination on whether the information collected during the background investigation warrants rejection of the candidate.

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

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

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

ARTICLE 3. Additional Automatic Disqualifications Provision (Appendix 1).

The list of Recommended Disqualifications is hereby repealed (existing Appendix 1). The amended list of Automatic Disqualifications – Appendix 1, attached hereto, is hereby incorporated in full and made a part of the Rules and Regulations.

ARTICLE 4. Essential Functions for a Police Officer

The existing Section 3.10 concerning Essential Functions for a Police Officer is repealed in its entirety. The Rules and Regulations are hereby amended to add Essential Functions for a Police Officer as Appendix 2 to the Rules. Appendix 2, attached hereto, is hereby incorporated in full and made a part of the Rules and Regulations.

ARTICLE 5. Section 3.11 Rejection of Applicant

Section 3.11 is hereby amended to include a provision (c) which states: "An applicant shall automatically be removed and disqualified if that person fails to meet all of the provisions of Appendix 1 which is hereby fully incorporated herein." Said list shall not be considered exclusive. The existing item (c) shall be renumbered as item (d).

ARTICLE 6. All other provisions of the Rules and Regulations will remain in full force and effect except for the provisions specifically modified by this Resolution.

This Resolution is enacted this _____ day of _____, 2021 by the Civil Service Commission of the Township of Salisbury, Lehigh County, Pennsylvania.

CIVIL SERVICE COMMISSION OF THE
TOWNSHIP OF SALISBURY



Samuel Darrohn, Chairman

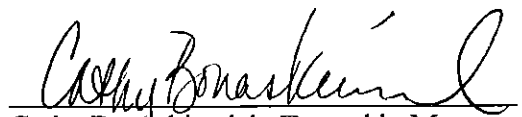


Kenneth Wied, Commissioner



Russell Lande, Commissioner

ATTEST:



Cathy Bonaskiewich, Township Manager

APPENDIX 1

Automatic Disqualifications

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

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

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

- f. Meeting or overtaking school bus (75 Pa. C.S. §3345(a)).
- g. Maximum speed limit (31 miles per hour and over) (75 Pa. C.S. §3362).
- h. Racing on highway (75 Pa. C.S. §3767).
- i. Reckless driving (75 Pa. C.S. §3736).
- j. Accident involving damage to unattended vehicle or property (75 Pa. C.S. §3745).
- k. False Reports (75 Pa. C.S. §3748).

24. Visible body mutilation. This includes "plug" or "gauge" style earrings.

25. Displaying or demonstrating anti-government, racist or hate related ideologies or maintaining membership in a group that displays or demonstrates anti-government, racist or hate related ideologies.

APPENDIX 2

Essential Functions for a Police Officer

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

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

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

I. DUTIES AND RESPONSIBILITIES

A. Crime Prevention and Investigation

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

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

B. Miscellaneous Order Maintenance

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

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

C. Organizational Support

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

II. WORK CHARACTERISTICS/CONDITIONS

A. Scheduling

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

B. Environmental Factors

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

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

C. Infectious Diseases

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

III. PHYSICAL ABILITIES

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

A. Motor Skills/Flexibility

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

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

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

B. Communicative Skills

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

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

C. Judgment/Decision Making Ability

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

- Comprehend and implement verbal and written instructions;

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

D. Emotional Psychological Stability

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

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