

Mohnton Borough

Civil Service Commission Rules & Regulations

Version 2.0





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Civil Service Commission

Rules & Regulations

Version 2.0

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Chapter 1. Definition of Terms

Section 1.1 Definitions

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

Act 120 Certification - Certification as required by the provisions of the Act of December 19, 1996, Public Law No. 1158, which repealed and replaced former Act 120, which provisions are now found at 58 Pa.C.S.SS 2161-2171.

Applicant - an 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.

Borough Council - appointing authority of the Borough of Mohnton, Berks County, Pennsylvania

Borough Manager - Borough Manager of the Borough of Mohnton, Berks County, Pennsylvania

Borough Secretary - Secretary of the Borough of Mohnton, Berks County, Pennsylvania

Certification - The submission to the appointing authority pursuant to their request of three (3) names taken from the eligible list developed by the Civil Service Commission.

Certified List of Three - The submission to the Borough Council pursuant to their request for three names taken from the respective eligibility lists developed by the Civil Service Commission.

Chairperson - Chairperson for the Civil Service Commission of the Borough of Mohnton, Pennsylvania.

Chief of Police - sworn officer heading the police department who may be appointed with or without civil service status.

Commission - Civil Service Commission of the Borough of Mohnton, Pennsylvania.

Commissioner (Alternate) - individual appointed by the Borough Council to serve as an "Alternate Member of the Civil Service Commission." Properly appointed alternate commissioners shall have all the same powers and duties as a properly appointed commissioner set for in the Pennsylvania Borough Code and as outlined in these Rules and Regulations.



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Commissioner (Primary) - individual appointed by the Borough of Mohnton, Pennsylvania to serve as a "Primary Member of the Civil Service Commission."

Eligible - person whose name is recorded on a current eligible list or furlough list.

Eligibility List - names of persons who have passed all examinations for a particular position in the Police Department.

Examination - series of tests given to candidates to determine their qualifications for a position in the Police Department.

Furlough List - list containing the names of persons temporarily laid off from positions in the Police Department because of a reduction in the number of officers.

Hire - individual who has been made a formal offer of employment or promotion by the Borough of Mohnton pursuant to these rules but whose final hiring or promotion is contingent upon satisfactory completion of medical and psychological testing.

MPOETC - Municipal Police Officers Education and Training Commission

Qualified Medical Professional - an individual, in collaboration with or under the supervision or direction of a physician, as may be required by law, who is licensed: as a physician assistant pursuant to the act of December 20, 1985 (P.L. 457, No. 112), known as the "Medical Practice Act of 1985," or the act of October 5, 1978 (P.L.1109, No. 261), known as the "Osteopathic Medical Practice Act," or as a certified registered nurse practitioner pursuant to the act of May 22, 1951 (P.L.317, No. 690), known as "The Professional Nursing Law."

Police Department - Police Department of the Borough of Mohnton, Berks County, Pennsylvania.

Police Officer - for purposes of these Rules and Regulations, an entry level sworn full-time position in a Police Department.

Probationer - 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 - 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/rank. However, a decrease in salary without a change to a different position or rank shall not necessarily



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constitute a reduction in rank.

Removal - permanent separation of a police officer from the Police Department.

Secretary - Secretary of the Civil Service Commission of the Borough of Mohnton, Pennsylvania

Suspension - temporary separation without pay of a police officer from the Police Department.

Vice Chairperson - Vice Chairperson of the Civil Service Commission of the Borough of Mohnton, Pennsylvania.

Section 1.2. Gender

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

Chapter 2. The Commission

Section 2.1. Civil Service Commission

The Commission shall consist of three commissioners who shall be qualified electors of the Borough of Mohnton and shall be appointed by the Borough Council initially to serve for the terms of two, four and six years, and as terms thereafter expire shall be appointed for terms of six years.

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

Borough Council may appoint no more than three qualified electors of the Borough to serve as alternate members of the Commission. The term of office of the alternate members shall be six years. When seated pursuant to Section 2.3, an alternate shall be entitled to participate in all proceedings and discussions of the Commission to the same and full extent as provided by law for Commission members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in these Rules and Regulations and as otherwise provided by law. Alternates shall hold no other office in the Borough. An 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 pursuant to Section 2.3.

Each member of the Commission, before entering upon the discharge of the duties of their office, shall take an oath or affirmation to support the



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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, except that one member of the Commission may be a member of the Borough Council. One commissioner may be a member of the teaching profession.

Section 2.3. Organization of Commission – Quorum

- a. The Commission first appointed shall organize within ten (10) days of its appointment and shall elect one of its members as its chairperson and one as the secretary. The Commission shall thereafter meet and organize on the first Monday of January of each even-numbered year. Three (3) members of the Commission shall constitute a quorum.
- b. If by reason of absence or disqualification of a member, a quorum is not reached, the chair shall designate as many alternate members of the Commission to sit on the Commission as may be needed to provide a quorum. An alternate member of the Commission 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. Designation of an alternate member pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among the alternates. No action of the Commission shall be valid unless it shall have the concurrence of at least two (2) members.
- c. For purposes of hiring and promoting police officers under these Rules, each step of the hiring or promotional process requiring official action by the Commission shall be considered a separate "matter or case" under Subsection (b) above, and each step of the hiring promotional process need not be voted upon or approved by the same composition of commissioners or alternate commissioners, as the case may be, provided that the quorum requirement has been satisfied.

Section 2.4. Duties of the Chair

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

Section 2.4.1. Duties of the Vice Chair

The Vice Chairperson shall act in the absence of the chairperson and shall be a voting member.



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Section 2.5. Duties of Secretary

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

The Administrative Staff of the Borough may assist the Secretary in the performance of these duties.

Section 2.6. 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 (2) 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 twenty-four (24) hours, notice in writing of each and every meeting of the Commission.

Section 2.6.1 Order of Business

In all cases regarding meetings, including scheduling, the Board shall follow the provisions provided for pursuant to 65 Pa.CSA Ch. 7, as amended and commonly known as the "Sunshine Law." The order of business for all meetings shall be as follows:

- a. Roll Call
- b. Public Comments (Agenda Items)
- c. Approval of Previous Meeting's Minutes
- d. Communications and Reports
- e. Unfinished Business
- f. Hearing of Cases
- g. New Business
- h. Public Comments (General)
- i. Adjourn

Section 2.7. Clerks and Supplies

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



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Section 2.7.1. Solicitor

The Civil Service Commission shall appoint its own Solicitor whose fees shall be paid by the Borough. The Borough shall have the authority to place a reasonable limit on the amount each year for the Commission solicitor.

Section 2.8. Amendment of Rules

The Commission may amend, revise, void or replace these Rules and Regulations for any reason by action of a majority of the Commission at any properly convened meeting of the Commission. Before any changes to these Rules and Regulations become effective, those changes must be approved by the Borough Council. These Rules and Regulations, and any amendments thereto shall be made available to the public for distribution or inspection.

Section 2.9. Minutes and Records

The Commission shall keep minutes of its proceedings and records of examinations and other official action. All records of the Commission shall be preserved and disposed of according to the *Retention and Disposition Schedule for Records of Pennsylvania Municipalities* issued by the Local Government Records Committee under the authority of the Municipal Records Act, 1968 P.L. 961, No. 428, 53 P.S. 9001.

Any and all records related to any disciplinary action filed with the Commission shall be open to public inspection subject to reasonable regulation. The Secretary shall keep minutes of its proceedings showing the vote of each member upon each question. If the member is absent or fails to vote, the Secretary shall indicate that fact in the minutes.

Section 2.10. Investigations

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

Section 2.11. Subpoenas

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

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



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If any person shall refuse or neglect to obey any subpoena issued by the Commission, upon conviction of such refusal or neglect in a summary proceeding, that person shall be sentenced to pay a fine not to exceed One Hundred Dollars (\$100.00), and in default of the payment of such fine and cost shall be imprisoned not to exceed thirty (30) days.

If any person shall refuse or neglect to obey any subpoena, the Commission may apply by petition to the Court of Common Pleas of Berks County for its subpoena, requiring the attendance of such persons before the Commission or the Court to testify and to produce any records and papers necessary, and in default thereof shall be held in contempt of court.

Section 2.12. Annual Report

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

Chapter 3. Applications and Qualifications

Section 3.1. Eligibility for Examination

In order to be eligible for participation in any examination for any position with the Police Department, every applicant must submit a completed application form to the Commission before the deadline stated by the Commission for that specific examination. The applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa. C.S. 54904 relating to unsworn falsification to authorities.

Section 3.2. Discrimination

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

Section 3.3. Availability

Application forms shall be available to all interested persons in the office of the Borough Secretary, at the Borough's website, and from such other offices and officers that the Commission, from time to time, may choose to designate. Upon submission of the application form, a Forty-five Dollar (\$45.00) application fee must be tendered.



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Section 3.4. Age Requirement

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

Section 3.5. General Qualifications - All Applicants

At the time of application, every applicant for any position in the Police Department shall provide proof of graduation from an accredited high school or a graduate equivalency diploma. Official Transcripts must be received on or before seven (7) days prior to the administration of the written examination. In addition, every applicant must be a United States citizen, be physically and mentally fit to perform the full duties of a police officer, and possess a current, valid motor vehicle operators' license issued by the Commonwealth of Pennsylvania and provide proof thereof at the time of application. Additionally, all applicants must have the Act 120 Police Certification or be currently enrolled in the Act 120 Police Officer Certification and have successfully completed the Act 120 Certification prior to a conditional hire being offered.

Section 3.5.1. Entry-Level Patrol Officer Sequence of Selection Process

To insure the proper order of the selection process, the following sequence of events shall be followed in the selection of entry-level police officers:

- a. Application
- b. Written Examination
- c. Physical Agility Testing
- d. Oral Examination
- e. Background Investigation
- f. Polygraph Examination may be required if the Background Investigation indicates it's advisable.
- g. Conditional Offer of Employment
- h. Medical/Psychological Examination

The Commission may change the sequence for the examinations by resolution with approval of a majority of Borough Council.

Section 3.6. Offices Incompatible with Police Officer

A police officer may not hold an elected office of the Borough that employs the police officer. A police officer who is employed by a regional department, council of government or other cooperative venture may not hold an elected office of any municipality that participates in the regional department, council of government or other cooperative venture. Applicants who hold elected office which is incompatible with an office identified in this Section shall be deemed to not possess the minimum requirements for appointment set forth in these Rules.



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Section 3.7. General Qualifications - Applicants for Promotion

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

All applicants shall have continuous prior service with the Police Department of the Borough of Mohnton as follows:

- 1) an applicant for the position of corporal shall have at least five (5) years of service with the Police Department;
- 2) an applicant for the position of sergeant shall have at least two (2) years of experience as a corporal within the Police Department or at least five (5) years of service with the Police Department;
- 3) an applicant for the position of lieutenant shall have at least two (2) years of experience as a sergeant within the Police Department, and,
- 4) an applicant for the position of captain must have at least two (2) years of experience as a lieutenant within the Police Department.

Section 3.8. Rejection of Applicant

The Commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these Rules and Regulations for the particular position for which the applicant has applied. In addition, the Commission may refuse to examine, or if examined, may refuse to certify any applicant who is physically or mentally unfit to perform the full duties of the position applied for, or who is illegally using a controlled substance, as defined in Section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. §802), or who is now or was previously involved in any criminal activity, or who has received unfavorable employment ratings, or who was terminated or was requested to resign from a previous employer due to malfeasance or misfeasance in the performance of their duties, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitutions and laws of the United States and the Commonwealth of Pennsylvania.

Section 3.9. Recording and Filing Applications

Applications for positions in the Police Department shall be received at the Mohnton Town Hall only after an examination has been properly advertised and before the deadline for receiving applications which must be set forth in the public advertisement. Applications will be received by the municipal officer designated in the public advertisement or that officer's designee.



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Applications may also be returned by Certified Mail. That person shall record the receipt of all applications. Any application containing material errors or omissions may, at the discretion of the Commission, be returned to the applicant for correction and then returned to the Commission at a date and time set by the Commission, prior to the applicant sitting for the first examination. The Commission assumes no responsibility for missed filing deadlines due to a delay in the mail.

Section 3.10. Hearing for Disqualified Applicants

Any applicants or other persons who believe that they are aggrieved by the actions of the Commission, in refusing to examine or to certify them as eligible after examination, may request a hearing before the Commission. The applicant or aggrieved party must make their request for a hearing in writing through certified mail 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. 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 for in the Local Agency Law, 2 Pa. C.S. §101 *et seq.* At the hearing, the applicant or person aggrieved may appear with or without counsel, and the Commission shall take testimony and review its refusal to provide examination or certification. The deliberations of the Commission, including interim rulings on evidentiary or procedural issues, may be held in a closed executive session. The Commission's disposition of the matter shall constitute official action which shall occur at a public meeting held pursuant to the Sunshine Act, 65 Pa. C.S. §701 *et seq.* The decision of the Commission shall be final.

Section 3.11. Public Notice

The Commission shall conspicuously post in the Mohnton Town 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 (2) weeks prior to the close of the application period, publication of the notice shall occur in at least one (1) newspaper of general circulation or a newspaper circulating generally in the Borough of Mohnton.



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Chapter 4. Examination and Grading Procedure

Section 4.1. General Examination Requirements for the Position of Patrol Officer

The examination for police officer will consist of a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing sixty percent (60%) of the final score and the oral examination representing forty percent (40%) of the final score. In addition, each applicant will undergo a physical fitness test, which will be graded on a pass/fail basis. The top scoring applicants on the eligibility list will be subject to a background investigation on a pass/fail basis. After an applicant has been extended an offer of employment, final appointment shall be contingent upon the applicant passing a physical and psychological examination.

Section 4.2. General Examination Requirements for Promotions

The examination for the positions of corporal, sergeant, lieutenant and captain 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. In addition, each applicant will undergo a physical fitness test which will be graded on a pass/fail basis for every applicant. After an applicant has been extended an offer of promotion, the final appointment to the promotional position shall be contingent upon the applicant passing a physical and psychological examination. However, at its discretion, Borough Council may waive the requirements for a physical fitness test, a physical examination and a psychological examination.

Section 4.3. Notice of Examination

The Commission shall appoint a written examination administrator, an oral examination administrator, a polygraph examiner, a physical fitness examiner, a medical 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 one hundred (100) point scale, and an applicant must score seventy percent (70%) or higher in order to continue in the application process. Applicants scoring less than seventy percent (70%) shall be rejected. Within thirty (30) days after the



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administration of the written examination, all applicants shall be given written notice of their test results.

Section 4.5. Oral Examination

Every applicant who scored seventy percent (70%) or higher in the written examination shall be given an oral examination which will be graded on a one hundred (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. Within thirty (30) days after the applicants' oral examination, they shall be informed of the score in their oral examination and total overall score.

Section 4.6. Veterans' Preference Points

For consideration of Veterans' Preference points, applicant must have successfully completed his original tour of duty at the time of submission of his application.

Pursuant to the Veterans' Preference Act, any applicant for the position of patrol officer who qualifies as a "soldier" under this Act, shall receive an additional ten (10) points on top of their combined, weighted written and oral examinations' scores provided, however, that the applicant received minimum scores necessary for passing the written and oral examinations as prescribed under these Rules. The ten (10) additional veterans' preference points may not be used under any circumstances to achieve a passing score on the written and oral examination. Any applicant claiming veterans' preference is responsible for providing any and all relevant documents to the Commission, which shall, at a minimum include a form DD-214, no later than two (2) business days immediately prior to the date of the written examination.

Section 4.7. Physical Agility Testing

An applicant for the position of patrol officer must successfully complete a physical agility test which is approved by the Commission.

Mohnton Borough shall utilize the "Municipal Police Officers Education and Training Commission Standards" for the Physical Agility Testing.

MPOETC Physical Fitness Assessment Standards

30% Standards	Male Standards by Age					Female Standards by Age				
	18-29	30-39	40-49	50-59	60+	18-29	30-39	40-49	50-59	60+
Sit Ups (1 Min Reps)	35	32	27	21	17	30	22	17	12	4
300 Meter Run (Time)	62.1	63	77	87	87	75	82	106.7	106.7	106.7
Push Ups (1 Min Reps)	26	20	15	10	10	13	9	7	7	7
1.5 Mile Run (Time)	13:15	13:44	14:34	15:50	15:50	15:46	16:42	17:29	19:10	19:10



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The tests shall be uniformly administered in the order listed above and completed within two (2) hours and grading will be on a pass/fail basis.

A maximum of two (2) attempts will be allowed for the completion of each requirement within the two (2) hour limit.

Applicants who have either passed or failed the Physical Agility Test will be notified in writing by the Commission within thirty (30) days.

Section 4.8. Background Investigation

The Commission shall request the Chief of Police or the Chief's designee to conduct a background investigation on the top scoring eligible applicants, as determined by the Commission, prior to inclusion on the "Certified List of Three" of those eligible as set forth in Section 5.3 of these Rules and Regulations. The background investigation shall include a polygraph examination, interviews with the individual's family, acquaintances, current and former employers, current and former neighbors, references, current and former teachers, and school officials. At a minimum, personal interviews shall be conducted with at least three (3) people that have personal knowledge of the individual but who are not related to the applicant and also with the individual's employer(s) for the past five (5) years. The background investigation shall also include a criminal history check, including the submission of fingerprints to the Central Repository for the Commonwealth of Pennsylvania and the Federal Bureau of Investigation. The individual's credit history and record of criminal convictions shall also be investigated, as well as the individual's driving record for verification that he possesses a valid driver's license which has been free from suspension for the ten (10) years prior to the date on which the individual applied for employment with the Borough. The individual 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 designee shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment as a police officer.

Appropriateness of the applicant shall be based on the criteria set forth in Section 3.8 of these Rules and Regulations. This recommendation shall be in writing and if the recommendation is to disqualify, then a detailed written explanation of the reasons for disqualification must be included.

The Commission shall make the final determination on whether the information collected during the background investigation warrants rejection of the candidate. Within thirty (30) days after the Commission considers the recommendation of the Chief of Police or designee, each applicant will be informed of whether they have passed the background investigation.

Section 4.9. Polygraph Examination

The top scoring applicants on the list of eligible applicants for the



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position of patrol officer shall fill out a personal data questionnaire and undergo a polygraph examination. The Commission shall furnish each examiner with forms upon which the examiner shall state whether any of the applicant's responses to questions from the applicant's personal data questionnaire are deceptive. The report on each examination shall be submitted to the Commission within five (5) days after the date of the examination.

The examiner shall ask questions based on the information contained in the personal data questionnaire. Before administering the test, the examiner shall ask each applicant whether there is any more information related to the personal data questionnaire which the applicant would like to provide. There shall also be a post-test review, during which the examiner shall again ask the participant, if deception is indicated, whether there is any information which the applicant is withholding.

If the examiner shall deem any of the applicant's responses to be deceptive, the examiner must tell the applicant immediately and give the applicant an opportunity to explain, deny or admit the deception. If the applicant denies being deceptive or if the explanation is found unsatisfactory by the examiner, the applicant will be given the opportunity to retake the test with a second examiner. Notice of the opportunity to retest shall be given in writing to the applicant. The second examiner will not have access to the results of the first test prior to re-administering the examination. If the second examiner finds no deception, the applicant will be considered as having passed the examination. If the second examiner also finds the applicant deceptive, the applicant will be considered as having failed the examination.

An applicant who has failed both tests may appeal to the Civil Service Commission for a third examination, and the decision to give the applicant an opportunity to take a third test resides solely within the discretion of the Commission. If the applicant is awarded an opportunity to take a third test and passes, then the applicant will be considered as having passed the polygraph or test. If the applicant is found deceptive on a third test, the applicant will be rejected.

Chapter 5. Certification of the List of Eligible(s) and Appointment

Section 5.1. Creation of the Eligibility List

At the completion of the examination requirements set forth in Chapter 4, written examination, physical fitness test and oral examination, 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



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quality for veterans' preference points shall have ten (10) points added to their passing score prior to being ranked on the eligibility list.

The top scoring eligible applicants will be subject to a background investigation and no one will be certified in accordance with Section 5.3 of these Rules and Regulations until they have completed a background investigation and received a written recommendation that the applicant is appropriate for consideration in accordance with Section 4.9 of the Rules and Regulations.

For promotional positions, fulfilling the performance requirement set forth in Section 3.7 is also required. 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 complete applications on the same day, then the applicants shall be ranked in alphabetical order by surname.

The Eligibility List shall be valid for one year from the date the Commission ranks all passing applicant's, assigns veterans preference points and formally adopts the Eligibility List. 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 up to an additional twelve (12) months. The Commission may, at its sole discretion, void an Eligibility List at any time for any reason.

Section 5.2. Appointment of Previously Employed Officers in Certain Cases

The Borough Council of the Borough of Mohnton 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.

In the event that no furlough list exists or a furlough list exists and the individuals on that list decline the opportunity for recall, the Borough Council, may, in its sole discretion, fill any vacancy in an existing position in the police department that occurs as a result of expansion of the police force, retirement, resignation, disability or death by reappointment or reinstatement of a former employee of the police department who had previously been appointed in compliance with the existing civil service procedures as a police officer with the Borough and, thereafter, separated in good standing and who previously complied with the provisions of the civil service requirements. Except for medical and psychological examinations, no other testing shall be required for furloughed, rehired or reappointed employee, subject to any recertification requirements prescribed by the Municipal Police Officers' Education and Training Commission.

Section 5.3. Original Appointment from a Valid Eligibility List



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If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered re-employment and the Borough does not choose to fill any existing eligible vacancy pursuant to Article 5.2 of these Rules and Regulations, then every position, except that of chief of police, shall be filled only in the following manner:

- a) The Borough Council of the Borough of Mohnton shall notify the Commission of any vacancy which is to be filled and shall request the certification of three (3) names from the Eligibility List;
- b) If three (3) names are not available, then the Commission shall certify the name(s) remaining on the list;
- c) The Borough Council shall make an appointment from one of the three (3) names certified with reference to the merits and fitness of the candidates. However, [for initial appointment to the position of police officer,] when one of the three (3) applicants on the certified list is a veteran, that applicant shall be selected.
- d) The Borough Council may, at its sole discretion, appoint any applicant who has passed the required examinations for appointment [or promotion] although the applicant's name does not appear on the certified list of three (3) when the applicant qualifies for veterans' preference.

The Borough Council may object to one (1) or more of the persons certified for the reasons set forth in Section 3.8 of these Rules and Regulations. If the candidate to whom the Borough Council objects fails to timely exercise the rights of appeal under Section 3.10 or if the Commission declines to uphold the appeal, the Commission shall strike the name of the candidate from the eligibility list and certify the next highest name for inclusion on the list of three (3) candidates for each name stricken off.

Whenever the name of an eligible is certified to the Borough Council, he shall be notified at the address provided on the application for employment of such certification. The notice shall state that, unless the eligible, within five (5) days after receipt of such notice, notifies the secretary of the Commission that he is available for appointment, he shall be considered as having withdrawn himself from consideration for appointment to the vacant position. In the event that a person shall fail to notify the secretary of the Commission that he is available for appointment within five (5) days after receipt of such notice, and shall fail to give satisfactory reasons for his failure to report, his name shall be removed from the Eligibility List.

Section 5.4. Appointment of Chief of Police

In the case of a vacancy in the office of Chief of Police, the Borough Council has full discretion in selecting the individual to fill the position of chief of police. If the Borough Council 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 Borough Council 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



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Section 6.1.

Section 5.5. Medical and Psychological Examinations

After the Borough Council selects a candidate from the certified list of three (3) for appointment to the vacant position, that hire shall receive a written conditional offer of employment. The offer of employment shall be conditioned upon the hire successfully completing both a medical and psychological examination administered by medical experts to determine whether or not the hire is capable of performing all the essential functions of the position. The physical medical examinations shall be under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be under the direction of a psychiatrist or psychologist. All medical experts who provide services under this Section shall be appointed by Borough Council.

The medical experts so appointed shall render an opinion as to whether or not the hire has a physical or mental condition which calls into question the hire's ability to perform all of the essential functions of the position for which the person was conditionally appointed.

If in the opinion of the medical experts appointed pursuant to this Section, the hire has no physical or mental condition which calls into question the hire's ability to perform all the essential duties of the position, then the candidate shall have successfully passed the medical and psychological examinations, and no other conditions shall exist which shall bar the hire from accepting the offer of employment.

If, in the opinion of the medical experts appointed pursuant to this Section, the hire has a physical or mental condition which calls into question the hire's ability to perform all the essential duties of the position, then the hire shall not have satisfied the conditions for appointment. In such case, a representative of the Borough shall contact the candidate in writing at the address on file with the Commission to determine if the hire can identify an accommodation which would enable the hire to perform the essential duties of a police officer. The hire shall have fourteen (14) days from the date on which the notice requesting the hire to identify an accommodation is sent to the hire in which to reply in writing identifying any such accommodations. In the event that the hire either fails or refuses to identify such an accommodation, the Borough shall consider the hire as having withdrawn from further consideration in the hiring process. If the candidate responds within the time allotted under this Section and identifies an accommodation, the Borough shall consider whether or not such requested accommodation is reasonable as the term is utilized by the Americans With Disabilities Act.

In making such a determination, the Borough may require the hire(s) to undergo a further medical and/or psychological examination to determine the existence of a need for accommodation, the appropriateness of the accommodation requested, as well as the existence of any alternative accommodations which would permit the hire(s) to perform the essential duties of a police officer. If at the conclusion of the interactive process set



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forth in the Section, the Borough Council determines that the conditional appointee is not qualified, Council shall give written notice to the conditional appointee and the Commission. The written notice from Borough Council shall be treated as a rejection of the conditional appointee pursuant to Article 3.8.

In the event that the hire(s) requested accommodation is determined to not be reasonable, then the municipality shall withdraw the conditional offer of employment, and shall proceed in accordance with the subsection below.

In such an event, if an additional name exists at the top of the Eligibility List the Commission shall, after the additional candidate successfully completes the background and polygraph examination set forth in Article 5.3, include the additional name to the list of top three names for Borough Council to consider. Borough Council shall proceed to offer a conditional offer of employment to an individual on the list certified by the Commission and proceed in accordance with this Section until a candidate who receives a conditional offer of employment is determined to be capable of performing the essential duties of a police officer, with or without a reasonable accommodation.

Section 5.6. Probationary Period

Every successful applicant to the position of patrol officer or to a promotional position with the Police Department shall serve a twelve (12) month probationary period. For newly hired police officers, the one (1) year probationary period shall not commence until after the officer has completed training under Act 120 and receives a certification number. During the probationary period, a newly hired officer shall be considered to be an at-will employee and shall not have the protections of civil service status nor a right of appeal under these rules in the event of suspension or termination during the probationary period. A promoted officer, during probation, shall not have the protections of the civil service status of his new rank during the probationary period and may be returned to a prior rank at any time during the probationary period, for any reason or no reason at all. However, at the end of the twelve (12) month probationary period, if the conduct of the probationer has not been satisfactory to Borough Council, the probationer shall be notified in writing that the appointment will not be permanent. At that time, a newly hired officer's employment shall end, and a promoted officer shall return to his previous rank. Any officer who is not informed in writing that his performance has been unsatisfactory prior to the end of the probationary period shall receive a permanent appointment to the new position. The decision of a borough to suspend or discharge a probationer shall be final and shall not be subject to the hearing provisions contained in Article 6 of these Rules and Regulations.

Section 5.7. Provisional Appointments

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 Eligibly List



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for such appointment, the Borough Council may nominate a person to the Commission for noncompetitive examination, and such nominee may be certified by the Commission as qualified after such noncompetitive examination, and may be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the Commission within three (3) weeks to hold a competitive examination and certify a list of eligible person's and then a regular appointment shall then be made from the names 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 6. Suspensions, Removals and Reduction in Rank

Section 6.1. Grounds for Disciplinary Action

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

- a) 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;
- b) Neglect or violation of any official duty;
- c) Violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony;
- d) Inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming an officer;
- e) Intoxication while on duty;
- f) Engaging or participating in or conducting of any political or election campaign while on duty or while in uniform or while using Borough property other than the exercise of the person's own right of suffrage, or,
- g) Engaging or participating in the conduct of a political or election campaign for an incompatible office as provided in Article 3.6 of these Rules and Regulations.

No officer shall be removed for religious, racial or political reasons. A statement of any charges made against any officer so employed shall be



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furnished to the officer within five (5) days after those charges have been adopted by the Borough Council.

Section 6.2. Furloughs

If for reasons of economy or other reasons, it shall be deemed necessary by the Borough to reduce the number of full-time police officers in the Department, then the Borough shall furlough the person or persons including probationers, last appointed to the force until the appropriate reduction is accomplished. In the event that the Borough Council decides to increase the size of the Police Department, the furloughed officers shall be reinstated in order of their seniority in the Department, if the furloughed officer accepts reinstatement in writing within thirty (30) days of receiving notice of the opening. These reductions in force provisions are not applicable to the Chief of Police.

Section 6.3. Notice of Suspensions, Removals or Reductions in Rank

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

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

Section 6.4. Request for Hearing on Suspensions, Removals and Reductions in Rank

The officer who has been suspended, removed or reduced in rank may appeal the decision of the Borough Council by written notice to the Secretary of the Commission at 21 N. O'Neil St., Mohnton, Pennsylvania, 19540 requesting a hearing. Such written notice shall be made by personal service, certified mail or facsimile to the Commission and such request shall be received by the Commission within ten (10) days after the officer received notice of the discipline. The officer may make written answers to any charges filed not later than the date fixed for the hearing. Failure of the officer to provide written answers to any of the charges shall not be deemed an admission by the officer.



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The Commission will 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 Borough Council or the officer. The failure of the Commission to hold a hearing within ten (10) days from the date on which the charges are filed against the officer shall not result in the dismissal or modification of the charges and/or penalty filed against or imposed upon the officer. At any such hearing, the officer against whom the charges have been made may be present and represented by counsel, may call witnesses and present testimony and documentation in defense. The Borough of Mohnton may also be represented by counsel, call witnesses and present evidence as is necessary to support the charges. A 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.

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

Section 6.5. Hearing Procedure

All testimony shall be given under oath administered by the chairperson, or in the absence of the chair, the vice-chairperson. The Commission shall have power to issue subpoenas as set forth in Section 2.11. Unless the Council or the person sought to be suspended removed or reduced in rank requests that the proceedings before the Commission be open to the public, the proceedings before the Commission pursuant to this Section shall be held in the nature of a closed executive session that shall not be open to the public. Any such request shall be presented to the Commission before the Civil Service hearing commences. The deliberations of the Commission, including interim rulings on evidentiary rulings or procedural issues may be held in private and shall not be subject to a request to be open to the public by the council, the person sought to be suspended, removed or reduced in rank or any other party. The Commission's disposition of the disciplinary action shall constitute official action which shall be held at a public meeting unless, prior to the commencement of the hearing, a written or oral request to close the hearing is agreed to by the charging officer at his request or at the request of the Borough, and the Commission decides to honor that request.

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



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longer than one (1) 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 in the officer's record.

Revision History

Revision	Description	Approval Date
1.0	Original Rules & Regulation Document	February 2022
2.0	Updated Format & Amendment: <ul style="list-style-type: none">• Edited page columns from two (2) to one (1) to accommodate tables and images.• Edited Numbering Lists for proper utilization.• Edited style format of all major headers and minor headers to accommodate new Table of Contents (TOC).• Added Revision History page in accordance with best practices for official documentation.• Installed correct Table of Contents (TOC) format to allow TOC to utilize header styles correctly.• Removed grammar/spelling errors and extra spaces.• Amended "Section 6.4. Request for Hearings on Suspensions, Removals and Reductions in Rank" to provide the correct mailing address• Amended "Section 4.7. Physical Agility Test" to indicate that Mohnton Borough is using the MPOETC Standard format for testing. Provides for non-discriminatory test requirements.	April 2022