RULES OF THE CALN TOWNSHIP CIVIL SERVICE COMMISSION

CALN TOWNSHIP
253 MUNICIPAL DRIVE
THORNDALE, CHESTER COUNTY,
PENNSYLVANIA 19372

Revised June 26, 2018

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CHAPTER 1. DEFINITIONS OF TERMS

Section 1.1 Definitions

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

Applicant: Any individual who applies, in writing and on the form prescribed by the Caln Township Civil Service Commission, in response to a legally advertised notice of vacancy and/or examination for any position in the police department.

Alternate Commissioner: An individual appointed by Caln Township's Board of Commissioners to serve as an "alternate" Civil Service Commissioner. When seated, properly appointed Alternate Commissioners shall exercise the same powers, and shall fulfill the same duties as properly appointed Civil Service Commissioners as set forth the in the First Class Township Code.

Appointing Authority: This term is synonymous and interchangeable with the Board of Commissioners of Caln Township, Chester County, Pennsylvania, which is the duly elected governing body of the Township and possesses the legal authority to exercise executive control over the appointment, suspension, promotion, and discipline of an employee covered by these Rules.

Certification: The Civil Service Commission's formal act of providing to the appointing authority the top three names from the eligibility list developed by the Civil Service Commission at the request of the appointing authority.

Chairperson: The Chairperson of the Civil Service Commission of Caln Township, Pennsylvania.

Civil Service Rank (or "Rank"): Any position of employment within the Caln Township Police Department that has been obtained in strict compliance with the procedures set forth in these Rules and in respect to which there exists civil service protection.

Commission: The Civil Service Commission of Caln Township, Pennsylvania.

Commissioner: An individual duly appointed by the Board of Commissioners of Caln Township, Pennsylvania to serve as a member of the Civil Service Commission.

Eligible: A person whose name is recorded on a current eligibility list or furlough list.

Eligibility List: The list of names of persons who have satisfied the minimum requirements for a position in the police department covered by these Rules and who have passed the written, oral, and physical agility/fitness examinations.

Examination: Any test or investigation administered by the Commission or its designee as part of the process for assessing the merit and fitness of an applicant for an initial or promotional appointment covered by these Rules.

Furlough List: The list containing the names of persons separated from employment with the police department because of a reduction in the number of officers in the Department.

Physician: Any individual satisfying the definition contained in 1 Pa. C.S., § 1991 (relating to definitions).

Police Officer: For purposes of these Rules, any sworn member of the Caln Township Police Department, regardless of rank, who has been appointed or promoted under these Rules.

Probationary Period: The period of time prescribed under these Rules during which the Township assesses whether a police officer's conduct and fitness in a civil service position has been satisfactory and during which time the appointment or promotion remains temporary and not protected by these Rules.

Probationer: An officer in the police department who has been appointed from an eligible list, but who has not yet completed the work-test period.

Psychological Examination: Any examination, procedure, inquiry, or test designed to obtain information about medical history or psychological condition which might disqualify an applicant if it would prevent the applicant from performing, with or without a reasonable accommodation, all of the essential functions of the position from a mental or psychological perspective.

Qualified Medical Professional: An individual, in collaboration with or under the supervision or direction of physician, as may be required by law, who is licensed: 1) as a physician assistant pursuant to the Act of December 20, 1985, known as the "Medical Practice Act of 1985", or the Act of October 5, 1978, known as the "Osteopathic Medical Practice Act, or 2) as a certified registered nurse practitioner pursuant to the Act of May 22, 1951, known as "The Professional Nursing Law".

Reduction in Rank: A change from one civil service rank to a lower civil service rank covered by these Rules, where the police officer fulfilled all the requirements for both civil service ranks. However, a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank, nor does this term include discontinuance of a duty assignment or temporary assignment of rank made outside the scope of these Rules.

Removal: Pursuant to Section 644 of the First Class Township Code, the permanent removal from the police department, of a police officer hired in strict compliance with these Rules.

Rules: The Civil Service Rules and Regulations of Caln Township, Pennsylvania.

Secretary: The Secretary of the Civil Service Commission of Caln Township, Pennsylvania.

Suspension: Pursuant to Section 644 of the First Class Township Code, the temporary, unpaid removal from the police department, of a police officer hired in strict compliance with these Rules.

Section 1.2 Gender

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

CHAPTER 2. THE COMMISSION

Section 2.1 Civil Service Commission

a) The Commission shall consist of three Commissioners who shall be qualified electors of Caln Township and shall be appointed by the Board of Commissioners 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 Board of Commissioners for the unexpired term within the period of thirty (30) days after such vacancy occurs.

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 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.

b) The Board of Commissioners may appoint no more than three qualified electors of the Township to serve as alternate members of the commission. The term of office shall be six years. 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 the First Class Township Code and as otherwise provided by law. Alternates shall hold no other office in the township. Any alternate may participate in any proceeding or discussion of the Commission, but shall not be entitled to vote as a member of the Commission unless designated as a voting alternate member pursuant to Section 628 of the First Class Township Code.

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 Board of Commissioners.

Section 2.3 Organization of Commission; Quorum

a) The Commission first appointed shall organize within ten days of its appointment and shall elect one of its members as its chairperson and one as the secretary. The Commission shall thereafter meet and organize on the first Monday of each even-numbered year. Three members of the Commission shall constitute a quorum and no action of the Commission shall be valid unless it shall have the concurrence of at least two members.

b) If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman shall designate as many alternate members of the Commission to sit on the Commission as may be needed to provide a quorum. Any 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 shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. No action of the Commission shall be valid unless it shall have the concurrence of at least two members.

Section 2.4 Duties of Chairperson

The chairperson, or in his 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.

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, keep a record of each examination or other official action of the Commission, and perform all other duties required by law or these Rules.

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 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. The secretary of the Commission shall give each Commissioner twenty-four (24) hours' notice in writing of every meeting of the commission.

Section 2.7 Solicitor

The Commission's solicitor, if any, shall be designated, and under the terms and conditions as may be approved, by the Board of Commissioners.

Section 2.8 Clerks and Supplies

The Board of Commissioners 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 Township shall assist the Commission with all reasonable and appropriate efforts including compensation for any counsel or experts retained by the Commission.

Section 2.9 Amendment of Rules

The Commission may amend, revise, void, or replace these Rules 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 become effective, those changes must be approved by the Board of Commissioners. These Rules, and any amendments thereto shall be made available to the public for distribution or inspection.

Section 2.10 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, 53 Pa. C.S. A. § 1381 *et seq.* Notwithstanding the above, all recommendations of applicants for appointment received by the Commission shall be kept and preserved for a period of five (5) years.

With the exception of documents identified in Section 6.4 (b) of these Rules (relating to the sealing of the record where the Commission does not uphold disciplinary charges against an officer), 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 the Commission's 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 2.11 Investigations

The Commission shall have the power to make investigations concerning all matters relating to the administration and enforcement of these Rules. The chairperson of the Commission is authorized to administer oaths and affirmation for witnesses testifying in connection with such investigations.

Section 2.12 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 expenses of the Commission.

All police officers and employees of the Township shall attend and testify when required to do so by the Commission.

If any person shall refuse or neglect to obey any subpoena, the Commission may apply by petition to the Court of Common Pleas of Chester 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 2.13 Annual Report

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

CHAPTER 3. APPLICATIONS AND QUALIFICATIONS FOR POLICE DEPARTMENT POSITIONS

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. The applicant is subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Section 3.2 Discrimination

The Township is an equal opportunity employer. The Township and the Commission will provide equal opportunities in employment and promotion. It is the

Township's and the Commission policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, age, veteran status, marital status, or non-job-related physical or mental handicap or disability.

Section 3.3 Availability

Application forms shall be available to all interested persons in the office of the Township Manager, and from such other offices and officers that the Commission, from time to time, may choose to designate. Application forms may be mailed upon written or telephone request. The Commission assumes no responsibility for missed filing deadlines due to a delay in the mail.

Section 3.4 Age and Residency Requirements

All applicants must have reached their twenty-first (21st) birthday before the deadline for submitting completed applications. Applicants must reside within twenty-five (25) linear miles of the Caln Township Administration Building no later than three (3) months after completing their twelve (12) month probationary period.

Section 3.5 General Qualifications – All Applicants

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

Section 3.6 General Qualifications – Applicants for Promotion

a) In addition to meeting the qualifications in Section 3.5 above, all applicants for a promotional position, except chief of police and deputy chief of police, shall not have been suspended without pay within one (1) year prior to the deadline for submitting applications, or shall not have been suspended more than two (2) days within the three (3) years prior to the deadline for submitting applications. Any suspension to which the applicant has timely appealed pursuant to a contractual grievance procedure or these Rules shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

b) All applicants for promotional positions, except chief of police and deputy chief of police, shall have continuous prior service with the police department of Caln Township as follows:

1) An applicant for the position of Corporal shall have at least three (3) years of full-time service with the police department as a police officer;

2) An applicant for the position of Sergeant shall have at least one (1) year of experience as a Corporal with the police department and shall have successfully completed the promotional probationary period;
3) An applicant for the position of Lieutenant shall have at least three (3) years of experience as a Sergeant with the police department.

Section 3.7 Rejection of Applicant

The Commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these Rules 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 has illegally used or is illegally using a controlled substance as the term is defined in Section 102 of the Controlled Substances Act, 21 U.S.C. Sec. 802, or who has been guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitutions and laws of the United States and Commonwealth of Pennsylvania, or who has falsified, omitted, or misrepresented any information during the completion of the formal application process, or any other documents/processes associated with the selection process.

Section 3.8 Recording and Filing Applications

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

Section 3.9 Hearing for Disqualified Applicants

Any applicants or other persons who believe 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. Within ten (10) days after such request, the Commission shall designate a time and place for a public hearing which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. C.S. § 101 *et seq.* The applicant or aggrieved party must make their request for a hearing in writing within ten (10) calendar days of the date when the party knew of, or should have known of, the Commission action which is being

challenged. The decision of the Commission to remove an applicant from further consideration in the hiring process shall be final.

Section 3.10 Public Notice

The Commission shall conspicuously post in the Township building an announcement of the hiring or promotional testing and setting 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 Township.

CHAPTER 4. EXAMINATION AND GRADING PROCEDURE

Section 4.1 General Examination Requirements for the Position of Police Officer

The examination for police officer will include a physical agility/fitness test that is graded on a pass/fail basis. Applicants who pass the physical agility/fitness test will undergo a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing fifty percent (50%) of the final score and the oral examination representing fifty percent (50%) of the final score. Applicants who, after the written and oral examinations, have one of the highest three scores (including veterans' preference points), will be required to undergo a polygraph examination and a background investigation. The polygraph examination and background investigation will be graded on a pass/fail basis; failure of either will disqualify the applicant. After an applicant has been extended a conditional offer of employment, final appointment shall be contingent upon the applicant passing a medical and psychological examination.

Section 4.2 General Examination Requirements for Promotions

The examination for the positions of Corporal, Sergeant and Lieutenant shall include a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing fifty-five percent (55%) of the final score and the oral examination representing forty-five percent (45%) of the final score.

Section 4.3 Appointment of Examination Administrators

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

Section 4.4 Physical Agility/Fitness Testing

An applicant for the position of police officer shall be tested to determine physical agility/fitness using the standards developed by the Cooper Institute for Aerobics Research, and required by the Municipal Police Officers' Education and Training Commission for Pennsylvania Act 120 certification.

Section 4.5 Written Examination

The written examination for the position of police officer shall be graded on a 100-point scale. An applicant must score seventy-five percent (75%) or higher to continue in the application process. Applicants scoring less than seventy-five percent (75%) shall be rejected. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their test results; passing applicants shall be scheduled for an oral examination appointment.

Section 4.6 Oral Examination

Every applicant scoring seventy-five percent (75%) or higher, including ties, in the written examination, shall be given an oral examination by an oral examination board, that will be graded on a 100-point scale with a score of seventy-five percent (75%) 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 their oral examination and overall scores.

Section 4.7 Veterans' Preference Points

Pursuant to the Veterans' Preference Act, preferences and credits based upon veterans' status shall be given as provided by law. Any applicant claiming veterans' preference is responsible for providing all relevant documents to the Commission. Applicants for the position of police officer who qualify under the Act shall receive an additional ten (10) points added to their final score if that applicant received passing scores under Sections 4.4, 4.5, and 4.6.

Section 4.8 Polygraph Examination

a) Every applicant for the position of police officer who, after the written and oral examinations, have one of the highest three (3) scores (including veterans' preference points), shall fill out a Personal Data Questionnaire and undergo a polygraph examination. The Commission shall furnish each polygraph 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.

b) The examiner shall ask applicants questions based on the information contained in their Personal Data Questionnaire. Before administering the examination, 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 applicant, if deception is indicated, whether there is any information which the applicant is withholding.

c) 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 deny or admit the deception, or offer an explanation for the deceptive response. 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 examination 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 examination prior to readministering the examination. If the second examiner also finds the applicant deceptive, the applicant will be considered as having failed the examination.

d) An applicant who has failed both examinations may, within five (5) days after failing the second examination, appeal in writing to the civil service Commission for a third examination; the decision to give the applicant an opportunity to take a third examination resides solely within the discretion of the Commission. If the applicant is awarded an opportunity to take a third examination and passes, then the applicant will be considered as having passed the polygraph examination. If the applicant is found deceptive on a third examination, the applicant will be rejected.

Section 4.9 Background Investigation

The Commission shall request the chief of police or the chief's designee to conduct a background investigation on those applicants with the highest three scores. 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. At minimum, personal interviews shall be conducted with at least three (3) people that have personal knowledge of the applicant but who are not related to the applicant, and with the applicant's employer(s) for the past five (5) years. The background investigation shall also include a federal and state criminal history check, including the submission of fingerprints to the Federal Bureau of Investigation and the Central Repository for the Commonwealth of Pennsylvania. The applicant's criminal history and record of criminal convictions, if any, shall also be investigated, as well as the applicant's driving record, including verification that he or she possesses a valid driver's license. The applicant may be personally interviewed when the information collected during the background investigation requires clarification or explanation.

After the background investigation is completed, the chief of police, 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 3.4 and 3.5 of these Rules. 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 approval or rejection of the applicant. 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.

CHAPTER 5. CERTIFICATION OF THE LIST OF ELIGIBLES AND APPOINTMENT

Section 5.1 Creation of Eligibility List

At the completion of the physical agility/fitness test, written examination, and oral examination requirements set forth in Section 4.1, 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.

For promotional positions, fulfilling the performance requirement set forth in Section 3.6 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 will be valid for two (2) years from the date the Commission ranks all passing applicants, assigns veterans' preference points, and formally adopts the eligibility list. The Commission may, at its sole discretion, void an eligibility list at any time for any reason.

Section 5.2 Appointment to Vacant Positions

a) The appointing authority of the Township 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 medical and psychological examinations, no other testing shall be required for a furloughed employee or a rehired or reappointed employee, subject to any recertification requirements prescribed by the Municipal Police Officers' Education and Training Commission.

b) If no furlough list exists or if positions remain to be filled after all the police officers on the furlough list were offered reemployment, every position, except that of chief of police and deputy chief of police, shall be filled only in the following manner:

1) The appointing authority of the Township shall notify the Commission of any vacancy which is to be filled and shall request the certification of three (3) names from the list of eligibles;

2) If three (3) names are not available, then the Commission shall certify the name(s) remaining on the list;

3) In the case of only one (1) vacancy to be filled, the Board of Commissioners shall make an appointment from one of the three names certified with a reference to the merits and fitness of the candidates. However, for initial appointment as a police officer, if only one of the three applicants on the certified list is a veteran, that applicant shall be selected;

4) In the case of more than one (1) vacancy to be filled, the Commission shall certify from the eligibility list a number of the highest ranked candidates equal to the number of vacancies to be filled, plus the next two (2). This will provide that the last appointment will always be made from the remaining three (3) names certified.

c) The Board of Commissioners may object to one or more of the persons certified for the reasons set forth in Section 3.7 of these Rules. If a candidate whom the Board of Commissioners objects fails to timely exercise the rights of appeal under Section 3.9 or if the Commission declines to uphold the appeal, the Commission shall strike the name of that candidate from the eligibility list and shall, for each name stricken off, certify the next highest name for inclusion on the list of three candidates.

Section 5.3 Appointment of Chief of Police and Deputy Chief of Police

In the case of a vacancy in the office of chief of police and deputy chief of police, the appointing authority has full discretion in selecting the individual to fill the position of chief of police and deputy chief of police. If the appointing authority requests the Commission to subject that person to a noncompetitive examination, and if that person successfully passes the noncompetitive examination, then the Commission shall notify the appointing authority of the results of the examination. If, after receiving notice from the Commission that the candidate for chief of police and deputy chief of police is qualified, the appointing authority votes to bestow civil service status on that person, he or she may only be removed from the position of chief of police and deputy chief of police for any of the reasons set forth in Section 3.7 and Section 6.1.

Section 5.4 Medical and Psychological Examinations

After the appointing authority selects a candidate from the certified list of three for appointment to a vacant position, that candidate shall submit to a medical examination and a psychological examination by appropriate medical and psychological experts. If the candidate successfully passes both the medical and psychological examinations, that individual shall be appointed to the vacant position in the police department for which the application was submitted. Failure to pass either examination shall result in the candidate being rejected from consideration. The rejected candidate may appeal this decision by requesting a hearing by the Commission as provided by Section 3.9. The Commission shall then certify another name to be included with the two previously certified names for consideration by the appointing authority pursuant to Section 5.2.

Section 5.5 Probationary Period

Every successful applicant to the position of police officer or to a promotional position within the police department shall serve a twelve (12) month probationary period.

For newly hired police officers, the (12) month probationary period shall not commence until after the officer has completed training under Act 120 and receives a certification number. If a police officer is hired before the officer has completed Act 120 training, the (12) month probationary period will not commence until they successfully complete Act 120 training and receive a certification number. During the probationary period, a newly hired officer may be dismissed with cause for any of the reasons set forth in Section 3.7 and Section 6.1. At the end of the twelve (12) month probationary period, if the conduct of the probationer has not been satisfactory to the Board of Commissioners, the probationer shall be notified in writing that the appointment will not be permanent, and the newly hired officer's employment shall end.

A promoted officer, during probation, may be returned to a prior rank for the reasons set forth in Section 3.7 and Section 6.1.

Any probationer who is notified in writing that appointment will not be made permanent has no rights of appeal under these Rules. Any officer who is not informed in writing that their performance has been unsatisfactory, shall receive a permanent appointment to the new position.

Section 5.6 Provisional Appointments

Whenever there are urgent reasons for the filing of a vacancy in any position in the police department and there are no names on the eligibility list for such an appointment, the Board of Commissioners may nominate a person to the Commission for noncompetitive examination, and such nominee may be certified by the Commission as qualified after such noncompetitive examination, and may be appointed provisionally to fill such a vacancy. It shall thereupon become the duty of the Commission within three weeks to hold a competitive examination and certify a

list of eligibles and then a regular appointment shall then be made from the name or names submitted by the Commission: provided, that nothing within this section shall prevent the appointment, without examination, of persons temporarily as police officers in cases of riot or other emergency.

CHAPTER 6. SUSPENSIONS, REMOVALS, AND REDUCTIONS IN RANK

Section 6.1 Grounds for Disciplinary Action

a) No person appointed to a position in the police department pursuant to these Rules may be suspended without pay, removed, or demoted from a rank governed by these Rules except for any of the following reasons:

1) physical or mental disability affecting the officer's ability to continue in service, in which case the officer shall receive an honorable discharge from service;

2) neglect or violation of any official duty;

3) violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony;

4) inefficiency, neglect, intemperance, disobedience of orders, or conduct unbecoming an officer;

5) intoxication while on duty;

6) engaging or participating in conducting of any political or election campaign otherwise than to execute the officer's right of suffrage, except that this clause shall only apply to a police officer while on duty or in uniform or while using any township property;

7) engaging in or participating in the conduct of any political or election campaign for an incompatible office pursuant to Section 1401 of the First Class Township Code; or

8) failure to meet or maintain the qualifications required by the Municipal Police Officers' Education and Training Commission.

b) No officer shall be removed for religious, racial, or political reasons.

c) A statement of any charges made against any officer so employed shall be furnished to the officer within five (5) days after those charges have been adopted by the Board of Commissioners.

Section 6.2 Notice of Suspension, Removal or Reduction in Rank

Whenever a police officer is suspended without pay, removed, or reduced in rank, the specific charges warranting such actions shall be stated in writing by the Board of Commissioners. 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 violations of the elements of Section 3.7 and/or the subsection(s) of Section 6.1 which provides the basis for the disciplinary action, as well as an explanation of the factual circumstances upon which the appointing authority relied in finding those violations.

Within five (5) days after the Board of Commissioners has voted to impose the disciplinary action, a written statement of the charges shall be delivered to the officer either by personal service or by certified and registered mail. In addition, the charges shall notify the officer of the right to appeal under Section 6.3 of these Rules. A copy of the statement of charges shall also be served upon the members of the Civil Service Commission.

Section 6.3 Hearings on Suspension, Removals and Reduction in Rank

a) An officer who has been suspended, removed or reduced in rank may appeal the decision of the appointing authority by written notice to the secretary of the Commission at 253 Municipal Drive, Thorndale, Pennsylvania, 19372 requesting a hearing. The request shall be received by the Commission within ten (10) days after the officer received notice of the discipline. The officer may make written answers to any charges filed not later than the date fixed for the hearing. Failure of the officer to provide written answers to any of the charges shall not be deemed an admission by the officer.

b) The Commission shall schedule a hearing within ten (10) days from the officer's written request for a hearing unless continued by the Commission for cause at the request of the Commission, the Board of Commissioners, or the officer. At any such hearing, the officer against whom the charges have been made may be present and represented by counsel, may call witnesses and present testimony and documentation in defense. The Township 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.

c) In conducting the hearing, the Commission standard of review shall be to determine whether sufficient evidence has been presented to support the reason(s) for the disciplinary action. If the Commission finds that sufficient evidence has been introduced to support the charge, the Commission shall not modify the penalty imposed by the Board of Commissioners unless it finds that the penalty imposed was arbitrary, discriminatory, or an abuse of the Board's discretion. In considering the appropriateness of the discipline, the Commission 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 6.4 Hearing Procedure

a) All testimony shall be given under oath administered by the chairperson, or in absence of the chair, the vice-chairperson. The Commission shall have power to issue subpoenas as set forth in Section 2.11. The hearing shall be open to the public unless, no less than seventy-two (72) hours prior to the commencement of the hearing, a written or oral request to close the hearing is made by either the charged officer or the Township, and the Commission decides to honor that request.

b) If the Commission sustains the charges, the officer who was suspended, removed or reduced in rank may file an appeal with the Chester County Court of Common Pleas within thirty (30) days from the date of entry by the Commission of its final order. No order of suspension without pay shall be made by the Commission for a period longer than one (1) year. If 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 without pay, removal, or demotion, and no charges related to the suspension, removal, or reduction in rank shall be officially recorded in the officer's personnel record.

Section 6.5 Furloughs

a) If for reasons of economy or other reasons, it shall be deemed necessary by the Township to reduce the number of full-time police officers in the department, the Township shall apply the following procedure: (1) if there are any employees eligible for retirement under the terms of any retirement or pension law, such reductions in numbers shall be made by retirement of such employees starting with the oldest employee and following in order of age respectively; (2) if the number of full-time police officers eligible for retirement is insufficient to effect the necessary reduction in numbers, or if there are no persons eligible for retirement, or if no retirement or pension fund exists, then the reductions shall be effected by furloughing the person or persons, including probationers, last appointed to the department. Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction has been accomplished.

b) If the appointing authority decides to increase the number of full time officers in 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.

c) These reduction in force provisions are not applicable to the chief of police and deputy chief of police.

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CHAPTER 7. RESOLUTION FOR ADOPTION OF RULES

The foregoing Civil Service Rules, which are in accordance with the powers granted by the civil service provisions of the First Class Township Code, enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the municipal governing body of Caln Township, Pennsylvania, are hereby adopted by the Civil Service Commission of Caln Township on June 26, 2018.

Chairperson

Vice-Chairperson

Secretary

Approved by the Board of Commissioners of Caln Township, Chester County, Pennsylvania on

July 26, 2018.

SIGNED:

President, Board of Commissioners

ATTEST:

Township Secretary