

BOROUGH OF WEST VIEW  
RESOLUTION NO. 1530

A RESOLUTION OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, APPROVING AND ADOPTING THE ATTACHED AMENDMENTS TO THE RULES AND REGULATIONS OF THE BOROUGH OF WEST VIEW CIVIL SERVICE COMMISSION

NOW, THEREFORE, be it resolved by the Council of the Borough of West View that the Amended Civil Service Commission Rules and Regulations, a copy of which is attached, as recommended by the Borough of West View Civil Service Commission, are hereby approved and adopted, effective immediately.

RESOLVED this 13th day of July, 2022.

ATTEST

BOROUGH OF WEST VIEW

\_\_\_\_\_  
Bruce A. Fromlak, Chief of Police  
Borough Secretary/Manager

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William F. Aguglia  
President of Council

Approved as to form:

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J.R. Henry, Mayor

**ARTICLE I**  
**Terminology**

§ A296-1. **Definitions.**

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

**APPLICANT**

Any individual who applies, in writing, to the Commission in response to an officially advertised notice of vacancy and/or examination for any position in the Police Department.

**APPOINTING AUTHORITY**

The Borough Council of the Borough of West View, Allegheny County, Pennsylvania.

**CERTIFICATION**

The submission to the appointing authority pursuant to its request of three names taken from the eligible list developed by the Civil Service Commission.

**CHAIRPERSON**

The Chairperson of the Civil Service Commission of the Borough of West View, Pennsylvania.

**COMMISSION**

The Civil Service Commission of the Borough of West View, Pennsylvania.

**ELIGIBLE**

A person whose name is recorded on a current eligible list or eligibility for recall from furlough list.

**ELIGIBLE LIST**

The list of names of persons who have passed all nonmedical examinations for a particular position in the Police Department.

**EXAMINATION**

The series of tests given to applicants to determine their qualifications for a position in the Police Department.

## **FURLOUGH LIST**

The list containing the names of persons laid off from positions in the Police Department because of a reduction in the number of officers.

## **MPOETC**

Municipal Police Officers' Education and Training Commission.

## **MUNICIPAL SECRETARY**

The Secretary of the Borough of West View, Allegheny County, Pennsylvania.

## **POLICE DEPARTMENT**

The Police Department of the Borough of West View, Allegheny County, Pennsylvania.

## **POLICE CADET**

A West View Borough employee who has not yet successfully completed Act 120 training.

## **POLICE OFFICER**

For the purpose of these rules and regulations, a police officer is a sworn full time law enforcement position in the Borough of West View

## **PROBATIONER**

An officer in the Police Department who has been appointed from an eligible list, but who has not yet completed the probationary (work-test) period.

## **REDUCTION IN RANK**

A change to a lesser position or rank where the employee fulfilled all of the requirements of these rules and regulations for both the prior and current position or rank. However, a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank.

## **REMOVAL**

The permanent separation of a police officer from the Police Department.

## **SECRETARY**

The Secretary of the Civil Service Commission of the Borough of West View, Pennsylvania.

## **SUSPENSION**

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

### **§ A296-2. Gender.**

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

## **ARTICLE II**

### **Civil Service Commission**

### **§ A296-3. Officers.**

- A. The Commission shall consist of three Commissioners who shall be qualified electors of the Borough of West View and shall be appointed by the West View Borough Council initially to serve for terms of two, four, and six years, and as terms thereafter expire shall be appointed for terms of six years.
- B. Any vacancy occurring in the Commission for any reason shall be filled by the West View Borough Council for the unexpired term within the period of 30 days after such vacancy occurs.
- C. 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. This oath shall be given by the Mayor or other appropriate official. No Civil Service Commissioner shall receive compensation.
- D. Borough Council may appoint no more than three (3) alternate members of the Commission who shall be qualified electors of the Borough of West View. The term of office of the alternate members shall be six years. When seated pursuant to Section A296-9(B), 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 Commissioners, 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 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 A296-9(B).

**§ A296-4. Incompatible offices.**

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 West View Borough Council and one may be a member of the teaching profession.

**§ A296-5. Organization of Commission.**

The Commission shall meet and organize on the first Monday of February of each even-numbered year. The Commission shall elect one of its members as the Chairperson, one as the Vice Chairperson and one as the Secretary.

**§ A296-6. Duties of Chairperson.**

The Chairperson, or in his or 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 other duties required by law or these rules. He may be aided in these duties by a solicitor to the Commission. Any such solicitor or legal counsel must have an active license to practice law in Pennsylvania and cannot also function as the Borough Solicitor or be affiliated with the law firm of the Borough Solicitor.

**§ A296-7. 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, by these rules and by the Commission.

**§ A296-8. Meetings.**

Except for the biennial organizational meeting, all nonjudicial meetings of the Commission shall be held either at the call of the Chairperson or at the call of two members of the Commission. Unless all members shall waive the requirement, a minimum of 24 hours' written notice of each meeting shall be given to each Commissioner by the Secretary. Any official actions and any deliberations by a quorum (i.e., at least two members) of the

Commission shall take place in a meeting open to the public unless closed pursuant to 65 Pa.C.S.A. § 708.

§ A296-9. **Quorum.**

- A. Two 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. Unless prevented by a conflict of interest, a Commissioner must vote "yea" or "nay" on every motion, decision or adjudication which comes before the Commission.
  
- B. If, by reason of absence or disqualification of a member a quorum is not reached, the Chairperson 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. In the event the alternates are of equal seniority, alternates shall be designated on a rotating basis in alphabetical order based on the alternates' last names.
  
- 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, and each step of the hiring or promotional process need not be voted upon or approved by the same composition of Commissioners, as the case may be, provided that the quorum requirement has been satisfied.

§ A296-10. **Order of business.**

The order of business of all nonjudicial meetings of the Commission shall be as follows:

- A. Roll call;
- B. Approval/disapproval of the minutes of the previous meeting;
- C. Unfinished business;
- D. New business;
- E. Communications and reports.

**§ A296-11. Minutes.**

The Commission Secretary shall keep minutes showing the vote of each member upon each question, and records of examinations and other official actions. If a member is absent, cannot vote due to a conflict of interest or fails to vote, the Secretary shall indicate that fact in the minutes. All records of the Commission shall be preserved and disposed of according to the Retention and Disposition Schedule for Records of Pennsylvania Municipalities under the authority of the Municipal Records Act, 53 Pa.C.S.A. § 1381 et seq. Commission minutes shall be kept in the manner required by 65 Pa.C.S.A. § 706.

- A. Commission records pertaining to all aspects of its business (except minutes) shall be maintained for five years after which they shall be destroyed. A record of Commission minutes shall be permanently maintained. Records relating to litigation or probable litigation shall, in no case, be destroyed until such time as the litigation or litigation threat has been resolved. Documents and information qualifying as public records will be available to the public. The Commission adopts the procedures employed by the Borough, as they may from time to time be modified, relative to responding to requests for public records.

**§ A296-12. Rules and regulations.**

The Commission shall have the power to prescribe, enforce and amend the rules and regulations governing the conduct of its activities. Before any changes to these rules or regulations become effective, those changes must be approved by Borough Council. These rules and regulations and any modifications or amendments thereto, shall be made available to the public for distribution or inspection.

**§ A296-13. Clerks and supplies.**

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

**§ A296-14. 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.

**§ A296-15. Subpoenas.**

- A. The Commission shall have the power to issue subpoenas over the signature of the Chairperson, or his designee, to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of such witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for incidental expenses by the Commission. Parties in litigation before the Commission are responsible for the payment of witness fees to individuals for whom they have requested a Commission subpoena. Those parties are also responsible for the service of any such requested subpoena.
- B. All officers in public service and employees of the Borough shall attend and testify when required to do so by the Commission.
- C. If any person shall 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 \$100, and in default of the payment of such fines and costs, shall be imprisoned not to exceed 30 days.
- D. If any person shall or neglect to obey any subpoena, the Commission or the requesting party may apply by petition to the Court of Common Pleas for Allegheny County to enforce that subpoena, requiring the attendance of such person before the Commission to testify and to produce any records and papers necessary, and shall seek and order that in default thereof such individuals shall be held in contempt of court.

**§ A296-16. Annual report.**

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

**ARTICLE III**  
**Applications and Qualifications**

**§ A296-17. Eligibility for Examination**

In order to be eligible for participation in the hiring/examination procedure for any entry level patrol officer position with the Police Department, every applicant must submit a completed application form to the Commission, or its designee 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.A. § 4904 relating to unsworn falsification to authorities.

**§ A296-18. Non-Discrimination.**

The Borough 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 disability. The Borough and the Commission will provide equal opportunities in regard to the examination process and in regard to employment and promotion.

**§ A296-19. Availability.**

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

**§ A296-20. Age requirements.**

All applicants must have reached their 21st birthday before the deadline for submitting completed applications.

**§ A296-21. General qualifications for all applicants.**

Each applicant for a position in the Police Department shall be a citizen of the United States, and shall possess a high school diploma or an equivalent degree. Every applicant must be physically and mentally fit to perform all of the essential functions of a police officer, possess a valid motor vehicle operators' license issued by the Commonwealth of Pennsylvania or any other state issued equivalent driver's license; and must be free of

any criminal conviction in any state for which more than one (1) year in prison can be imposed as punishment or of an offense that results in a prohibition against possession of a firearm.

Each applicant must either be: (1) recommended for certification through MPOETC as a Police Officer pursuant to Act 120, or (2) if the applicant has neither completed Act 120 training nor does he/she possess current Act 120 certification, he/she must possess all qualifications necessary for admission to a MPOETC-certified training school or academy which provides a basic training course for police officers, which shall be chosen by the Borough. Notwithstanding the foregoing, when in the discretion of Borough Council, the fiscal health or operational needs of the Borough so requires or when no MPOETC-certified training school or academy classes are available within a reasonable period of time or within a reasonable geographic distance from the Borough, the Borough may require that all applicants possess current Act 120 certification for a specific round of testing.

**§ A296-22. General qualifications for applicants for Lieutenant and Sergeant.**

- A. In addition to meeting the qualifications in § A296-21 above, all applicants for the position of Lieutenant and Sergeant shall not have received a formal written reprimand for one year prior to the deadline for submitting applications, or have been demoted for disciplinary reasons or suspended without pay at any time five years prior to the deadline for submitting applications. (Discipline which has been successfully challenged is not applicable.) Any formal written reprimand, disciplinary demotion or suspension to which the applicant has timely appealed pursuant to a contractual grievance procedure or these rules and regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.
- B. All applicants [Note: prior service with the Borough Police Department is not a prerequisite for the position of Lieutenant and Sergeant] shall have continuous prior service with the Police Department of West View as follows:
- (1) An applicant for the position of Lieutenant shall have at least five years of service at the Department or, at the discretion of Borough Council, may have a total of at least five years of policing experience at the rank of Lieutenant or above;
  - (2) An applicant for the position of Sergeant shall have at least three years of experience as a patrol officer within the Police Department, an applicant must



demonstrate a working knowledge of police science and administration as ascertained by an appropriate promotional examination.

(3) An applicant must demonstrate an ability to supervise the work of subordinates.

(4) An applicant must have achieved at least a rating equivalent to "excellent" on their latest service rating, if such a rating system is established in the Police Department. At the discretion of the Commission, an evaluation of experience, training general background and other such records of performance of the applicant may augment, or be substituted for, the service rating.

C. The essential functions for the position of Lieutenant and Sergeant are contained in the job description.

**§ A296-23. General qualifications for applicants for Chief of Police.**

Every applicant for the position of Chief of Police must be a United States citizen, be physically and mentally fit to perform the essential functions listed in the job description for Police Chief, must be able to be certified by MPOETC, and, prior to appointment, possess a valid motor vehicle operator's license, and be subject to a check of the applicant's credit history. A credit history check that indicates poor decision-making with respect to the applicant's personal finances may result in disqualification. The same qualifications set forth in this Section 296-23 apply in the event Borough Council chooses to hire a Deputy Chief of Police.

**§ A296-24. Recording of application.**

A. All applications for the Police Department shall be received at the Borough Building only after a hiring or promotional test has been properly advertised and before the deadline for receiving applications, which are set forth in the public advertisement.

B. The Borough, or its designee, shall review each application, upon receipt, for the purpose of determining that such application contains no errors or omissions. Any application received more than 10 days prior to the filing deadline, containing errors or omissions shall be returned to the applicant for correction or addition. An application received within less than 10 days prior to the filing of the deadline and containing material errors or omissions shall not be considered, and will not be returned. The Commission, or its designee, shall date, number, and record, in the order of receipt, all applications free of errors and omissions. The individual recording the applications

shall note whether the individual has veteran's status and whether the individual has given notice of a need for a reasonable accommodation in the application or examination process. An application, once recorded, shall not be returned to the applicant.

**§ A296-25. 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. Physical ability examination.
- C. Written examination.
- D. Oral examination.
- E. Background investigation.
- F. Conditional offer of employment.
- G. Medical/psychological examination.
- H. Probation.
- I. Permanent appointment.

**§ A296-26. Disqualification/rejection of applicant.**

- A. The Commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination as prescribed below. The Commission may refuse to examine, or if examined, may refuse to certify any applicant who demonstrates an inability to adhere to the policies and rules set forth by the Borough of West View, which policies and rules are incorporated herein, or who is physically or mentally unfit to perform the full duties of the position to which he seeks employment, or who is a habitual substance abuser, who is guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, who has been dismissed from public service for delinquency or misconduct in office.
- B. Further, an applicant may be disqualified or rejected for one of the following criteria, such conduct may include, but is not limited to:
  - (1) Having been convicted of a crime for which the punishment can be more than one year imprisonment as defined in Title 18 of the Pennsylvania Crimes Code, as



defined in the jurisdiction where the crime occurred or as defined in the Military Code of Conduct.

- (2) Having been released from any military or civilian Police Department for actions or inactions which, though not committed while employed as a Borough of West View police officer, could result in discipline if engaged in by a member of the Borough of West View Police Department.
- (3) Having been released from any civilian Police Department during probation.
- (4) Having a history of heavy gambling loss, or failure to remain current in the payment of taxes.
- (5) Failure to provide support for minor children.
- (6) Evidence of present improper use of controlled substances as defined in schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C.A. § 812.
- (7) Physically or mentally unfit to perform the full duties of the position to which he seeks employment.
- (8) Any applicant who is a habitual substance abuser.
- (9) Is guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct.
- (10) Has been dismissed from public service for delinquency of misconduct in office.
- (11) Failure to successfully complete all courses and requirements necessary for graduation from a MPOETC-certified training school or academy which provides a basic training course for police officers.

**§ A296-27. Hearing for disqualified applicants.**

Any applicant or other person who believes that he is aggrieved by the actions of the Commission, in refusing to examine or to certify him 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, within 10 calendar days of the date when the party knew or should have known of the Commission's action which is being challenged. Within 10 days after such request, the Commission shall designate a time and place for the hearing where the applicant may appear personally and by counsel. The hearing shall be

conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa.C.S.A. § 101 et seq.

§ A296-28. **Penalty for false statement.**

A. The statements made by the applicant in the official application shall contain no falsification, omission or concealment of material fact. Should investigation disclose any willful misstatement, falsification or concealment with respect to an application:

- (1) The application shall be invalid and the applicant shall be disqualified from examination;
- (2) If the applicant shall have been examined, the name of such applicant shall be removed from the eligibility list;
- (3) If the applicant shall have been appointed, such deliberate falsification, omission or concealment shall constitute grounds for dismissal from the Police Department. (Such falsification, omission or concealment shall be grounds for dismissal no matter how long the time frame between appointment and the discovery of the falsification, omission or concealment.)

B. Any applicant or other person who believes that they are aggrieved as a result of the actions of the Commission referenced in this section may request a hearing before the Commission pursuant to § A296-27.

C. No person who shall make any application containing a deliberate misstatement, falsification, omission or concealment shall be permitted to make any future application for any position in the Police Department of the Borough.

§ A296-29. **Public notice.**

The Commission shall conspicuously post in the Borough Building 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 for the examination, and the deadline for filing those applications. In addition, at least two weeks but not more than six weeks prior to each examination, publication of the notice shall occur in at least one newspaper of general circulation or a newspaper circulating generally in the Borough.

**ARTICLE IV**  
**Examination and Grading Procedure**

**§ A296-30. General examination requirements for position of police officer.**

- A. The examination for police officer will consist of a written and an oral examination each of which will be graded on a one-hundred-point scale with the written examination representing 50% of the final score and the oral examination representing 50% of the final score. An applicant to be placed on the eligibility list must pass both the written and oral examinations. In addition, each applicant will undergo a physical performance test which will be graded on a pass/fail basis. Prior to the compilation of the eligibility list, each remaining applicant will undergo a background investigation. After an applicant has been extended an offer of employment, final appointment shall be contingent upon the applicant passing a physical and psychological examination.
  
- B. Pursuant to the Veterans' Preference Act, as amended, 51 Pa.C.S.A. § 7101,1, an applicant for the position of patrol officers who qualifies as a military veteran under the Veterans' Preference Act shall receive an additional ten (10) points on top of their score if that applicant passed both the written and oral examinations and physical performance test. Applicants claiming veterans' preference shall have submitted satisfactory proof of service through the submission of discharge papers or separation documents (Dd214, DD215 or NGB-22 form) of statement of service, as that term is defined in the Act, to the Borough with their application form. Veteran's preference points shall not apply to promotions.
  
- C. On each occasion where Borough Council seeks to fill an entry level police position, the Commission shall certify the three highest ranking (as measured by combined written and oral test scores and veterans' preference points) available candidates. Council is free to select any one of the three so certified unless one is a veteran. In the latter case, the one veteran must be the selectee. If two or all three of the applicants are veterans, Council may choose from among the veterans.
  
- D. When the Commission has written notice from an applicant who has passed the written and oral examinations that he/she does not wish to be further considered for Borough employment (or where the Commission has similarly strong proof that such an applicant is no longer available), the Commission may remove the applicant's name from the eligibility list.

**§ A296-31. General examination requirements for positions of Lieutenant and Sergeant.**

- A. The examination for the positions of Lieutenant and Sergeant shall include a written and an oral examination each of which will be graded on a one-hundred-point scale with the written examination representing 50% of the final score and the oral examination representing 50% of the final score.
- B. Selection of an officer for a promotion shall be determined by his or her standing at the end of the testing procedure. The top three names of the individuals with the highest combined score who have passed both the written and oral examinations shall be submitted to Borough Council for final consideration. The individual who in the opinion of Borough Council is the most qualified for the promotion will be selected. If it is necessary to promote more than one officer, each additional promotion shall be awarded using the same process described above.
- C. Veterans' preference is not applicable to promotion decisions (per opinions of the Pennsylvania Supreme Court.)
- D. The only promotion opportunities for which persons who are not already members of the West View Police Department may be considered is Chief.

**§ A296-32. Eligibility list.**

The Council or the Commission, at their discretion, may void an eligible list at any time, but in no case shall any eligible list remain in effect for a period of more than two years from the date of its certification by the Civil Service Commission, except that 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 year.

**§ A296-33. Appointment of examiners.**

The Commission may appoint a written examination administrator, an oral examination administrator, a physical fitness examiner, a medical examiner and a psychological examiner to conduct the examinations required by these rules and regulations.

**§ A296-34. Admission to written examination.**

All applicants who meet the basic qualifications, including passing the physical performance examination, will be admitted to the written examination after providing proof

of identification. The notification document shall serve as the admission card to the examination, at which the right thumb print of the applicant shall be placed on the admissions card and the applicant shall sign the card. This procedure shall be followed at each segment of the examination process.

**§ A296-35. Physical fitness testing.**

- A. An applicant for the position of police officer must meet and pass the agility tests currently being conducted by the Allegheny County Police Training Academy. Any changes made by the Academy will automatically be changed for testing purposes.
- B. This test shall be graded on a pass/fail and applicants who successfully pass this portion of the testing will then be scheduled for a written examination.
- C. Within 30 days after the physical performance test, all applicants shall be given written notice of their test results, and passing applicants shall be scheduled for a written examination appointment.

**§ A296-36. Written examinations.**

- A. The written examination shall be constructed to test the nonphysical capability of the applicants to perform and to be trained to perform the essential functions of the position. The exact design of the examination shall be altered from time to time but will be practical in character and shall relate to such matters and include such inquiries as will fairly test the merit and fitness of the person examined to discharge the duties of a police officer.
- B. The Commission may designate an examining agency or qualified individual(s) to act as examiner for or consultant on the written examinations. The Commission shall reserve the right to accept or reject for cause, in whole or in part, the recommendations of the regularly appointed examining and/or consulting agency.
- C. The written examination shall be graded on a one-hundred-point scale, and an applicant must achieve a score of 70% on each section of the written examination and an overall score of at least 70% or higher in order to continue in the application process. Applicants scoring less than 70% on any section of the written examination or an overall score shall be rejected.

- D. Within 30 days after the administration of the written examination, all applicants shall be given written notice of their test results and passing applicants shall be scheduled for an oral examination appointment.

§ A296-37. **Oral examination.**

- A. Every applicant who scored 70% or higher in the written examination shall be given an oral examination which will be graded on a one-hundred-point scale with a score of 70% or higher necessary for passing. Within 30 days after the applicant's oral examination, he shall be informed of his score in his oral examination and total overall score.
- B. Organizing the oral examination of applicants who passed the written examination shall be the responsibility of the Commission. The Commission shall empanel a board of examiners who shall ask each applicant interviewed a predetermined series of basic questions (follow up questions may vary from applicant to applicant depending upon the responses given to the basic questions.) The basic questions shall relate to predetermined scenarios or situations which shall be provided to the applicants being examined at the start of the examination. The board of examiners shall consist of five individuals one of whom may be the Police Chief and one of whom may be a member of Council. The Commission shall select the five members of this board of examiners with a view to the community's policing needs and with the goal of placing persons on the board of examiners who are knowledgeable about modern policing techniques, issues and/or concerns. Each member of the board of examiners shall interview and rate every applicant. Each applicant's responses to the five questions shall be rated on a scale of zero to 20 (zero to four: poor, unresponsive, incomplete, wrong or inadequate answers; five to nine: marginal to fair responses; 10 to 14 professional quality, appropriate, adequate to very good responses; 15 to 19 superior response; and 20 as good a response as one could ever expect a candidate to give). Members of this board shall score the applicants without first consulting with any or all of the other board members. The applicant's score on each question shall be his/her average score on that question and his/her total score shall be the addition of the average scores on all five questions.
- C. The persons assigned to conduct oral examinations shall complete a rating form after interviewing each applicant. The rating form shall be collected, tallied and recorded by the Secretary, or his designee. Applicants should be scored for their demeanor and for the content and relevance of their answers/responses.



**§ A296-38. Veterans' preference points.**

Pursuant to the Veterans' Preference Act, as amended, 51 Pa.C.S.A. § 7101,1, an applicant for the position of patrol officers who qualifies as a military veteran under the Veterans' Preference Act shall receive an additional ten (10) points on top of their score if that applicant passed both the written and oral examinations and physical performance test. Applicants claiming veterans' preference shall have submitted satisfactory proof of service through the submission of discharge papers or separation documents (DD214, DD215 or NGB-22 form) of statement of service, as that term is defined in the Act, to the Borough with their application form.

**§ A296-39. Background investigation.**

- A. The Commission shall request the Chief of Police or his designee to conduct a background investigation on each of the top three applicants for each position declared vacant by Council. The number of applicants subject to the background check may be increased if the appointing authority has expressed an interest in hiring more than one officer. The background investigation must be consistent for each applicant and shall meet, at a minimum, all of the specific requirements of MPOETC and Act 57 of 2020, as required by law. The applicant shall be required to execute an authorization and release for the disclosure of employment information from the applicant's former employing law enforcement agencies, if any, in the Commonwealth, on a standard form promulgated by MPOETC, which shall be signed by the Borough's Chief of Police. The "Authority to Release" portion of the form must be completed by the applicant. The background investigation must include, at a minimum, the following:
- i. A criminal history check, including the submission of fingerprints to the State Police Central Repository and the Federal Bureau of Investigation.
  - ii. A check of the applicant's credit history.
  - iii. Personal interviews with at least three people who have personal knowledge of the applicant but are not related to the applicant, nor are a member of the applicant's household.
  - iv. Interviews of the applicant's employers, if any, for the past five (5) years to determine the applicant's work history.

- v. A review of the applicant's employment information from each previous law enforcement employer to determine the applicant's law enforcement work history.
- vi. A check of the applicant's driving history that includes a review of all traffic violations and verifications that the applicant has a valid driver's license.
- vii. A verification of the applicant's eligibility to lawfully possess a firearm.

An applicant may be interviewed directly when the information collected requires clarification or further explanation.

- B. After the background investigation is completed, the Chief, or his designee, shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment as a police officer. Appropriateness of the applicant shall be based on the criteria set forth in these rules and regulations and in the civil service provisions of the Borough Code. Based upon the results of the background investigation, the Chief, the Mayor or a member of Council may request, pursuant to 8 Pa.C.S. § 1183, that an individual be removed from the list. The applicant may oppose this request and, in turn, pursuant to the Borough Code (8 Pa.C.S. § 1183) request a hearing. 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 administrative determination on whether the information collected during the background investigation warrants rejection of the candidate.
- C. Within 30 days or soon thereafter as possible after the Commission considers the recommendation of the Chief of Police or his designee, the applicant will be informed of whether he has passed the background investigation.

**§ A296-40. Improper conduct.**

- A. Should any applicant conduct himself in any manner during the course of the selection process so as to defeat the proper intent, conduct or course of the examination process, his name shall be removed from any list of eligibility derived from the examination process (assuming he was permitted to complete the process), and the applicant shall not be permitted to make any future application for any position in the Police Department.



- B. Any applicant or other person who believes that they are aggrieved as a result of the actions of the Commission referenced in this section may request a hearing before the Commission pursuant to § A296-27.

**ARTICLE V**  
**Certification of List of Eligible and Appointment**

**§ A296-41. Creation of patrol officer eligibility list.**

- A. At the completion of the examination requirements set forth in Article IV, physical ability testing, written examination, oral examination, and background investigation, the Commission shall rank all passing applicants for the position of patrol officer on a list with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list. Applicants who qualify for veterans' preference points shall have those points added to their passing score prior to being ranked on the eligibility list. For promotional positions, fulfilling the performance requirement set forth in § A296-22 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.
- B. The eligible list shall be effective for one year from the date of its preparation, unless extended by the Commission for up to one additional year. The Commission may, at its sole discretion, void an eligibility list at any time.

**§ A296-42. Removal of names from furlough or eligible list.**

In addition to the reasons stated in these rules and regulations as grounds for removal, the name of any person appearing on the furlough list or an eligible list shall be removed from such list by the Commission if such person:

- A. Is appointed to a position in the Police Department of the Borough;
- B. Requests removal from the list in writing;
- C. Declines an appointment to a position in the Police Department of the Borough;

- D. Fails to make written reply to the Commission within seven calendar days from the date of mailing of a notice of appointment in the case of initial appointment or failure to make reply to the Commission within 30 calendar days from the date of mailing of a notice of reinstatement from furlough;
- E. Indicates availability for appointment and is appointed to fill a vacancy but fails to report for duty at the time prescribed by the appointing authority, unless, in the opinion of the appointing authority, such person can show good and sufficient reasons for failing to report. In the case of a new hire from an eligibility list reporting for duty means reporting for a medical and/or psychological examination.

§ A296-43. **Appointment.**

- A. Borough Council 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. (Note: Such events create vacancies only when Council has concluded that this is the case.) Except for physical and psychological examinations and background checks, no other testing shall be required for a furloughed employee.
- B. If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, every position, except that of Chief of Police, shall be filled only in the following manner:
  - (1) Borough Council shall notify the Commission of any vacancy which is to be filled and shall request the certification of top three names from the list of eligible;
  - (2) If three names are not available, then the Commission shall take the steps necessary to create a new list;
  - (3) The Borough Council shall make an appointment from one of the three 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 applicants on the certified list is a veteran, that applicant shall be selected

- C. The Borough Council may object to one or more of the persons certified for the reasons set forth in § A296-26 of these rules and regulations. If the candidate to whom the Borough Council objects fails to timely exercise his rights of appeal under § A296-27 or if the Commission declines to uphold his appeal, the Commission shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three candidates from each name stricken off.

**§ A296-44. Appointment of Chief of Police.**

In the case of vacancy in the Office of Chief of Police, the appointing authority has full discretion in selecting the individual to fill the position of Chief of Police. If the appointing authority requests the Commission to subject that person to a noncompetitive examination, and if that person successfully passes the noncompetitive examination, then the Commission shall notify the appointing authority of the results of the examination and that person may only be removed from the position of Chief of Police for the reasons set forth in § A296-50.

**§ A296-45.1. Conditional Offer of Employment – Act 57 of 2020 (MPOETC Separation Records Request) and Physical and Psychological Medical Examination.**

**I. Act 57 of 2020-MPOETC Separation Records Request**

- A. After the Borough selects a candidate from the certified eligibility list for conditional appointment to the vacant position, the candidate will be notified of a conditional offer of employment, and shall be required to provide a signed and notarized authorization for the release of separation records on a standard form promulgated by MPOETC. The Chief of Police, or a representative(s) from a bona fide background investigation agency, shall request separation records through the MPOETC Training and Certification System (“MPOETC TACS”) database, pursuant to Act 57 of 2020. The candidate may not proceed further in the application process until the separation record is obtained or a certification that no separation record exists is received from MPOETC.
- B. If separation record(s) sent from the MPOETC TACS database indicate that the conditional appointee has a history of either final and binding disciplinary action or a criminal conviction, or both, for any of the offenses enumerated below, and the Borough chooses not to disqualify the conditional appointee, the Borough must electronically submit a Hiring Report Form to MPOETC, on

a standard form promulgated by MPOETC, within seven (7) days of the final hiring decision:

1. Excessive Force
2. Harassment
3. Theft
4. Discrimination
5. Sexual abuse
6. Sexual misconduct
7. Domestic violence
8. Coercion of a false confession
9. Filing a false report
10. Judicial finding of dishonesty

- C. If the Borough chooses not to disqualify the conditional appointee, the Hiring Report Form must include a notarized statement, signed by the Chief of Police or the Chief's designee, explaining the reasoning and rationale for hiring the conditional appointee.
- D. The Hiring Report Form need not be submitted to MPOETC if no above-described separation history exists, or if the Borough decides to disqualify the conditional appointee due to the conditional appointee's separation history. However, the Borough must notify MPOETC, in all instances, of the conditional appointee's final employment status within seven (7) days of the final hiring decision.
- E. If a conditional appointee is disqualified based upon above-described separation history, the conditional appointee will be so notified, and may appeal this decision under Section A296-27 of these rules and regulations. If the candidate fails to timely exercise the rights of appeal, or if the Commission declines to uphold the appeal, the Commission shall strike the name from the eligibility list and certify the next highest name for inclusion on the "certified list of three."
- F. If a conditional appointee is not disqualified at this stage, the conditional appointee shall be scheduled for the physical and psychological medical examination as set forth below.

## II. Physical and Psychological Examination.

- A. After the completion of the MPOETC Separation Records Request procedure set forth above, the candidate shall submit to a physical and psychological examination. Psychological medical examinations shall be under the direction of a psychiatrist or psychologist. The terms "physician" and "qualified medical professional" shall be defined in the same matter as provided in Section 1189 of the Borough Code. The post conditional offer medical examination may include a drug screen by an appropriate provider.
- B. The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by Borough Council and they shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question the conditional appointee's ability to perform all of the essential job functions of the position for which the person was conditionally appointed.
- C. If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist does not call into question the conditional appointee's ability to perform all essential job functions of the position, then the conditional appointee shall either; receive a final notification of appointment, subject to satisfactorily completing a MPOETC-certified training school or academy and qualifying (after instruction) with a police-issue firearm; or, be appointed to the vacant position in the police department for which the application was submitted.
- D. If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of the position, a person designated by Borough Council shall meet with the conditional appointee for the purpose of having or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodations, perform all of the essential functions of the position.

### § A296-45.2. **Official Appointment**

- A. After successful completion of the conditional requirements for appointment set forth in Section A296-45.1, each new employee shall be notified of the details of their Official Appointment.

- B. Each new employee who has satisfactorily completed a MPOETC certified training school or academy (or receives a training waiver under applicable MPOETC regulations) and qualified (after instruction) with a police-issue firearm shall begin employment as a Police Officer, subject to the probationary status set forth in Section A296-46 below.
  
- C. Each new employee who at the time of Official Appointment is not eligible for a training waiver under applicable MPOETC regulations or who has not satisfactorily completed a MPOETC-certified training school or academy and qualified (after instruction) with a police-issue firearm shall begin employment as a Police Cadet. A Police Cadet shall obtain enrollment in a MPOETC-certified training school or academy provides a basic training course for police officers, as chosen by the Borough. As a condition of continued employment, a Police Cadet must successfully complete and graduate from the MPOETC-certified training school or academy and must thereafter pass the MPOETC state certification exam before he/she may begin employment as a Police Officer.

**§ A296-46. Probationary period.**

Every successful applicant to the position of patrol officer, police cadet, or a new promotional position with the Police Department shall serve a twelve-month probationary period. During the probationary period, a newly hired officer may only be dismissed for cause for the reasons set forth in § A296-26. A promoted officer, during his probationary period, may be returned to his prior rank only for cause for the reasons set forth in § A296-26. However, at the end of the twelve-month probationary period, if the conduct of the probationer has not been satisfactory to the Borough Council, the probationer shall be notified, in writing, that he will not receive a permanent appointment. 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 informed, in writing, that he will not receive a permanent appointment has no rights of appeal under these rules and regulations.

**§ A296-47. 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 eligible list 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, he may be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the Commission within six weeks to hold a competitive examination and certify a list of eligible 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.

**ARTICLE VI**  
**Suspensions, Removals and Reductions in Rank**

**§ A296-48. General Provisions.**

The Council shall have power to determine in each instance whether a decrease in salary shall constitute a reduction in rank. All suspensions, removals and reductions in rank shall be made only in accordance with these rules and regulations.

**§ A296-49. Restrictions.**

Persons employed in the Police Department of the Borough through the civil service process contained in these rules and regulations shall not be suspended, removed or reduced in rank for any non-merit factor. No order of suspensions shall be for a longer period than one year.

**§ A296-50. Cause for removal, suspension and reduction in rank.**

No persons employed in the Police Department of the Borough through the civil service process contained in these rules and regulations shall be removed from employment, suspended, or reduced in rank except for the following reasons:

- A. Physical or mental disability affecting the officer's ability to continue in service, evidenced by the certification to that effect by a medical doctor and/or psychologist designated by the Commission, in which cases the persons shall receive an honorable discharge from service;
- B. Neglect or violation of any official duty;
- C. Violation of any law of the commonwealth which provides that such violations constitute a misdemeanor or felony;
- D. Inefficiency, neglect, intemperance, disobedience of orders, or conduct unbecoming an officer;
- E. Intoxication while on duty; or

- F. Engaging or participating in or conducting any political or election campaign for any reason other than to exercise his or her own right of suffrage.

**§ A296-51. Procedure.**

- A. No officer shall be suspended, removed or reduced in rank until they have first been provided with a hearing of the type required in *Cleveland Bd. of Pub. Ed. v. Loudermill*, 470 U.S. 532, 105 S.Ct. 1487 (1985). A hearing must occur before the imposition of discipline except when it is imperative that Borough Administrators take immediate action, usually in the form of suspension without pay, to protect the best interests of the Borough, its citizens, taxpayers, and/or the Department. Officers may, if they so request, be accompanied by a fellow officer/union representative during the Loudermill proceeding
- B. Whenever any police officer is suspended, removed from service or reduced in rank by Council, the Mayor or the Chief of Police, the specific charges warranting each action shall be stated in writing. Any charges shall include a specific statement of the charge made and shall specify the time, place and occurrence on which the charge is based. The charges shall be stated clearly and in sufficient detail to enable the accused to understand the charges made against him or her and to be able to answer them, and shall include the section of the law or regulation as well as the factual basis for the violation of that law or regulation.
- C. Within five days of the receipt of any charges, the Commission shall deliver to the accused, either by personal service or by certified or registered mail, a copy of the charges filed against him or her.

**§ A296-52. Hearing on removal, suspension or reduction in rank.**

- A. 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 requesting a hearing. Such written demand for hearing must be made and delivered not more than 10 days following the officer's receipt of the notice of 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 changes shall not be deemed an admission by the officer.



- B. The Commission shall schedule a hearing within 10 days of the filing of written charges, unless continued by the Commission for cause at the request of the Commission, the Borough 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 Borough may also be represented by counsel, call witnesses and present evidence and documentary 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 made available for public inspection.
  
- C. In conducting the hearing, the Commission's standard of review shall be to determine whether sufficient evidence has been presented to support the statutory reasons given 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 unless it finds that the penalty was arbitrary, discriminatory or an abuse of the Borough'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. The Commission is the finder of facts, including, but not limited to, findings regarding credibility.

**§ A296-53. Notice of hearing.**

Notice of the date, time and place for each hearing shall be given in the following manner:

- A. Either by personal service or by certified or registered mail to each of the principals involved in the case, and
- B. By mailing a notice to all other parties who have stated an interest in the hearing; provided, however, that any failure to give the notice required by this subsection shall not invalidate any subsequent action taken by the Commission.

**§ A296-54. Hearing procedure.**

- A. Each hearing shall be conducted in the following manner:

(1) The Chairperson shall call the hearing to order, state the general purpose of the hearing, and make note of the parties present;

- (2) The Secretary, upon direction of the Chairperson, shall read the charges against the accused together with the record of action taken against such officer;
- (3) The Secretary shall read any written reply of the accused;
- (4) The Chairperson shall afford each person making charges, or his or her counsel, an opportunity to make further statement in support of the charges and to produce any witness;
- (5) The Chairperson shall afford the accused, or his or her counsel, an opportunity to question or cross-examine the person making charges, and to question or cross-examine any witness produced by such person;
- (6) The Chairperson shall afford each person making charges or his or her counsel an opportunity to cross-examine or question any witness produced by the accused, and an additional opportunity to produce any witness and to make a summation;
- (7) The Chairperson shall afford the accused, or his or her counsel, an opportunity to produce any witness and to sum up the defense;
- (8) The Commission shall be the judge of admissible evidence and procedure, and shall not be bound by technical rules of evidence; and
- (9) A stenographic record of all testimony taken at such hearings shall be filed with and preserved by the Commission, which record shall be sealed and not be available for public inspection in the event the charges are dismissed;
- (10) The Commission shall have the power to issue subpoenas.

B. The Commission, at any time during the course of the hearing, may question the person making charges, the accused, or any witness for the purpose of obtaining clarification of the testimony. The Commission may appoint and utilize as a hearing officer an attorney experienced in local agency law/civil service proceedings to advise it, make evidentiary rulings, respond to objections, etc.

#### § A296-55. **Oaths.**

All testimony shall be given under oath. The Chairperson, or in her or her absence the Vice Chairperson, shall administer all oaths.

#### **§ A296-56. Decision of Commission.**

Within 30 calendar days after receipt of the completed transcript(s) of the hearing, the Commission shall issue its decision in the form of a written order approved by at least two members of the Commission. That written adjudication, to become official, must be adopted by majority vote of the Commission in a public meeting, appropriately advertised pursuant to the Sunshine Law. The written order shall be in the form: findings of fact, conclusions or law, discussion, order. The only aspect of the adjudication which shall be publicly read, and provided to the public, unless the affected/accused employee has requested an open hearing, shall be the "order" section. If resolving the charges involves the making of credibility determinations, the adjudication shall specify the resolution of those credibility determinations. Necessary findings of fact should be supported by substantial evidence of record. Absent evidence of arbitrary or discriminatory conduct, or an abuse of discretion, the Commission has no authority to modify the penalties imposed by Borough officials where the charges brought against the affected/accused officer are found by the Commission to be supported by the evidence and where the penalties are not otherwise prohibited. The findings and decision of the Commission shall be delivered personally or by certified or registered mail to the parties.

#### **§ A296-57. Appeals to Court.**

In the event the Commission sustains the charges and orders the suspension, removal or reduction in rank, the person so suspended, removed or reduced in rank shall have immediate right to appeal to the Court of Common Pleas of Allegheny County, such appeal to be taken by petition to said court within 30 days from the date of entry by the Commission of its final order. The Commission shall note on the letter covering the adjudication to the affected/accused employee that the individual has a right to appeal, any such appeal must be perfected within 30 days from the date of entry by the Commission of its final order. In the event the event that the Commission shall sustain or order a suspension of an employee, that order of suspension shall not be for a period longer than one year.

#### **§ A296-58. Filing of determinations of Commission.**

All Commission findings, decisions and punishments shall be entered in the officer's personnel file. In the event that the Commission fails to uphold the charges, then the officer sought to be suspended, removed or demoted shall be reinstated with full back 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 personnel file.

§ A296-59. **Furloughs.**

A. 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 apply the following procedure:

- (1) Determine if any employee vested in the appropriate pension plan is interested in voluntarily retiring (if eligible) from Borough employment;
- (2) If the number of full-time police officers who voluntarily retire is insufficient to effect the necessary reductions in numbers, then the reductions shall be effected by furloughing the person or persons, including probationers, last appointed to the respective force.

B. Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have been accomplished. In the event that the appointing authority decides to increase 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 30 days of receiving notice of the opening. These reductions in force provisions are not applicable to the Chief of Police.

**ARTICLE VII**  
**Inspection of Records**

§ A296-60. **Inspection of Records.**

Except as otherwise provided in these rules and regulations and by the law, those records of the Commission qualifying as public records shall be open to the public and available for inspection during normal business hours. A member of the Commission, or any person who may, from time to time, be designated by the Commission, shall be present at all time during any inspection of any records of the Commission.

§ A296-61. **Inspection of personnel files.**

The Borough Manager shall, at reasonable times, upon request of an employee, permit that employee or an agent designated by the employee to inspect his own personnel files.

The Borough Manager shall make these records available during the regular business hours of the office where these records are usually and ordinarily maintained, when sufficient time is available during the course of a regular business day, to inspect the personnel files in question. At the Borough Manager's discretion, the employee may be required to file a written form to request access to the personnel file or files or to indicate a designation of agency for the purpose of file access and inspection.

**§ A296-62. Inspection of examination material.**

A. All Commission examination materials shall be confidential and shall not be open to general public inspection. Any examined applicant may inspect his examination papers, provided that:

- (1) He makes a written request to the Commission within seven calendar days from the date the written examination scores were posted and;
- (2) He receives the written consent of the Commission to inspect his examination file;
- (3) He makes his inspection within five calendar days from the date of the mailing of the consent of the Commission.

B. Before any member of the Commission, or any person designated by the Commission, permits any inspection of examination files, he shall secure the consent of the Commission and he shall limit the inspection by the examined applicant to only those examination files indicated in the letter of consent. No examined applicant shall be permitted to inspect any examination file other than his own.

**ARTICLE VIII**  
**Recommendation**

**§ A296-63. Recommendation of rules and regulations.**

The foregoing rules and regulations were recommended by the members of the Civil Service Commission by the following letter:

Borough of West View  
Civil Service Commission  
441 Perry Highway  
Pittsburgh, PA 5229-1889