

MUNICIPALITY OF BETHEL PARK

ORDINANCE NO. 4-8-24A

AN ORDINANCE OF THE COUNCIL OF THE MUNICIPALITY OF BETHEL PARK, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, APPROVING AMENDMENTS TO THE RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION OF THE MUNICIPALITY OF BETHEL PARK ESTABLISHING EDUCATION REQUIREMENTS FOR POLICE CANDIDATES AT 60 COLLEGE CREDIT HOURS, CREATING THE POSITION OF POLICE RECRUIT WITH APPOINTMENT AS A FULL TIME OFFICER CONTINGENT ON SUCCESSFUL CERTIFICATION UNDER THE MUNICIPAL POLICE OFFICERS EDUCATION AND TRAINING ACT AND MANDATING COMPLIANCE WITH ACT 57 OF 2020, INCLUDING RELEASE OF SEPARATION RECORDS AND FILING OF HIRING REPORT FORMS WITH RESPECT TO APPLICANTS WITH A HISTORY OF SPECIFIED CRIMINAL CONVICTIONS OR BINDING DISCIPLINARY ACTION.

WHEREAS, Section 2.41.3 of the Municipality of Bethel Park Code and Section 2.10 of the Municipality of Bethel Park Police Civil Service Rules and Regulations (“Rules and Regulations”), provide that the Civil Service Commission of the Municipality of Bethel Park (“Commission”) may recommend changes to the Rules and Regulations; and

WHEREAS, Section 2.41.3 of the Municipality of Bethel Park Code and Section 2.10 of the Rules and Regulations provide that any change to the Rules and Regulations must be submitted to the Council of the Municipality of Bethel Park for consideration and implementation before any change will be effective; and

WHEREAS, the Council of the Municipality of Bethel Park has reviewed the following amendments to the Rules and Regulations of the Municipality’s Civil Service Commission, and has determined that these amendments will benefit the citizens of the Municipality of Bethel Park by improving the operation and administration of the police department within the Municipality.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE MUNICIPALITY OF BETHEL PARK AS FOLLOWS:

1. The following amendments to the Rules and Regulations of the Civil Service Commission of the Municipality of Bethel Park, are hereby approved by the Council of the

Municipality of Bethel Park. The Civil Service Commission is authorized to implement the following amendments to its Rules and Regulations:

- a. The Table of Contents, Chapter 3 (“Full-Time Police Officer”), Section C (“Certification of List of Eligibles and Appointment”), which currently states:

- 3.16 Creation of Eligibility List.
- 3.17 Duration of Eligibility List.
- 3.18 Appointment Procedure.
- 3.19 Physical and Psychological Medical Examinations.
- 3.20 Probationary Period.
- 3.21 Optional Provisions.
- 3.22 Provisional Appointment.

shall be amended as follows:

- 3.16 Creation of Eligibility List.
- 3.17 Duration of Eligibility List.
- 3.18 Appointment Procedure.
- 3.19 Conditional Offer of Employment- Act 57 of 2020:MPOETC Separation Records Request
- 3.20 Physical and Psychological Medical Examinations.
- 3.21 Official Appointment
- 3.22 Probationary Period.

- b. The definitions of “Certified List of Three” and “Full-Time Police Officer” under Chapter 1 (“Definition of Terms”), Section 1.1 (“Definitions”), which currently state:

Certified List of Three: The submission to the appointing authority pursuant to their request for three names taken from the respective eligible list developed by the Civil Service S=Commission.

[...]

Full-Time Police Officer: A qualified Police Officer hired under the provisions of these Civil Service Rules and Regulations.

[...]

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.

shall be amended as follows:

Certified List of Three: The submission to the appointing authority pursuant to their request for three names taken from the respective eligible list developed by the Civil Service Commission.

[...]

Full-Time Police Officer: A qualified sworn Police Officer hired under the provisions of these Civil Service Rules and Regulations.

[...]

Probationer: An Officer in the Police Department who has been appointed from an eligibility list, but who has not yet completed the work-test period.

- c. The following definitions shall be added to Chapter 1, Section 1.1 in alphabetical order:

Official Appointment: The assignment by the appointing authority of an applicant who has completed the selection process set forth in these rules and regulations for a new position of employment as a Full-time Police Officer with the Municipality.

[...]

Police Recruit: An unsworn position in the Police Department hired from an eligibility list, whose appointment as a Full-Time Police Officer is contingent upon their successful certification under the Municipal Police Officers Education and Training Act (Act 120), 53 Pa C.S.A. §2161 et seq.

- d. The sentence in Chapter 2 ("The Commission"), Section 2.7 ("Meetings"), which currently states:

In the event an agenda item is specific to an individual member of BPPD or is of a confidential legal matter the Commission may start the public meeting as prescribed below and then convene an executive session, or schedule and executive session meeting with the sole and limited purpose of discussing only specific personal issue or legal matter.

shall be amended as follows:

In the event an agenda item is specific to an individual member of the Bethel Park Police Department or is of a confidential legal matter the Commission may start the public meeting as prescribed below and then convene an executive session, or schedule an executive session meeting with the sole and limited purpose of discussing only specific personnel issue or legal matter.

- e. The sentence in Chapter 2, Section 2.9 (“Appointment of Examiners”), which currently states:

The Municipality shall have the responsibility to appoint the physical and psychological examiner, as outlined in Section 3.19, of these rules and regulations.

shall be amended as follows:

The Municipality shall have the responsibility to appoint the physical and psychological examiner, as outlined in Section 3.20, of these rules and regulations.

- f. The sentence in Chapter 3 (“Full-Time Police Officer”), Section 3.1 (“Eligibility for Examinations”), which currently states:

The application for SHACOG is only an application to participate in the physical agility and written examinations.

shall be amended as follows:

The preliminary application is only an application to participate in the physical agility and written examinations.

- g. Chapter 3, Section 3.5 (“General Qualifications”), which currently states:

At the time of the application deadline every applicant for a position in the Police Department shall possess the following qualifications prior to application:

A. Possesses a bachelor’s degree from an accredited college or university; or possess an associate’s degree from an accredited college or university and have three (3) years of continuous full-time experience as a police officer; or possess an associate’s degree from an accredited college or university and be honorable discharged from the armed services of the United States of America; or possess an associate’s degree from an accredited college or university and be released from active duty and assigned to reserve duty status.

B. Must have a minimum GPA of 2.5 upon graduation.

C. Be Act 120 Certified under the Municipal Police Officers Education and Training Act (Act 120), (MPOETC) 53 Pa.C.S.A. §2161 et seq. or has successfully completed Act 120 training or its equivalency and passed the final exam at the time of appointment.

D. Be a United States Citizen, if in the case of a naturalized citizen for a period of not less than five (5) years.

E. Be physically and mentally fit to perform the full duties of Police Officer.

F. Possess a valid Pennsylvania Motor Vehicle Operator's License.

G. Have an unblemished documented driving record, (non-moving violation will not be considered) for the past 36 months. In addition the candidate cannot have had their driver's license (from any state or district) revoked for any reason in the past 7 years.

H. Must not have had an adjudicated Protection from Abuse (PFA) Order issued against him or her within the past five (5) years.

shall be amended as follows:

At the time of the application deadline every applicant for a position in the Police Department shall possess the following qualifications prior to application:

A. Has accumulated at least 60 credit hours from an accredited college or university.

B. Be a United States Citizen; if in the case of a naturalized citizen for a period of not less than five (5) years.

C. Be physically and mentally fit to perform the full duties of Police Officer.

D. Possess a valid Pennsylvania Motor Vehicle Operator's License, or any other state-issued equivalent driver's license, and shall continue to hold a valid driver's license at all times throughout the selection process. The candidate cannot have had their driver's license (from any state or district) revoked for any reason in the past 7 years.

F. Must not have had an adjudicated Protection from Abuse (PFA) Order issued against him or her within the past five (5) years.

G. Every applicant must either be (1) recommended for certification through the MPOETC as a Police Officer pursuant to Act 120 (53 Pa C.S.A. §2161 et seq.), or equivalent Police Officer Training Program recognized and adopted by any state in the United States, or (2) if the applicant has neither completed Act 120 training nor possesses current Act 120 certification, the applicant 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 Municipality.

- h. Chapter 3, Section 3.7 (“Recording and Filing Applications”), Subsection D,
which currently states:

No person who has made a material false application shall be permitted in the future to be an applicant for any position in the Bethel Park Police Department.

shall be amended as follows:

No person who has made a materially false application shall be permitted in the future to be an applicant for any position in the Bethel Park Police Department.

- i. Subsection F shall be added to Chapter 3, Section 3.8 (“Rejection of Applicant”),
and shall state as follows:

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.

- j. The third paragraph in Chapter 3, Section 3.15 (“Background Investigation”),
which currently states:

After the background investigation is completed, the Chief of Police or the Chief’s designee shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment as a Police Officer for the Municipality of Bethel Park.

shall be amended as follows:

After the background investigation is completed, the Chief of Police or the Chief's designee shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment as a Police Officer (or Police Recruit) for the Municipality of Bethel Park.

- k. The second paragraph in Chapter 3, Section 3.18 ("Appointment Procedure"), which currently states:

a) Except as provided above, every initial position of Full-Time Police Officer, for employment in the Police Department shall be filled only in the following manner: The appointing authority shall notify the Commission of any vacancy which is to be filled and shall request certification of three names from the eligibility list.

shall be amended as follows:

a) Except as provided above, every initial position of Full-Time Police Officer or position of Police Recruit (pending Act 120 certification) shall be filled in the following manner: The appointing authority shall notify the Commission of any vacancy which is to be filled and shall request certification of three names from the eligibility list.

- l. Section 3.19 shall be added to Chapter 3, shall be titled "Conditional Offer of Employment – Act 57 of 2020: MPOETC Separation Records Request," and shall state as follows:

A. After the appointing authority of the Municipality 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 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 Municipality chooses not to disqualify the conditional appointee, the Municipality 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 Municipality 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 Municipality decides to disqualify the conditional appointee because of the conditional appointee's separation history. However, the Municipality 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 the separation history, the conditional appointee will be so notified, and may appeal this decision under Section 4.5 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 in 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 in section 3.20.

- m. The section in Chapter 3 entitled "Physical and Psychological Medical Examinations," previously numbered as 3.19, shall be renumbered as 3.20.

- n. Section 3.21 shall be added to Chapter 3, shall be titled "Official Appointment," and shall state as follows:

A. After successful completion of the conditional requirements for appointment set forth in Sections 3.19 and 3.20, each new employee will 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 Full-time Police Officer, subject to the probationary status set forth in Section 3.22 below.

C. Each new employee who at the time of 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 Recruit. A Police Recruit shall obtain enrollment in a MPOETC-certified training school or academy which provides a basic training course for police officers, as chosen by the Municipality. As a condition of continued employment, a Police Recruit 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 Full-time Police Officer, subject to the probationary status set forth in Section 3.22 below.

- o. The section in Chapter 3 entitled "Probationary Period," previously numbered as 3.20, shall be renumbered as 3.22.
- p. The two (2) sentences in Chapter 3, in the section entitled "Probationary Period," which currently state:

At or any time before the close of the probationary period of one year commencing on the employment date, Council may terminate the probationer's employment for any reason.

[...]

If the police officer is not in compliance with the residence requirement at the time he/she attains a permanent appointment, he/she has six (6) months from that date to come into compliance.

shall be amended as follows:

At or any time before the close of the probationary period of one year commencing on the date of official appointment as a Full-time Police Officer, Council may terminate the probationer's employment for any reason.

[...]

If the police officer is not in compliance with the residence requirement at the time the officer attains a permanent appointment, the officer has six (6) months from that date to come into compliance.

- q. The sentence in Chapter 4 ("Promotions (Ranking Position)", Section 4.1 ("Eligibility for Examinations"), Subsection C, which currently states:

This service shall begin with the employee's original employment date and end with the date of public advertisement of the examination.

shall be amended as follows:

This service shall begin with the employee's original employment date and end with the date of the written examination.

- r. The subsections listed beneath Subsection C in Chapter 4, Section 4.1, previously designated as "a)" and "b)," shall be renumbered as "1)" and "2)."
2. The Secretary of the Municipality is hereby authorized and directed to give notice to the Chair of the Civil Service Commission of this approval.
 3. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance. The remaining provisions of this Ordinance shall remain in full force and effect.
 4. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed in so far as the same affects this Ordinance.

RESOLVED by the Council of the Municipality of Bethel Park on this 8th day of APRIL, 2024, in lawful session assembled.

ATTEST:

MUNICIPALITY OF BETHEL PARK:



Manager/Secretary



President, Municipal Council

EXAMINED AND APPROVED this date Jack Oller

Mayor

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