

TOWNSHIP OF CRESCENT

RESOLUTION NO.13-2023

**AN RESOLUTION OF THE TOWNSHIP OF CRESCENT, COUNTY OF ALLEGHENY,
COMMONWEALTH OF PENNSYLVANIA, ADOPTING AND APROVING UPDATED
CIVIL SERVICE RULES AND REGULATIONS OF THE TOWNSHIP OF CRESCENT**

WHEREAS, the Crescent Township Civil Service Commission has recently recommended to the Board of Commissioners that the Civil Service Commission Rules and Regulations be updated as a result of various changes in the law; and

WHEREAS, the Board of Commissioners is desirous of accepting this recommendation and updating said Rules and Regulations; and

NOW, THEREFORE, BE IT RESOLVED AND ENACTED by the Board of Commissioners of the Township of Crescent in lawful session duly assembled, as follows:

The Board of Commissioners hereby approves and adopts the Civil Service Rules and Regulations attached hereto and incorporated herein by reference as the Official Crescent Township Civil Service Rules and Regulations. Any and all prior versions of the Civil Service Rules and Regulations are hereby vacated and repealed.

RESOLVED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of Crescent, County of Allegheny, Commonwealth of Pennsylvania, a full quorum being present, the 12th day of July, 2023.

ATTEST:

TOWNSHIP OF CRESCENT:



Janice Adamski, Township Manager



Todd Miller, President,
Board of Commissioners



CRESCENT TOWNSHIP



**Allegheny County
Pennsylvania**

POLICE

CIVIL SERVICE RULES AND REGULATIONS

ADOPTED

THE CIVIL SERVICE COMMISSION - June 27, 2023

and

**THE CRESCENT TOWNSHIP BOARD OF COMMISSIONERS - July 12, 2023
RESOLUTION #13-2023**

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CHAPTER 1. DEFINITION OF TERMS.

1.1 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:

Appointment of Civil Service Police Officers (Definition): These civil service rules and regulations shall not apply to township of the first class having a police force of less than three members. (First Class Township Code (Section 625 (a).)

Applicant: Any individual who applies in writing to the commission in response to a legally advertised notice of vacancy and/or examination for any position in the police department.

Board of Commissioners: The appointing authority of the Township of Crescent.

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

Chairperson: The Chairperson of the Civil Service Commission of Crescent Township, Allegheny County, Pennsylvania.

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

Commission: The Civil Service Commission of Crescent Township.

Commissioner-(Alternate): An individual appointed by the Board of Commissioners to serve as an "Alternate" Member of the Civil Service Commission. Properly appointed Alternate Commissioners shall have all the same powers and duties as a properly appointed "primary" commissioners set forth in the First Class Township Code and as outlined in these civil service rules and regulations.

Commissioner-(Primary): An individual appointed by the Board of Commissioners to serve as a "Primary" 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 passed required examinations for a particular position in the police department.

Examinations: The series of tests given to applicants to determine their qualifications for a position in the police department.

Full-Time Police Officer: A qualified police officer hired under the provisions of these civil service rules and regulations.

Furlough List: The list containing the names of persons temporarily 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: Responsible state agency for mandatory basic training requirements for certification of police officers and other mandatory updated training requirements to maintain certification.

Medical Examinations: Any examination, procedure, inquiry or test designed to obtain information about medical history or a physical or mental 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.

Military Veteran: A military veteran as defined in the Veteran's Preference Act, as amended, PA Act 102 of 2020.

Part-Time Police Officer: A qualified police officer hired under the provisions of these civil service rules and regulations.

Police Officer: Any sworn police officer serving in the police department except as specifically noted.

Promotion: Part-Time Police Officer to Full-Time Police Officer: A qualified Part-Time Police Officer appointed to a Full-Time Police Officer, under the provisions of these civil service rules and regulations.

Police Ranking Position: A qualified Full-Time Police Officer in the police department appointed to the promotional ranking position, under 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.

Qualified Medical Professional: An individual, in collaboration with or under the supervision or direction of a physician, as may be required by law, who is licensed: as a physician assistant pursuant to the Act of December 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act of 1985," or the Act of October 5, 1978 (P.L.1109, No.261), known as the "Osteopathic Medical Practice Act"; or as a certified registered nurse practitioner pursuant to the act of May 22, 1951 (P.L.317, No.69), known as "The Professional Nursing Law."

Reduction in Rank: A change to a different position or rank where the employee fulfilled all of the requirements of these rules and regulations for both the prior and current position 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.

Township: The Township of Crescent.

Township Manager: The Township Manager of Crescent Township.

Secretary: The Secretary of the Civil Service Commission of Crescent Township.

Suspension: The temporary separation without pay of a police officer from the police department.

Vice Chairperson: The Vice Chairperson of the Civil Service Commission of Crescent Township.

1.2 Gender

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

CHAPTER 2. THE COMMISSION.

2.1 Civil Service Commission.

- a) **Commissioners (Primary).** The commission shall consist of three commissioners who shall be qualified electors of the township and shall be appointed by the township 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 created by this subdivision, before entering upon the discharge of the duties of his office, shall take an oath or affirmation of office pursuant to 53 Pa.C.S. § 1141 (relating to form of oaths of office). The civil service commissioners shall receive no compensation.

- b) **Commissioners (Alternate).** 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, but shall not be entitled to vote as a member of the commission unless designated as a voting alternate member, pursuant to Section 626 and 628 of the First Class Township Code and outlined in *Section 2.3 b), c)*, of these civil service rules and regulations. Alternate members shall hold no other office in the township.

2.2 Offices Incompatible with Position of 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.

2.3 Organization of Commission – Quorum.

- a) The first commission appointed shall organize within ten days of its appointment and shall elect one of its members as the chairperson, one as vice chairperson and one as the secretary. The commission shall thereafter meet and organize within 30 days of the first Monday of each even-numbered year. Each civil service commissioner shall be notified in writing of each and every meeting.
- b) Three members of the commission shall constitute a quorum. 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.

- c) 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 all alternates.
- d) The action of the commission shall only be valid if the commission has the concurrence of a majority of the quorum.

2.4 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 all duties required by law including these rules and regulations.

2.5 Duties of the Vice Chairperson.

The vice chairperson shall act in the absence of the chairperson in carrying out the duties of the chairperson and perform all duties required by law including these rules and regulations.

2.6 Duties of the Secretary.

The secretary, under the direction of the commission, shall handle all official correspondence of the commission, including the recording of votes cast by the commissioners, send out all notices required by law including these rules and regulations, keeping a record of each examination or other official action of the civil service commission, and perform all other duties required by law including these rules and regulations. The township manager shall be available to assist the secretary when requested by the commission.

2.7 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 and regulations. Each commissioner shall be notified in writing of each and every meeting. In all cases regarding meetings, including scheduling, the Board of Commissioners shall follow the provisions provided for pursuant to 65 Pa.C.S. Ch. 7, as amended and commonly known as the "Sunshine Law." The order of business for all meetings shall be as follows:

- a) Roll Call
- b) Public Comments (Agenda Items)

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

2.8 Clerical Assistance, Supplies, Solicitor, etc.

The township shall provide to the commission, on its requisition, clerical assistance that may be necessary for the work of the commission. The township shall provide a suitable and convenient room for the use of the commission. The commission shall order from the township the necessary stationery, postage, printing or supplies. The commission may appoint a solicitor. The township shall pay for the solicitor's services to the commission. The township may place a reasonable limit on the amount of compensation authorized each year for the services of the solicitor. The elected and appointed officials of the township shall aid the commission in carrying out the provisions of this subdivision.

2.9 Appointment of Examiners.

The commission shall appoint experienced written examination, oral examination administrators and physical agility examination administrators to conduct appropriate examinations required by these rules and regulations. The board commissioners shall have the responsibility to appoint the qualified medical professional, psychiatrist or psychologist, as outlined in *Section 4.19*, of these rules and regulations.

2.10 Rules and Regulations.

- a) The commission shall have power to prescribe, amend and enforce rules and regulations for carrying into effect, the provisions of this subdivision and shall be governed by the commission's rules and regulations. The Board of Commissioners may not promulgate rules and regulations, or amendments to them, for carrying into effect the provisions of this subdivision. The Board of Commissioners may make suggestions regarding proposed rules and regulations or amendments to the rules and regulations to members of the commission for their consideration. Regardless of whether the Board of Commissioners makes suggestions regarding proposed rules and regulations or amendments to the rules and regulations, rules and regulations or amendments shall be approved by the Board of Commissioners before the effective date of the rules and regulations or amendments. When the rules and regulations or amendments have been approved by the Board of Commissioners, the rules and regulations or amendments shall not be abrogated, amended

or added to without the approval of the Board of Commissioners.

- b) The rules and regulations of the civil service commission shall reflect any minimum qualifications for police officers pertaining to age, educational background, years of experience and areas of desired special expertise or certifications adopted by resolution of the Board of Commissioners.
- c) All rules and regulations or amendments to these rules and regulations shall be made available for public distribution or open to public inspection in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

2.11 Minutes and Records.

- a) The commission shall keep minutes of its proceedings and records of examinations and other official actions. All recommendations of applicants for appointment received by the commission shall be kept and preserved for a period of five years, and all records and all written causes of removal filed with the commission, except as otherwise provided in Section 7.4, b), of these civil service rules and regulations, shall be subject to reasonable regulation and open to public inspection in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
- b) The secretary shall keep minutes of the 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.

2.12 Investigations.

The commission may conduct investigations concerning all matters regarding the administration and enforcement of this subdivision and rules and regulations promulgated under this subdivision. The chairperson of the commission may administer oaths and affirmations in relation to the investigations.

2.13 Subpoenas.

- a) The commission may issue subpoenas over the signature of the chairperson to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of 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.
- b) All officers in public service and employees shall attend and testify if required to do so by the commission.
- c) If an individual refuses or neglects to obey a subpoena issued by the commission, the individual shall, upon conviction, be sentenced to pay a fine no less than \$250 and no more than \$500. If the individual is in default of the payment of the fine under this subsection,

the individual shall be imprisoned for a period not to exceed 30 days.

- d) If an individual refuses or neglects to obey a subpoena issued by the commission, the commission may petition the Court of Common Pleas of Allegheny County to order the individual to appear before the commission or the court to testify and produce records and papers as the commission deems necessary. If the individual refuses to comply with the court's order, the individual shall be held in contempt of court.

2.14 Annual Report.

- a) The commission shall make an annual report to the Board of Commissioners containing a brief summary of its work during the year and shall make a full accounting of any expenditures of public monies, which shall be available for public inspection in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
- b) Such report shall be provided to the Board of Commissioners on or before the 31st day of January of each year. Such report shall further comply with Section 645 of the First Class Township Code and Section 7.4, b) of these civil service rules and regulations, which provides that the report should not reference the record of any hearing on a dismissal or reduction where such charges have been dismissed.

CHAPTER 3. PART-TIME POLICE OFFICER – FULL-TIME POLICE OFFICER

3.1 Hiring Process Defined.

The Crescent Township Collective Bargaining Agreement has authorized the hiring of Part-Time Police Officers under civil service provisions. However, it shall be the decision of the township to authorize the Civil Service Commission to develop a separate Part-Time Police Officer Eligibility List and hiring process, as described below and in Chapter 4, in conjunction with developing a corresponding Full-Time Police Officer Eligibility List, as also described below and in Chapter 4. Thus, the township can authorize the civil service commission to start the process of developing an eligibility list for Part-Time Police Officers, Full-Time Police Officers or both, whose applicants shall meet the same initial hiring requirements as outlined in these civil service rules and regulations, to be eligible to continue in the process. Thus, in Chapter 4, unless specifically stated otherwise, the word “Full-Time” can be substituted for the word “Part-Time,” if used in that context.

- a) If two eligibility lists are authorized, as described above, candidates shall indicate on their application form if they are applying for a Full-Time Police Officer position or Part-Time Police Officer position or both.
- b) The applicants shall, after having met the qualifications described herein, be placed on their respective eligibility list.
- c) If a candidate’s name appears on both the Full-Time Eligibility List and the Part-Time Eligibility List and accepts a position as a Part-Time Police Officer, their name shall be removed from the Full-Time Police Officer Eligibility List. However, a candidate on the Part-Time Police Officer list who declines the position of a Part-Time Police Officer, and their name is on the Full-Time Police Officer Eligibility List, may keep their name on the Full-Time Police Officer Eligibility List for future consideration as a Full-Time Police Officer. In addition, once a candidate, who accepts the position of Full-Time Police Officer, from the Full-Time Police Officer Eligibility List, and name appears on both eligibility lists, their name will be removed from the Part-Time Police Officer Eligibility List. In all cases, when a candidate’s name is removed from any eligibility list, as indicated above, they will be notified in writing.
- d) If the Board of Commissioners authorizes the advertising for the development of a Part-Time Police Officer and a Full-Time Police Officer Eligibility List, at the same time, the testing process and the development of the respective eligibility lists will be held simultaneously. Thus, the testing process (“General Hiring Requirements”) outlined in Section 4.10, will be administered at the same time, to determine both eligibility lists. Candidate for a Full-Time Police Officer position or Part-Time Police Officer position will

be tested together in each component of the general hiring requirements and no candidate will be tested separately for a full-time or part-time entry level positions.

- e) Part-Time Police Officers shall be first hired from the initial eligibility list and when first hired be first eligible for a promotion to Full-Time Police Officer position, if they apply and meet the qualifications described in *Sections 5.1, 5.6, and 5.7*, of these rules and regulations. The movement from Part-Time Police Officer to Full-Time Police Officer, under the provisions of these rules and regulations, shall be a promotion and the eligible candidates shall be subject to a merit selection process as outlined in these rules and regulations.
- f) The hiring of Full-Time Police Officers from the Full-Time Police Officer's Eligibility List, if one is currently valid or subsequently developed, will only be executed if the following conditions exist:
 - 1) There are no Part-Time Police Officers employed, or
 - 2) No employed Part-Time Police Officer applies for promotion to a Full-Time Police Officer Position, or
 - 3) There are no employed Part-Time Police Officers eligible/qualified for promotion to a Full-Time Police Officer position, as outlined in these civil service rules and regulations, or
 - 4) There are not enough qualified Part-Time Police Officers employed to meet the number of Full-Time Police Officers authorized to be hired by the Board of Commissioners.
- g) Veteran's Preference: A qualified veteran, initially applying for the "Entry Level" position for both Part-Time Police Officer and Full-Time Police Officer can initially claim veteran's preference for both positions. Further, if this veteran meets the qualification standards, outlined in these rules and regulations, their veteran preference points can be added to both the Full-Time and Part-Time Police Officer Eligibility Lists. However, as indicated above, once that applicant accepts a Part-Time Police Officer's Position, that applicant's name shall be removed from the Full-Time Police Officer's Eligibility List. Likewise, once that applicant accepts a Full-Time Police Officer Position, that applicant's name shall be removed from the Part-Time Police Officer's Eligibility List. Thus, veteran's preference can only be used once, in the appointment of an "Entry Level" police officer position, from the "Certified List of Three," as outlined in these rules and regulations, whether it be Full-Time or Part-Time.

**CHAPTER 4. PART-TIME AND FULL-TIME POLICE OFFICERS –
INITIAL HIRINGS**

A. APPLICATIONS AND QUALIFICATIONS

4.1 Eligibility for Examinations.

In order to be eligible for participation in the initial examinations for Part-Time Police Officer and/or Full-Time Police Officer position with the Crescent Township Police Department, every applicant must submit a completed application form to the commission or other offices or agencies designated by the commission before the deadline stated for that specific examination. The applicant must make an oath or affirmation that the application has been completed truthfully, and that the applicant is subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

4.2 Discrimination.

The Township of Crescent is an equal opportunity employer.

- a) No question in a form of application for examination or in an examination or inquiry shall be so framed as to elicit information from an applicant in violation of Federal or State antidiscrimination laws, such as the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241) or the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act. All disclosures by an applicant of information protected by anti-discrimination laws shall be ignored.
- b) No discrimination shall be exercised, threatened or promised by a person against or in favor of an applicant or employee in violation of Federal or State anti-discrimination laws, such as the Civil Rights Act of 1964 or the Pennsylvania Human Relations Act, and no offer or promise of reward, favor or benefit, directly or indirectly, shall be made to or received by an individual for an act done or duty omitted or to be done under these rules and regulations.

4.3 Applications.

Applicants shall complete a formal application signed under oath or affirmation information required by these rules and regulations showing the qualifications for the position which the applicant is being examined. These application forms shall be available to all interested persons in the office of the township manager or their designee 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. The date and time of receipt of each application will be noted on the application.

4.4 Age and Residency Requirements.

All applicants must have reached their twenty-first (21st) birthday before the deadline for submitting a completed application. Currently there is no township residency requirement.

4.5 General Qualifications.

At the time of application, every applicant for a position in the police department shall possess the following qualifications prior to application:

- a) Possess a diploma from an accredited high school or a graduate equivalency diploma (GED).
- b) Be Act 120 Certified under the Municipal Police Officers' Education and Training Commission (Act 120), (MPOETC) 53 Pa. C.S.A. §2161 et seq. or shall have successfully completed Act 120 Training and successfully passed the final exam.
- c) Be a United States Citizen.
- d) Be physically and mentally fit to perform the full duties of a police officer.
- e) Possess a valid Pennsylvania motor vehicle operator's license.

4.6 Public Notice.

The commission shall conspicuously post in the Crescent Township Building or other locations, designated by the commission, an announcement of the Full-Time Police Officer and/or Part-Time Police Officer 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 formal applications may be obtained for the examination, and the deadline for filing formal applications. For the position of police officer, (Part-Time and/or Full-Time) at least two (2) weeks prior to each examination, publication of the notice shall be placed in at least one newspaper of general circulation in Crescent Township and a copy of the notice shall be prominently posted to the township office or public places, as may be appropriate.

The township manager, or other designated person, shall give, in writing, to each applicant qualified for the next step in the examination process, a notice which shall include the date, time and place the applicant shall report for the next examination in the process. In the case of physical and psychological examinations, the township manager shall notify the police officer candidate who has been conditionally offered a position in the police department by a written notice of the date, time and place of the examination as well as the name of the physical and psychological examiners.

Every such notice shall be mailed or otherwise delivered at least seven (7) days prior to the date fixed for examination. Only applicants receiving notices to report for any examination shall be permitted to participate in such examination, and each applicant shall present his or her notice to the examiner before he or she shall be examined. Failure to report for an examination in accordance with the instructions contained in the written notice shall disqualify the applicant, except that in the case of a physical or psychological examinations, the physician and psychologist designated in the notice may fix another date or time for such examination, provided, however, that any such date or time shall be written with the period of at least seven (7) days of the date and time established in the written notice.

4.7 Recording and Filing Applications.

Applications for positions of Full-Time Police Officer and/or Part-Time Police Officer shall be received at the township building, or other offices or agencies designated by the commission, only after the entry level position has been properly advertised and before the deadline for receiving applications which must be set forth in the public advertisement. Applications will be received by the municipal official designated in the public advertisement or that official'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. Any application containing material errors or omissions may, at the discretion of the commission, be returned to the applicant for correction, and if so, must be returned, by the applicant prior to the deadline for filing applications after which no new applications or amended applications will be accepted.

Penalty for False Statement: The statements made by the applicant in the official application shall contain no falsification, omissions or concealment of material fact. Should any investigation disclose any material misstatement, falsification or concealment with respect to an application:

- a) The application shall be invalid and the applicant shall be disqualified from examination, or
- b) If the applicant shall have been examined, the name of such applicant shall be removed from the eligibility list, or
- c) If the applicant shall have been appointed, such material misstatement, falsification or concealment shall constitute grounds for dismissal from the Crescent Township Police Department. No person who has made a materially false application shall be permitted in the future to be an applicant for any position in the Crescent Township Police Department.

4.8 Rejection of Applicant.

The commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination

prescribed in these rules and regulations for the particular position for which the applicant has applied. In addition, the commission may refuse to examine, or if examined, may refuse to certify any applicant who:

- a) is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which the applicant has applied.
- b) is physically unfit for the performance of the duties of the position or employment for which the applicant has applied.
- c) is illegally using a controlled substance as defined in (Public Law 91-513, 21 U.S.C. § 802).
- d) has been found guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct.
- e) has been dismissed from public service for delinquency or misconduct in office; or
- f) is affiliated with any group which have policies or engage in activities that are subversive to the form of government established in Federal or State law.

4.9 Hearing for Disqualified Applicants.

- a) If an applicant is aggrieved by the commission's refusal to certify the applicant as eligible after an examination or an individual is aggrieved by the commission's refusal to examine the individual, a hearing before the commission may be requested and must be submitted within ten (10) days of receiving notification. The commission shall, at the request of the applicant or individual aggrieved, set a date, time and place for a public hearing within 10 days after the receipt of the request for a public hearing.
- b) At the public hearing, the applicant or individual aggrieved may appear with or without counsel and the commission shall take testimony and review the commission's refusal to provide the examination or certification.
- c) The deliberations of the commission regarding the matter, including interim rulings on evidentiary or procedural issues, may be held in the nature of a closed executive session.
- d) The commission's disposition of the matter shall constitute official action which shall occur at a public meeting held pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings) and the commission's decision on the matter shall be final.

B. EXAMINATION AND GRADING PROCEDURE

4.10 General Examination Requirements.

The examination for the initial positions of Full-Time Police Officer and/or Part-Time Police Officer (same examination process for both), shall consist of a physical agility test, written examination, oral examination, and background investigation. The written examination and the oral examination will be graded individually on a one hundred percent (100%) scale. The written examination will represent seventy percent (70%) of the final score. The oral examination will represent thirty percent (30%) of the final score. The physical agility test, the background investigation will be graded pass/fail.

The testing process will be as follows:

- a) Physical Agility Test: Those candidates passing the physical agility test, as outlined in *Section 4.11*, will qualify to take the written examination.
Note: At the discretion of the Civil Service Commission, the written examination may precede the physical agility testing.
- b) Written Examination: Those candidates passing the written test as outlined in *Section 4.12*, will qualify for the oral examination.
- c) Oral Examination: Those candidates passing the oral examination, as outlined in *Section 4.13*, will then be placed on the eligibility list, after those qualifying for veteran's preference points, as outlined in *Section 4.14*, have been awarded those preference points.
- d) Background Investigation: Prior to being considered for appointment on the "Certified List of Three" the applicant will undergo a complete background investigation as outlined in *Section 4.17*. Although a requirement, only a sufficient number of top scoring candidates necessary for consideration, as determined by the Civil Service Commission, will need to have a background investigation performed.

Thus, any individual appearing on either initial eligibility list (Full-Time or Part-Time) is subject to background investigation and no one will be certified as eligible on the "Certified List of Three" until they have successfully completed a background investigation and received a written recommendation that the applicant is appropriate for consideration in accordance with *Section 4.17*, of these rules and regulations.

4.11 Physical Agility Testing.

- a) Applicants shall meet the physical agility requirements, in accordance with the criteria established by the commission or other agencies designated by the commission. In all cases, candidates shall be provided with the physical agility requirements prior to the time of physical agility testing.
- b) Applicants who have either successfully passed, or failed the physical agility test will be so notified by the commission within thirty (30) days.

4.12 Written Examination.

The written examination shall be graded on a 100 point scale, and an applicant must score seventy percent (70%) or higher and receive one of the top fifteen (15) highest scores or a lesser number who may have passed the written test, including ties in order to continue in the application process. Applicants scoring less than seventy percent (70%) or not receiving one of the top fifteen (15) highest scores or a lesser number who may have passed the written test, 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 and passing applicants shall be scheduled for an oral examination appointment.

4.13 Oral Examination.

Every applicant who scored seventy percent 70% or higher on the written test and receives one of the top fifteen (15) highest score, or a lesser number who may have passed the written test, including ties in the written examination shall be given an oral examination which will be graded on a 100 point scale with a score of seventy percent (70%) or higher necessary for passing. Within thirty (30) days after the applicants' oral examination, they shall be informed of the score in their oral examination and total overall score.

4.14 Veterans' Preference Points.

Pursuant to the Veterans' Preference Act, as amended by Act 102 of 2020, any applicant for the position of police officer who qualifies as a military veteran under this Act, shall receive an additional ten (10) points on top of their final score if that applicant qualifies under *Sections 4.10, 4.11, 4.12 and 4.13*, of these rules and regulations. Applicants claiming veteran's preference shall have submitted satisfactory proof of service and honorable discharge therefrom with their application form.

C. ELIGIBILITY LIST AND BACKGROUND INVESTIGATION

Note: If a Full-Time and Part-Time Hiring Process has been implemented, the following procedures will be separately developed for each a Part-Time and Full-Time Police Officer Eligibility List and complete hiring process.

4.15 Creation of Eligibility List.

- a) At the completion of the examination requirements set forth in *Sections 4.10, 4.11, 4.12, 4.13*, the physical agility test, the written examination and the oral examination, the commission shall rank all passing candidates on the eligibility list. The applicants having received the highest score shall be at the top of their respective lists, with all other candidates being listed in descending order of their scores. Applicants who qualify for veteran's preference points, as outlined in *Section 4.14*, shall have those ten (10) points added to their final score prior to being ranked on the eligibility list.
- b) In the case of tied scores, the tie will be broken by giving preference to the applicant who received the highest score on the written test. In the event the qualifying applicant received identical scores, the order of listing shall be determined by the order in which they were numbered for recording purposes.
- c) Any individual appearing on the eligibility list is subject to a background investigation and no one will be certified in accordance with *Section 4.18*, of these rules and regulations until they have successfully completed a background investigation and received a written

recommendation that the applicant is appropriate for consideration in accordance with *Section 4.17*, of these rules and regulations.

4.16 Duration of Eligibility List.

The original eligibility lists for Full-Time Police Officers and or Part-Time Police Officers will be valid for a period of one (1) year from the date the commission formally adopts the eligibility list. Prior to expiration of the one year period, the commission may extend the validity of the eligibility list for up to an additional twelve months by a majority vote of the commission, at a duly authorized commission meeting. In the absence of a lawful extension by the commission, the list shall expire.

4.17 Background Investigation.

The commission shall request the Chief of Police or the chief's designee to conduct a background investigation on the top scoring eligible applicants, as determined by the civil service commission, prior to inclusion on the "Certified List of Three" of those eligible as set forth in *Section 3.18*, of these rules and regulations.

The background investigation must be consistent for each applicant and shall meet, at a minimum, all the specific requirements of the MPOETC, as required by law.

Act 57, enacted into law on July 14, 2021, and further expanded on in amendments to the MPOETC Law, provides mandated reporting requirements outlining the binding components of a background investigations and needs to be followed by the Police Chief or police chief's designee when conducting the background investigation. As a conditional offer of employment, the Act also requires the applicant to meet the requirements outlined in the required procedure for requesting and reviewing the separation records of an applicant. While the Act provides mandated standards for a background investigation and hiring, these are mandated standards, it does not preclude the Police Chief or chief's designee from establishing higher standards if those standards are not contrary to applicable law.

In addition, the applicant may be interviewed directly when the information collected requires clarification or further explanation.

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 Township of Crescent.

The recommendation by the Chief of Police or the chief's designee shall be based on the criteria set forth in *Section 4.8*, of these rules and regulations and on any other relevant information developed during the background investigation. This report to the commission shall be in writing and in compliance with the Americans with Disabilities Act and must not include any physical

history information on a candidate. If the recommendation is to disqualify, then a detailed, written explanation of the reasons for disqualification must be included. The commission shall then make a final determination on whether additional information is required or if the information collected and reported warrants acceptance or rejection of the candidate.

Within thirty (30) days after the commission considers the recommendation based on the background investigation, each applicant shall be notified as to whether they have passed or failed this portion of the examination process.

D. APPOINTMENT PROCEDURE.

4.18 Appointing Authority. (Board of Commissioners)

- a) Furloughed police officers shall be given first consideration for re-employment, prior to any other hiring procedure and shall be reinstated in order of their seniority as outlined in *Section 7.5*, of these rules and regulations.
- b) Except as provided above, and the appointment of the Police Chief, every initial position of Full-Time Police Officer or Part-time Police Officer, for employment in the police department shall be filled only in the following manner:
 - 1) The Board of Commissioners shall notify the commission of a vacancy which is to be filled and shall request the certification of an eligibility list.
 - 2) For each vacancy, the commission shall certify three individuals from the eligibility list, or a fewer number of individuals if three individuals are not available, who have received the highest average for the vacancy.
 - 3) The Board of Commissioners shall make a conditional appointment from the certified individuals by the commission based solely on the merits and fitness of the certified individuals, unless the board of commissioner's objects to the commission regarding one or more of the certified individuals for a cause specified under Section 4.8.
 - 4) If any objections are sustained by the commission under paragraph (3), or if the conditional appointee is determined to be unqualified in accordance with the procedures set forth under Section 4.9, the commission shall strike the name of the individual from the eligibility list and certify the next highest individual from names stricken from the eligibility list.
 - 5) However, for the initial appointment to the position Full-Time Police Officer or Part-Time Police Officer, when one of the three applicants on the certified list is a veteran, that applicant shall be selected. If there are two or more of the names on each of the "Certified List of Three" are veterans, the Board of Commissioners shall have the discretion to appoint the veteran they deem most qualified.

- 6) The procedure under subsection (b) shall be used to fill each subsequent appointment that occurs.
- 7) After the Board of Commissioners selects a candidate from the certified eligibility list for 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 designee, 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. The Act further defines additional procedures to be followed by the township if the candidate meets the requirements of the Act and the recourse the candidate has if the candidate receives an adverse decision. If it is determined that the conditional appointee, meets the requirements of the Act, the conditional appointee shall be given an added conditional offer of employment and be scheduled for psychological and medical examination as set forth in *Section 4.19*, below.

4.19 Physical and Psychological Medical Examinations.

- a) After the Board of Commissioners selects a candidate from either of the “Certified Lists of Three” for appointment to the vacant position, that candidate shall receive a conditional offer of employment. The offer of employment shall be conditioned upon the conditional appointee undergoing a physical and psychological medical examination and a determination that the conditional appointee is capable of performing all the essential functions of the position. Physical medical examinations shall be conducted under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be conducted under the direction of a psychiatrist or psychologist.
- b) The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by the board of commissioners and shall render an opinion as to whether the conditional appointee has physical or mental condition which calls into question the individual’s ability to perform all of the essential functions of the position for which the individual was conditionally appointed.
- c) The physical and psychological exams will be conducted in compliance with the MPOETC regulations. The completion of the required MPOETC physical and psychological forms will be provided by the Board of Commissioners. Drug testing shall be included as one component of the requirements. In addition, the respective examiners will be given a copy of the job description and the “Essential Functions of the Job” for performing the duties of police officer. The completed forms will be certified by the examining physician(s) indicating that the candidate is physically or psychologically fit, as the case may be, to

perform the duties of a police officer. The completed forms shall be confidential and submitted to the appropriate township official for disposition.

- 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 a position, an individual designated by board of commissioners shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position.
- e) If, at the conclusion of the interactive discussion the Board of Commissioners determines that the conditional appointee is not qualified, the Board of Commissioners shall give written notice to the conditional appointee and the commission.
- f) Nothing in these rules shall be construed to authorize physical or psychological medical examinations prior to a conditional appointment.
- g) The rejected candidate may appeal this decision under *Section 4.9*, 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."

4.20 Probationary Period.

- a) Every successful applicant for the position of police officer shall serve a twelve (12) month probationary period. For newly hired police officers, the probationary period will begin on the first day the new officer reports for work. During this probationary period, a newly hired police officer may only be dismissed for cause for the reasons set forth in *Section 4.8*, of these rules and regulations, or because of incapacity for duty due to the use of alcohol or drugs. In addition, a probationary police officer may be dismissed, if the probationary police officer does not meet the requirement expectations of the position and documentation is accurately noted.
- b) The Chief of Police shall submit a final probationary report, not less than ten (10) days nor more than fifteen (15) calendar days before the next regular meeting of the Board of Commissioners, immediately preceding the end of the probationary period. Each report shall be submitted in writing to the Board of Commissioners. Within five (5) calendar days after receiving a probationary report from the Chief of Police, if the conduct of the probationer has not been satisfactory to the Board of Commissioners, the probationer shall be notified in writing by the Board of Commissioners that the appointment will not be permanent. Following receipt of this notification by the probationer, a newly hired police officer's (Part-Time/Full-Time) employment shall end.
- c) Any probationer who is notified in writing by the Board of Commissioners, prior to completion of the twelve (12) month probation period, that their appointment will not be

made permanent shall not be subject to the hearing provisions under Section 7.2 and 7.3, of these civil service rules and regulations.

- d) The township manager shall notify the commission, in writing, of its decision to retain or remove the probationer of such decision within five (5) calendar days and in no event beyond the last day of the probationary period.
- e) After the end of the twelve (12) month probationary period, if the probationer is not notified in accordance with this section, a probationary Full-Time or Part-time Police Officer, as the case may be, shall receive permanent status in that position.

4.21 Optional Provision.

- a) The Board of Commissioners may fill a vacancy in an existing position in the police department which occurs as a result, of retirement, resignation, disability or death by the reappointment or reinstatement of a former employec of the police department who had previously complied with the civil service rules and regulations. No examinations, except the officer's reappointment is subject to any recertification requirements prescribed by the MPOETC. In addition, the officer shall successfully pass a physical agility test, background investigation, and a psychological and medical examination.
- b) This optional provision is applicable to reappointment to the previous position held, Part-Time or Full-Time.

4.22 Provisional Appointment.

- a) 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 eligibility list, for such appointment, the Board of Commissioners may nominate a person to the commission for a non-competitive examination. Such nominee may be certified by the commission after the nominee successfully passes such non-competitive examination.
- b) Prior to being subject to a non-competitive test, the provisional appointee shall be subject to any recertification requirements prescribed by the MPOETC. In addition, the officer shall successfully pass a physical agility test, background investigation, and a psychological and medical examination, as required by the MPOETC. He may then be appointed provisionally to fill such vacancy.
- c) Within 90 days of the provisional appointment under subsection a), above, the commission shall hold a competitive examination, certify an eligibility list and make a regular appointment to the position in accordance with Chapter 4, of these civil service rules and regulations, from the names submitted by the commission.
- d) Nothing in this section shall be construed to prevent the appointment without an examination of individuals temporarily as police officers in cases of riot or other emergencies.

CHAPTER 5. PROMOTION FROM PART-TIME POLICE OFFICER TO FULL-TIME POLICE OFFICER

A. APPLICATION AND QUALIFICATIONS

5.1 Eligibility for Examinations.

- a) Part-Time Police Officers initially hired under the provisions of these rules and regulations who meets the requirements of these civil service rules and regulations shall be first eligible for a Full-Time Police Officer's position. For the purpose of these rules and regulations the movement from a Part-Time Police Officer to Full-Time Police Officer shall be considered a promotion and be subject to the following qualification:
- b) All employed Part-Time Police Officers to be eligible for promotion to a Full-Time Police Officer position shall not have received a formal written reprimand for one (1) year prior to the deadline for submitting application. Such restrictions also includes that they have not been suspended without pay at any time one year prior to the deadline for submitting an application. Any formal written reprimand or suspension to which the applicant has timely appealed pursuant to a grievance procedure of these rules and regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.
- c) All applicants shall have continuous prior service with the police department of Crescent Township as follows:
 - (1) An applicant for the promotion from Part-Time Police Officer to Full-Time Police Officer shall have at least one year (1) of service with the department. This may include their probationary period outlined in *Section 4.20*, of these rules and regulations.
 - (2) The probationary period, as outlined in *Section 4.20*, shall be waived if no other Part-Time Police Officers qualify for promotion to Full-Time Police Officer, as described above.
 - (3) If a probationary Part-Time Police Officer is promoted to Full-Time Police Officer, as described above, that appointed Full-Time Police Officer will be required to serve the remainder of their probationary period, as a Full-Time Police Officer, and be subject to the probationary requirements of these rules and regulations)

5.2 Discrimination.

The Township of Crescent is an equal opportunity employer.

- a) No question in a form of application for examination or in an examination or inquiry shall be so framed as to elicit information from an applicant in violation of Federal or State anti-discrimination laws, such as the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat.

241) or the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act. All disclosures by an applicant of information protected by anti-discrimination laws shall be ignored.

- b) No discrimination shall be exercised, threatened or promised by a person against or in favor of an applicant or employee in violation of Federal or State antidiscrimination laws, such as the Civil Rights Act of 1964, or the Pennsylvania Human Relations Act, and no offer or promise of reward, favor or benefit, directly or indirectly, shall be made to or received by an individual for an act done under these rules and regulations.

5.3 Notification.

At least two weeks prior to the close of the application period, publication of a notice outlining the qualifications for the position, and requesting application forms, to apply for the position, shall be conspicuously posted in the police department and the township office. At the discretion of the civil service commission, the commission may receive documentation from the township of those eligible for a promotional exam and may notify them, in writing, of the notice and the deadline for filing applications. It is important that all applicants that meet the qualifications for promotion from Part-Time Police Officer to Full-Time Police Officer be notified, by the township manager or other individual designated by the commission.

The township manager, or other designated person, shall give, in writing, to each applicant qualified for the next step in the examination process, a notice which shall include the date, time and place the applicant shall report for the next examination in the process.

Every such notice shall be mailed or otherwise delivered at least seven (7) days prior to the date fixed for examination. Only applicants receiving notices to report for any examination shall be permitted to participate in such examination, and each applicant shall present his or her notice to the examiner before he or she shall be examined. Failure to report for an examination in accordance with the instructions contained in the written notice shall disqualify the applicant.

5.4 Rejection of Applicant.

The commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these rules and regulations for the particular position for which the applicant has applied. In addition, the commission may refuse to examine, or if examined, may refuse to certify any applicant who:

- a) is physically unfit for the performance of the duties of the position or employment for which the applicant has applied;
- b) is illegally using a controlled substance as defined in (Public Law 91-513, 21 U.S.C. § 802);

- c) has been found guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct;
- d) has been dismissed from public service for delinquency or misconduct in office; or
- e) is affiliated with any group which have policies or engage in activities that are subversive to the form of government established in Federal or State law.

5.5 Hearing for Disqualified Applicants.

- a) If an applicant is aggrieved by the commission's refusal to certify the applicant as eligible after an examination or an individual is aggrieved by the commission's refusal to examine the individual, the commission shall, at the request of the applicant or individual aggrieved, set a date, time and place for a public hearing within 10 days after the receipt of the request for a public hearing.
- b) At the public hearing, the applicant or individual aggrieved may appear with or without counsel and the commission shall take testimony and review the commission's refusal to provide the examination or certification.
- c) The deliberations of the commission regarding the matter, including interim rulings on evidentiary or procedural issues, may be held in the nature of a closed executive session.
- d) The commission's disposition of the matter shall constitute official action which shall occur at a public meeting held pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings) and the commission's decision on the matter shall be final.

B. EXAMINATION AND GRADING PROCEDURE

5.6 General Examination Requirements.

The examination for the promotion from Part-Time Police Officer to Full-Time Police Officer shall include an oral examination, which will be graded on a one hundred (100) point scale.

5.7 Oral Examination.

An applicant must score at least seventy percent (70%) to qualify and continue in the application process. Any applicant who scores less than seventy percent (70%) will be disqualified. The oral examination shall involve questioning applicants on police oriented issues, including how they would handle situations relevant to police work. Within thirty (30) days after the administration of the oral they shall be informed of the score in their oral examination.

C. CERTIFICATION OF THE LIST OF ELIGIBLES AND APPOINTMENT

5.8 Creation of Eligibility List.

- a) At the successful completion of the examination requirements set forth in *Sections 5.6 and 5.7*, 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.
- b) In the case of tied scores, the tie will be broken by giving preference to the applicant who received the highest score on the written test. In the event the qualifying applicant received identical scores, the order of listing shall be determined by the earliest application received.

5.9 Duration of the Eligibility List.

The eligibility lists for Part-Time Police Officer and Full-Time Police Officer will be valid for a period of one (1) year from the date the commission formally adopts the eligibility list. Prior to expiration of the one year period, the commission may extend the validity of the eligibility list for up to an additional twelve (12) months by a majority vote of the commission, at a duly authorized commission meeting. In the absence of a lawful extension by the commission, the list shall expire.

5.10 Appointment Procedure.

- a) For promotion from the position of Part-Time Police Officer to Full-Time Police Officer, the position shall be filled only in the following manner:
 - 1) The commission shall certify for each vacancy the names of three individuals on the eligibility list who have received the highest average in the last promotion examination held within a period of two years preceding the date of the request for the eligibility list. If three names are not available, the commission shall certify the names remaining on the eligibility list. The Board of Commissioners shall make an appointment from the names certified, based solely on the merits and fitness of the candidate.
 - 2) The Board of Commissioners may object to one or more of the persons certified for the reasons set forth in *Section 5.4*, of these rules and regulations. If the candidate to whom Board of Commissioners' objects fails to timely exercise the rights of appeal under *Section 5.5*, or if the commission declines to uphold the 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 for each name stricken off.

5.11 Probationary Period.

Every successful applicant for the promotional position of Full-Time Police Officer within the police department shall serve a twelve (12) month probationary period from their most recent date of employment. The probationary period will begin on the first day the promoted officer reports to work as Full-Time Police Officer.

A promoted Full-Time Police Officer, during probation, may be returned to the rank from which he was promoted, for cause for the reasons set forth in *Section 5.4*, of these rules and regulations, because of incapacity for duty due to the use of alcohol or drugs, or if the probationary officer does not meet the requirements or expectations of the position and documentation has been accurately noted.

In addition, a probationary Full-Time Police Officer may be returned to the position of Part-Time Police Officer, if the probationary Full-Time Police Officer does not meet the requirement expectations of the position and documentation is accurately noted.

The Chief of Police shall submit a final probationary report, not less than ten (10) days nor more than fifteen (15) calendar days before the next meeting of the Board of Commissioners, immediately preceding the end of the probationary period. Each report shall be submitted in writing to board of commissioners. Within five (5) calendar days after receiving a probationary report form the Chief of Police, if the conduct of the probationer has not been satisfactory to the Board of Commissioners, the probationer shall be notified in writing by the Board of Commissioners that the appointment will not be permanent and the Full-Time Probationary Police Officer will be returned to their position of Part-Time Police Officer, for the township. Any probationer who is notified in writing by the Board of Commissioners, prior to completion of the twelfth month probation period, that their appointment will not be made permanent, has no rights of appeal under these rules and regulations.

The township manager shall notify the commission, in writing, of its decision to retain or remove the probationer within five (5) calendar days and in no event beyond the last day of the probationary period.

At the end of the twelve (12) month probationary period, if the probationer is not notified in accordance with this section, the probationer shall receive permanent status within the police department.

CHAPTER 6. PROMOTIONS (RANKING POSITIONS)

A. APPLICATION AND QUALIFICATIONS

6.1 Eligibility for Examinations.

All applicants for a promotional ranking position of Police Sergeant shall not have been suspended without pay for more than five (5) days in 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 and regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

All applicants for a promotional ranking position of Police Sergeant, shall have had continuous prior service as Full-Time Police Officer with the Crescent Township Police Department for at least two (2) years.

6.2 Discrimination.

The Township of Crescent is an equal opportunity employer.

- a) No question in a form of application for examination or in an examination or inquiry shall be so framed as to elicit information from an applicant in violation of Federal or State anti-discrimination laws, such as the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241) or the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act. All disclosures by an applicant of information protected by anti-discrimination laws shall be ignored.
- b) No discrimination shall be exercised, threatened or promised by a person against or in favor of an applicant or employee in violation of Federal or State anti-discrimination laws, such as the Civil Rights Act of 1964 or the Pennsylvania Human Relations Act, and no offer or promise of reward, favor or benefit, directly or indirectly, shall be made to or received by an individual for an act done or duty omitted or to be done under these rules and regulations.

6.3 Notification.

- a) For a promotional ranking position of Police Sergeant, at least two weeks prior to the close of the application period, publication of a notice outlining the qualifications for the position, and requesting application forms, to apply for the position, shall be conspicuously posted in the police department and the township office. At the discretion of the Civil Service Commission, the commission may receive documentation from the township of those eligible for a promotional exam and may notify them, in writing, of the notice and the deadline for filing applications. It is important that all applicants that meet the

qualifications for promotion be notified, by the township manager or other individuals designated by the commission.

- b) The township manager, or other designated person, shall give, in writing, to each applicant qualified for the next step in the examination process, a notice which shall include the date, time and place the applicant shall report for the next examination in the process.
- c) Every such notice shall be mailed or otherwise delivered at least seven (7) days prior to the date fixed for examination. Only applicants receiving notices to report for any examination shall be permitted to participate in such examination, and each applicant shall present his or her notice to the examiner before he or she shall be examined. Failure to report for an examination in accordance with the instructions contained in the written notice shall disqualify the applicant.

6.4 Rejection of Applicant.

The commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these rules and regulations for the particular position for which the applicant has applied. In addition, the commission may refuse to examine, or if examined, may refuse to certify any applicant who:

- a) is found to lack any of the minimum qualifications for examination prescribed in these rules and regulations adopted for the position or employment for which the applicant has applied;
- b) is physically unfit for the performance of the duties of the position or employment for which the applicant has applied;
- c) is illegally using a controlled substance as defined in (Public Law 91-513, 21 U.S.C. § 802);
- d) has been found guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct;
- e) has been dismissed from public service for delinquency or misconduct in office; or
- f) is affiliated with any group which have policies or engage in activities that are subversive to the form of government established in Federal or State law.

6.5 Hearing for Disqualified Applicants.

- a) If an applicant is aggrieved by the commission's refusal to certify the applicant as eligible after an examination or an individual is aggrieved by the commission's refusal to examine the individual, the commission shall, at the request of the applicant or individual aggrieved, set a date, time and place for a public hearing within 10 days after the receipt of the request for a public hearing.
- b) At the public hearing, the applicant or individual aggrieved may appear with or without counsel and the commission shall take testimony and review the commission's refusal to

provide the examination or certification.

- c) The deliberations of the commission regarding the matter, including interim rulings on evidentiary or procedural issues, may be held in the nature of a closed executive session.
- d) The commission's disposition of the matter shall constitute official action which shall occur at a public meeting held pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings) and the commission's decision on the matter shall be final.

B. EXAMINATION AND GRADING PROCEDURE

6.6 General Examination Requirements.

The examination for promotional ranking position of Police Sergeant shall include a written examination and an oral examination, which will be graded on a one hundred (100) point scale with the written examination representing seventy percent (70%) of the final score, the oral examination representing thirty percent (30%).

6.7 Written Examination.

The written examination for the ranking position of Police Sergeant shall be graded on a one hundred (100) point scale. An applicant must score at least seventy percent (70%) to be eligible for the oral exam and continue in the promotional process. Applicants who score less than seventy percent (70%) shall be disqualified. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their examination results.

6.8 Oral Examination.

Every applicant who has satisfied all of the written examination requirements provided in *Section 6.7*, above, shall be given an oral examination. An applicant must score at least seventy percent (70%) to qualify and continue in the application process. Any applicant who scores less than seventy percent (70%) will be disqualified. The oral examination shall involve questioning applicants on police oriented issues, including how they would handle situations relevant to police work. Within thirty (30) days after the administration of the oral they shall be informed of the score in their oral examination and total overall score.

C. CERTIFICATION OF THE LIST OF ELIGIBLES AND APPOINTMENT

6.9 Creation of Eligibility List.

- a) At the completion of the examination requirements set forth in *Sections 6.6, 6.7, and 6.8*, 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.

- b) In the case of tied scores, the tie will be broken by giving preference to the applicant who received the highest score on the written test. In the event the qualifying applicant received identical scores, the order of listing shall be determined by the order in which they were numbered for recording purposes.

6.10 Duration of Eligibility List.

The eligibility lists for a promotional ranking position of Police Sergeant will be valid for a period of one (1) year from the date the commission formally adopts the eligibility list. Prior to expiration of the one year period, the commission may extend the validity of the eligibility list for up to an additional twelve months by a majority vote of the commission, at a duly authorized commission meeting. In the absence of a lawful extension by the commission, the list shall expire.

6.11 Appointment Procedure.

- a) The promotional ranking positions shall be filled only in the following manner:
 - 1) The commission shall certify for each vacancy the names of three individuals on the eligibility list who have received the highest average in the last promotion examination held within a period of two years preceding the date of the request for the eligibility list. If three names are not available, the commission shall certify the names remaining on the eligibility list. The Board of Commissioners shall make an appointment from the names certified, based solely on the merits and fitness of the candidate.
 - 2) The Board of Commissioners may object to one or more the persons certified for the reasons set forth *in Section 6.4*, of these rules and regulations. If the candidate to whom Board of Commissioners' objects fails to timely exercise the rights of appeal under *Section 6.5*, or if the commission declines to uphold the 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 for each name stricken off.

6.12 Probationary Period.

Every successful applicant for the promotional position of Police Sergeant shall serve a twelve (12) month probationary period. The probationary period will begin on the first day of the promotion to the respective ranking position.

A Full-Time Police Officer promoted to the promotional position of Police Sergeant, during probation, may be returned to the position from which they were promoted, for cause for

the reasons set forth in *Section 7.1*, of these rules and regulations, or because of incapacity for duty due to alcohol or drugs.

In addition, a probationary ranking police officer, except the Chief of Police, may be returned to his/her previous position, if the probationary promoted police officer does not meet the requirement expectations of the position and documentation is accurately recorded.

The Chief of Police shall submit a final probationary report, not less than ten (10) days nor more than fifteen (15) calendar days before the next regular meeting of the Board of Commissioners, immediately preceding the end of the probationary period. Each report shall be submitted in writing to the Board of Commissioners. Within five (5) calendar days after receiving a probationary report from the Chief of Police, if the conduct of the probationer has not been satisfactory to the Board of Commissioners, the probationer shall be notified in writing by the Board of Commissioners that the appointment will not be permanent and the promoted probationary police officer will be returned to the previous position held, for the township.

Any probationer who is notified in writing by the board of commissioners, prior to completion of the twelve (12) month probation period, that their appointment will not be made permanent, has no right of appeal under these rules and regulations.

The township manager shall notify the commission, in writing, of its decision to retain or remove the probationer of such decision within five (5) calendar days and in no event beyond the last day of the probationary period.

At the end of the twelve (12) month probationary period, if the probationer is not notified in accordance with this section, a promoted ranking police officer shall receive permanent status in their respective promotional position.

B. CHIEF OF POLICE

6.13 Appointment of Chief of Police – Civil Service Appointment.

In the case of a vacancy in the Office of Chief of Police, the Board of Commissioners have full discretion in selecting the individual to fill the position of Chief of Police. If the Board of Commissioners requests the commission to subject that person to a noncompetitive examination, and if that person shall be certified by the commission as qualified, as a result of that non-competitive examination, that person then may be appointed to the position of Chief of Police and thereafter shall only be removed from the position of Chief of Police for the reasons set forth in *Section 7.1*.

CHAPTER 7. SUSPENSIONS, REMOVALS AND DEMOTION IN RANK – FURLOUGHS

7.1 Grounds for Disciplinary Action.

- a) No person appointed to a position in the police department pursuant to these rules and regulations may be suspended without pay or removed and no person promoted in rank pursuant to these rules and regulations may be demoted in rank except for 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; or
 - 6) Engaging or participating in the conduct of a political or election campaign otherwise than to exercise the individual's own right of suffrage, except that this clause shall only apply to a police officer while on duty or in uniform or while using township property.
 - 7) Engaging or participating in the conduct of a political or election campaign for an incompatible office as provided in *Section 1401 of the First Class Township Code*.
- b) No officer shall be removed for religious, racial or political reasons. A statement of any charges made against any officer so employed shall be furnished to the officer within five (5) days after the same are filed with the commission.

7.2 Notice of Suspension, Removal and Reduction in Rank.

Whenever a police officer is suspended, removed or demoted, a written statement of charges made against an individual employed shall be furnished to the individual within five days after the same statement of charges are filed with the commission. 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 subsection of Section 7.1, 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 a violation. In addition, the charges shall notify the officer of the right to appeal under Section 7.3, of these rules and regulations.

7.3 Hearings on Suspension, Removals and Reduction in Rank.

An individual suspended, removed or demoted may make written answers to charges filed against the individual not later than the day scheduled for the hearing. The commission shall grant the individual a hearing which shall be held within a period of ten days from the filing of written charges, unless continued by the commission for cause at the request of the Board of Commissioners or the accused. The failure of the commission to hold a hearing within ten days from the filing of the written charges shall not result in the dismissal of the charges filed.

7.4 Hearing Procedure.

- a) At a hearing, the individual against whom the charges are made may be present in person and be represented by counsel. The Board of Commissioners, or the chief of police, when the Board of Commissioners is not in session, may suspend the individual without pay pending the determination of the charges against the individual, but if the commission fails to uphold the charges, the individual sought to be suspended, removed or demoted shall be reinstated with full pay for the period during which the individual was suspended, removed or demoted, and no charges shall be officially recorded against the individual's record.
- b) A stenographic record of all testimony taken at the hearings shall be filed with and preserved by the commission, which record shall be sealed and not be available for public inspection if the charges are dismissed.
- c) All parties shall have immediate right of appeal to the Court of Common Pleas of Allegheny County, and the case shall there be determined as the court deems proper. No order of suspension made by the commission shall be for a longer period than one year. The appeal shall be taken within 30 days from the date of entry by the commission of its final order and shall be by petition. Upon the appeal being taken and docketed, the court of common pleas shall schedule a day for a hearing and shall proceed to hear the appeal on the original record and additional proof or testimony as the parties concerned may desire to offer in evidence. The decision of the court affirming or reversing the decision of the commission shall be final and the employee shall be suspended, discharged, demoted or reinstated in accordance with the order of the court.
- d) The Board of Commissioners and the individual sought to be suspended, removed or demoted shall at all times have the right to employ counsel before the commission and upon appeal to the court of common pleas. Unless the Board of Commissioners or the individual sought to be suspended, removed or demoted requests that the proceedings before the commission be open to the public, the proceedings before the commission under this section shall be held in the nature of a closed executive session that shall not be open to the public. The request shall be presented to the commission before the civil service hearing commences. The deliberations of the commission, including interim rulings on

evidentiary or procedural issues, may be held in private and shall not be subject to a request for being open to the public by the Board of Commissioners or the individual sought to be suspended, removed or demoted. The commission's disposition of the disciplinary action shall constitute official action which shall occur at a public meeting held under 65 Pa.C.S. Ch. 7 (relating to open meetings).

- e) In any case in which a police officer who is a member of a bargaining unit is subject to suspension, discharge or discipline, the police officer shall have the option of challenging the suspension, discharge or discipline imposed by using the procedures provided in this section or by a proceeding in grievance arbitration. A choice to proceed either by the procedures provided for in this section or by grievance arbitration shall foreclose the opportunity to proceed in the alternative method.

7.5 Furloughs.

If for reasons of economy or other reasons it shall be deemed necessary by the township to reduce the number of paid officers, the following procedure shall be followed:

- 1) The township shall first furlough the individual, including probationers, last appointed to the respective force. Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have been accomplished.
- 2) In the event that the Board of Commissioners decides to increase the size of the police department officer personnel, the furloughed police officers shall be reinstated in order of their seniority in the police department. Employees so notified of reinstatement must accept reinstatement within thirty (30) days of receipt of such notice, otherwise such employee shall be deemed to have waived any right to reinstatement.
- 3) These reductions in force provisions are not applicable to the Chief of Police.

Note. Veteran's Preference. The exception to the above, in compliance with the Veteran's Preference Act, as amended, PA Act 102 of 2020, Section 7107, reads:

Whenever a reduction in force is necessary in any public position, or on public works of the Commonwealth and its political subdivisions, and personnel are discharged according to seniority, the number of years of service of any veteran shall be determined by adding the veteran's total years of service in the civil service or on public works to the veteran's total years of service as a member of the armed forces of the United States, including a reserve component or National Guard, during any period of war or armed conflict in which the United States engaged other than for periods of active duty training.

7.6 Compulsory Retirement Age.

Nothing in these rules shall apply to retirement or be construed to prevent the township from adopting a compulsory retirement age for the township's employees or any class of employees or to prevent the township from retiring the township employees automatically when they attain the compulsory retirement age.

CHAPTER 8. PENALTY FOR NON-COMPLIANCE

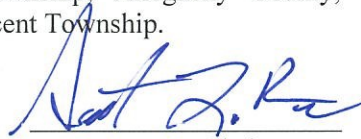


A township commissioner who, by vote, appoints an individual to the police force contrary to the provisions of these civil service rules and regulations, or a township commissioner or member of the commission who willfully refuses to comply with or conform to the provisions of these civil service rules and regulations, commits a misdemeanor and, upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to imprisonment not exceeding ninety days, or both.

CHAPTER 9. REVOCATION/SEVERABILITY

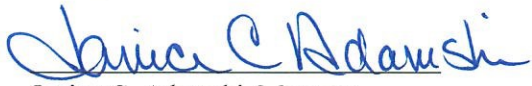
- a) Revocations/Repeal of prior rules and regulations. These rules and regulations shall become effective upon the approval of same by the Board of Commissioners, whereupon all prior rules and regulations of the commission shall be revoked and repealed.
- b) Validity/Severability. Should any section, clause, part or word of these rules and regulations be declared by a court of competent jurisdiction invalid, illegal or unconstitutional, such decision of the court shall not affect the validity or impair any of the remaining sections, clauses, parts or words of these rules and regulations; the provisions of these rules and regulations being thus severable, same are declared valid to the extent any section, subsection, subparagraph, clause, part or word is not specifically declared by the decision of the court invalid, illegal or unconstitutional.

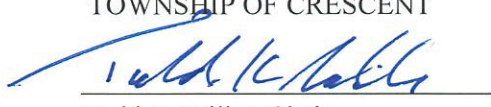
CHAPTER 10. RESOLUTION FOR ADOPTION

The foregoing rules and regulations, which are in accordance with powers granted by the Civil Service Section of the First Class Township Code, Sections 625-650, as amended (Act 96 of 2020) and enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the municipal governing body of Crescent Township, Allegheny County, Pennsylvania, are hereby adopted by the Civil Service Commission of Crescent Township.


 Chairperson

 Vice Chairperson

 Secretary

Approved by the Board of Commissioners of Crescent Township, Allegheny County, Pennsylvania, this 12th day of July, 2023.

ATTEST:

 Janice C. Adamski, Manager
 TOWNSHIP OF CRESCENT

TOWNSHIP OF CRESCENT

 Todd K. Miller, Chair
 BOARD OF COMMISSIONERS