

ORDINANCE #24-967

AN ORDINANCE OF THE BOROUGH OF SHIPPENSBURG, CUMBERLAND AND FRANKLIN COUNTIES, PENNSYLVANIA, AMENDING CHAPTER NINE OF THE CODE OF THE BOROUGH OF SHIPPENSBURG, ENTITLED "CIVIL SERVICE COMMISSION" IN NUMEROUS ASPECTS

WHEREAS, 8 Pa.C.S.A. § 1176 and Section 9-10 of the Code of the Borough of Shippensburg provide that the Civil Service Commission of the Borough of Shippensburg (the "Commission") may amend the Rules and Regulations of the Commission if such amendments are approved by Borough Council; and

WHEREAS, the Commission has recommended that certain provisions of the Rules and Regulations of the Commission be amended, and have requested Borough Council to approve said amendments.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Shippensburg as follows:

SECTION 1: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled "Civil Service Commission", Article I, Section 9-1 thereof, entitled "Definitions" is hereby amended to replace the definition of "Probationer" as follows:

PROBATIONER

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

SECTION 2: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled "Civil Service Commission", Article II, Section 9-5, entitled "Organization of Commission; quorum" is hereby amended to read as follows:

§ 9-5 Organization of Commission; quorum.

The Commission first appointed shall organize within 10 days of its appointment and shall elect one of its members as its Chairperson and one as the Secretary. The Commission shall thereafter meet and organize on the first Monday of February of each even-numbered year. Three members of the Commission shall constitute a quorum, and no action of the Commission shall be valid unless it shall have the concurrence of at least two members.

SECTION 3: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled "Civil Service Commission", Article III, Section 9-15, entitled "Eligibility for examination" is hereby amended to read as follows:

§ 9-15 Eligibility for examination.

In order to be eligible for participation in any examination for any position with the Police Department, every applicant must submit a completed application form to the Shippensburg Police Department before the deadline stated by the Commission for the specific examination. The applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities. Applicant shall include with the application a copy of the original or certified birth certificate, recent passport-style photograph (color or black and white) and copy of high school diploma or GED certificate, armed forces discharge certificate (DD214 or other acceptable documentation, in accordance with the Veterans Preference Act), a resume of work history, relevant training and education, copy of a valid driver's license, current criminal history within in the last month prior for the last 10 years for each state that they lived in, current within in the last month driving history for the last 10 years for each state that they lived in, if applicable, and a copy of college transcripts, ACT 120 certification or waiver, if applicable, to assist in the performance of the background check on each applicant.

If using a Consortium for the physical fitness testing and written examination, applicants will apply for testing through the Consortium, which will be posted on the advertisement for the examination. The Consortium will submit a list of all applicants with each applicant's name, address, email, a pass/fail for the physical fitness testing, and written examination score. Applications will be sent to all applicants who passed the physical fitness testing and written examination with a 70% or better. Applicants will have at least two weeks to submit an application with the required documentation.

SECTION 4: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled "Civil Service Commission", Article III, Section 9-17, entitled "Availability" is hereby amended to read as follows:

§ 9-17 Availability.

Application forms shall be available to all interested persons in the Shippensburg Police Department or Electronically on the Shippensburg Police Department Website or office of the Borough Manager and from such other offices and officers that the Commission, from time to time, may choose to designate. Application forms may be mailed to applicants upon written or telephone request. However, the Commission assumes no responsibility for missed filing deadlines due to a delay in the mail. Applications will be sent to all applicants who passed the physical fitness testing and written examination with a 70% or better if using the Consortium.

SECTION 5: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article III, Section 9-18, entitled “Age and residency requirements” is hereby amended to read as follows:

§ 9-18 Age and residency requirements.

All applicants must have reached their 20th birthday before the deadline for submitting completed applications. Applicants must establish a residence within 30 miles of the Borough of Shippensburg, as shown on the Residency Requirement Map, which is available upon request at the Borough office, within six months of completing the probationary period for police officers.

SECTION 6: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article III, Section 9-19, entitled “General qualifications: all applicants” is hereby amended to read as follows:

§ 9-19 General qualifications: all applicants.

- A. Every applicant for any police officer position in the Police Department shall possess a diploma from an accredited high school or a graduate equivalency diploma. In addition, every applicant must be a United States citizen, be physically and mentally fit to perform the full duties of a police officer and, prior to appointment, possess a valid motor vehicle operator's license issued by the Commonwealth of Pennsylvania.
- B. The Borough and the Civil Service Commission shall specify in the public notice required under these regulations whether the examination process to establish an eligibility list includes solely the position of police officer or is also open to applicants for the position of police officer cadet.
- C. The Borough and the Civil Service Commission, when deciding whether to include applicants for police officer cadets in the examination process, shall consider the personnel and operational needs of the Department.

SECTION 7: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article III, Section 9-20, subsection B thereof, entitled “General qualifications for applicants for promotion”, is hereby amended to read as follows:

- B. All applicants shall have continuous prior service with the Police Department of Shippensburg Borough as follows:
 - (1) An applicant for the position of Corporal, Sergeant, Lieutenant, or Captain shall have at least two years of service with the Department

SECTION 8: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article III, Section 9-21, entitled “Rejection of applicant” is hereby amended to read as follows:

§ 9-21 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 adopted for the particular position for which the applicant has applied. In addition, the Commission may refuse to examine, or, if examined, may refuse to certify, any applicant who is physically unfit to perform the full duties of the position applied for, is illegally using a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 802), who has been guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitutions and laws of the United States and the Commonwealth of Pennsylvania.

SECTION 9: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article III, Section 9-22, entitled “Recording and filing applications” is hereby amended to read as follows:

§ 9-22 Recording and filing applications.

Applications for positions in the Police Department shall be received at the Borough building only after an examination has been properly advertised and before the deadline for receiving applications, which must be set forth in the public advertisement. If using the Consortium, applications shall be received at a Borough Building after receiving the application and before the deadline for receiving applications. Applications will be received by the municipal officer designated in the public advertisement or that officer's designee. That person shall record the receipt of all applications and provide each applicant with notice of the time and place for the first portion of the testing procedure, the physical fitness testing. Any application containing material errors or omissions or missing required documents shall be returned to the applicant for correction prior to the deadline for filing applications, after which no new applications or amended applications will be accepted.

SECTION 10: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article IV, Section 9-25, subsections A and A(1), entitled “General examination requirements for positions of police officer” are hereby amended to read as follows:

§ 9-25 General examination requirements for positions of police officer.

- A. The examination for police officer will consist of a written and an oral examination, which will be graded on a 100-point scale, with the written examination representing 70% of the final score and the oral examination representing 30% of the final score, which written examination may be administered by the South Central Regional Testing Consortium, the Cumberland County Chiefs of Police Association, or other similar pooled testing service as the Commission may designate from time to time. In addition, each applicant will undergo a physical fitness test. A background investigation to include a polygraph or computer voice stress analyzer (“CVSA”) examination will be conducted after the creation of an eligibility list. This test and investigation will be graded on a pass/fail basis for every applicant. After an applicant has been extended an offer of probationary employment by Shippensburg Borough, final appointment shall be contingent upon the applicant passing a medical, and psychological exams.

The polygraph or CVSA examination shall be conducted for the limited purpose to assist the performance of the background investigation on each qualifying applicant eligible for certification. The procedures for conducting the polygraph or CVSA examination are as follows:

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

SECTION 11: RESERVED.

SECTION 12: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article IV, Section 9-27, entitled “Notice of examination” is hereby amended to read as follows:

§ 9-27 Notice of examination.

The Commission or Commission Designee shall appoint a written examination administrator, an oral examination administrator, a physical fitness examiner, a medical examiner, a psychological examiner and a polygraph examiner to conduct the appropriate examination required by these rules and regulations.

SECTION 13: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article IV, Section 9-28, entitled “Written examination” is being renumbered as Section 9-29 and is hereby amended to read as follows:

§ 9-29 Written examination.

Every applicant who passes the physical fitness test shall be given a written examination. The written examination shall be graded on a one-hundred-point scale, and an applicant must score 70% or higher in order to continue in the application process. Any applicant scoring less than 70% shall be rejected. The applicant shall be given written notice of his or her test results within 30 days after the administration of the written examination, and any passing applicants shall be scheduled for an oral examination appointment.

SECTION 14: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article IV, Section 9-29, entitled “Oral examination” is being renumbered as Section 9-30 and is hereby amended to read as follows:

§ 9-30 Oral examination.

Every applicant who scored 70% or higher in the written examination shall be given an oral examination with a score of 70% or higher necessary for passing. The oral examination shall involve questioning the applicant on how he or she would handle situations relevant to police work. Within 30 days after the applicant's oral examination, he or she shall be informed of the score in his or her oral examination and total overall score.

SECTION 15: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article IV, Section 9-30, entitled “Veterans’ preference points” is being renumbered as Section 9-31 and is hereby amended to read as follows:

§ 9-31 Preference points.

- A. Pursuant to the Veterans' Preference Act, any applicant for the position of probationary police officer who qualifies as a soldier under this Act shall receive an additional 10 points on top of their total score if the applicant had received passing scores under §§ 9-25, 9-29, and 9-30.
- B. Any applicant for the position of probationary police officer may receive an additional point on top of their total score if the applicant had received passing scores under §§ 9-25, 9-29, and 9-30 for each year of full time law enforcement experience. Applicant may not receive more than 5 points.
- C. Any applicant for the position of probationary police officer shall receive an additional five points on top of their total score if the applicant has a current Act 120 certification or waiver.

SECTION 16: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article IV, Section 9-31, entitled “Physical fitness testing” is being renumbered as Section 9-28 and is hereby amended to read as follows:

§ 9-28 Physical fitness testing.

Applicants for the position of police officer must demonstrate a fitness level that would allow them to perform the essential job functions of a police officer. Applicants must take and pass a physical agility test (which is job-related and appropriate for the Department), which may be administered by the South Central Regional Testing Consortium. The physical fitness testing will be administered first in the process of hiring a police officer.

SECTION 17: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article V, Section 9-33 entitled “Creation of eligibility list” is being moved to Article IV, is being renumbered as Section 9-32, and is hereby amended to read as follows:

§ 9-32 Creation of eligibility list.

- A. At the completion of the examination requirements set forth in Article IV, written examination, oral examination, and physical fitness test, the Commission shall rank all passing applicants for police officer on a list, with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list. Applicants who qualify for preference points shall have those points added to their passing score prior to being ranked on the eligibility list.

The Commission shall post in its office the eligibility list containing the names and grades of those who have passed the examination.

- B. For promotional positions, fulfilling the performance requirement set forth in § 9-20 is also required. In the case of tied scores, the tie will be broken by giving preference to the applicant who submitted a final completed application first. If both tied applicants submitted their complete applications on the same day, then the applicants shall be ranked in alphabetical order by surname.
- C. The eligibility list shall be valid for one year from the date the Commission ranks all passing applicants, assigns preference points and formally adopts the eligibility list. The Commission may, at its sole discretion, by a vote of the majority of the Commission at a duly authorized Commission meeting, extend the list for an additional year. The Commission may, at its sole discretion, void an eligibility list at any time for any reason.

SECTION 18: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article IV, Section 9-32, entitled “Background investigation” is being renumbered as Section 9-33 and subsections A and B are hereby amended to read as follows:

§ 9-33 Background investigation.

- A. A background investigation will be conducted after the creation of an eligibility list. The Commission or Commission Designee shall request a background examiner to conduct a background investigation on applicants as determined. The background investigation examinations of an applicant may include personal background, including family, education, military, and employment history, character references and personal associates, credit history and record of criminal convictions. The applicant may be interviewed directly when the information collected during the background investigation required classification or explanation.
 - 1. Applicants may be disqualified and background stopped for any of the following reasons: who is found to lack any of the minimum qualifications for examination prescribed in these rules and regulations adopted, is physically unfit for the performance of the duties of the position to which the applicant seeks employment; is illegally using a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 802), who has been guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitutions and laws of the United States and the Commonwealth of Pennsylvania.
- B. After the background investigation is completed successfully, the Chief or designee shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment as a police officer.

SECTION 19: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article V, entitled “Eligibility List and Appointment” is being renamed to “Appointment.”

SECTION 20: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article V, Section 9-35 entitled “Appointment of Chief of Police” is being renumbered as Section 9-38.

SECTION 21: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article V, Section 9-36 entitled “Physical and psychological examinations” is being renumbered as Section 9-35 and subsection B is hereby amended to read as follows:

- B. The vision test shall examine the applicant to determine whether the applicant meets the visual examination elements set forth in the Municipal Police Officers' Education and Training Commission's Rules and Regulations for Officer Certification.

SECTION 22: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article V, Section 9-37 entitled “Probationary period” is being renumbered as Section 9-36.

SECTION 23: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article V, Section 9-38 entitled “Provisional appointments” is being renumbered as Section 9-37.

SECTION 24: The Code of the Borough of Shippensburg, Chapter 9 thereof, entitled “Civil Service Commission”, Article VI, Section 9-39, subsection A, entitled “Grounds for disciplinary action” is hereby amended to read as follows:

§ 9-39 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, removed, or reduced 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 if such violation constitutes a misdemeanor or felony;
 - (4) Inefficiency, neglect, intemperance, immorality, disobedience of orders or conduct unbecoming an officer;
 - (5) Intoxication while on duty;
 - (6) Engaging or participating in the conduct of a political or election campaign while on duty or in uniform or while using borough property other than to exercise the officer's own right of suffrage; or
 - (7) Engaging or participating in the conduct of a political or election campaign for an incompatible office as provided in 8 Pa.C.S. § 1104(f) (relating to appointments and incompatible offices).

SECTION 25: Severability. The provisions of this Ordinance shall be severable and if any of its provisions shall be held unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect the validity of any of the remaining provisions of this Ordinance.

SECTION 26: Repealer. All ordinances or parts of ordinances inconsistent herewith are expressly repealed.

SECTION 27: Effective Date. This Ordinance shall become effective immediately.

ENACTED, ORDAINED, AND APPROVED this 6th day of February, 2024.

**BOROUGH COUNCIL OF THE BOROUGH
OF SHIPPENSBURG, CUMBERLAND AND
FRANKLIN COUNTIES, PENNSYLVANIA**

By: Michael J. Fugere
Council President

ATTEST:

Kerem Plastera
Secretary

[Signature]
Mayor of the Borough of Shippensburg