

Ordinance 93

Retirement



Beaver County Times

P.O. BOX 400
BEAVER, PA 15009-0400
AREA CODE 412 775-3200



LEGAL ADVERTISING INVOICE

TOWNSHIP OF HOPEWELL
1700 CLARK BOULEVARD
ALIQUIPPA PA 15001-4298

02/09/98 440.66

PROOF CHARGE IS \$3.00 FOR AFFIDAVIT, \$6.00 FOR CLERICAL FEE

ACCOUNT	INVOICE DATE	DESCRIPTION	LINES	TIMES	PROOF	TOTAL CHARGES
94249600	02/02/98	O/N-MAND RET POLICE	226	1	9.00	440.66
02/02/98	DATES APPEARED					

PROOF OF PUBLICATION

The **Beaver County Times**, a daily newspaper of general circulation, published by BEAVER NEWSPAPERS, INC., a Pennsylvania corporation, 400 Fair Avenue, West Bridgewater, Beaver County, Pennsylvania, was established in 1946, and has been issued regularly, except legal holidays since said date.

The attached advertisement, which is exactly as printed and published appeared in the regular issue on 02/02/98

BEAVER NEWSPAPER, INC.
By *Edmin Metzger*

STATE OF PENNSYLVANIA, }
COUNTY OF BEAVER, } SS:

EDMIN METZGER, who being duly sworn according to law says that he is CONTROLLER of BEAVER NEWSPAPERS, INC.; that neither affiant

nor said corporation is interested in the subject matter of the attached advertisement; and that all of the allegations of the foregoing statement including those as to the time, place and character of publication are true.

Sworn to and subscribed before me this 09TH day of FEBRUARY 1998

Edmin Metzger

The costs of advertising and proof, 440.66 has been paid.

Notarial Seal
Edmin L. Metzger, Notary Public
Bridgewater Boro, Beaver County
My Commission Expires May 2, 1998
Member, Pennsylvania Association of Notaries

BEAVER NEWSPAPERS, INC.

By _____

BEAVER COUNTY TIMES

P.O. BOX 400

BEAVER, PA. 15009

V171D

3 The Official Time of the State of Pennsylvania is kept by the State Department of Transportation, Bureau of State Police, at the State House, Harrisburg, Pennsylvania.

1 M: SMOULCHERID

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C: STRETCHER CARRY (2 PERSONS)
Officers are required to carry a stretcher with a simulated patient from a starting point, around a marker and back. Those falling on the first attempt will be allowed to reattempt the exercise with a person they who has successfully completed it.

1 Total Distance - 100 feet
1 D. QUARTER MILE RUN
Officers are required to run a distance of one-quarter mile on a premeasured course in the least time possible.
1 Maximum time - 110 seconds
1 E. WINDOW CLIMB
Officers are required to climb through a six foot high level

ORDINANCE NO. 98-2

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL,
BEAVER COUNTY, PENNSYLVANIA, A FIRST CLASS
TOWNSHIP UNDER THE LAWS OF THE COMMONWEALTH
OF PENNSYLVANIA, AMENDING
ORDINANCE NO. 80-4, PROVIDING FOR MANDATORY
RETIREMENT OF MEMBERS OF THE HOPEWELL TOWNSHIP
POLICE DEPARTMENT UPON THE ATTAINMENT OF
THE AGE OF SIXTY-FIVE (65) YEARS, TO
ALLOW AN EXCEPTION TO THIS REQUIREMENT
UPON SUCCESSFULLY DEMONSTRATING ANNUAL
PHYSICAL AND MENTAL FITNESS.

WHEREAS, the United States Legislature has passed an Amendment to TITLE 29, LABOR, USCA section 623 (j) which requires all political subdivisions to permit those who are employed as law enforcement officers and who have attained the age of sixty-five (65) an annual opportunity to demonstrate physical and mental fitness; and

WHEREAS, the above-referenced Amendment requires that the Secretary of Labor issue regulations identifying valid, non-discriminatory job performance tests that shall be used by employers in affording law enforcement officers the annual opportunity to demonstrate physical and mental fitness; and

WHEREAS, the Secretary of Labor has yet to issue regulations identifying valid, non-discriminatory job performance tests; and

WHEREAS, the Township of Hopewell employs several law enforcement officers who are nearing the mandatory age of retirement and in the interest of fairly complying with Title 29 USCA section 623 (j), as amended, and the intent of the Legislature, the Township of Hopewell deems it reasonably necessary to adopt a valid, non-discriminatory job performance test which shall remain in effect until such time as it is supplanted by the regulations of the Secretary of Labor; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Hopewell, Beaver County, Pennsylvania, and it is hereby Ordained and enacted by and with the authority of the same:

1. The purpose of this Ordinance is to Amend Ordinance 80-4 to fairly comply with Title 29 USCA section 623 (j), as amended, which requires all political subdivisions to permit those who are employed as 'member(s) of the police force" (hereinafter law

enforcement officers or officers) and who have attained the age of sixty-five (65) an annual opportunity to demonstrate physical and mental fitness.

2. Although the above-referenced Amendment requires that the Secretary of Labor issue regulations identifying valid, non-discriminatory job performance tests that shall be used by employers in affording law enforcement officers the annual opportunity to demonstrate physical and mental fitness, the Secretary of Labor has yet to issue said regulations.

3. Because the Township of Hopewell employs several law enforcement officers who are nearing the mandatory age of retirement and in the interest of fairly complying with Title 29 USCA section 623 (j), as amended, and the intent of the Legislature, the Township of Hopewell deems it reasonably necessary to adopt a valid, non-discriminatory job performance test which shall remain in effect until such time as it is supplanted by the regulations of the Secretary of Labor.

4. The following job performance test shall be given to all Township law enforcement officers annually beginning on that particular officer's sixty-fifth (65th) birthday and every year thereafter.

A. TRIGGER PULL

Officers are required to pull the trigger double action on a non-functional revolver with arm horizontally extended in both right and left hand using a steady rhythmic motion and pulling the trigger as many times as possible.

Minimum - strong hand - 30 times
Minimum - weak hand - 15 times

B. STIMULATED BODY DRAG

Officers are required to drag a simulated body to a termination point without assistance.

Total Distance - 50 feet
Total Weight - 200 pounds
Time - 15 seconds

C. STRETCHER CARRY (2 PERSONS)

Officers are required to carry a stretcher with a simulated patient from a starting point, around a marker and back. Those failing on the first attempt will be allowed to retake the exercise with a person who has successfully completed it.

Total Distance - 100 feet
Total Weight - 200 pounds

D. QUARTER MILE RUN

Officers are required to run a distance of one quarter mile on a premeasured course in the least time possible.

Maximum time - 110 seconds

E. WINDOW CLIMB

Officers are required to climb through a six foot high level window without assistance onto a three foot level platform on the other side of the window, then to the ground. Officers must then circle around a marker 25 feet beyond and retrace his or her path back through the window.

5. The aforementioned test must be successfully passed by the law enforcement officer to continue employment with the Township of Hopewell beyond the age of sixty-five (65).

6. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency..

7. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Commissioners that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

8. **Effective Date:**

This ordinance shall become effective the 10 day of February, 1998.

ADOPTED on this 10 day of February, 1998.

Patricia Lynn Bates
Manager

Patsy A. D'Eramo, Jr.
President,
Board of Commissioners