

RESOLUTION 90- 107

A RESOLUTION OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY PENNSYLVANIA AMENDING THE TOWNSHIP'S POLICE CIVIL SERVICE RULES AND REGULATIONS, ESTABLISHING NEW REGULATIONS AND REPEALING EXISTING RULES AND REGULATIONS.

WHEREAS, the Hopewell Township Police Civil Service Commission has reviewed its rules and regulations as amended, and originally adopted on September 5, 1961 and,

WHEREAS, the Hopewell Township Police Civil Service Commission at a meeting of the Commission on February 8, 1990 voted in unanamous favor to readopt the Township's rules and regulations following amendments thereto and,

WHEREAS, the Hopewell Township Board of Commissioners have reviewed the proposed rules and regulations and concurs with the Civil Service Commission's findings that the Hopewell Township Police Civil Service Rules and Regulations need to be revised and readopted.

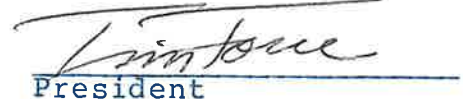
NOW THEREFORE BE IT RESOLVED, that the attached Rules and Regulations are hereby adopted as the Police Civil Service Rules and Regulation for the Township of Hopewell and any Police Civil Service Rules and Regulations previously adopted by the Township are hereby repealed.

ADOPTED this 13 day of February 1990

ATTEST

HOPEWELL TOWNSHIP  
BOARD OF COMMISSIONERS

  
Manager/Secretary

  
President

TOWNSHIP OF HOPEWELL  
POLICE CIVIL SERVICE COMMISSION  
RULES AND REGULATIONS

ARTICLE I

DEFINITIONS

APPOINTING AUTHORITY - Shall mean that person or group of persons, other than the commission, having by virtue of statute or other lawful authority to exercise executive control over the appointment, suspension, promotion and other position change and discipline of a member of the police force.

COMMISSION - Shall mean the police civil service commission.

ELIGIBLE LIST OR REGISTER - Shall mean the list of persons who have qualified through examination and are eligible for appointment to the classified service. The list shall be arranged in the order of the relative percentage of such persons from higher to lower.

COMMISSIONER - Shall refer to a member of the police civil service commission unless otherwise specified.

EXAMINATION - Shall mean the group of tests, oral, written, and/or performance given to candidates to determine their qualifications for a position in the regular police service.

FURLOUGH - Shall mean the temporary separation of an employee from the classified police civil service because of reduction in personnel, resulting in the placement of the furloughed employee's name on a re-employment list.

POLICE CIVIL SERVICE ACT OR ENABLING ACT - Shall refer to the Act of 1931, June 24, P.L. 1206, as amended, ("The First Class Township Code") Sections 625-650.

POLICE FORCE - Shall mean a police force organized and operating as prescribed by law, the members of which devote their normal working hours to police duty or duty in connection with the bureau, agencies and services connected with police protection work, and who are paid a stated salary or compensation for such work by the Township. This relates to regular full time police force and not to part time police.

RE-EMPLOYMENT LIST - Shall mean the list of persons furloughed and eligible for re-employment.

VETERAN - Shall mean any individual who has served active duty as a member of the military forces of the United States of America and been honorably discharged therefrom.

ARTICLE II  
GENERAL PROVISIONS

Section 1. Hereafter each and every appointment to and promotion in the police force of the Township of Hopewell

hereinafter called the Township, shall be made only according to qualifications and fitness to be ascertained by examinations which shall be competitive as hereinafter provided.

Section 2. No person shall hereafter be suspended, removed or reduced in rank as a pain employee in the police force of this Township except in accordance with the provisions of the enabling act and these authorized rules.

Section 3. The commission, itself, or by authorization, the secretary, may prescribe application blanks, forms, lists, and a record system for the expeditious reporting to it, or by it, of any matter pertaining to the work of the commission shall have the right to require that information be presented on such forms and to refuse information not so presented.

### ARTICLE III GENERAL ADMINISTRATION

Section 1. Except for the biennial organization meetings shall be held either at the call of the Chairman or at the call of two members of the Commission. At least twenty-four (24) hours written notice of each meeting shall be given each member. Except that no rule or regulation of the Commission shall be adopted at other than a public meeting, and except when otherwise provided in these rules, the Commission shall have the discretion to determine whether meetings shall be open to the public.

Section 2. Robert's Rules of Order shall guide the commission except as provided herein. The order of business shall be:

- (1) Reading of the Minutes
- (2) Communications
- (3) Consideration of Reports
- (4) Unfinished Business
- (5) New Business

A commission member may record in the minutes his approval of or dissent from the action of the Commission.

Section 3. Two Members of the commission shall constitute a quorum and those present may determine which member shall fulfill the duties of the absent member.

Section 4. Communications and requests to the commission shall be made in writing, and their substance and the action of the commission thereon shall be noted in the minutes.

Section 5. The secretary of the commission shall record in the time and place of each meeting of the commission and the names of the members present; all proceedings and official acts of the commission, including records of examination; the votes given by members except when the action is unanimous, and, when requested, a commission member's dissent, with his reason; and such other information as the commission may direct. The secretary shall cause the minutes to be written up forth with and presented for approval or amendment at the next regular meeting. The minutes, or a true copy thereof certified by the

commission, or by a majority thereof, shall be open with other records of the commission as provided by law.

Section 6. All applications, tests and records of applicants received by the commission shall be kept and preserved for a period of five years, and all such records and all written causes of removal filed with the commission shall be subject to reasonable regulation and open to public inspection.

#### ARTICLE IV APPLICATIONS

Section 1(a) No person shall be refused admittance to examination or registration for a position in the police service based upon prior residency in the Township of Hopewell, so long as he becomes a permanent resident prior to the completion of his probationary period, and until after he shall have filed in person, on a form prescribed by the commission may require, date and place of birth and citizenship. No applicant for examination shall be admitted to the examination room without a properly filled out admission card. Said card will be sent by the commission to the applicant prior to the examination.

Section 1(b) Each applicant must exhibit legal proof of citizenship and if a veteran, his honorable discharge, before his application may be received.

Section 1(c) Each applicant shall bear a recent professional photograph of the applicant, said photograph to be 2 1/2" x 2 1/2" in size.

Section 1(d) At the time of application, no applicant shall be less than 18 years of age. Each applicant will present satisfactory evidence of his date of birth.

Section 2. Each application shall bear the certificates of three reputable persons, of whom none need be residents of the Township of Hopewell, to the effect that they have personal knowledge of the applicant; that they know him to be of good character and reputation; and that they will, upon request, give the Commission such further information concerning him as it may require.

Section 3. An application shall be null and void one year after date upon which it was filed; and all application forms of the commission shall bear a notation to that effect.

Section 4. Applications when presented shall be dated, numbered and recorded in the order of their receipt. An application, once accepted and filed, shall not be returned to the applicant.

Section 5. Any wilful misstatement, falsification, or concealment in respect to an application, shall render the same null and void. Subject to discretion of the commission, a person making such false application shall be prohibited from making any future application in the classified service.

Section 6. Applications for a given position shall be received between fixed dates, as the commission may, be resolution, require, but no such fixed period shall be of less than ten (10) calendar days duration.

Section 7. All application blanks for admission to the examinations shall be obtained from the secretary of the commission or the Township Secretary.

#### ARTICLE V CALLING OF EXAMINATIONS

Section 1. Public notice by publication once in a newspaper of general circulation of the time and place of every competitive examination, together with information concerning the kind of position to be filled, the qualifications required of candidates therefore, shall be given at least two (2) weeks prior to such examination and a copy of the notice shall be prominently posted at the Township Building.

Section 2. Whenever a vacancy exists or such vacancy can be anticipated in a position in the competitive class for which there is no appropriate eligible list, or when, in the judgment of the Civil Service Commission shall schedule an examination.

Section 3. The commission may, at any time prior to the certification, appointment or reinstatement of a person to any position in the services, covered by the Civil Service Act, require such person to pass a physical examination, the nature and scope of which shall be determined by the commission.

#### ARTICLE VI EXAMINATIONS

Section 1. The commission shall designate the general nature, quality and scope of examinations, and shall determine their mode, i.e., whether written, oral, performance or any combination thereof.

Section 2. In preparing questions to be used in an examination, the examiner may consult with heads of departments or their responsible subordinates, and with specially qualified persons or experts outside the Township service, concerning duties of a position to be filled, the qualifications to be required of candidates therefore and date upon which questions may be based. All examinations must be approved by the commission. Prior to the completion of an examination all questions intended therefore, shall be in charge of the examiner and his assistants, and shall be kept strictly secret by them.

Section 3. An examination may be divided into a number of subject-papers or tests, each of which shall be marked on the scale of one hundred, and properly weighed. The sum of the weighed scores for all subject-papers and tests shall not exceed one hundred percent (100%) and shall constitute the final grade of the applicant unless he be a veteran, in which case ten percentum (10%) shall be added to his earned score, provided that such score is equal, or superior, to the passing mark set for the said competitive examination.

Section 4. The minimum passing grade for an examination for the position of Patrolman shall be a score of seventy percent (70%). The minimum passing grade for an examination for the position of Sergeant, Lieutenant, Captain, shall be

a score of seventy-five percent (75%).

Section 5. The examiner, with the consent of the commission shall determine in advance the credit to be awarded candidates for training and experience.

Section 6. Any candidate who, after proper investigation is, in the opinion of the commission, guilty of any reprehensible conduct in respect to any examination shall be disqualified from participation therein, at the discretion of the commission; may be excluded from any future examination; and may be prosecuted under the penal provisions of the Civil Service Acts.

Section 7. Before proceeding to answer the questions in an examination, each candidate shall be required to: (a) sign, and deposit, in a locked box the admission card sent him with notification of the examination; and (b) fill out and sign a declaration form, giving his full name, address, and such other information as the commission may require, which form the applicant shall seal in an unmarked official envelope in the presence of the responsible examiner. At the close of the examination, the envelope and the papers of the candidate shall be marked with an identical number, which number shall be kept secret by the examiner. The envelope shall then be deposited in a safe place and shall be opened for identification of the candidate only after all papers submitted in the examination have been graded.

Section 8. Any examination paper bearing the name of the candidate or any other identifying mark or matter shall be rejected; and specific announcement of this provision shall be made at the commencement of every examination.

Section 9. After the completion of the examination, all papers submitted by applicants shall be marked and graded by a person or persons other than the person or persons supervising the said examination. The commission to give the test and grade the papers.

Section 10. When an examination is scheduled for a position for which there is an insufficient eligible list, the persons whose names appear on the existing list shall be notified of the date of such examination, provided that such list shall not have been in being for a period exceeding one year.

Section 11. Any applicant or candidate who, after a hearing before the commission, shall have been found guilty of giving false information on any application or in respect to any examination or guilty of any examination, shall be excluded from any eligible roster resulting from the said examination and may at the discretion of the commission be excluded from all subsequent examinations.

Section 12. No person shall be eligible to take an examination until a doctor designated by the commission certifies that the applicant is free from any bodily and mental defects, deformity or disease that might incapacitate him from the discharge of the duties of the position desired. The cost of the physical examination shall be borne by the applicant.

## ARTICLE VII ELIGIBLE LISTS

Section 1. The Civil Service Commission shall, as soon as practicable after each examination, prepare and make public a list of all persons who have passed the examination and who are eligible for appointment to the position or class of positions for which the examination was held. Names shall be arranged in descending order according to the final ratings attained.

Section 2. When two or more eligibles have received the same average rating, priority in listing shall be given to:

(a) a Veteran; (b) person with suitable prior experience or training. When neither of the foregoing provisions is applicable, priority on the list shall be determined by lot.

Section 3. The commission, at its discretion, may void an eligible list at any time, but in no case shall any eligible list remain in effect for a period of more than one (1) year from the date of its preparation, unless extended by an action of the commission. No list shall be extended for a life of more than one (1) year.

Section 4. The name of any person on an open competitive eligible roster who is a veteran shall be identified as such on the said roster by the capital letter "V" (Veteran) placed opposite his name.

## ARTICLE VIII CERTIFICATION AND APPOINTMENTS

Section 1. The appointing authority, in making a requisition upon the commission for a certification form which to fill a vacancy in the classified service, shall state in writing the title, character, and duties of the position, and the compensation to be paid.

Section 2. Persons tendered appointment must report to the head of the department or to the appointing authority within five (5) days from the date of such tender. In case of failure to report, such failure shall be considered a declination, and the name shall be removed from the eligible list. If tender be made by mail, same shall be forwarded "Registered Mail Return Receipt" and the five day period shall be reckoned from the date of the receipt of the notice.

Waivers must be filed with the commission in writing and if approved, the name of such eligible shall not be certified until the waiver has been withdrawn in writing. Waivers, whether continuous or otherwise, shall not be permitted for a period longer than one (1) year.

Section 3. Whenever any permanent position in the competitive or noncompetitive class is abolished or made unnecessary, or whenever the number of positions of a certain character is reduced for any cause, the person or persons legally holding such position shall be placed by the commission on a preferred list under such classified title and corresponding to such competitive eligible list, as, in the judgement of the commission, most nearly covers the class of duties performed by such persons in the position upon the preferred eligible list for a period greater than one (1)

year, except by action of the commission recorded in its minutes. Priority in listing shall be given persons longest out of service and, in the event that two or more persons shall have been of service for an equal opportunity shall be given the person senior in original appointment. 1

#### ARTICLE IX

##### PROVISIONAL AND TEMPORARY APPOINTMENTS

Section 1. Provisional appointments shall not exceed a period of three months duration, nor shall successive provisional appointments be made to the same position.

Section 2. Acceptance of a provisional or temporary appointment shall not confer upon appointee any rights or permanent tenure, promotion, transfer, or reinstatement, nor may service as a temporary or provisional employee be credited as experience in any examination.

Section 3. It shall be the duty of the appointing authority to notify any provisional or temporary appointee in writing at the time of appointment, concerning the terms and tenure of such appointment as provided by law, and to take his written acknowledgement of such notice.

#### ARTICLE X

##### PROMOTIONS

Section 1. Except for the position of Chief of Police, vacancies in positions in the service above the lowest rank or grade shall, so far as is practicable, be filled by promotion from among persons in the existing department, who have held positions, for a period to be determined by the commission, in the next lower rank or grade, said period not to be less than six (6) months.

Section 2. Anything else to the contrary herein notwithstanding, applicants for promotion need not undertake a physical examination nor must the notice of competitive examination for promotions be advertised in a newspaper or general circulation provided all eligible applicants receive personal notice by hand delivery or registered mail of the competitive examination at least 10 days prior thereto."

#### ARTICLE XI

##### REDUCTIONS AND DISMISSALS

Section 1. No person employed as a regular full time police officer, with the exception of policemen appointed for a probationary period of one year or less, shall be suspended, reduced in rank, or removed except for the following reasons:

(a) Physical or mental disability affecting his ability to continue in service in which case the person shall receive an honorable discharge from service.

(b) Neglect or violation of any official duty.

(c) Violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony.

(d) Inefficiency, neglect, intemperance, disobedience of order or conduct unbecoming of an officer.



(e) Intoxication while on duty, or the drinking of intoxicating beverages while on duty.

(f) Engaging or participating in the conducting of any political or election campaign other than to exercise his own right of suffrage.

(g) Lack of work, abolition of position failure of the appointing authority to provide salary therefore.

Section 2. The following procedure shall be observed in all cases of reduction of rank or dismissal.

(A) The appointing authority shall furnish written notice to employee of (1) suspension for five (5) calendar days, including, (2) detailed specific charges, on which the proposed reduction or dismissal is based; and (3) warnings that if, within the said five days, satisfactory written answer to the aforesaid reasons or charges is not returned, order of reduction or dismissal will issue: and

(B) On failure of employee to make satisfactory answer to notice "A" supra, the appointing authority shall advise him in writing of his reduction or dismissal: and

(C) The appointing authority shall furnish to the commission for its convenience, immediately upon receipt or mailing, copies of all correspondence incident to a reduction or dismissal including:

- (1) Notice of suspension with charges.
- (2) Answer to charges.
- (3) Notification of restoration, reduction or dismissal.

(D) Before the time for answer has passed, the employee sought to be dismissed or reduced may petition the Civil Service Commission for reduction or dismissal more specific and detailed. If such petition is reasonable, the commission shall order the appointing authority in writing to furnish the commission and the employee sought to be dismissed or reduced with an amended notice to the commission forthwith. The employee in question shall have five (5) calendar days from receipt of the amended notice in which to make written answer set forth in Clause "A" of this section. If such answer be made, a copy thereof shall be furnished the commission forthwith by the appointing authority.

(E) In making discharges or reductions or in granting leaves of absences, the head of the department shall first discharge, reduce or furlough the employee or employees, if any, who are eligible to retirement under any pension system then in effect. If there be no such employee or employees or if the number thereof be insufficient to meet the emergency, then the reduction shall be effected by furloughing the employee or employees, including probationers last appointed said police force. Such removal shall be accomplished by furloughing in numerical order, commencing with the last employee appointed until such reduction shall have been accomplished. In the event the said police force shall again be increased the employees furloughed shall be reinstated in the order of their seniority in the service.

ARTICLE XII

REPEAL OF PREVIOUS COMMISSION  
(Police Civil Service Commission)

Section 1. Any rules and regulations previously in existence as adopted by the Hopewell Township Civil Service and the Hopewell Township Board of Commissioners are hereby repealed.

ARTICLE XIII

AMENDMENTS

Section 1. The commission, with the approval of the Hopewell Township Board of Commissioners, may, from time to time, amend any part of these rules and regulations. The foregoing rules and regulations, which are in accordance with the powers granted by the civil service sections of "The First Class Township Code", Sections 625-650 as amended, enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the Board of Commissioners of the Township of Hopewell are hereby adopted by the Civil Service Commission of the Township of Hopewell on February 8, 1990.

Steve Mulik

Chairman

Tim Force

Vice Chairman

Dick Anderson

Secretary

Approved by the Board of Commissioners of the Township of Hopewell on February 13, 1990.

Tim Force

President

ATTEST:

James Eichenlaub

Secretary