Revised
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BOROUGH OF FOREST HILLS
ALLEGHENY COUNTY
PENNSYLVANIA

CIVIL SERVICE COMMISSION
RULES AND REGULATIONS

ADOPTED BY:
THE CIVIL SERVICE COMMISSION
AND
THE BOROUGH OF FOREST HILLS

May 28, 2014

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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:

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.

Appointing Authority: - The Borough Council of the Borough of Forest Hills, Allegheny County, Pennsylvania.

Certification: - The submission to the Appointing Authority pursuant to their request for three names taken from the eligible list developed by the Civil Service Commission.

Chairperson: - The Chairperson of the Civil Service Commission of the Borough of Forest Hills, Allegheny County, Pennsylvania.

Commission: - The Civil Service Commission of the Borough of Forest Hills, Allegheny County, Pennsylvania.

Eligible: - A person whose name is recorded on a current eligible list or furlough list.

Eligible List: - The list of names of persons who have passed all tests and/or examinations, except for the physical and psychological tests and/or examinations, for a particular position in the Police Department.

Examination: - The series of tests and/or examinations given to candidates to determine their qualifications for a position in the Police Department.

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.

Medical Examination – An 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.

Physician – An individual licensed under the laws of the Commonwealth to engage in the practice of medicine as further defined in 1 Pa.C.S. § 1991.

Police Officer: - For purposes of these Rules and Regulations, an entry level, sworn position in the Police Department.

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

Qualified Medical Professional – An individual who is licensed under the laws of the Commonwealth of Pennsylvania as a Physician Assistant or as a Certified Registered Nurse Practitioner.

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.

Secretary: - The Secretary of the Civil Service Commission of the Borough of Forest Hills, Allegheny County, Pennsylvania.

Suspension: - The temporary separation of a Police Officer from the Police Department.

1.2 Gender.

The words, "he", "his", "him", "man", or "men", when used in these Rules and Regulations, represent both the masculine and feminine genders.

CHAPTER 2. THE COMMISSION.

2.1 Civil Service Commission.

The Commission shall consist of three Commissioners who shall be qualified electors of the Borough of Forest Hills, and shall be appointed by the Forest Hills Borough Council to serve for terms of six (6) years.

Any vacancy occurring in the Commission for any reason whatsoever, shall be filled by the Forest Hills Borough Council for the unexpired term within the period of thirty (30) days after such vacancy occurs.

Each member of the Civil Service Commission, before entering upon the discharge of the duties of their office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania, and to perform their official duties with fidelity. A Civil Service Commissioner for the Borough of Forest Hills shall be reimbursed for travel expenses, and other Commission related expenses, but shall receive no compensation for his or her service.

2.2 Office 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 Forest Hills Borough Council. That same member, who is a member of the Borough Council, or another Commissioner, but limited to not more than one, may be a member of the teaching profession.

2.3 Organization of Commission – Quorum.

The Commission first appointed shall organize within ten (10) days of its appointment and shall elect one of its members as Chairperson, one as Vice Chairperson and one as the Secretary. The Commission shall thereafter meet and reorganize on the first Monday of February of each even numbered year. Two members of the Commission shall constitute a quorum. No action of the Commission shall be valid unless it shall have the concurrence of at least two (2) members.

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 or these Rules and Regulations.

2.5 Duties of the Secretary.

The Secretary, under the direction of the Commission shall handle all official correspondence of the Commission, send out all notices required by law and these Rules and Regulations. He shall maintain a record of each examination or other official action of the Commission, and perform all other duties required by law or these Rules and Regulations.

2.6 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. The Secretary of the Commission shall give each Commissioner at least a twenty four (24) hour notice, in writing, of each and every meeting of the Commission. In all cases regarding meetings, the Commission shall follow the provisions provided for in the "Sunshine Law."

2.7 Clerical Assistance & Supplies.

The governing body shall furnish the Commission with such supplies and clerical assistance as may be necessary for the Commission to fulfill its duties. The Commission may retain legal counsel to represent their interests. This Attorney shall be one other than the Borough Solicitor, to prevent a possible conflict of interest in matters which come before the Commission. The Civil Service Commission may also hire any other consultant or expert, including physicians, psychologists and psychiatrists, as are necessary. The elected and appointed officials of the Borough of Forest Hills shall assist the Commission with all reasonable and appropriate efforts, including compensation for any counsel or experts retained by the Commission.

2.8 Amendment of Rules & Regulations.

The Commission may amend, revise, void or replace these Rules and Regulations for any reason by action of a majority of the Commission. Before any changes to these Rules and Regulations become effective, those changes must be approved by the Borough of Forest Hills Council. These Rules and Regulations, and any amendments thereto, once approved, by the Borough, shall be made available to the public for distribution or inspection, as amended.

2.9 Minutes and Records.

The Commission shall keep minutes of its proceedings and records of examinations and other official action. All records of the Commission shall be preserved and disposed of according to the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued by the Local Government Records Committee under the authority of the Municipal Records Act of 1968, P.L. 961, No. 428, 53 P.S. § 9001.

2.10 Investigations.

The Commission shall have the power to make investigations concerning all matters relating to the administration and enforcement of these Rules and Regulations. The Chairperson of the Commission is authorized to administer oaths and affirmations in connection with such investigations.

2.11 Subpoenas.

The Commission shall have the power to issue subpoenas over the signature of the Chairperson, or his designee, to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of such 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 expense of the Commission.

All officers in public service and employees of Forest Hills Borough shall attend and testify when required to do so by the Commission. If any person shall refuse or neglect to obey any subpoena issued by the Commission, upon conviction of such refusal or neglect in a summary proceeding, that person shall be sentenced to pay a fine not to exceed one hundred dollars ($100.00), and default of the payment of such fine and costs shall be imprisoned not to exceed thirty (30) days.

If any person shall refuse or neglect to obey any subpoena, the Commission may apply by petition to the Court of Common Pleas of Allegheny County, Pennsylvania, for a subpoena, requiring the attendance of such persons before the Commission or the Court to testify and to produce any records and papers as necessary, and in default, shall be held in contempt of Court.

2.12 Annual Report.

The Commission shall make an annual report to the Forest Hills Borough Council, containing a brief summary of its work during the year, and shall make a full accounting for any expenditure of public monies. The annual report shall be then available for public inspection.

CHAPTER 3. APPLICATIONS AND QUALIFICATIONS.

3.1 Eligibility for Examinations.

In order to be eligible for participation in any examination for any entry level position with the Forest Hills Borough Police Department, every applicant must submit a completed application form to 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.

3.2 Discrimination.

The Borough of Forest Hills is an equal opportunity employer. It is the Borough of Forest Hills' and the Commission's policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, age, veteran's status, marital status, or non-job related physical or mental handicap or disability. The Borough of Forest Hills and the Commission will provide equal opportunities in employment and promotion.

3.3 Availability.

Application forms shall be available to all interested persons in the office of the Borough Secretary and from such other offices and officers that the Commission may choose to designate. Application forms may be mailed to a potential candidate upon written or telephone request. However, the Commission assumes no responsibility for missing filing deadline dates due to a delay in the mails or for any other reason.

3.4 Age Requirements.

All applicants must have reached their twenty first (21st) birthday before the deadline for submitting a completed application.

3.5 General Qualifications – All Applicants.

Every applicant for any position in the Forest Hills Borough Police Department must possess the following qualifications:

(a) A diploma from an accredited high school or a graduate equivalency diploma (GED), plus have earned 60 credit hours of college-level study.

(b) Have, at a minimum, 2080 hours of experience working as a police officer.

(c) Successfully completed Pennsylvania Act 120 qualifications prior to being appointed to a Police Officer position for the Borough of Forest Hills.

(d) Be a United States citizen.

(e) Be physically and mentally fit to perform the full duties of a Police Officer in Forest Hills Borough.

(f) Be eligible to legally operate a motor vehicle in the Commonwealth of Pennsylvania.

3.6 General Qualifications – Promotions.

(a) All applicants for a promotional position, except Chief of Police, shall not have received a formal written reprimand for one (1) year prior to the deadline for submitting applications and shall not have been suspended without pay for more than an aggregate of three (3) days over the most recent three (3) year period prior to the deadline for submitting an application for the promotional position. 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.

(b) All applicants except for Chief shall have had continuous prior service as an entry-level Police Officer with the Forest Hills Borough Police Department as follows:

(1) An applicant for the position of full-time police officer, if designated by the Borough as a promotion, shall have at least 1500 hours of service as a part-time Police Officer in the Forest Hills Borough Police Department;

(2) An applicant for the position of Sergeant shall have at least three (3) years of continuous prior service as a full time Police Officer in the Forest Hills Borough Police Department.

(3) An applicant for the position of Lieutenant shall have at least five (5) years of continuous prior service as a full time Police Officer with the Forest Hills Borough Police Department. At least one of these prior years of service must have been served as a Sergeant with the Department.

3.7 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 is:

(a) Found to have furnished incomplete, inaccurate, misleading or false information on the official application or in response to any portion of the hiring process;

(b) Physically or mentally unfit to perform the full duties of the position;

(c) Who is illegally using a controlled substance, as defined in 21 U.S.C. § 802;

(d) Guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office; or

(e) Affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitution and laws of the United States and the Commonwealth of Pennsylvania.

A candidate may be declared ineligible after the initial certified list is posted if he/she fails to qualify on the background investigation as outlined in Chapter 4 of these Rules and Regulations.

3.8 Recording and Filing Application.

Applications for positions in the Forest Hills Borough Police Department shall be received at the Borough Secretary's Office only after an examination has been advertised and before the deadline set forth in the public advertisement. 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 indicating both the time and date received. The applicant in turn will be provided with a notice of the time and place for the written examination. Any application containing material errors or omissions, may, at the discretion of the Commission, be returned to the applicant for correction and then must be returned to the Commission prior to the deadline for filing. No new applications or amended applications or supporting documents will be accepted after the advertised closing time and date, unless specifically requested by the Civil Service Commission.

3.9 Hearing for Disqualified Applicants.

If any applicant or person is aggrieved by refusal of the Commission to examine or certify the applicant as eligible after examination, the Commission shall, at the request of the applicant, within ten (10) days, appoint a time and place for a public hearing, with or without legal counsel, at which time the Commission shall take testimony and review its refusal to provide examination or certification. The hearing shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. C.S. Section 101 et.seq., as the same may be amended from time to time. The applicant or aggrieved party must make his request for a hearing in writing within ten (10) calendar days of the date when the party knew or should have known of the Commission's action which is being challenged.

3.10 Public Notice.

The Commission shall conspicuously post in the Forest Hills Borough Municipal Building an announcement of the hiring or promotional testing and set forth the time and place of every examination, together with the information as to the type of position to be filed, the requirements for that position, where applications may be obtained for the examination, and the deadline for filing those applications. For the position of police officer, 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 the Borough of Forest Hills.

CHAPTER 4. EXAMINATION AND GRADING PROCEDURE.

4.1 General Examination Requirements for the Position of Police Officer

In general, the entry-level position for the Forest Hills Borough Police Department will be that of a part-time police officer. The examination for part-time police officer will consist of both a written examination and an oral examination, which will be graded on a one hundred (100) point 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. Each applicant will undergo a physical fitness test. Prior to being placed on the list of certified candidates, the applicant will undergo a complete background examination. These tests, examinations and investigations, with the exception of the written and oral exams, will be graded on a pass/fail basis. 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 check performed. Thus, any individual appearing on the initial eligibility list is subject to background investigation and no one will be certified as eligible on a 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 4.8 of the Rules and Regulations. Any individual appearing on the initial eligibility list is subject to a background investigation and no one will be certified in accordance with Section 5.2 of these Rules and Regulations until they have successfully completed that investigation and received a written recommendation that the applicant is appropriate for consideration in accordance with Section 4.8 of these Rules and Regulations.

The Borough reserves the right to designate the full-time position as entry-level in the event that no suitable candidates are identified for the part-time position or for any other reason. In the event, the Borough designates the full-time position as entry level, the examination process described the prior paragraph will apply.

4.2 General Examination Requirements for Promotion.

In the event the Borough exercises its contractual right to promote a part-time officer lawfully hired in accordance with these Rules and Regulations to a full-time patrol officer position, those part-time officers wishing to be considered for a full-time appointment shall be subjected to review by the Chief of Police who shall rate the interested part-time officers and make a recommendation to Borough Council. A part-time officer lawfully hired under these rules and regulations and subsequently appointed to a full-time position shall serve a probationary period and shall continue to be subject to the civil service provisions of the Borough Code and the Rules and Regulations of this Commission.

The examination for the positions of Sergeant and Lieutenant 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 and the Oral Examination representing thirty percent (30%) of the final score.

4.3 Notice of Examination.

The Commission shall appoint a written examination Administrator(s), an Oral Examination Administrator(s), a Physical Fitness Examiner, a Medical Examiner and a Psychological Examiner to conduct the appropriate examinations required by these Rules and Regulations. All appointments shall be at the sole discretion of the Commission.

Members of the Civil Service Commission of the Borough of Forest Hills will not participate in any of the examination procedures, nor will they conduct or participate in background investigations, either as examiners or observers. However, the Civil Service Commission shall coordinate all of the hiring processes to assure compliance with these Civil Service Rules and Regulations.

4.4 Written Examination.

The written examination shall be graded on a one hundred (100) point scale. An applicant must score at least seventy percent (70%) and be among the top twenty five (25) scores, including ties, to qualify and continue in the application 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. Written examinations for promotional positions are covered in Section 4.2 of these Rules and Regulations.

4.5 Oral Examination.

Every applicant who has satisfied all of the written examination requirements provided in section 4.4 shall be given an oral examination. An applicant must score at least seventy percent (70%) and be among the top fifteen (15) scores, including ties, 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 examination, the applicant shall be given written notice of their examination results. Oral examinations for promotional positions are covered in Section 4.2 of these Rules and Regulations.

4.6 Veterans' Preference Points.

Pursuant to the Veterans' Preference Act, any applicant for the entry-level 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 4.1, 4.4, 4.5 and 4.7 of these Rules and Regulations.

4.7 Physical Fitness Testing.

An applicant for the entry level position of Police Officer must meet the physical fitness requirements, as administered by, and in accordance with the Allegheny County Police Academy Standards. The fitness test will be job related, consistent with business necessity, and

specifically tailored to demonstrate an applicant's ability to perform the essential functions of the police officer position. The test shall be uniformly administered and graded on a pass/fail basis.

Applicants who have either successfully passed, or failed the Physical Fitness Test will be so notified in writing by the Commission within thirty (30) days.

4.8 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 a certified list of those eligible as set forth in Section 5.2 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 Municipal Police Officer's Education and Training Commission (MPOETC), as required by law. The applicant may be interviewed directly when the information collected requires clarification or further explanation. The investigator may use his own discretion in the expansion or contraction of these items and time frames.

After the background investigation is completed, the Chief of Police or his 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 Borough of Forest Hills.

The recommendation by the Chief or his designee shall be based on the criteria set forth in Section 3.7 of these Rules and Regulations and on any other information developed during the background investigation. This report to the Commission shall be in writing and in compliance with the Americans with Disabilities Act, must not include any medical 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.

CHAPTER 5. CERTIFICATION OF ELIGIBILITY LIST AND APPOINTMENTS

5.1 Creation of Eligibility List.

At the completion of the examination requirements set forth in Chapter 4, the written examination, the oral examination, background examination, physical fitness testing, the Commission shall rank the candidates who have satisfied the minimum requirements for appointment on the eligibility list. The applicant having received the highest score shall be at the top of the list, with all other candidates being listed in descending order of their scores. Applicants who qualify for veteran's preference points shall have those ten (10) points added to their final score prior to being ranked on the eligibility list.

Any individual appearing on the initial eligibility list is subject to a background investigation and no one will be certified in accordance with Section 5.2 of these Rules and Regulations until they have successfully completed that investigation and received a written recommendation that the applicant is appropriate for consideration in accordance with Section 4.8 of these Rules and Regulations.

For promotional positions, fulfilling the performance requirements set forth in Section 3.6 is also required. In the case of tied scores, the tie will be broken by giving preference to the applicant who submitted their completed application first. If both tied applicants submitted their completed applications on the same day, then the applicants shall be ranked in alphabetical order by surname.

The eligibility list will be valid for a period of one (1) year from the date the Commission formally adopts the eligibility list for new hires and two (2) years for the positions of Sergeant and Lieutenant. Prior to expiration of the one year period the Commission may, at its sole discretion, by vote of the majority of the Commission, at a duly authorized Commission meeting, extend the eligibility list for new hires for up to one (1) additional year. In the absence of a lawful extension by the Commission, the list shall expire.

5.2 Appointments.

(a) The Appointing Authority of the Borough of Forest Hills may fill any vacancy in an existing position in the Police Department for any of the following reasons: expansion of the Police Department, retirement, resignation, disability or death. The position(s) may be filled by reappointment or reinstatement of a former employee of the Police Department who had been furloughed. Except for physical and psychological examinations, no other testing shall be required for a furloughed, rehired or reappointed employee.

(b) If there is not a furlough list or if positions remain to be filled after all of the Officers on the furlough list were offered reemployment, every position, except that of Chief of Police and full-time Police Officer (if deemed a promotion), shall be filled only in the following manner.

(1) The Appointing Authority of the Borough of Forest Hills shall notify the Commission of any vacancy which is to be filled and shall request certification of an eligibility list.

(2) The Commission shall certify the names of the three persons on the eligibility list who have received the highest average in the last preceding examination for each vacancy.

(2) If three (3) names are not available, then the Commission shall certify the name(s) remaining on the list.

(3) The Borough of Forest Hills shall make a conditional offer of appointment from the three names certified based solely on the merits and fitness of the candidates. However, for the initial appointment to the position of Police Officer, when one of the three applicants on the certified list is a veteran, that applicant shall be selected. If two or more of the names on the certified list of three are veterans, the Appointing Authority shall have the discretion to appoint the veteran they deem most qualified.

(c) The Borough of Forest Hills Council may object to one or more of the persons certified for the reasons set forth in Section 3.7 of these Rules and Regulations. If the candidate to whom the Borough of Forest Hills Council objects fails to timely exercise the rights of appeal under Section 3.9, if the Commission declines to uphold the appeal, or if the conditional appointee is determined to be unqualified in accordance with the procedures set forth in Section 5.4 the Commission shall strike that name from the eligibility list and certify the next highest name for inclusion on the list of three candidates for each name stricken off.

(d) Council may schedule a meeting with the individuals certified as eligible by the commission in order to assist in their evaluation of the merits and fitness of the candidates provided that each candidate is subject to the same process and that nothing in this process may be used to circumvent the preference afforded a veteran pursuant to applicable law.

5.3 Appointment of Chief of Police.

In the event of a vacancy in the office of Chief of Police, the Appointing Authority has full discretion in selecting the individual to fill the position of Chief of Police. If the Appointing Authority requests the Commission to subject that person to a non-competitive examination, and if the Commission certifies that person as qualified, in compliance with the Borough Code, he may then be appointed to such position, and if appointed, shall then only be removed from the position of Chief of Police for reasons set forth in Section 6.1 of these Rules and Regulations.

A Police Chief may be appointed without civil service status. If this is done, that individual may be returned to a prior rank if promoted from within, or dismissed if an outside appointment, without implicating civil service hearing rights.

5.4 Physical and Psychological Medical Examinations.

(a) An applicant selected from the eligibility list shall receive a conditional offer of employment. The offer of employment shall be conditioned upon the 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 under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be 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 Borough Council and shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question the person's ability to perform all of the essential functions of the position for which the person was conditionally appointed.

(c) 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 the position, a person designated by Borough Council shall meet with the conditional employee for the purpose of having one or more interactive discussions with the conditional appointee on assessing whether the conditional appointee can, with or without reasonable accommodation, perform all of the essential functions of the position.

(d) If at the conclusion of the interactive discussion under subsection (c), Borough Council determines that the conditional appointee is not qualified, Council shall give written notice to the conditional appointee and the Commission. The rejected conditional appointee may appeal this decision under Section 3.9 of these Rules and Regulations. The Commission shall then certify another name to be included with the two previously certified names for consideration by the Appointing Authority pursuant to Section 5.2.

(e) If the conditional appointee successfully passes the physical and psychological medical examinations, then that employee shall be appointed to the vacant position in the Police Department for which the candidate had applied.

(f) It is the intent of the Commission that this section be administered in compliance with the American with Disabilities Act.

5.5 Probationary Period.

Every successful applicant for the entry-level position of Police Officer or to a promotional position within the police department shall serve a twelve (12) month probationary period. For entry-level police officers, the probationary period will begin on the first day the new officer reports for work. During this probationary period, the entry-level police officer may

only be dismissed for cause for the reasons set forth in Sections 3.7, 6.1 and/or 6.2 of these Rules and Regulations or because of incapacity for duty due to the use of alcohol or drugs. A promoted Officer, during probation, may be returned to the rank from which he was promoted, only for cause for the reasons set forth in Sections 3.7, 6.1 and/or 6.2 of these Rules and Regulations.

If at the close of the twelve (12) month probationary period the conduct or fitness of the entry-level probationer has not been satisfactory to the Forest Hills Borough Council, the entry-level probationer shall be notified in writing by the Council that the appointment will not be permanent. Following receipt of this notification by the probationer, the entry-level police officer's employment shall end. Any probationer who is notified in writing by the Council, prior to completion of the twelfth month probation period, that his appointment will not be made permanent, has no rights of appeal under these Rules and Regulations. If the probationer is not notified or dismissed in accordance with this section, his retention shall be equivalent to a permanent appointment.

After satisfactory completion of twelve (12) month probationary period, an entry-level employee shall receive permanent status within the Police Department.

5.6 Provisional Appointment.

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 list of eligibles for such appointment, the Forest Hills Borough Council may nominate a person to the Commission for a non-competitive examination. Such a nominee may be certified by the Commission after the nomine successfully passes such a non-competitive examination. He may then be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the Commission, within thirty days, to begin the process for a competitive examination and related tests, investigations and examinations, under Sections 3 and 4 of these Rules and Regulations. A list of eligible will then be established and a certified list of three names will be presented to Borough Council from which a regular appointment shall be made. Nothing in this Section shall prevent the appointment, without examination, of persons temporarily assigned the full duties of a Police Officer for the Borough of Forest Hills in cases of riots or other such emergencies.

CHAPTER 6. SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK.

6.1 Grounds for Disciplinary Action.

(a) No person appointed to a position in the Police Department 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 with the Forest Hills Borough Police Department.

(2) Neglect or violation of any official duty.

(3) Violation of any law of the Commonwealth of Pennsylvania which provides that such violation constitutes a misdemeanor or felony.

(4) Inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming an Officer of the Borough of Forest Hills.

(5) Intoxication while on duty.

(6) Engaging or participating in, or conducting of any political or election campaign other than the Officer's exercise of the right of suffrage.

(b) No Police Officer, including Chief, Lieutenant or Sergeant, shall be removed, censured or reprimanded for any religious or racial reasons.

6.2 Furloughs.

(a) If it shall be deemed necessary by the Borough of Forest Hills to reduce the number of police officers in the Department, then the Borough shall apply the following procedures:

(1) If there are any employees eligible for retirement under the terms of any retirement or pension law, the Borough may first determine whether any of those employees eligible for retirement are interested in retiring. In the event the number of employees voluntarily retiring is insufficient to affect the number of reductions required, the Borough shall proceed under section 6.2(a)(2) below.

(2) If the number of police officers who voluntarily elect to retire is insufficient to affect the number of reductions required, then the reduction shall be affected by furloughing part-time police officer(s), including probationers, last appointed to the police department.

(3) If the number of part-time police officers furlough is insufficient to satisfy the number of reductions required, then the reduction shall be affected by furloughing full-time police officer(s), including probationers, last appointed to the police department.

(b) In the event that the Appointing Authority 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. Full-time police officers shall be returned to service before furloughed part-time officers. 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. These reductions in force provisions are not applicable to the Chief of Police.

6.3 Notice of Suspension, Removal or Reduction in Rank.

Whenever a Police Officer is suspended, removed or reduced in rank, the specific charges warranting such actions shall be stated in writing by the Forest Hills Borough Council. 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 the charges. The charges shall specify the Sub-section of Section 6.1 of these Rules and Regulations which provides the basis for disciplinary action as well as an explanation of the factual circumstances upon which the Appointing Authority relied in finding a violation of Section 6.1 of these Rules and Regulations.

Within five (5) days after the Forest Hills Borough Council has voted to impose disciplinary action, a written statement of the charges shall be delivered to the Police Officer either by personal service or by certified mail. In addition, the letter of charges shall notify the Police Officer of the right to appeal under Section 6.4 of these Rules and Regulations. A copy of the statement of charges shall also be served upon all members of the Civil Service Commission, again either by personal service or by Certified mail.

6.4 Hearings on Suspension, Removal or Reduction in Rank.

The Police Officer, who has been suspended, removed or reduced in rank, may appeal the decision of the Appointing Authority by requesting a hearing with the Civil Service Commission. In the event an officer aggrieved by such a decision is entitled by a collective bargaining agreement to pursue a grievance on the matter, the officer must elect to pursue the matter either under the processes in place under the collective bargaining agreement or under these rules and regulations. Once an election of remedies is made, the alternate procedure is waived. When chosen, the civil service hearing process is as follows:

(a) The hearing request notice must be received in writing by the Secretary of the Civil Service Commission at the Forest Hills Municipal Building, 2071 Ardmore Boulevard, Pittsburgh, PA 15221 within ten (10) days after the Police Officer received notice of the discipline. The Police Officer may make written answers to any charges filed not later than the date fixed for the hearing. Failure of the Police Officer to provide written answers to any of the charges shall not be deemed an admission by the Officer.

(b) The Commission shall schedule a hearing within ten (10) days from receipt of the Officer's written request for a hearing. Such hearing date may be delayed by the Commission for cause at the request of the Commission, the Forest Hills Borough Council or the Officer charged. At the hearing the Police Officer against whom the charges have been made, may be present and/or may be represented by legal counsel.

The Officer may call witnesses and present testimony and documentation in his own defense. The Borough Council may also be represented by legal counsel, call witnesses and present evidence as is necessary to support the charges against the officer. A stenographic record of all testimony shall be taken at every hearing and preserved by the Commission. In the event that charges are dismissed against the Police Officer, the record shall be sealed and will not be made available for public inspection.

(c) In conducting the hearing, the Commission's standard of review shall be to determine whether sufficient evidence has been presented to support the statutory reason for the proposed disciplinary action. If the Commission finds that sufficient evidence has been introduced to support the charge(s), the Commission shall not modify the penalty imposed by the Forest Hills Borough Council, unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Council's discretion. In considering the appropriateness of the discipline, the Commission shall not substitute its judgment for that of the Borough Council. The Commission may request post hearing briefs, and shall issue a written decision containing specific findings of fact and conclusions of law within sixty (60) days of receipt of the hearing transcript.

6.5 Hearing Procedure.

(a) All testimony shall be given under oath administered by the Chairperson, or in the absence of the Chairperson, the Vice Chairperson. The Commission shall have the power to issue subpoenas as set forth in Section 2.11 of these Rules and Regulations.

(b) The hearing shall be open to the public unless, prior to commencement of the hearing, a written or oral request to close the hearing is made either by the Police Officer charged or the Forest Hills Borough Council. Such request will be taken into consideration by the Commission and if deemed advisable, the Commission, acting under Section 2.6 of these Rules and Regulations, shall issue a decision as to whether the hearing shall be open or closed to the public. This decision shall be final.

(c) If the Commission sustains the charges, the Officer who was suspended, removed or reduced in rank may file an appeal with the Court of Common Pleas within thirty (30) days from the date of entry by the Commission of its final order. No order of suspension shall be made against an Officer for a period longer than one (1) year. In the event that the Commission fails to uphold the charges, then the Officer shall be reinstated with full pay for the period of the suspension, removal or reduction in rank. No charges related to the suspension, removal or reduction in rank shall be officially recorded in the Officer's official personnel records, nor may any of these charges be held against the Officer for the future merit pay raises or promotional opportunities.

-END-

Revised
May 28, 2014

CHAPTER 7. RESOLUTION FOR ADOPTION

The foregoing Rules and Regulations, which are in accordance with powers granted by the Civil Service Section of the Borough Code, Sections 1171-1195, enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the municipal governing body of the Borough of Forest Hills, Allegheny County, Pennsylvania, are hereby adopted by the Civil Service Commission of the Borough of Forest Hills.

Francis V. Salerno
Chairperson

Daniel R. [illegible]
Vice Chairperson

Ronald J. Beatty
Secretary

Approved by the Borough of Forest Hills Council, Allegheny County, Pennsylvania, this 28th day of May 2014.

Attest:

Steven J. Morus
Steven J. Morus, Borough Manager/Secretary

Signed:

Markus Erbeldinger, Council President

Revised
May 28, 2014

CIVIL SERVICE RULES AND REGULATIONS

Approved by the Borough of Forest Hills Council, Allegheny County, Pennsylvania, 28th day of May 2014.

Attest:

Signed:

Steven J. Morus, Borough Manager/Secretary

Markus Erbeldinger, Council President