

MUNICIPALITY OF MONROEVILLE

ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE No. 2103

**ALL ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE,
ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING THE CODE OF
THE MUNICIPALITY OF MONROEVILLE, PROVIDING FOR THE RULES
AND REGULATIONS FOR THE SELECTION OF POLICE PERSONNEL**

BE IT ORDAINED AND ENACTED, by the Municipality of Monroeville in Council assembled as follows:

Section 1. The Municipality of Monroeville hereby adopts the amended rules and regulations set forth in the attached Exhibit "A" as the requirements for police personnel selection in the Municipality of Monroeville.

Section 2. Any previously effective Rules and Regulations for selection of police personnel are hereby rescinded and any ordinance or part of an ordinance in conflict with any of the provisions of this ordinance is hereby repealed to the extent of said conflict.

ORDAINED AND ENACTED this 9th day of February, 1999.

ATTEST:

MUNICIPALITY OF MONROEVILLE



Marshall Bond,
Municipal Manager



Sean Logan,
Mayor

ENTERED INTO LEGAL BOOK: February 19, 1999

SECTION 1. APPLICATIONS AND QUALIFICATIONS

1.1 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 together with an application fee of fifty dollars (\$50.00) made payable to the Municipality of Monroeville. All completed applications shall be submitted to the Municipal Manager before the deadline stated by the Municipal Manager for that 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 Title 18 PA Con. Stat. 4904 relating to Unsworn Falsification to Authorities.

1.2 Discrimination

The Municipality of Monroeville is an equal opportunity employer. It is the Municipality'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 Municipality of Monroeville will provide equal opportunities in employment and promotion.

1.3 Availability of Applications

Application forms shall be available to all interested persons in the office of the Municipal Manager, and from such other offices and personnel that the Municipal Manager, from time to time, may choose to designate. Application forms may be mailed upon written request. However, the Municipality assumes no responsibility for missed filing deadlines due to a delay in the mail.

1.4 Age And Residency Requirements

All applicants for the police department must have reached their twenty-first (21) birthday before the deadline for submitting completed applications. Applicants must move or establish permanent residence in the Municipality within six (6) months of completing their probationary period.

1.5 General Qualifications For Applicants

- (a) Every applicant for a position as a police officer in the police department shall possess a diploma from an accredited high school or graduate equivalency diploma. In addition, every applicant must be a United States citizen, possess a valid drivers license, be physically and mentally fit to perform the full duties of a police officer, **AND** be certified as a police officer as stated in Act 120, Pennsylvania Municipal Police Officers' Education and Training Program;

AND

In addition to paragraph (a), every applicant shall have at least 12 months (2080 hours) of full-time police work experience with a Federal, State, or Municipal law enforcement agency **OR** 24 months (at least 1000 hours per 12 month period) of part-time police work experience with a Federal, State, or Municipal law enforcement agency.

OR

In addition to paragraph (a), every applicant shall possess an Associates Degree or sixty (60) semester hours from an accredited college or university with a major study concentration in criminal justice, police science, criminology, or other directly related major **AND** 12 months (2080 hours) of full-time police work experience with a Federal, State, or Municipal law enforcement agency **OR** 18 months (at least a 1000 hours per 12 month period) of part-time police work experience with a Federal, State, or Municipal law enforcement agency.

OR

In addition to paragraph (a), every applicant shall possess a Bachelor's Degree from an accredited college or university with a major study concentration in criminal justice, police science, criminology, or other directly related major **AND** 12 months (at least a 1000 hours) of part-time police work experience with a Federal, State, or Municipal law enforcement agency.

1.6 Rejection of Applicant

The Municipal Manager 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 Municipal Manager may refuse to certify any applicant who is physically or mentally unfit to perform the full duties of the position applied for, or who is a habitual substance abuser, who is guilty of any crime involving moral turpitude, or of infamous or notoriously disgraced conduct as defined by PA Crime Code Sub Chapter B and Chapter 59, or who has been dismissed from public service for delinquency or misconduct in office, or has been convicted of a serious misdemeanor or a felony, 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.

1.7 Record and Filing Application

Applications for positions in the police department shall be received at the Municipal Building only after official advertisement has been made and before the deadline for receiving applications which must be set forth in a 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 and provide each applicant with notice of the time and place for the first portion of the testing procedure, the written examination. Any application containing material errors or omissions may, at the discretion of the Municipal Manager, 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.

1.8 Hearing for Disqualified Applicants

Any applicant who believes that they are aggrieved by the actions of the Municipal Manager, in refusing to examine or to certify them as eligible after examination, may request a hearing before the Municipal Manager. Within ten (10) days after such request, the Municipal Manager shall designate a time and place for the hearing. The applicant or aggrieved party must make their request for a hearing in writing within ten (10) calendar days of the date when the party knew or should have known of the Municipal Manager's action, which is being challenged.

1.9 Public Notice

The Municipal Manager shall conspicuously post in the Municipal Building notice of the time and place of every examination, together with the information as to the type of position to be filled, the requirements for that position, where the application may be obtained for the examination, and the deadline for filing those applications. In addition, at least thirty (30) days prior to each examination, publication of the notice shall occur in at least one newspaper circulating generally in the Municipality.

SECTION 2. EXAMINATION AND GRADING PROCEDURE

2.1 General Examination Requirements for the Position of Police Officer

The examination for police officer will consist of a written 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. In addition, each applicant will undergo a physical fitness test, a drug-screening test, a polygraph test, and a background investigation. These tests and investigation will be graded on a pass/fail basis for every applicant. After an applicant has

been extended an offer of employment, final appointment shall be contingent upon the applicant passing a medical/physical, which will include a drug screening procedure, and a psychological test.

2.2 Notice of Examination

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

2.3 Written Examinations

The written examination shall be graded on a one hundred (100) point scale, and an applicant must score eighty percent (80%) or higher to continue in the application process. Applicants scoring less than eighty percent (80%) shall be rejected. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their test results and passing applicants shall be scheduled for an oral examination appointment.

2.4 Oral Examination

Every applicant who scored eighty percent (80%) or higher and receives one of the top-highest scores on the written examination shall be given an oral examination which will be graded on a one hundred (100) point scale with a score of eighty percent (80%) or higher necessary for passing. The oral examination shall involve questioning applicants on how they would handle situations relevant to police work. Within thirty (30) days after the applicants' oral examination they shall be informed of the score in their oral examination and total overall score, and each passing applicant shall be informed of the date for physical testing.

2.5 Veterans' Preference Points

Pursuant to the Veterans' Preference Act, any applicant for the position of police officer who qualifies as a "soldier" under this Act, shall receive an additional ten (10) points on top of their total score if the applicant had received passing scores under 2.1, 2.3, and 2.4.

2.6 Residence Preference Points

Any applicant for the position of police officer who can establish to the satisfaction of the Municipal Manager that he or she has resided continually and uninterrupted within the territorial limits of the Municipality of Monroeville for at least two (2) years prior to the deadline for submission of an application for examination, shall receive an additional 10 (ten) points on top of their total score

if the applicant had received passing scores under Section 2.1, 2.3, and 2.4. In no case, however, shall Residence Preference Points be used to diminish, remove, or otherwise cause a Veteran who has been awarded Veteran's Preference Points pursuant to Section 2.5 to lose his/her position on the list of passing candidates; or, lose his/her position on the list of eligibles pursuant to Section 3 of these Rules and Regulations to an applicant who satisfies the residency requirement contained herein.

Eligibility for Residence Preference Points will be investigated by the Municipal Manager or his/her designee. The documents presented must represent the period of time for which the applicant is claiming Residence Preference Points. Inability to produce the required verification of residence documents for the continuous period of residency will result in the forfeiture of Residence Preference Points and an adjustment in the final score. Documents that will be investigated to prove Monroeville residency will include, but are not limited to, a copy of a lease or mortgage in the applicant's name plus one of the following (also in the applicant's name): earned income tax records; property tax records; voters registration information; drivers license information; insurance statements; telephone bills; gas, electric or water utility bills; checking or saving account statements; cable television bills; or credit card statements. The Municipal Manager reserves the right to accept other documents, in lieu of the above, under special circumstances which validate various living arrangements, such as residing with parents etc., as determined by the Municipal Manager. As in the case of any intentional misrepresentation of a material fact on an employment application, applicants who claim Municipality of Monroeville Residence Preference Points and who are determined to have intentionally misrepresented facts concerning residency in the Municipality of Monroeville shall be disqualified and their names shall be removed from the eligible list, and they may be subject to criminal sanctions.

2.7 Physical Fitness Testing

An applicant for the position of police officer must meet the following:

- (a) **Stretcher Carry.** Applicants will be paired off and required to carry a stretcher with a simulated patient weighing approximately two hundred pounds (200 lbs.), over a distance of one hundred (100) feet. Those applicants failing on the first attempt will be allowed to retake the exercise with a person who has successfully completed the exercise.
- (b) **Body Drag.** An applicant is required to remove a simulated motor vehicle operator weighing approximately two hundred pounds (200 lbs.) from behind the steering wheel of a motor vehicle and drag the simulated operator to a point fifty (50) feet from the motor vehicle.

- (c) **Quarter Mile Run.** An applicant is required to run a distance of one-quarter mile on a pre-measured course in less than one hundred and ten (110) seconds.
- (d) **Window Climb.** An applicant is required to climb through a six (6) foot high level window without assistance onto a three (3) foot level platform on the other side of the window, and then to the ground. Applicants must then circle around a marker twenty (20) feet beyond the window and return up the three (3) foot high platform and out the window onto the ground below.
- (e) **Trigger Pull.** Within a thirty (30) second time limit per hand, an applicant is required to repeatedly pull fifteen (15) times for each hand the trigger of a double action nonfunctional revolver with arms horizontally extended.
- (f) **Motor Vehicle Push.** An applicant is required to push an average sized motor vehicle a distance of twenty-five (25) feet on a pre-measured level course.

2.8 DRUG SCREENING

Every applicant who has received one of the highest scores on the written examination, oral examination, and passed the physical fitness test will receive a drug-screening test.

The drug-screening test shall be capable of identifying marijuana, cocaine, and every major drug of abuse including heroin, amphetamines, barbiturates, and anabolic steroids. Personnel utilized for testing shall be certified as qualified to collect urine samples or adequately trained in collection procedures.

2.9 BACKGROUND INVESTIGATION

The Municipal Manager shall request the Chief of Police or the Chief's designee to conduct a background investigation on each applicant who has scored high enough to become a candidate for the list of eligibles. The background investigation should include interviews with the applicant's family, acquaintances, current and former neighbors, references current and former teachers, and school officials. In addition, the applicant's credit history and record of criminal convictions shall be investigated. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

After the background investigation is completed, the Chief, or designee, shall make written recommendation to the Municipal Manager on whether the applicant is appropriate for consideration for appointment as a police officer.

Appropriateness of the applicant shall be based on the criteria set forth in Section 1.6 of these Rules and Regulations. This recommendation shall be in writing and if the recommendation is to disqualify, then a detailed written explanation of the reasons for disqualification must be included. The Municipal Manager shall make the final determination on whether the information collected during the background investigation warrants rejection of the candidate. Within thirty (30) days after the Municipal Manager considers the recommendation of the Chief of Police or designee, each applicant will be informed of whether they have passed the background investigation.

2.10 POLYGRAPH EXAMINATION

- (a) Every applicant who has scored high enough to become a candidate for the list of eligibles for the position of police officer shall fill out a personal data questionnaire and undergo a polygraph examination. Polygraph examinations will only be administered to applicants who have scored among the highest after the written examination, oral examination, physical fitness test, and the addition of veterans and/or residence preference points.
- (b) The polygraph examiner shall provide a written report to the Municipal Manager stating whether any of the applicant's responses to questions from the applicant's personal data questionnaire are deceptive. The written report on each examination shall be submitted to the Municipal Manager within five (5) days after the date of the examination.
- (c) The examiner shall ask questions based on the information contained in the personal data questionnaire. Before administering the test, the polygraph examiner shall ask each applicant whether there is any more information related to the personal data questionnaire that the applicant would like to provide. There shall also be a posttest review, during which the polygraph examiner shall again ask the participant, if deception is indicated, whether there is any information that the applicant is withholding.
- (d) If the polygraph examiner shall deem any of the applicant's responses to be deceptive, the polygraph examiner must tell the applicant immediately and give the applicant an opportunity to explain, deny or admit the deception. If the applicant denies being deceptive or if the explanation is found unsatisfactory by the polygraph examiner, the applicant will be given the opportunity to retake the test with a second polygraph examiner. Notice of the opportunity to retest shall be given in writing to the applicant. The second polygraph examiner will not have access to the results of the first test prior to re-administering the polygraph. If the second polygraph examiner also finds the applicant deceptive, the applicant will be considered as having failed the examination.

- (e) An applicant who has failed both tests may appeal to the Municipal Manager for a third examination before a polygraph examiner of the Municipality's choice, and the decision to give the applicant an opportunity to take a third test, at the applicant's expense, resides solely within the discretion of the Municipal Manager. If the applicant is awarded an opportunity to take a third test and passes, then the applicant will be considered as having passed the polygraph test. If the applicant is found deceptive on a third test, the applicant will be rejected.

SECTION 3. CERTIFICATION OF THE LIST OF ELIGIBLES AND APPOINTMENTS

3.1 Creation of Eligibility

At the completion of the examination requirements set forth in Section 2, written examination, oral examination, drug-screening test, physical fitness test, background investigation, and polygraph examination, the Municipal Manager shall rank all passing applicants on a list with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list. Applicants who qualify for Veterans' Preference Points and/or Residency Preference Points shall have those points added to their passing score prior to being ranked on the eligibility list. In 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 application on the same day, then the applicants shall be ranked in order by surname.

The eligibility list should be valid for one (1) year from the date the Municipal Manager ranks all passing applicants, assigns Veteran's Preference Points and/or Residency Preference Points and formally adopts the eligibility list. The Municipal Manager may at his/her sole discretion, by a vote of the majority of council at a duly authorized council meeting, extend the list for an additional year. The Municipal Manager may, at his/her sole discretion, void an eligibility list at any time for any reason.

3.2 Appointment

- (a) The Municipal Manager may fill any vacancy in the police department, which occurs as a result of expansion of the police force, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the police department who had been furloughed. Except for medical/physical and psychological examinations, no other testing shall be required for a furloughed employee or a rehired or reappointed employee.

- (b) If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered re-employment, every vacant position shall be filled only in the following manner:
 - (1) The Municipal Manager will determine if a vacancy exists that should be filled. Three names will be certified from the list of eligibles.
 - (2) If three names are not available, then the Municipal Manager shall certify the name(s) remaining on the list.
 - (3) The Municipal Manager shall make an appointment from one of the three names certified with reference to the merits and fitness of the candidates. However, (for 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.
- (c) The Municipal Manager may object to one or more of the persons certified for reasons set forth in Section 1.6 of these Rules and Regulations. If the candidate to whom the Municipal Manager objects fails to timely exercise the rights of appeal under Section 1.8 or if the Municipal Manager declines to uphold the appeal, the Municipal Manager shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three candidates for each name stricken off.

3.3 Medical/Physical and Psychological Examination

After the appointing authority selects a candidate from the certified list of three for appointment to the vacant position, that candidate shall submit to a medical/physical examination and a psychological examination by the appropriate experts of the Municipality's choice. If the candidate successfully passes the medical/physical and psychological examinations, then that candidate shall be appointed to the vacant position in the police department. The appointment shall be contingent upon successfully passing the medical/physical and psychological examinations. The Examiners shall certify that the candidate is medically/physically and psychologically fit for police work. Failure to pass any of the examinations shall result in the candidate being rejected from consideration. The rejected candidate may appeal the decision under Section 1.8.

3.4 Probationary Period

Every successful applicant to the position of police officer with the police department must serve a probationary period of at least six (6) months but not more than twelve (12) months. During the probationary period, a newly hired officer may only be dismissed for cause for the reasons set forth in Section 1.6.

However, at the end of the probationary period, if the conduct of the probationer has not been satisfactory to the Municipal Manager, the probationer shall be notified in writing that the appointment will not be permanent. At that time, a newly hired officer's employment shall end. Any officer, who is not informed in writing that their performance has been unsatisfactory, shall receive a permanent appointment to the new position. Any probationer who is notified in writing that appointment will not be made permanent has no rights of appeal under these Rules and Regulations.

SECTION 4. PROMOTIONS AND TESTING

4.1 General Qualifications for Corporal, Sergeant, and Lieutenant

- (a) All applicants for a promotional position, except the Chief and Assistant Chief, shall have not received a formal written reprimand for one (1) year prior to the deadline for submitting their name to the list of eligibles wishing to be tested for the vacant position, and have not been suspended without pay at any time three (3) years prior to the deadline for submitting their name to a list. Any formal written reprimand or suspension to which the applicant has timely appealed pursuant to the grievance procedure or these Rules and Regulations shall be disregarded unless the appeal is resolved prior to creation of the eligibility list.
- (b) All applicants shall have continuous prior service with the Monroeville Police Department as follows:
 - (1) An applicant for the position of corporal shall have at least two (2) years service with the department,
 - (2) An applicant for the position of sergeant shall be a corporal and have had at least one (1) year of experience in that rank within this department,
 - (3) An applicant for the position of lieutenant shall be a sergeant and have had at least one (1) year of experience in that rank within this department.

4.2 Rejection of Applicants for Promotion

The Municipal Manager may refuse to examine, or if examined, refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications prescribed in these Rules and Regulations for the particular position for which the applicant has applied.

4.3 Hearing for Disqualified Applicants

Rejected or disqualified applicants for Promotion have the same rights of appeal as stated in Section 1.8 of these Rules and Regulations.

SECTION 5 EXAMINATION AND GRADING PROCEDURES

5.1 General Examination Requirements For The Positions of Corporal, Sergeant, and Lieutenant

The examination for the positions of corporal, sergeant, and lieutenant shall include a written and oral examination which will be graded on a one hundred (100) point scale with the written examination representing fifty percent (50%) and the oral examination representing fifty percent (50%) of the final score. After an applicant has been extended an offer of promotion, the Municipal Manager may make the offer of promotion contingent upon the applicant passing a medical/physical examination (including a drug/alcohol screening) and a psychological examination.

5.2 Written and Oral Examination

The requirements of Section 2.3 and 2.4 of these Rules and Regulations will govern the grading, scoring and passing requirements of the promotion examinations excluding the physical fitness requirements.

5.3 Veterans' Preference Points for Promotion

Veterans' preference points are awarded to those who qualify for the initial appointment to police officer. Veterans' Preference Points shall **NOT** be provided for promotions because such an award overvalues military services.

5.4 Creation of Promotion Eligibility Lists

At the conclusion of the examination requirements the Municipal Manager shall rank all applicants on a list with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest score at the bottom of the list.

The eligibility list should be valid for one (1) year from the date the Municipal Manager ranks all passing applicants and formally adopts the eligibility list. The Municipal Manager at his/her discretion may extend the list for an additional year or, may void the eligibility list at any time for any reason.

5.5 Promotion Appointment

- (a) The Municipal Manager will determine if a vacancy exists in the ranks and should be filled. Three names will be certified from the list of eligibles,
- (b) If three names are not available, then the Municipal Manager shall certify the name(s) remaining on the list,
- (c) The Municipal Manager shall make an appointment from one of the three names certified with reference to the merits and fitness of the candidates,
- (d) The Municipal Manager may object to one or more of the persons certified for reasons set forth in Section 1.6 of these Rules and Regulations, if the candidate to whom the Municipal Manager objects fails to timely exercise the rights of appeal under Section 1.8 or if the Municipal Manager declines to uphold the appeal, the Municipal Manager shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three candidates for each name stricken off.

5.6 Probationary Period

Every successful applicant to a promotional position with the police department must serve a probationary period of at least six months but not more than twelve months. A promoted officer during probation, may be returned to a prior rank only for the reasons set forth in Section 1.6 of these Rules and Regulations, However at the end of the twelve month probationary period, if the conduct of the probationer has not been satisfactory to the Chief of Police or the Municipal Manager, the probationer shall be notified in writing that the appointment will not be permanent. The promoted officer shall return to the previous rank held. Any officer not notified in writing that their performance has been unsatisfactory, shall receive a permanent promotion to the position.

5.7 Appointment of Chief of Police and Assistant Chief of Police

In the case of a vacancy in the office of the Chief of Police, the Manager, with the advice and consent of Council may select an individual to fill the position of Chief of Police.

If a vacancy occurs in the office of the Assistant Chief of Police, the Manager will be responsible for searching and appointing a qualified individual to the position of Assistant Chief of Police.

5.8 Provisional Appointments

Provisional appointments shall be made in accordance with Article X, Section 1001 of the Home Rule Charter. No successive provisional appointments shall be made to the same position.

5.9 Suspension, Removal or Discharge, Reduction in Rank or Demotion

No Person appointed to a position in the police department pursuant to these Rules and Regulations may be suspended, removal or discharge, reduced in rank or demoted, except in accordance with the provisions of Articles XV and XVI of the Home Rule Charter.