

**MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2532

**AN ORDINANCE OF THE MUNICIPALITY OF
MONROEVILLE, ALLEGHENY COUNTY,
PENNSYLVANIA, A HOME RULE CHARTER
COMMUNITY, AMENDING THE CODE OF THE
MUNICIPALITY OF MONROEVILLE AND
ORDINANCE NOS. 2361, 2416, AND 2520 BY
AMENDING AND RESTATING THE RULES AND
REGULATIONS OF THE CIVIL SERVICE
COMMISSION.**

WHEREAS, the MUNICIPALITY OF MONROEVILLE, formerly the Borough of Monroeville passed legislation under the Home Rule Charter Act and became a Home Rule Charter Community on the 5th day of January, 1976;

WHEREAS, Article XXII, Section 2207 of Monroeville's Home Rule Charter abolishing the Civil Service Commission and conferred all of its powers and/or duties set forth in the Borough Code to the municipal manager pursuant to Article X, Section 1001(b) of the Home Rule Charter;

WHEREAS, the Municipality of Monroeville Police Department Wage Policy Committee recently challenged the Home Rule Charter with respect to allocating all of the powers and/or duties of the Civil Service Commission to the municipal manager;

WHEREAS, upon review by Court of Common Pleas of the Allegheny County, it was declared that the aforementioned portions of the Home Rule Charter are superseded by the Civil Service Laws of the Commonwealth of Pennsylvania and was ordered to establish a Civil Service Commission forthwith;

WHEREAS, in March 2006, the MUNICIPALITY OF MONROEVILLE adopted a Civil Service Commission and Rules and Regulations thereto for certification of police personnel pursuant to Article X, Section 1001 of the Home Rule Charter and the Borough Code, 53 P.S. §§46171 *et seq.*;

WHEREAS, the Rules and Regulations of the Civil Service Commission were amended in February 2008 by Ordinance No. 2416 and they were again amended in August 2011 by Ordinance No. 2520 with regard, in both cases, to the Eligibility Requirements and General Qualifications for Patrol Officer;

WHEREAS, in October 2010 the Civil Service provisions of the Borough Code, 53 P.S. § 46171 *et seq.*, were amended such that various changes to these Rules and Regulations are required in order to maintain compliance with the Borough Code;

WHEREAS, the following Rules and Regulations incorporate: those amendments necessary to maintain compliance with the Borough Code; amendments to the Rules and Regulations as set forth by prior Ordinance; and, not only do the following Rules and Regulations amend but they also restate the Rules and Regulations in their entirety.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, the MUNICIPALITY OF MONROEVILLE, as follows:

CHAPTER 1 – DEFINITION OF TERMS

SECTION 1.1 – Definitions

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 Municipal Manager of the Municipality of Monroeville, Allegheny County, Pennsylvania.

Certification – The submission to the appointing authority pursuant to their request of three names taken from the eligible list developed by the Civil Service Commission.

Chairperson – The Chairperson of the Civil Service Commission of the Municipality of Monroeville, Allegheny County, Pennsylvania.

Civil Service Commission or Commission – The Commission appointed by the Council, pursuant to the Pennsylvania Borough Code, to serve the execution of this part and other functions as Council may prescribe.

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 examinations for a particular position in the police department.

Examination – The series of tests given to candidates to determine their qualifications for a position in the police department.

External Candidate – Individual not currently employed by the Municipality of Monroeville who is an applicant or candidate for a posted position.

Furlough List – The list of persons who were laid off from positions in the Police Department because of a reduction in the number of officers in the Police Department.

Governing Body – The Municipal Council of the Municipality of Monroeville, Allegheny County, Pennsylvania.

Internal Candidate – Individual currently employed by the Municipality of Monroeville who is a candidate for a promotional posted position.

Mayor – The Mayor of the Municipality of Monroeville.

Municipal Council or Council – The Council of the Municipality of Monroeville.

Municipal Manager – The Manager of the Municipality of Monroeville.

Police Officer – For purposes of the Rules and Regulations, a police officer is a sworn full time law enforcement position in the Municipality of Monroeville police department.

Probationer – A police officer in the police department who has been appointed from an eligible list, but who has not yet completed the probationary period.

Promotion – The act or fact of being raised in position or rank pursuant to Article X, Section 1001 of Home Rule Charter.

Reassignment – A change to a different position which may result in a change in salary.

Reduction in Rank – A change to a lesser position or rank where the employee fulfilled all of the requirements of these Rules and Regulations for both the prior and current position and/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.

Suspension – The temporary separation without pay of a police officer from the police department.

****For the purpose of this Part, all terms which are set forth in the masculine gender shall be construed to refer equally to the feminine gender.

CHAPTER 2. - THE COMMISSION

SECTION 2.1- Civil Service Commission

(a) The Commission shall consist of three (3) Commissioners who shall be qualified electors of the Municipality of Monroeville and who shall be appointed by the Municipal Council initially to serve for terms of two (2), four (4), and six (6) years, and as terms thereafter expire shall be appointed for terms of six (6) years.

(b) Any vacancy occurring in the Commission for any reason whatsoever shall be filled by Council for the un-expired term within the period of thirty (30) days after such vacancy occurs.

(c) Each member of the 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. The Civil Service Commission shall receive no compensation.

SECTION 2.2 – Offices Incompatible with Civil Service Commissioner

(a) No Commissioner shall at the same time hold an elective, appointed, or employment office under the United States Government, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth; except one member of the Commission may be a member of Council of the Municipality, and one member may be of the teaching profession.

SECTION 2.3 – Organization of Commission: Quorum

(a) The Commission shall have three (3) Members and upon appointment shall organize within ten (10) days of its appointment and shall elect one (1) of its members as its Chairperson, one (1) of its members as its Vice-Chairperson and one (1) of its members as the Secretary.

(b) The Commission shall thereafter meet and organize on the first Monday of February of each even-numbered year.

(c) Two (2) members of the Commission shall constitute a quorum and no action of the Commission shall be valid unless it shall have the concurrence of at least two (2) members.

SECTION 2.4 – Duties of Chairperson

(a) 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 any duties required by law or by the within rules and regulations.

SECTION 2.5 – Duties of the Secretary

(a) The Secretary shall carry on, at the discretion of the Commission, all official correspondence of the Commission, send out all notices required by law and by these Rules and Regulations, keep a record of each examination or other official action of the Commission, and perform all other duties required by law or by these Rules and Regulations.

SECTION 2.6 – Meetings

(a) Except for the Biennial organization meeting, all meetings shall be held either at the call of the Chairperson or at the call of two (2) members of the Commission. Unless all members shall waive the requirement, a minimum of twenty four (24) hours written notice of each meeting shall be given each member. Except when otherwise provided in these Rules or by Pennsylvania law, meetings shall be open to the public unless a public meeting would breach the normal confidentiality of employee data. All Rules or Regulations of the Commission shall be adopted at a public meeting following the regulations of the Pennsylvania Sunshine Act.

SECTION 2.7 – Clerks and Supplies

(a) The governing body shall furnish the Commission with supplies and clerical assistance as may be necessary for the Commission to fulfill its duties.

(b) The Commission may retain counsel, and any other consultants or experts, including physicians and psychiatrists, as are necessary, with prior written notice to the Municipality of Monroeville of its intention to do so.

(c) The elected and appointed officials of the Municipality of Monroeville shall assist the Commission with all reasonable and appropriate efforts including compensation for any counsel or experts retained by the Commission.

SECTION 2.8 – Rules and Regulations

(a) The Commission shall have the power to prescribe, amend, revise, void, replace, or enforce the Rules and Regulations for carrying into effect the provisions of Article X, Section 1001 of the Home Rule Charter and references to the Borough Code

for any reason by action of a majority of the Commission at any properly convened meeting of the Commission.

(b) Before any changes to these Rules and Regulations become effective, the Municipal Council must approve and adopt them by a public vote.

(c) These Rules and Regulations, and any amendments thereto, shall be made available to the public for distribution and inspection.

SECTION 2.9 – Minutes and Records

(a) The Commission shall keep minutes of its proceedings and records of examinations and other official action.

(b) All records of the Commission shall be preserved and disposed of according to Retention and Disposition schedule for Records of Pennsylvania Municipalities issued by the Local Government Records committee under the authority of the Municipal Records Act. 1968 P.L. 961, No. 428, 53 P.S. 9001.

(c) The Secretary, or in his absence, the Vice-Chairman, shall keep minutes of its proceedings showing the vote of each member upon each question.

(d) If the member is absent or fails to vote, the Secretary, or in his absence, the Vice-Chairman, shall indicate that fact in the minutes.

(e) A copy of all minutes and records shall be filed with the Municipal Manager and such copies shall be maintained within the physical confines of the Monroeville Municipal Building.

SECTION 2.10 – Investigations

(a) The Commission shall have the power to conduct investigations concerning all matters relating to the administration and enforcement of these Rules and Regulations.

(b) The Chairperson of the Commission is authorized to administer oaths and affirmations in connection with such investigations.

SECTION 2.11 – Subpoenas

(a) The Commission shall have the power to :

(1) Issue subpoenas over the signature of the Chairperson

(2) Require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry.

(b) The fees of 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.

(c) All officers in public service and employees of the Municipality of Monroeville shall attend and testify at a duly called Civil Service Commission meeting when required to do so by the Commission.

(d) 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 may be sentenced to pay a fine not to exceed one hundred (\$100) dollars, and in default of the payment of such fine and cost may be imprisoned not to exceed thirty (30) days.

(e) 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 for its subpoena, requiring the attendance of such persons before the Commission or the court to testify and to produce any records and papers necessary, and in default thereof shall be held in contempt of court.

SECTION 2.12 – Annual Report

(a) The Commission shall make an annual report by January fifteenth (15th) to the Municipal Council.

(b) The Commission's annual report shall contain a brief summary of its work during the prior year and a full accounting for any expenditure of public monies.

(c) The annual report shall be available for public inspection.

SECTION 2.13 – Biennial Review and Report

(a) The Commission shall, after its biennial reorganization meeting, meet to review, in their entirety, the Civil Service Rules and Regulations in effect at that time.

(b) Upon completion of the review, the Commission shall submit a report to Council with its recommendations for possible updates and modifications to the Rules and Regulations.

(c) If the Commission recommends no changes to the Rules and Regulations, then the report will indicate as such.

CHAPTER 3 – POSITIONS, TEST APPLICATIONS AND NOTICE

SECTION 3.1 – Non-Discrimination Policy

- (a) The Municipality of Monroeville is an equal opportunity employer.
- (b) It is the Municipality of Monroeville's and the Commission's policy to grant equal employment opportunities to qualified persons without regard to race, color, national origin, religion, gender, age, marital status, veteran's status, sexual orientation, or non-job-related disability.
- (c) The Municipality of Monroeville and the Commission will provide equal opportunities in employment and promotion.

SECTION 3.2 – Public Notice

- (a) The Commission shall conspicuously post, in the Municipality of Monroeville 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 filled, the requirements for that position, where applications may be obtained and the deadline for filing those applications.
- (b) At least two (2) weeks prior to the close of the application period, publication of the notice shall occur in at least one (1) newspaper circulating generally in the Municipality of Monroeville.

SECTION 3.3 – Full Time Civil Service Positions

- (a) The Council of the Municipality of Monroeville authorized and recognizes the following full-time Civil Service positions within the Municipal Police Department:
 - (1) Patrol Officer
 - (2) Corporal
 - (3) Sergeant
 - (4) Lieutenant

SECTION 3.4 – Application Availability

- (a) Application forms shall be available to all interested persons in the office of the Municipal Manager, and from such other offices and officers that the Commission, from time to time, may choose to designate.

(b) Application forms may be mailed to a potential applicant upon written, e-mail or telephone request. However, the Commission assumes no responsibility for missed filing deadlines due to a delay in mail delivery.

SECTION 3.5 – Recording and Filing Applications

(a) Applications for positions in the police department shall be received at the Municipality of Monroeville municipal building only after an examination has been properly advertised and before the expiration of the deadline for receiving applications which must be set forth in the public advertisement.

(b) The Municipal Manager or his designee will receive applications.

(c) The Municipal Manager or his designee 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 process, the written examination.

(d) Any application containing material errors or omissions may, at the discretion of the Commission, 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.

CHAPTER 4 – QUALIFICATIONS FOR PATROL OFFICER

SECTION 4.1 – Eligibility for Examination

(a) In order to be eligible for participation in any examination for any full-time civil service position, within the police department, an applicant must submit a completed application form to the Commission before the expiration of the deadline stated by the Commission for that specific examination.

(b) The applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa. C.S. 54904 relating to falsification of information to authorities.

(c) At the time of filing of an application, each applicant shall pay a non-refundable fee in the amount of \$150.00 (One Hundred Fifty U.S. Dollars). Said application fee shall be used exclusively for the purpose of defraying the costs of the Municipality in conducting and administering the examination process. Said application fee may be increased, from time to time, by ordinance of Municipal Council, based upon the increased costs of administering and conducting the examination process.

SECTION 4.2 – Age and Residency Requirements

(a) All applicants for the Police Department must have reached their twenty-first 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. Appeals must be filed within thirty (30) days before the expiration of the permanent residency effective date set forth herein.

(b) An applicant may appeal to the Civil Service Commission for one (1) six month extension of the residency requirement for good cause. Appeals must be filed within thirty (30) days before the expiration of the permanent residency effective date set forth herein.

SECTION 4.3 – Minimum General Qualifications – All Applicants

(a) Every applicant for a position in the Police Department must possess a diploma from an accredited high school or a graduate equivalency diploma (G.E.D.). In addition, every applicant must be a United States citizen, be physically and mentally fit to perform the essential duties of a Police Officer, be certified as a Police Officer as stated in Act 120, Municipal Police Officers Education and Training program, or equivalent Police Officer Training Program recognized and adopted by any State in the United

States; and possess a valid motor vehicle operator's license issued by the Commonwealth of Pennsylvania.

SECTION 4.4 – Rejection of an Applicant

(a) 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 certify any applicant who is physically unfit to perform the essential duties of the position for which the applicant seeks employment, or who is illegally using a controlled substance, as defined in section 102 of the Controlled Substance Act (21 U.S.C. § 802), or who has been 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 who is affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitutions and laws of the United States and the Commonwealth of Pennsylvania.

(b) Automatic Disqualifiers - Applicants are advised that the Municipality of Monroeville, and its Civil Service Commission, will automatically disqualify any applicant who does not meet the general requirements as noted above. In addition, the following information is provided regarding our criteria for automatic disqualification:

- Falsification or misrepresentation of material fact(s) during the completion of the Polygraph Screening Booklet, the Polygraph Examination, the review of the Formal Application, and/or the Background Investigation.

SECTION 4.5 – Hearing for Rejected or Disqualified Applicants

(a) Any applicant who believes that they are aggrieved by the actions of the Commission, in refusing to examine or to certify them as eligible after examination, may request a hearing before the Commission. Within ten (10) days after such request, the Commission shall designate a time and place for a public hearing which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. C.S. § 101 *et seq.* The applicant or aggrieved party may appear with or without counsel. 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 Commission's action which is being challenged. The decision of the Commission shall be final.

CHAPTER 5 – EXAMINATION AND GRADING PROCEDURE

SECTION 5.1 – General Examination Requirements for the Position of Police Officer

(a) The examination for police officer shall consist of a written and oral examination. The written and oral examinations 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. The minimum passing scores on these examinations shall be eighty percent (80%). In addition, each applicant will undergo a physical fitness test and a background investigation. This test and the investigation shall be graded on a pass/fail basis. Only those applicants who successfully complete each test or component to the testing process will be permitted to advance to the next step in the testing process. After an applicant has been extended a conditional offer of employment, final appointment shall be contingent upon successful completion of a physical examination, which will include a drug screen, and a psychological examination.

SECTION 5.2 – Appointment of Examiners

(a) The Commission shall appoint a written examination administrator, an oral examination board, a polygraph examiner, and a physical fitness examiner to conduct the appropriate examination(s) as required by these Rules and Regulations.

SECTION 5.3 – Written Examinations

(a) The written examination shall be graded on a one hundred (100) point scale, and an applicant must score eighty percent (80%) or higher in order 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.

SECTION 5.4 – Oral Examination

(a) Every applicant who scored eighty percent (80%) or higher in the written examination shall be given an oral examination which will be graded on a 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 fitness testing.

SECTION 5.5 – Oral Examination Board

- (a) The Civil Service Commission shall, before the oral examination process begins, appoint the members of the Oral Examination Board.
- (b) The Oral Examination Board shall consist of three (3) appointed members.
- (c) No member of the Municipality of Monroeville Council or Monroeville Civil Service Commission shall be a member of the Oral Examination Board. The following individuals may be members of the Oral Examination Board:
 - a. The Chief of Police of the Municipality of Monroeville Police Department;
 - b. A resident(s) of Municipality of Monroeville;
 - c. A member(s) of the Pennsylvania State Police;
 - d. A representative(s) from bona fide testing agency which conducts interviews for police officers; or
 - e. An instructor(s) who teaches law enforcement classes at a university, college, technical school, or other certified police officer training academy.
- (d) The Civil Service Commission shall, before the oral examination process begins, submit the names of the Oral Examination Board appointees to the Municipal Manager.
- (e) Council shall, before the oral examination process begins, have the right to strike any and all Oral Examination Board appointees who are not in compliance with the criteria set forth herein to be a member of the Oral Examination Board. If no strike is offered after seven (7) days of notification by the Commission, then no appointee shall be rejected.

SECTION 5.6– Veterans Preference Points

- (a) Pursuant to the Veterans’ Preference Act, 51 Pa.C.S. Ch. 71, any applicant for the position of patrol officer who qualifies as a “soldier” under this Act, shall receive an additional ten (10) points on top of their total score if that applicant had received passing scores under Sections 5.1, 5.3, and 5.4.

SECTION 5.7– Physical Fitness Testing

An applicant for the position of police officer must submit to and successfully complete a physical fitness examination which is job-related and consistent with business necessity. The Commission has established that an applicant for the position of patrol officer must meet the following requirements:

(a) Stretcher Carry. Applicants will be paired off and required to carry a stretcher with a simulated patient weighing approximately 200 lbs, over a distance of 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 200 lbs. from behind the steering wheel of a motor vehicle and drag the simulated operator to a point 50 feet from the motor vehicle.

(c) Quarter Mile Run. An applicant is required to run a distance of one quarter mile (1/4) on a pre measured course in less than 110 seconds.

(d) Window Climb. An applicant is required to climb through 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) Sit Ups. An applicant is required when laying from a supine back position, with straight legs, hands touching shoulders and crossed on the chest come to an upright sitting position (90) degrees fifteen (15) times in a sixty (60) second time period.

(f) Push Ups. An applicant is required to complete fifteen (15) push ups in a forty (40) second time period. The applicant will start by supporting his/her body by positioning the hands and feet in front of them, and applicant will lower the body as a unit with shoulders, hips and legs in the same plane to a point one (1) to two (2) inches from the floor and return to the front support position.

(g) 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 flat course.

CHAPTER 6 – CERTIFICATION OF THE LIST OF ELIGIBLE APPLICANTS AND APPOINTMENT

SECTION 6.1 – Creation of Eligibility List

(a) At the completion of the examination requirements set forth in Chapter 5, and following successful completion of the background investigation as set forth in Section 6.4, the Commission 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 shall have those points added to their passing score prior to being ranked on the eligibility list. In the case of tied scores, the tie will be broken by giving preference to the applicant who submitted a final completed application first. If the tied applicants submitted their complete applications on the same day, then the applicants shall be ranked in alphabetical order by surname.

(b) The eligibility list should be valid for one (1) year from the date the Commission ranks all passing applicants, assigns Veterans' Preference Points and formally adopts the eligibility list. Prior to expiration of the one-year period, the Commission may at their sole discretion, by a vote of the majority of the Commission at a duly authorized Commission meeting, extend the list for an additional twelve (12) months. The Council may, at its sole discretion, void an eligibility list at any time for any reason.

SECTION 6.2 – Appointment

(a) The Municipal Manager, in accordance with section 1001 of the Home Rule Charter, may fill any vacancy in an existing position in the police department by the reappointment or reinstatement of a former employee of the police department who had been furloughed.

(b) Except for physical examinations, no other testing shall be required for a furloughed, rehired or re-appointed employee.

(c) If no furlough list exists, or if positions remain to be filled after all of the officers on the furlough list are offered reemployment, every full-time civil service position shall be filled only in the following manner:

(1) The Municipal Manager shall notify the Commission of any vacancy which is to be filled and shall request the certification of three (3) names from the list of those eligible who have received the highest total scores on the civil service testing.

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

(3) The Municipal Manager shall make a conditional appointment from one (1) of the three (3) names certified, based solely on the merits and fitness of the candidates.

(4) However, for initial appointment to the position of police officer, when any of the top three candidates on the certified list is a soldier, as defined by the Veterans Preference Act, 51 Pa. C.S. Ch. 71, and applicable case law, that candidate shall be selected.

(d) The Municipal Manager may object to one (1) or more of the persons certified for the reasons set forth in Section 4.4 of these rules and regulations.

(e) If the candidate to whom the Municipal Manager objects fails to timely exercise the rights to appeal under Section 4.5 or if the Commission declines to uphold the appeal, the Commission shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three (3) candidates for each name stricken off.

(f) In the case that there is more than one (1) vacancy to be filled, the Commission shall certify, from the eligible list, a number of the highest ranked candidates equal to the number of vacancies to be filled, plus the next two (2) highest ranked candidates. This provision will provide that the last appointment will always be made from the remaining three (3) names certified.

SECTION 6.3 – Appointment of Chief of Police and Assistant Chief of Police

(a) The position of Chief of Police and Assistant Chief of Police in the Municipality of Monroeville are not Civil Service positions and shall not be filled as such unless otherwise explicitly appointed by the Municipal Manager with the advice and consent of Council via resolution in accordance with Home Rule Charter Section 1002.

(b) The Municipal Manager may appoint a Chief of Police and/or Assistant Chief of Police outside of the Civil Service system. The individuals appointed shall be so appointed without civil service status.

(c) If the Municipal Manager appoints a Chief of Police and/or Assistant Chief of Police outside of the Civil Service system, the individual appointed shall be so appointed without civil service status.

(d) In the case of a vacancy in the office of Chief of Police and/or Assistant Chief of Police, the Municipal Manager has full discretion in selecting the individual to

fill the position of Chief of Police and/or Assistant Chief of Police with advice and consent of council.

(e) In the event that the Municipal Manager decides to remove a Chief of Police and/or Assistant Chief of Police, the appointed individual may be returned to a prior rank if promoted from within the Municipality of Monroeville's Civil Service System in accordance with Section 1002(c) of the Monroeville Home Rule Charter. Otherwise, the individual may be dismissed without a Civil Service Hearing.

SECTION 6.4 – Background Investigation

(a) Prior to certification of the eligibility list, the Commission shall request the Chief of Police or the Chief's designee to conduct a background investigation of all applicants who have passed the written, oral and physical agility components of the examination.

(b) The background investigation shall include:

(1) A criminal history check including the submission of fingerprints to the Central Repository for the Commonwealth and to the Federal Bureau of Investigation;

(2) A check of the applicant's credit history;

(3) Personal interviews conducted with at least three people who have personal knowledge of the applicant but who are not related to the applicant;

(4) Interviews of the applicant's employers, if any, for the past five years to determine the applicant's work history; and

(5) A check of the applicant's driving record verifying that the applicant has a valid driver's license.

(c) The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

(d) After the background investigation is completed, the Chief or designee shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment as a full-time civil service police officer. Appropriateness of the applicant shall be based on the criteria set forth in Section 4.4 of these Rules and Regulations.

(e) If the Chief's recommendation is to disqualify an applicant, then a detailed written explanation of the reasons for disqualification must be included.

(f) The Commission shall make the final determination on whether the information collected during the background investigation warrants rejection of the candidate.

(g) Within thirty (30) days after the Commission considers the recommendation of the Chief of Police or designee, all applicants shall be given written notice indicating whether they have passed the background investigation.

(h) If an applicant is notified that he/she is disqualified based upon the background investigation, the applicant shall have the right to request a hearing before the Commission pursuant to Section 4.5 of these Rules and Regulations

SECTION 6.5 – Polygraph Examination

(a) Every application for the position of full-time civil service police officer shall fill out a personal data questionnaire and may, at the discretion of the Civil Service Commission, be required to undergo a polygraph examination.

(b) If a polygraph examination is required, the Commission shall furnish the polygraph examiner with forms upon which the examiner shall state whether any of the applicant's responses to questions from the applicant's personal data questionnaire are deceptive.

(c) The top three candidates from the Civil Service Commissions certified eligibility list shall undergo a polygraph test. In the event of more than one (1) vacancy to be filled, a number of the highest ranked candidates equal to the number of vacancies to be filled, plus the next two (2) highest ranked candidates shall also undergo the polygraph test.

(d) The report on each examination shall be submitted to the Commission within five (5) days after the date of the examination.

(e) The examiner shall ask questions based on the information contained in the personal data questionnaire.

(f) Before administering the test, the examiner shall ask each applicant whether there is any more information related to the personal data questionnaire that the applicant would like to provide.

(g) After administering the test the examiner shall again ask the applicant, if deception is indicated, whether there is any information, which the applicant is withholding.

(h) If the examiner shall deem any of the applicant's responses to be deceptive, the 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 examiner, the applicant will be given the opportunity to retake the test with a second examiner. Notice of the opportunity to retest shall be given in writing to the applicant at the applicants cost. The second examiner will not have access to the results of the first test prior to re-administering the polygraph. If the second examiner finds no deception, the applicant will be considered as having passed the polygraph examination. If the second examiner also finds the applicant deceptive, the applicant will be considered as having failed the examination.

SECTION 6.6 – Physical and Psychological Medical Examinations

(a) After the Municipal Manager selects a candidate from the certified eligibility list for conditional appointment to the vacant position and extends to him/her a conditional offer of employment, that conditional appointee shall submit to a physical and psychological examination.

(b) 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. The terms "physician" and "qualified medical professional" shall be defined in the same manner as provided in Section 1189 of the Borough Code.

(c) The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by the Council and they 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 the essential functions of the position for which the person was conditionally appointed.

(d) If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist does not call into question the conditional appointee's ability to perform all essential functions of the position, then the conditional appointee shall be appointed to the vacant position in the police department for which the application was submitted.

(e) 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 the Council shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position.

(f) If, at the conclusion of the interactive discussion under subsection (e), the Council determines that the conditional appointee is not qualified, the Council shall give written notice to the conditional appointee and the Commission.

(g) The rejected conditional appointee may appeal this decision under Section 4.5.

(h) In the event the conditional appointee is found not to be qualified, the Commission shall then certify another name to be included with the two (2) previously certified names for consideration by the Municipal Manager pursuant to Section 6.2.

SECTION 6.7 – Probationary Period

(a) Every successful applicant for the full-time civil service position of police officer or for a promotional full-time civil service position within the police department shall serve a minimum of six (6) months probationary period, which can be extended to a maximum of twelve (12) months, beginning the date of the probationary appointment.

(b) During the probationary period, a newly hired full-time civil service officer may only be dismissed for cause set forth in Section 4.4 and the Home Rule Charter.

(c) During the probationary period, a promoted officer, may only be returned to a prior rank for cause set forth in Section 4.4.

(d) During the probationary period, the Chief of Police shall monitor the performance and the general acceptability of each probationer to determine if the probationer is fully qualified for permanent appointment.

(e) At the end of each month during the probationary period, the Chief of Police shall make a written evaluation related to the performance and general acceptability of the probationer.

(f) Each monthly evaluation report shall be reviewed with the probationer, thereby giving them an opportunity to improve upon their performance and general acceptability.

(g) The Chief of Police shall make a final report no less than twenty (20) days and no more than forty (40) days prior to the end of the probation period for each probationer.

(h) The final report shall contain a final recommendation as to whether the probationer should be offered permanent appointment.

(i) All reports shall be submitted by the Chief of Police to the Municipal Manager and Members of Council upon completion of the report.

(j) Municipal Manager and Council shall review the Police Chief's final report, as well as any monthly reports Council deems necessary, prior to the expiration of the probationer's probationary period in order to make a decision regarding permanent appointment.

(k) If Municipal Manager finds that at the end of the six (6) to twelve (12) month probationary period the conduct of the probationer has not been satisfactory, the probationer shall be notified in writing, within ten days of its decision and prior to the expiration of the probationary period that the appointment will not be permanent. At that time, a newly hired officer's employment shall end, and a promoted officer shall return to a previous rank.

(l) Any officer, who is not informed in writing that their performance has been unsatisfactory, shall receive a permanent appointment to the new position.

(m) Any probationer, who is notified in writing that their appointment will not be made permanent, has no rights of appeal under these Rules and Regulations.

SECTION 6.8 – Provisional Appointments

(a) 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 eligible list for such appointment, the Municipal Manager may nominate a person to the Commission for noncompetitive examination, and such nominee may be certified by the Commission as qualified after such noncompetitive examination, and may be appointed provisionally to fill such vacancy provided, that nothing within this section shall prevent the appointment, without examination, of the persons temporarily as police officers in cases of riot or other emergency.

(b) In the event of a provisional appointment, it shall thereupon become the duty of the Commission, within three (3) weeks, to hold a competitive examination and certify a list of those eligible and then a regular appointment shall be made from the name or names submitted by the Commission.

CHAPTER 7 – PROMOTIONS FOR CORPORAL, SERGEANT AND/OR LIEUTENANT, EXAMINATION AND GRADING PROCEDURE

SECTION 7.1 – General Qualifications for Corporal, Sergeant & Lieutenant

(a) All applicants for a promotional position, except the Chief and Assistant Chief, who 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 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; and
- (3) An applicant for the position of lieutenant shall be sergeant and have had at least one (1) year of experience in that rank within this department.

SECTION 7.2 – Rejection of Applicants for Promotion

(a) The Commission 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.

SECTION 7.3 - Hearing for Disqualified Applicants

(a) Rejected or disqualified applicants for Promotion have the same rights of appeal as stated in Section 4.5 of these Rules and Regulations.

SECTION 7.4 – General Examination Requirements for the Positions of Corporal, Sergeant, and Lieutenant

(i) 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 seventy percent (70%) and the oral examination representing thirty percent (30%) of the final score. All promotional applicants who successfully complete the written and oral examinations shall also be required to take a physical agility test that is job-related and consistent with business necessity.

SECTION 7.5 – Written and Oral Examination

(a) The requirements of Sections 5.3 and 5.4 of these Rules and Regulations will govern the grading, scoring, and passing requirements of the promotion examinations.

SECTION 7.6 – Veterans’ Preference Points Not Applicable to Promotion

(a) Veterans’ Preference Points are awarded only to soldiers, as that term is defined by law, who qualify for the initial appointment to patrol officer as set forth in §5.6. Veterans’ Preference Points shall not apply to promotions.

SECTION 7.7 – Creation of Promotion Eligibility Lists

(a) At the conclusion of the examination requirements the Commission 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 at the bottom of the list. The eligibility list should be valid for one year from the date the Commission ranks all passing applicants and formally adopts the eligibility list. The Commission may extend the life of the eligibility list in the same manner as set forth in Section 6.1. The Council may void the eligibility list at any time for any reason.

SECTION 7.8 – Promotion Appointment

(a) The Municipal Manager will determine if a vacancy exists in the ranks and should be filled. The Commission shall certify the top three (3) names will from the list of eligibles.

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

(c) The Municipal Manager shall make a conditional appointment from one of the three names certified, based solely on the merits and fitness of the candidates.

(d) As set forth in Section 6.6, candidates selected from the eligibility for promotion list will be extended a conditional offer of employment in that position and will be directed to report for both physical and psychological examinations to the specific physician or other qualified medical professional and psychiatrist or psychologist, respectively, as appointed by the Council. The cost of the examination will be paid by the Governing Body. The completed physical and psychological examination results shall be forwarded to the Council. If the opinion(s) rendered by either or both the medical professional and/or psychological/psychiatrist calls into question the ability of the conditional appointee to perform all essential functions of the position, then the Council shall refer the person designated by it to engage in the interactive process with the conditional appointee to the conditional appointee.

(e) The Municipal Manager may object to one or more of the persons certified for reasons set forth in Sections 4.4 of these Rules and Regulations and the Council may determine that the conditional appointee is not qualified pursuant to Section 6.6. If the candidate to whom the Manager objects or whom the Council determines is not qualified under Section 6.6 fails to timely exercise the rights of appeal under Section 4.5, or if the Commission declines to uphold the appeal, the Commission shall strike the name of the candidate from the eligibility list and certify the next highest name for inclusion on the list of three (3) candidates for each name stricken off.

CHAPTER 8 – SUSPENSION, REMOVAL AND REDUCTION IN RANK

SECTION 8.1 – Grounds for Disciplinary Action

(a) No person appointed to a full-time civil service position in the police department, pursuant to these Rules and Regulations, may be suspended without pay or removed and no person promoted in rank, pursuant to these Rules and Regulations, may be reduced in rank except for the following reasons as prescribed by law:

- (1) Physical or mental disability affecting the officer's ability to continue in service, in which case the officer shall receive an honorable discharge from service;
- (2) Neglect or violation of any official duty;
- (3) Violation of any law which provides that such violation constitutes a misdemeanor or felony;
- (4) Inefficiency, neglect, intemperance, immorality, disobedience of orders, or conduct unbecoming an officer;
- (5) Intoxication while on duty; or
- (6) Engaging or participating in conducting of any political or election campaign other than the officer's exercise of the right of suffrage while on duty.

(b) No officer shall be removed for reasons of religious beliefs or practices, racial or ethnic background, gender, sexual orientation, political affiliations, or due to inclusion in any other class protected from discrimination by applicable federal, state or local law.

(c) A statement of any charges made against any officer employed by the Municipality of Monroeville shall be furnished to the officer within five (5) days after the Municipal Manager has adopted those charges.

SECTION 8.2 – Furloughs

(a) If for any reason, it shall be deemed necessary by the Municipality of Monroeville to reduce the number of full-time police officers in the department, then the Municipal Manager shall apply the following procedure:

- (1) Such reduction shall be accomplished by furloughing in numerical order commencing with the person last appointed, including probationers, until such reduction shall have been accomplished.

(b) In the event that Council decides to increase the police department, the furloughed officers shall be reinstated in order of their seniority in the department.

(c) In order to be reinstated, a furloughed officer must accept reinstatement in writing within thirty (30) days of receiving notice of the opening.

(d) These reductions in force provisions are not applicable to the Chief of Police or Assistant Chief of Police.

SECTION 8.3 – Notice of Suspension, Removal or Reduction in Rank

(a) Except when otherwise permitted by law, before a full-time civil service police officer is suspended, removed or reduced in rank, the specific charges potentially warranting such actions shall be stated in writing by the Municipal Manager. A written statement of the charges shall be delivered to the officer either by personal service or by certified and registered mail.

(b) Charges against an officer 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 those charges.

(c) The charges shall specify the clause of Section 8.1 which provides the basis for the disciplinary action as well as an explanation of the factual circumstances upon which the Municipal Manager relied in finding a violation of Section 8.1.

(d) The officer shall be provided an opportunity to respond to the charges in a meeting with the Municipal Manager or his/her designee before the officer is suspended, removed, or reduced in rank.

(e) Within five (5) days after the meeting with the officer, if the Municipal Manager determines that suspension, removal, or reduction in rank is appropriate, a written statement of the charges and the discipline resulting therefrom shall be delivered to the officer either by personal service or by certified and registered mail.

(f) The written statement referred to in subsection (e) shall notify the officer of the right to appeal under Section 8.4 of these Rules and Regulations.

(g) A copy of the written statement referred to in subsection (e) shall also be served upon the members of the Civil Service Commission.

SECTION 8.4 – Hearings on Suspension, Removal and Reduction in Rank

(a) A full-time civil service officer who has been suspended, removed or reduced in rank may appeal the decision of the Municipal Manager.

(b) A written notice requesting a hearing shall be sent to the Secretary of the Civil Service Commission at:

Civil Service Commission
Municipality of Monroeville
2700 Monroeville Blvd.
Monroeville, PA 15146

(c) This request shall be received by the Commission within ten (10) days after the officer received notice of the discipline.

(d) The officer may make written answers to any charges filed no later than the date fixed for the hearing.

(e) Failure of the officer to provide written answers to any of the charges shall not be deemed an admission of guilt or wrongdoing by the officer.

(f) The Commission shall schedule a hearing within ten (10) days from the officer's written request for a hearing unless continued by the Commission for cause at the request of the Commission, the Municipal Council or the officer.

(g) At any such hearing, the officer against whom the charges have been made may be present and may be represented by counsel, may call witnesses and present testimony and documentation in defense.

(h) The Municipality may be represented by counsel, call witnesses and present evidence as is necessary to support the charges.

(i) A stenographic record of all testimony shall be taken at every hearing and preserved by the Commission.

(j) In the event the charges are dismissed, the record shall be sealed and not be available for public inspection.

(k) 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 disciplinary action.

(l) If the Commission finds that sufficient evidence has been introduced to support the charge, the Commission shall not modify the penalty imposed by the Municipal Manager unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Manager's discretion.

(m) In considering the appropriateness of the discipline, the Commission shall not substitute its judgment for that of the Municipal Manager or Municipal Council.

(n) 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

SECTION 8.5 – Notice of Hearing

Notice of the date, time and place for each hearing shall be given in the following manner:

(a) By either personal service or by registered mail to each person making charges and to the person accused; and,

(b) By mailing a notice to all other parties who have an interest in the hearing; provided, however, that any failure to give the notice required by this subsection shall not invalidate any action taken by the Commission.

SECTION 8.6 – Hearing Procedure

(a) All testimony shall be given under oath administered by the Chairperson, or in absence of the chair, the Vice-Chairperson.

(b) The Commission shall have the power to issue subpoenas as set forth in Section 2.11.

(c) The hearing shall be closed to the public so long as permitted by law unless the person accused, when making written demand for a hearing, requests that such hearing be open to the public.

(d) The Rules of Evidence now in force in the Court of Common Pleas of Allegheny County, Commonwealth of Pennsylvania, shall be the Rules of Evidence for the Commission, provided, however, that the Rules, with regard to hearsay evidence, shall be relaxed and liberally construed. All rulings on evidence shall be made by the Presiding Chairperson, or in his absence, the Vice-Chairperson at the hearing, subject to objection by other members of the Commission. In the event of such objection, the Commission shall adjourn, vote in private on the objection, and return with a public ruling.

(e) Parties to hearing before the Board shall be as follows:

(1) Appellant – The parties sought to be suspended, removed or demoted, who requested a hearing in his council.

(2) Commission – The Commission, individually or collectively, shall have the rights of a party and all hearings and may appear by council.

(3) Suspender – The Municipal Manager of the Municipality of Monroeville or his designee, and Council, as a body politic for the Municipality of Monroeville.

(4) Counsel – Counsel is defined as an attorney at law who is admitted to practice before the Supreme Court of the Commonwealth of Pennsylvania.

(f) Rights of the Parties:

(1) All parties shall have the right to request the Commission issue subpoenas to compel the attendance of witness or other evidence. The Board shall not issue such subpoenas except for good cause shown.

(2) All parties shall have the right to remain silent, to testify, examine witnesses, cross-examine witnesses of other parties, and to offer documentary or other non-oral evidence.

(3) The Commission shall have the rights of a party with regard to calling of witnesses and the right to cross-examine witnesses of other parties.

(g) Procedural Rules:

(1) Appellant shall file with the Commission, in writing, his/her “demand” for a hearing. The demand for a hearing shall consist of the following parts:

a. Written demand for a hearing addressed to the Commission.

b. Statement or Notice of Suspension (permissive, not mandatory).

c. Appellant’s answer to the suspension (permissive, not mandatory).

(2) The demand shall be served on the Municipal Manager or his/her designee, who, for the purpose of accepting service, shall be the agent of the Commission. The Appellant shall have the right to public hearing and shall notify, in writing, the Commission of the intent to exercise such right. Failure to give notice will be deemed as a waiver of such right and

the hearing shall be closed, open only to the Parties and their counsel. The hearing shall be conducted as follows:

- a. The presiding chairman shall call the hearing to order.
- b. The Suspension Notice, charges and the answer, if any, shall be read into the record by the Secretary of the Commission.
- c. All witnesses shall testify under oath. The oath shall be given by the Presiding Chairperson.
- d. The Suspender may make an opening statement.
- e. The Suspender may present witnesses and evidence.
- f. The Appellant may move for dismissal of the suspension and charges and may argue and rebuttal.
- g. The Commission shall rule on the motion to dismiss.
- h. The Appellant may make an opening statement.
- i. The Appellant may present witnesses and evidence.
- j. Argument shall be as follows:
 1. The Party ordered the suspensions shall argue first.
 2. The Appellant shall have the final argument.
- k. All parties shall have the right to cross-examine at the conclusion of testimony under Act Examination. Re-direct examination and re-cross – examination shall be permitted.
 1. Decision by the Commission:
 1. The decision shall be reached in secret.
 2. Majority and minority opinions may be filed.
- m. A stenographic and/or tape record shall be made of all hearings.

(h) Decision of the Civil Service Commission – The Commission shall issue its decision approved by at least two (2) members of the Commission. The written decision shall include all findings of fact and conclusions of law. If, during the hearing,

opposing facts are presented, the Commission shall include its decision as to the correct facts. The findings and decision of the Commission shall be forwarded to the person making charges, accused and to Municipal Council, and Municipal Manager and Mayor.

(i) If the Commission sustains the charges, the officer against whom disciplinary action was taken may file an appeal with the Court of Common Pleas within sixty (60) days from the date of entry by the Commission of its final order.

(j) No order of suspension shall be made by the Commission for a period longer than one (1) year.

(k) In the event that the Commission fails to uphold the charges, then the person sought to be suspended, removed or demoted shall be reinstated with full pay for the period of the suspension, removal or demotion, and no charges related to the suspension, removal or reduction in rank shall be officially recorded in the officer's record.

SECTION 9 - Repealer

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

(b) Any Ordinance or part of any Ordinance in conflict herewith, is hereby repealed to the extent of that conflict.

ORDAINED and ENACTED this 9th day of November, 2011.

ATTEST:

MUNICIPALITY OF MONROEVILLE



Timothy Little
Municipal Manager



Gregory Erosenko
Mayor

ENTERED INTO LEGAL BOOK ON: November 19, 2011