

Chapter 39
POLICE CIVIL SERVICE

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[HISTORY: Adopted by the Council of the Borough of Berwick 1-12-1970 as part of the Appendix of the 1970 Code. Amendments noted where applicable.]

§ 39-1. Definitions.

The following words, terms and phrases as used in the following section shall be construed to have the following meanings:

- BOROUGH — The Borough of Berwick, Pennsylvania.
- COMMISSION — The Police Civil Service Commission.
- COUNCIL — The Berwick Borough Council.
- DEPARTMENT — The Berwick Police Department.
- EMPLOYEE — Any police officer or employee in the Police Department.
- SECRETARY — The Secretary of the Commission.

§ 39-2. Administration.

- A. The Commission shall meet and organize the first Monday of each even-numbered year and elect a President and Secretary.
- B. The Commission shall meet regularly at stated intervals at a time it shall agree upon after the Commission has organized.
- C. Two members of the Commission shall constitute a quorum for the transaction of business. Each Commissioner shall be notified of the time and place of each meeting in writing by the Secretary.

§ 39-3. Commission records.

- A. The Secretary shall keep complete and accurate minutes of all meetings of the Commission. Said minutes shall contain:
- (1) Copies of resolutions and/or ordinances of the borough authorizing the appointment of the Commission.
 - (2) The organization of the Commission and the election of the President and Secretary.
 - (3) A complete copy of the rules and regulations adopted by the Commission and resolutions of Council approving same.
 - (4) Complete minutes of all meetings of the Commission.
- B. The minutes of the meetings of the Commission shall be open at all times to public inspection, but in no case shall they be taken from the office of the Commission except by direction of the Commission.
- C. The Commission shall submit a written annual report to the Council; said report shall contain a summary of the work of the Commission during the year and said report shall be made available for public inspection five days after the filing thereof.
- D. The Secretary shall prepare, under the direction of the Commission, all blank forms and examination papers to be used and keep a complete record of the same from time to time as the examinations take place.
- E. The Secretary shall file and preserve for future reference all applications for positions, physical and mental examination papers, examination questions, declaration sheets, copies of all notices to applicants, newspaper notices of meetings and averages, etc., as a part of the records of the Commission. The Secretary shall also keep a complete card index of all applications, which cards shall give a concise record of the case of each applicant from the date of filing of his application.
- F. The Secretary shall keep a complete roster of all employees in the Department at the time the provisions of the Civil Service Act went into effect and also of all employees who shall have been employed thereafter in the Department. Entries shall be made from time to time of appointments, suspensions, fines, discharges, reappointments, etc. Whenever an employee shall leave the position in which he has been employed, all papers pertaining to his employment shall be filed together and preserved for future reference.

§ 39-4. Filling vacancies; applications.

- A. Vacancies; applications.
- (1) Whenever the Commission shall determine that examinations shall be held for filling a vacancy or establishing an eligible roster, public notice thereof shall be given by advertisement in a local newspaper, setting forth therein the last date for filing of applications, said date to be not less than 10 days after the date of the first advertisement. The Commission shall meet within one week after the expiration date and determine which, if any, of the applications are acceptable; if any of the

applications are accepted, the Commission shall adopt a schedule of dates for the various examinations and so notify the eligible applicants.

- (2) Every applicant for a position in the Department shall call in person at the office of the Commission to secure an application blank, which application blank shall be furnished by the Secretary without charge. The application thus received must be filled out in ink by the applicant and signed in the office of The Secretary. The date and hour of the receipt and filing of all applications must be endorsed thereon by the Secretary, which date and hour, in case of approved applications, shall determine the priority of filing. No applications shall be received or filed by the Secretary wherein changes, erasures or interlineations have been made.

B. Every applicant shall state in his application the following information:

- (1) His full name, together with street and number of the ward wherein he resides in the borough at the time of filing application.
- (2) His place of birth, together with year, month and day of birth.
- (3) Whether he is a native-born citizen of the United States of America or a naturalized citizen, and if a naturalized citizen, where and when his full papers were taken out.
- (4) Whether or not he is a citizen of the borough and has been a taxpayer of said borough for the period of at least one year preceding the date of application, and whether he is the owner of real estate in the borough, giving location and description of property owned if any.
- (5) Whether or not he is in arrears to the borough upon debt, taxes or otherwise.
- (6) Whether or not he is a qualified voter in the borough at the time of making application.
- (7) Whether or not he has attended common school, high school, academy or college; where, when and for what period of time.
- (8) Whether or not he uses intoxicating liquors, morphine or other drugs; and if so, to what extent.
- (9) His business, employments and residences during the five years immediately preceding his application.
- (10) His experience and period of service as a member of the uniformed Police Department of any city, borough or township; and he shall state fully the experience he has had and the names and addresses of all his employers during the last five years and the period of employment by each.
- (11) His experience, length of service and date of honorable discharge as a member of any branch of the Armed Forces of the United States during the time of war.
- (12) His height and weight at the time of making application.

C. Each application must be accompanied by the affidavits of three male vouchers, residents and taxpayers of the borough, who shall state the period during which and the circumstances under which they have known the applicant.

- D. No question in any form of application or at any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, and all disclosures thereof are forbidden.
- E. No person shall be examined who is not a citizen of the United States and who is not a resident of and a qualified voter in the borough; provided, however, that applicants for the position of Chief of Police need not be residents and taxpayers in the borough.
- F. The Commission may refuse to examine any applicant, or, after examinations, to place upon the eligible list anyone:
 - (1) Who is found to lack any of the established preliminary requirements for the examination or for the position or employment for which he applies.
 - (2) Who is physically so disabled as to be rendered unfit for performance of duties of the position for which he applies.
 - (3) Who is addicted to the habitual use of intoxicating liquors or drugs.
 - (4) Who has been guilty of any crime or infamous or notoriously disgraceful conduct.
 - (5) Who has been dismissed from the public service for delinquency or misconduct.
 - (6) Who has made false statements of any material fact or practiced or attempted any deception or fraud in his application, in his examinations or securing his eligibility.

§ 39-5. Physical examinations.

- A. Every applicant for appointment to a salaried position in the Department whose application has been accepted shall undergo a physical examination by a physician who shall be designated by the Board at least 10 days previous to the date of the mental examination. The examination fee shall be paid by the applicant at the time of the physical examination.
- B. Applicants for positions in the Department must be, at the time of the examination, at least 21 years of age and shall not have attained their 40th birthday, with the exception of applicants for Chief of Police, who may be over 40 years of age at the time of the appointment, and said applicants shall not be less than five feet eight inches in height and shall be of weights and measurements falling within the limits below prescribed and must be physically qualified to sustain the labors and exposures of the position for which appointment is made.
- C. The physical schedule shall be as follows:

	Height	Minimum	Maximum	Minimum
(feet)	(inches)	Weight	Weight	Circumference
		(pounds)	(pounds)	of Chest—
				Quiescent
				(inches)
5	8	145	185	34½
5	9	150	190	35½

	Height (feet)	Height (inches)	Minimum Weight (pounds)	Maximum Weight (pounds)	Minimum Circumference of Chest— Quiescent (inches)
	5	10	155	195	36
	5	11	160	205	37
	6		165	210	37½
	6	1	170	215	38
	6	2	175	225	39
	6	3	180	230	40
	6	4	185	235	41

All applicants must have a chest expansion of not less than three inches.

- D. Any applicant failing to receive a satisfactory rating by a qualified physician, as per the requirements hereinafter set forth, will in no case be admitted to and must be excluded from the mental examinations.

§ 39-6. Mental examinations.

- A. The Commission shall appoint a qualified mental examiner, who will furnish an accepted standardized mental examination as a unit of the overall mental tests. He shall construct or furnish a second unit of not less than 50 parts which shall test the applicant's knowledge of his community, its government and its functions. The test shall also include such questions as might be deemed necessary to further prove the applicant's ability to recognize and solve simple problems and to test his powers of reasoning in meeting ordinary situations as might be expected of a police officer.
- (1) Adequate public notice of the time and place of holding said examinations for positions shall be given at least two weeks prior to the date thereof by placing such notice in a conspicuous place in the office of the Secretary of the Commission and by publishing a copy of such notice signed by the Secretary, one insertion to be made in one of the daily newspapers published in the borough. Copies of such notice also shall be given to all persons who shall apply for them in person or by mail.
- B. All applicants whose applications have been accepted by the Commission and who shall have passed the physical examination shall receive written notice from the Secretary of the time and place of the holding of the mental examination at least four days prior thereto. Said notice may be delivered in person to the applicant, with certification of delivery of same to be made by the person delivering the notice, or by registered mail with a personal receipt requested.
- C. Upon taking any mental examination under these rules and before proceeding to answer any questions pertaining to such examination, and so that all of such examinations may be

conducted in an impartial manner in the marking of the examination papers, each applicant shall be required at the commencement of a written examination to fill out and sign a declaration sheet, giving his full name and address and such other information as may be required by the Commission, and to insert the said declaration sheet, after it has been marked by the applicant with the identification number, in the official envelope to be furnished by the Secretary, after which the applicant shall be required to personally seal the said envelope securely. Each applicant shall mark his identification number on each of his examination papers, and any examination paper, except the declaration sheet, bearing the name of the applicant or any other mark intended to disclose the identity of the applicant shall be rejected by the Commission. At the close of the examination all envelopes containing the declaration sheets shall be placed by the Secretary, unopened, in a sealed package, which sealed package shall not be opened by anyone until the marking of all papers submitted in examinations has been completed and the order of the excellence of the paper determined.

- D. Should any applicant in any manner disclose his identification number to the Secretary or to any member of the Commission or to anyone conducting the examination, or should said number be disclosed by any other person after the examination has taken place and before the papers have been marked by the Commission, then and in such case shall all of said examination papers be rejected and such applicant shall not be permitted or allowed to again enter any examination for any position in the Department.

§ 39-7. Method of rating examination papers.

A. Rating mental examinations.

- (1) Rating of applicants taking the mental tests shall be done in a uniform manner and shall follow established and accepted custom.
- (2) An applicant's rating in the standardized mental examination shall be considered satisfactory if his score shows that he is of average or above average mental ability according to established and published norms.
- (3) A score of not less than 70% in the second unit of the mental examination shall be considered satisfactory.

B. Rating physical examinations.

- (1) A satisfactory physical rating shall be given by any qualified physician if in his estimation the applicant meets all of the requirements as set forth in § 39-5A, B and C.
- (2) A satisfactory rating shall be given only to those applicants who, in the opinion of the examining physician, can satisfactorily perform the normal duties of a police officer.

- C. Any applicant who has served as a member of the Armed Forces of the United States during the time of war as provided by law and who has been rated as satisfactory in his physical examination shall be awarded five extra points on each of his mental examinations.

§ 39-8. Eligible register.

- A. All applicants who have received a satisfactory rating in all tests as set forth in § 39-7 shall have their names entered by the Secretary on the proper eligible register, to be kept by him, in the order of their excellence, with the highest score at the top of the list. If two or more of those on the eligible list have the same ratings, their names shall be entered on the register in the order in which their applications were received and filed; and if their applications were received and filed at the same time, then their names shall be entered on the register in alphabetical order.
- B. The Commission shall make and keep, in numerical order, a list containing the names of applicants for positions in the Department. When more than one person takes examinations for a position (whether at the same or different time) in the Department, those successfully passing such examinations shall be entered upon the eligible list of names in the order of their respective ratings as provided in Subsection A.
- C. The eligible list shall be maintained in ledgers containing columns for the following entries:
- (1) Serial number.
 - (2) Name.
 - (3) Address.
 - (4) Date of making application.
 - (5) Date of physical examination.
 - (6) Date of mental examination.
 - (7) Averages obtained.
 - (8) Date of publication of results of examinations.
 - (9) Dates of certification to Council.
 - (10) Date of appointment by Council.
 - (11) Date of certification of appointment.
 - (12) Date of receipt of notice of appointment.
 - (13) Date of entering upon duties of position.
 - (14) Date of leaving service.
 - (15) Such other information as may be deemed necessary.
- D. Persons taking competitive examinations shall be notified of their averages by the Secretary by mail within three days after the averages have been made up. Any applicant who feels aggrieved by the markings given him on any examination paper may, by written request to the Secretary, have the markings explained and shall have the markings reconsidered by the Commission if in its opinion it is advisable so to do. All such requests for explanations or reconsiderations must be filed with the Secretary within five days after the publication of the eligible list; otherwise, such requests will be denied; provided,

however, that no person certified or appointed from the eligible list prior to the receipt by the Secretary of such request shall be displaced by the correction of the list resulting from such reconsideration.

- E. All names on the eligible list as certified by the Civil Service Commission after two years from the date of being placed thereon by the Commission shall be removed and may be restored only upon application and examination in like manner as is necessary for new applicants. **[Amended 12-17-1979]**

§ 39-9. Permanent appointments.

- A. Upon written notice from the Council to the Commission that there is a vacancy to be filled or an additional appointment to be made in the Department, the Secretary shall certify in writing to the Council the names of the three persons having received the highest general average in the last preceding examination held within a period of two years next preceding the date of the notice of vacancy to be filled or additional appointment to be made; provided, however, that in case of a vacancy in the office of Chief of Police or equivalent official, the Council may nominate a person to the Commission. The Commission shall then subject such person so nominated to a competitive examination, and, if such person shall be certified by the Commission as qualified, he may then be appointed to such position and thereafter be subject to all the same rules and regulations as other employees in the Department. **[Amended 12-17-1979]**
- B. All original appointments shall be for a probationary period of six months, but during such period an appointee may be dismissed only for a cause as specified in § 39-12E. If at the end of the probationary period the Council is not satisfied with the conduct or fitness of the appointee, then he shall be notified that he will not receive a permanent appointment. A copy of such notice shall be filed by Council with the Commission. Thereupon the appointment shall cease; otherwise, his retention shall be equivalent to a permanent appointment.
- C. Of the persons possessing equal qualifications and eligibility for appointment, preference in appointments shall be given to honorably discharged soldiers and sailors who served in the Army or Navy of the United States during the time of war as provided by the laws of the Commonwealth of Pennsylvania.

§ 39-10. Provisional appointments.

- A. When there are urgent reasons for filling a vacancy and there is no list of persons eligible for appointment after a competitive examination, temporary appointments may be made to fill the vacancy in the Department without examination. Such appointment shall not continue for a period longer than 10 days after the establishment of a suitable eligible list, and in no case shall said appointment continue for a period longer than three months.
- B. Nothing herein shall prevent the appointment without examination of persons temporarily as police officers in emergency cases for suppression of riots, tumults in times of war, pestilence, conflagration or public celebrations.

§ 39-11. Promotions.

Promotions shall be based on merits to be ascertained by examinations to be prescribed by the Commission. All questions relating to promotions shall be practical in character and such as will fairly test the merit and fitness of persons seeking promotion. The Council shall have power to determine in each instance whether an increase in salary shall constitute a promotion in rank.

§ 39-12. Suspensions and hearings.

- A. The Secretary, any member of the Commission or Council, Chief of Police, Mayor or any citizen of the borough may file charges against any employee of the Department; provided, however, that in case a citizen shall file charges, such citizen shall file with the Commission an affidavit, either on behalf of himself or one or more witnesses, setting forth the facts relied upon as the basis of said charges. Said affidavits must in all cases be made before some person authorized by the State of Pennsylvania to take the same. A copy of said affidavit or affidavits shall, in such cases, be served by the Commission on the person against whom the charges are preferred.
- B. All suspensions shall be made without pay for the period of suspension, except that if, after a hearing by the Commission, the charges are not upheld by the Commission, the suspended employee shall be reinstated with full pay.
- C. Suspension without hearing shall not in any case continue for more than 30 days, and successive suspensions shall in no case be made.
- D. Whenever any employee in the Department shall be suspended pending charges against him, the suspending official shall forthwith notify the Commission in writing of the fact that such employee has been suspended, and in a statement made of such suspension to the Commission, shall set forth the cause of suspension and the date from which it takes effect. The Commission shall forthwith fix a time and place for the hearing of any charges against such suspended employee. The date of the hearing shall be within 10 days from the date the Commission shall have received notice of the charges; and at least five days' notice in writing shall be given to the suspended employee or left at his last known address by the Secretary. Said notice shall contain a brief untechnical notice of the nature of the charges made, together with a statement of the time and place fixed for the hearing. Said notice may be mailed, but if mailed it shall be by registered mail with return receipt requested. Any employee may be represented by counsel at the hearing.
- E. Causes for disciplinary action.
 - (1) No employee of the Department shall be removed, reduced in rank or suspended except for the following reasons:
 - (a) Physical or mental disability affecting his ability to continue in service, in which case the person shall receive an honorable discharge from the service.
 - (b) Neglect or violation of any official duty.
 - (c) Violation of any law of this commonwealth which provides that such violation constitutes a misdemeanor or felony.

- (d) Inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming an officer.
 - (e) Intoxication while on duty.
 - (f) Engaging or participating in the conduct of any political or election campaign otherwise than to exercise his own right of suffrage.
- (2) No employee of the Department shall be removed for religious, racial or political reasons except as hereinbefore provided.

§ 39-13. Reduction in personnel.

If for any reasons of economy or other reasons it shall be deemed necessary by the Council to reduce the number of paid employees of the Department, then the Council shall apply the following procedure: Commencing with the last-appointed employee and continuing in the numerical order of last appointments, furloughs shall be given to the number of employees necessary to accomplish the desired reductions in personnel. In the event the number is to be increased at a later date, the employees so furloughed shall be reinstated in the order of their seniority in the service.