

**MT. LEBANON, PENNSYLVANIA
RESOLUTION NO. R-7-14**

WHEREAS, Mt. Lebanon Civil Service Rules and Regulations establish the procedures for police and fire employees related to hiring, promotion and discipline;

WHEREAS, recently the rules and regulations were amended by the Civil Service Board;

WHEREAS, these changes are administrative in areas such as administrative procedures, scoring systems for hiring, promotion examinations, retention of eligibility lists, and changes to comply with legislative revisions of the First Class Township Code.

NOW, THEREFORE, BE IT RESOLVED by the Commission of Mt. Lebanon, Pennsylvania, to approve the amended Mt. Lebanon Civil Service Rules and Regulations.

ADOPTED this 24th day of March 2014.

ATTEST:



Manager/Secretary

MT. LEBANON, PENNSYLVANIA



President
Mt. Lebanon Commission

**CIVIL SERVICE
RULES & REGULATIONS
FOR THE
POLICE & FIRE DEPARTMENTS
OF
MT. LEBANON, PENNSYLVANIA**

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A HOME RULE MUNICIPALITY

The following Rules & Regulations are adopted and approved pursuant to 53 P.S. §55630. These Rules & Regulations represent a recodification of rules and regulations approved on January 22, 1968 and amended on the following dates:

April 14, 1969;
March 9, 1970;
April 23, 1973;
March 12, 1976;
November 5, 1986;
April 25, 1988;
January 8, 1990;
August 8, 1991;
December 14, 1992; April 10, 1995;
April 22, 2002;
March 23, 2004;
May, 2005;
June 2009
March 2014



CIVIL SERVICE RULES & REGULATIONS

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RULES & REGULATIONS
FOR THE
CIVIL SERVICE BOARD
OF
MT. LEBANON, PENNSYLVANIA

SECTION I. DEFINITION OF TERMS

1.1 Definitions.

Unless otherwise expressly stated, the following words and phrases, wherever used in these Rules and Regulations, shall be construed to have the meaning indicated herein;

- a. Appointing Authority - The Commission of Mt. Lebanon, Allegheny County, Pennsylvania.
- b. Applicant - Any individual who applies in writing to the Board in response to a legally advertised notice of vacancy and/or examination for any position in the Police or Fire Department.
- c. Board - The Civil Service Board of Mt. Lebanon, Pennsylvania.
- d. Career Firefighter – For purposes of these Rules and Regulations, a sworn full-time position in the Fire Department
- e. Certification - Civil Service Board approval of an eligibility list of applicants having completed the entry-level selection process or the promotion process according to these Rules and Regulations.
- f. Chairperson - The Chairperson of the Civil Service Board of Mt. Lebanon, Pennsylvania.
- g. Commission - The governing body of Mt. Lebanon, Pennsylvania.
- h. Day - A calendar day.
- i. Demotion – The designation given to a change in position or reduction in rank which results in a decrease in salary; provided, however, that a decrease in salary without change in position or reduction in rank shall not constitute a demotion.

- j. Eligible - A person whose name is recorded on a current eligibility list or furlough list.
- k. Eligibility List - The list of names of persons who have passed all examinations for a particular position in the Police or Fire Department.
- l. Examination - The series of tests given to applicants to determine their qualifications for a position in the Police or Fire Department.
- m. Fire Lieutenant – The sworn, entry-level Career Firefighter position within the Fire Department.
- n. Furlough List - The list containing the names of persons temporarily laid off from positions in the Police or Fire Department because of a reduction in the number of Police Officers/Career Firefighters.
- o. Manager - The Municipal Manager of Mt. Lebanon, Pennsylvania.
- p. Municipality - The Home Rule Municipality of Mt. Lebanon, Pennsylvania.
- q. Official Appointment - The assignment by the Manager of an applicant who has completed the selection process or promotion process to a position with the municipality's Police or Fire Department.
- r. Personnel Officer - The individual appointed by the Manager to be responsible for maintaining the personnel administration of Mt. Lebanon.
- s. Police Officer - For purposes of these Rules and Regulations, a sworn full-time position in the Police Department
- t. Probationer - A Police Officer in the Police Department or Career Firefighter in the Fire Department who has been appointed from an eligibility list, but who has not yet completed the probationary period
- u. Promotion - A change in position constituting an elevation in rank. The Mt. Lebanon Commission shall determine whether an increase in salary shall constitute a promotion.
- v. Reduction in Rank - A change to a different position or rank where the employee fulfilled all of the requirements of these Rules and Regulations for both the prior and current position or rank. However, a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank.

- w. Rules and Regulations – The Rules and Regulations of the Civil Service Board for the Police and Fire Departments of Mt. Lebanon, Pennsylvania
- x. Removal - The permanent separation of a Police Officer from the Police Department or Career Firefighter from the Fire Department.
- y. Secretary - The Secretary of the Civil Service Board of Mt. Lebanon, Pennsylvania.
- z. Suspension - The temporary separation without pay of a Police Officer from the Police Department or a Career Firefighter from the Fire Department.
- aa. Time - When any period of time is referred to in any of the following Rules and Regulations, such period shall be computed as to exclude the first and include the last day of such period. Whenever the last day of any such period shall fall on Saturday or Sunday or on any day made a legal holiday by the laws of the Commonwealth of Pennsylvania or of the United States, such day shall be omitted from the computation.

1.2 Gender.

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

SECTION 2. THE BOARD

2.1 Civil Service Board.

The Board shall consist of three (3) members who shall be qualified electors of the Municipality and shall be appointed by the Mt. Lebanon Commission initially to service for terms of six (6) years.

The Commission may appoint no more than three (3) alternate members to serve on the board. The term of office for an alternate member shall be six (6) years. The Administrative Code of the Municipality sets forth the role, responsibilities and restrictions for alternate members.

Any vacancy occurring in the Board for any reason whatsoever shall be filled by the Commission for the unexpired term within thirty days after such vacancy occurs.

Each member of the Board, 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. No Civil Service Board member shall receive compensation.

2.2 Offices Incompatible with Civil Service Board.

No Board member shall at the same time hold an elective or appointed office under the United States government, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth except that one (1) member of the Board may be a member of the Commission.

2.3 Organization of Board; Quorum.

The Board shall elect one (1) of its members as its Chairperson, one (1) as Vice-Chairperson and one (1) as the Secretary. Three (3) members of the Board shall constitute a quorum and no action of the Board shall be valid unless it shall have the concurrence of at least two (2) members.

2.4 Duties of Chairperson.

The Chairperson, or in his or her absence, the Vice-Chairperson, shall preside at all meetings and hearings of the Board, decide all points of order or procedure and perform any duties required by law or these Rules and Regulations.

2.5 Duties of Secretary.

The Secretary shall carry on at the direction of the Board all official correspondence of the Board, send out all notices required by law and these Rules

and Regulations, keep a record of each examination or other official action of the Board, and perform all other duties required by law or these Rules and Regulations. The Secretary may delegate the actual recording of the minutes or other duties to a staff person assigned by the Municipality. The Secretary shall attest to the minutes prior to their approval by the full Board.

2.6 Meetings.

Except for the biennial organization meeting, all meetings shall be held either at the call of the Chairperson or at the call of two (2) members of the Board. The Board shall determine whether meetings shall be open to the public pursuant to applicable law and these Rules and Regulations. If a meeting is to be open to the public, public notice of the time and location of such meeting shall be given at least ten (10) days prior to such meeting. The Secretary of the Board shall give each member at least 24 hours notice in writing of each and every meeting of the Board.

2.7 Clerks and Supplies.

The Municipality shall furnish the Board with such supplies and clerical assistance as may be necessary for the Board to fulfill its duties. In addition, the Board may retain counsel, and any other consultants or experts, including physicians and psychiatrists, with permission of the Commission at the request of the Board. The elected and appointed officials of the Municipality shall assist the Board with all reasonable and appropriate efforts including compensation for any counsel or experts retained by the Board.

2.8 Amendment of Rules and Regulations.

The Board may amend, revise, void or replace these Rules and Regulations for any reason by action of a majority of the Board at any properly convened meeting of the Board. Before any changes to these Rules and Regulations become effective, those changes must be approved by the Commission. These Rules and Regulations, and any amendments there to, shall be made available to the public for distribution or inspection.

2.9 Minutes and Records.

The Board shall keep minutes of its proceedings and records of examinations and other official actions. All recommendations of applicants for appointment received by the Board shall be kept and preserved for a period of five (5) years and all such records and all written causes of removal filed with the Board shall be subject to reasonable regulation and open to public inspection.

Interested citizens may contact in writing the Personnel Officer for Mt. Lebanon to make arrangements for inspection at Mt. Lebanon offices during Mt. Lebanon regular office hours.

2.10 Investigations.

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

2.11 Subpoenas.

The Board shall have the power to issue subpoenas over the signature of the Chairperson, or his designee, to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of such witnesses for attendance and travel shall be the same as for witnesses appearing in the courts.

All employees of the Municipality or non-employees (i.e., Commissioners) shall attend and testify when required to do so by the Board. No subpoena shall be necessary to compel their attendance or testimony. No compensation shall be paid any employee attending a hearing with or without subpoena.

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

2.12 Annual Report.

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

SECTION 3. ENTRY LEVEL SELECTION PROCESS

3.1 Qualifications for Official Appointment.

- a. To be eligible for Official Appointment to a position with the Police or Fire Department, except for Chiefs and Deputy Chiefs, an applicant must meet the requirements of subsections (b), (c) and (d) of this section, subject to a reasonable accommodation of an applicant's disabilities.
- b. No applicant shall be eligible for Official Appointment if:
 1. He is found to lack any of the minimum qualifications for examination prescribed in these Rules and Regulations of the Civil Service Board of Mt. Lebanon, Pennsylvania ("Rules and Regulations") and/or the published job description for the position sought to be filled;
 2. He fails to satisfy any requirement for the position sought to be filled, which requirements shall be posted in the Mt. Lebanon municipal building as part of the Public Notice (See Section 3.2);
 3. He demonstrates an inability to adhere to the policy and rules set forth in the department manuals, the Fire Department Rules & Regulations and the Police Department Manual of Policy & Procedure, and which policy and rules are incorporated herein;
 4. He is physically unfit for the performance of the duties of the position sought to be filled;
 5. He is currently illegally using a controlled substance or abusing alcohol;
 6. He has been guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, or of any crime which was punishable by death or imprisonment in excess of one (1) year pursuant to the law which he was convicted;
 7. He has been dismissed from public service for delinquency or misconduct in office;
 8. He makes any statement as part of a selection process which he knows or has reason to know is false; or
 9. He fails to earn a grade of satisfactory on training evaluations.

10. He is affiliated with any group whose policies or activities are subversive to the form of government set forth in the constitutions and laws of the United States and Pennsylvania.

To be eligible for Official Appointment to the Police Department, an applicant must satisfactorily complete a Pennsylvania Act 120 approved Police Academy training curriculum, and qualify (after instruction) with a police issue firearm.

- c. Every applicant making application for a position with the Police or Fire Department shall have a valid driver's license at the time he makes application for the position and shall continue to hold a valid driver's license at all times throughout the selection process.
- d. An applicant must participate in and complete the selection process in accordance with these Rules and Regulations and all instructions governing each step of the selection process. The selection process shall consist of the following:

- | | |
|----------|--|
| Step 1. | Application, |
| Step 2.* | Physical agility examination or written examination; |
| Step 3.* | Written examination or physical agility examination; |
| Step 4. | Oral examination, |
| Step 5. | Background examination, |
| Step 6. | Pre-employment interview, |
| Step 7. | Conditional offer of employment, |
| Step 8. | Medical examination, |
| Step 9. | Psychological testing, and |
| Step 10. | Probation. |

* The sequence of the physical agility examination and the written examination will be determined by the Police or Fire Department, as appropriate, prior to public notice (see Section 3.2 below). A record of such determination will be maintained by the Personnel Officer and made available to applicants upon request.

- e. The failure to complete any step in the selection process in accordance with these Rules and Regulations, and all instructions governing each step of the selection process, shall disqualify an applicant from further participation in that selection process. Disqualification from a selection process shall render an applicant ineligible for Official Appointment and such status shall continue until the applicant participates in and completes a subsequent selection process in accordance with the Rules and Regulations then in effect and all instructions governing that selection process.

- f. An applicant who has previously participated in a selection process or any part thereof, and is required, for any reason, to participate in a subsequent selection process, shall not be exempt from participating in and completing each and every step of the subsequent selection process.
- g. An applicant ineligible for any reason set forth in subsection (b) of this section, shall be denied participation in any selection process or examination, and if examined, his name shall be removed from any eligibility list, and if appointed to fill any position, he shall be discharged.
- h. Nothing in this section shall prevent the Manager from making emergency or provisional appointments, as he shall deem it necessary. Termination of these appointments is at the discretion of the Manager.

3.2 Public Notice.

Applications for Official Appointment to positions with the Police or Fire Department shall be solicited by public notice published in a newspaper of general circulation within the Municipality not less than fourteen (14) Days prior to the final date for acceptance of applications. Such notice shall specify the position(s) sought to be filled, the deadline for submission of applications, the minimum qualifications required for application, and the locations at which applications may be obtained. A copy of such notice shall also be posted at a conspicuous place within the Mt. Lebanon municipal building.

If the number of applicants makes it advisable to stagger test times, or if the date or time of the examination must be changed for any other reason, applicants will be so advised at the time that they submit their application or by mail.

3.3 Application.

Upon request, at the locations specified in the public notice, a qualified applicant shall receive the following:

- a. An application for the position(s) sought to be filled as announced in the public notice;
- b. A detailed description of the selection process; including without limitation the sequence of all steps in the selection process;
- c. A notice of all requirements for the position(s) sought to be filled;
- d. A physical agility examination acknowledgement and release form.

- e. A copy of these Rules and Regulations and a copy of relevant excerpts from the department manual shall be made available to any applicant upon request to the Chief of the relevant department.

3.4 Filing Applications.

Application for any position with the Police or Fire Department shall be accepted at any time during normal business hours in the office of the Manager, or at such other offices or by such other officers as the Manager shall designate. No application shall be valid for the pending selection process if submitted after the deadline specified in the public notice for submission of applications.

3.5 Recording of Applications.

The Manager, or his designate, shall date, number and record, in the order of receipt, all applications. The number so assigned shall be the individual applicant number. An application, once recorded, shall be a public record and shall not be returned to the applicant. Errors in fact or omissions are the responsibility of the applicant.

3.6 Physical Agility Examination.

The physical agility examination shall be administered for the purpose of determining that all applicants possess the basic physical agility necessary to perform the functions associated with the position(s) sought to be filled. The examination shall consist of not less than five (5) job-related physical activities which shall be divided into segments. Each applicant must complete each segment in accordance with instructions.

3.7 Admission to Physical Agility Examination.

All Applicants who have completed all previous steps of the selection process, and only such applicants, shall be admitted to the physical agility examination. At the time of admission to the physical agility examination, each applicant shall be required to sign and submit a physical agility examination acknowledgement and release form acknowledging, among other things, that the applicant has been provided with a description of the physical agility examination and advised to consult with his own physician concerning his participation in the examination, and that the applicant releases the Municipality and its agents from any claims arising from his participation in the examination. Each applicant must sign his application and identify himself per established protocol to administrative staff overseeing the examination. Applicants will be notified of the results of the physical agility examination, and each successful applicant shall be notified of the date, time and location for the next step of the selection process. Applicants failing to achieve a passing score on the physical agility examination shall not be eligible to continue in the selection process.

3.7.1 Physical Agility Examination Scores

All applicants seeking a position with either the Police or the Fire Department must successfully complete the physical agility examination. The physical agility examination shall be pass/fail; no point value shall be attached to an applicant's physical agility examination score, nor shall an applicant's physical agility examination score constitute any numerical part of the applicant's eligibility list score. A "pass" score for the physical agility examination shall be based on the requirements prescribed by the Police or Fire Department, as appropriate, and stated in the position announcement.

Only applicants who achieve "pass" on the physical agility examination shall be eligible to continue in the selection process.

3.7.2 Physical Agility Examination List

A list shall be compiled of all Police or Fire Department applicants passing the physical agility examination, by individual applicant number.

3.8 Written Examination.

The written examination shall be practical in character and shall relate to such matters and include such inquiries as will reasonably test the applicant's capability to be trained to discharge the duties of the position(s) sought to be filled.

3.9 Admission to Written Examination.

All applicants who have completed all previous steps of the selection process, and only such applicants, shall be admitted to the written examination. For admission to the written examination, all applicants shall be required to present the notice of examination issued to them upon completion of the previous step. At the time of admission to the written examination, each applicant shall be required to again sign his application and identify himself per established protocol to administrative staff overseeing the examination.

3.10 Written Examination Scores.

All written examinations shall be scored against a master answer key. The score earned on the written examination by each applicant (Fire and Police) shall constitute fifty percent (50%) of the applicant's eligibility list score. Passing score for the written examination shall be equal to or greater than the score stated in the position announcement by the Police, or Fire Department, as appropriate. Applicants failing to achieve a score equal to or greater than the prescribed score shall not be eligible to continue in the selection process.

3.11 Written Examination List.

Each applicant passing the written examination will be listed by applicant number in rank order according to their written examination score. In the event that two (2) or more applicants achieve the same score, their ranking shall be determined by applicant number, with the lower applicant number ranked higher on the written examination list.

3.12 Notification of Results.

After all written examinations have been scored and the eligibility list compiled, each applicant shall be notified of his score and position on the list by the Personnel Officer or his designee.

3.13 Oral Examination.

An applicant shall be required to demonstrate a facility for speech to enable clear communication with individuals of disparate age groups and in varied situations. The oral examination shall be administered and scored by the oral examination panel (the "panel"). (See Section 3.15.) Each applicant examined shall be interviewed individually by the panel.

3.14 Admission to Oral Examination.

Admission to the oral examination shall be governed by invitation only. Initially, the 25 highest scoring applicants on the written examination will be invited to participate in the oral examination. In the event two or more applicants achieve the same score on the written examination, their ranking shall be determined by applicant number, with the lower applicant number ranked higher on the list.

Should any of the 25 highest scoring applicants on the written examination choose not to participate in the oral examination, or fail to respond to an invitation by a designated deadline, the next highest scoring candidate(s) on the written examination will be invited until at least 25 applicants accept the invitation to the oral examination.

At the time of admission to the oral examination, each applicant shall identify himself per established protocol to administrative staff overseeing the examination.

3.15 Oral Examination Panel.

The oral examination panel shall be composed of at least three (3) but not more than five (5) members, appointed by the Manager, (including at least one resident of the community who is not a police officer), to serve as panel members for each particular selection process. The Manager shall appoint panel members from among the following categories of individuals:

- a. Professional persons with a background in personnel management or experience in recruiting;
- b. At least one ranking officer of the department with which the applicant seeks a position;
- c. Experienced Police or Fire executives, respectively, from other state, county or municipal police or fire agencies; and
- d. Residents of the community who have taken an active interest in community affairs in the past.

The Manager shall also appoint a representative of his Office as an observer to oversee the panel. The observer shall not be a member of the panel and shall take no part in examining the applicant or grading his performance, except as set forth in Section 3.16. No compensation shall be paid to any person serving on the panel.

3.16 Oral Examination Scores.

Each applicant shall receive a grade for each area of evaluation by each member of the panel. A description of the areas of evaluation and the scoring scale to be used will be provided to each applicant prior to the oral examination. Each member of the panel shall grade each applicant, without consultation, immediately following the conclusion of the applicant's examination. The score earned on the oral examination by each applicant (Fire and Police) shall constitute fifty percent (50%) of the applicant's eligibility list score.

The observer shall collect all score sheets after each applicant's examination. It shall be the responsibility of the observer to compile the scores awarded each applicant for each category, to derive an average score for each category and to derive an average total score, and to record all such information on the form provided for that purpose.

At the conclusion of all oral examinations, each member of the panel shall review the work of the observer and shall sign each form to attest to its accuracy. The observer shall collect all signed forms and forward them and all score sheets to the Personnel Officer or his designee.

Passing score for the oral examination shall be equal to or greater than the score set in the position announcement. Applicants failing to achieve a score equal to or greater than the said score shall not be eligible to continue in the selection process.

3.17 Eligibility List.

Each applicant passing the oral examination will be listed by applicant number in rank order according to their oral examination score. In the event that two (2) or more applicants achieve the same score, their ranking shall be determined by applicant number, with the lower applicant number ranked higher on the written examination list.

3.18 Veterans Preference.

- a. If the requirements of subsection (b) of this section are satisfied, every applicant receiving a passing score on both the written and oral examinations, who is entitled by law to additional credit for service in the armed forces of the United States, shall have ten (10) points credited to his total score.
- b. To be eligible to receive veteran's credit, an applicant must submit a copy of DD Form 214 indicating proof of service and honorable separation at the time of the administration of the oral examination.

3.19 Appointment Eligibility List.

- a. An appointment eligibility list shall be compiled consisting only of the names of those applicants who have completed Step 4. To determine the order in which those names shall appear on the appointment eligibility list, an appointment eligibility list score shall be derived in the manner set forth in subsection (b) of this section.
- b. To determine the appointment eligibility list score for each applicant, each applicant's written and oral examination scores shall be combined in such a way that the written examination score represents fifty percent (50%) of the total test score, and the oral examination score represents fifty percent (50%) of the total test score.
- c. Applicants eligible to receive veteran's preference points shall have ten (10) points added to the total test score prior to final ranking.
- d. The appointment eligibility list shall list the overall score for each applicant successfully completing Step 4 opposite his name. Each name shall be assigned a rank order number. In the event that two (2) or more applicants achieve the same overall score, their ranking shall be determined by their applicant numbers, with the lower applicant number ranked higher on the appointment eligibility list.

3.20 Notification of Results.

After the appointment eligibility list has been compiled, each applicant whose name appears thereon shall be notified of his score and position on the list by the Personnel Officer or his designee. The list shall be certified by the Board and posted in the office of the Personnel Officer.

3.21 Duration of Eligibility List.

The Board, at its discretion, may void an eligibility list if at any time the highest-ranking applicant appearing thereon has a rank order number of twenty (20) or more. An appointment eligibility list shall remain in effect for a period of one (1) year from the date the list is certified by the Board. In the event of unusual circumstance, and upon written request from the department head involved, the Board may extend the appointment eligibility list for a period not to exceed twelve (12) months. An applicant thereafter seeking Official Appointment to a position with the Police or Fire Department shall be required to reestablish his qualifications for such appointment as provided in Section 3.1.

3.22 Background Investigation.

An applicant shall be eligible for a probationary appointment only after a background investigation has been completed. The investigation shall be conducted by a member of the Police Department assigned by the Chief of Police. The applicant shall cooperate by collecting and providing records and information in a timely fashion. The investigation shall be of a scope sufficient to verify the accuracy of all information provided by the applicant during the course of the selection process and shall include interviews of individuals who have had association with the applicant.

3.23 Pre-Employment Interview.

Before an applicant shall be eligible for a probationary appointment, the applicant shall be interviewed by the Chief of the department for which application is made. The Chief shall evaluate each applicant on his merits and fitness and shall make whatever comments or recommendations the Chief deems appropriate. Any such appraisal shall be in writing and shall be accompanied by a statement of reasons for the comments or recommendation made. The Chief's report of the pre-employment interview shall become part of the applicant's file.

3.24 Probationary Appointment Process.

Each position or vacancy with the Police or Fire Department shall be filled by the Manager; only one (1) such position or vacancy shall be filled at any one time.

When a position or vacancy is to be filled, the Manager shall consider those applicants having earned the three (3) lowest rank order numbers as those numbers appear on the eligibility list as certified by the Board. The Manager shall, thereupon, with sole reference to the merits and fitness of the applicants as detailed by their files compiled through the selection process, make an appointment from the three (3) names certified, unless the Manager shall make objection to the Board as to one (1) or more of the applicants so certified for failure to meet the qualifications for Official Appointment set forth in Section 3.1. Should such objection be sustained by the Board after reasonable investigation, the Board shall thereupon remove the name of such applicant from the eligibility list. For each name removed, the Board shall direct the Manager to consider the applicant with the next rank order number. An applicant whose name has been so removed shall be ineligible for Official Appointment to any position and under no circumstance shall his name be recertified by the Board during the pending appointment process. If the Board finds, after reasonable investigation, that the objection to the applicant so challenged is unfounded, it shall so notify the Manager and supply to the Manager evidence for overruling the objection, The Manager shall thereupon consider the challenged applicant for appointment as set forth above.

The two (2) applicants considered by the Manager who do not receive the appointment shall maintain their position on the appointment eligibility list. The name of the applicant selected to receive the probationary appointment shall be removed from the eligibility list.

The same procedure shall be followed to fill each subsequent vacancy or position.

3.25 Probationary Appointment.

The Manager shall notify the appointed applicant by registered mail, offering a position appointment and specifying the date for commencement of employment, contingent upon successful completion of medical and psychological examinations. To accept the offer of employment, the applicant must submit written acceptance of the probationary appointment to the office of the Manager within seven (7) days of receipt of the offer of employment.

3.26 Medical Examination.

In order to be eligible for a probationary appointment, the applicant shall be required to submit to a medical examination. The medical examination shall be administered for the purpose of determining that each applicant possesses the ability to perform the essential functions of the position sought to be filled, subject to a reasonable accommodation of an applicant's disabilities. The medical examination shall be conducted by a licensed physician appointed by the Municipality.

The time for the medical examination and the number of applicants so examined shall be determined by the number of positions to be filled. For that reason, applicants shall only be required to submit to a medical examination upon notice by the Manager to do so. The number of applicants required to submit to a medical examination shall be the number of positions to be filled, except that no applicant shall undertake probationary appointment without submitting to a medical examination and meeting the prescribed medical standards for the position sought to be filled.

The appointed physician shall perform the examination, shall complete the Medical Examination form supplied by the Municipality, and shall certify the results of the examination. The appointed physician shall forward the completed form to the Mt. Lebanon Personnel Officer.

If the applicant fails to meet the medical standards for the position sought to be filled as determined by the appointed physician, he shall be notified of such failure by the Personnel Officer. If the applicant disagrees with the findings of the physician, he may, at his own expense, be reexamined by a physician of his choice. The physician conducting the reexamination shall perform the examination, shall complete the medical examination form supplied by the Municipality, and shall certify the results of the examination. Approval and acceptance of such reexamination shall be at the discretion of the Mt. Lebanon Civil Service Board.

If the applicant fails to meet the medical standards for the position sought to be filled, he shall not be eligible for probationary or Official Appointment.

3.27 Psychological Testing.

In order to be eligible for a probationary appointment, the applicant shall be tested by a professional psychological testing service, selected by the Manager.

The psychological examination shall be administered for the purpose of determining the applicant's emotional stability and personal characteristics compatible with the position of Police Officer or Fire Lieutenant.

In the event of a report from the psychological testing service indicating that the applicant does not have the emotional stability or personal characteristics required for the position, he shall be notified by the Personnel Officer. If the applicant disagrees with the findings of the psychological testing service, he may, at his own expense, be reexamined by a psychological testing service of his choice.

The reexamination must be accomplished using the same protocols, tests and methodology applied by the original service. The reexamining service must send a copy of its report to the Municipality and certify that the same protocols, tests and

methodology were used to test the applicant. Acceptance of such reexamination shall be at the discretion of the Mt. Lebanon Civil Service Board.

If an applicant fails to meet the emotional stability level and personal characteristic level deemed appropriate by the psychological testing service, he shall not be eligible for probationary or Official Appointment.

3.28 Probationary Period.

A probationary appointment shall be for a period of twelve (12) months commencing with the probationer's first day of employment, or in the case of the police department, the first date of employment as a probationary police officer. The probationary period shall include any time during which the probationer is assigned to academy training as required by state law.

3.29 Evaluation of Probationer.

During the probationary period, the probationer shall be evaluated by the Chief of the probationer's department. The Chief conducting such evaluation shall make a written report of such evaluation to the Manager at the end of six (6) months of the probationary period, and again not less than ten (10) Days nor more than thirty (30) days before the end of the probationary period. Each written report shall include a recommendation of the Chief as to the advisability of offering the probationer an Official Appointment. Any such written report shall set forth reasons for the evaluation and recommendation made.

3.30 Official Appointment.

The Manager shall review the entire file and work record of the probationer and written reports of the Chief of the department, and decide whether such probationer shall receive an Official Appointment.

3.31 Notification of Official Appointment.

The Manager shall notify each probationer of his decision, in writing, no later than the final day of the probationary period. In the event that the Manager determines that a probationer is not to receive an Official Appointment, such notice shall state a reason for that decision.

SECTION 4

PROMOTION PROCESS

4.1 Qualifications for Promotion.

To be eligible for promotion to a position within the Police or Fire Department, except for Chiefs and Deputy Chiefs, an applicant must meet the requirements of subsections (a) through (d) of this section, subject to a reasonable accommodation of an applicant's disabilities:

- a. The applicant must be an employee of the department with which he seeks promotion;
- b. The applicant must satisfy all requirements for the position of promotion sought, which requirements shall be posted in the Mt. Lebanon municipal building as part of the Public Notice (See Section 4.3);
- c. No applicant shall be eligible for appointment to a position of promotion if:
 - (1) He demonstrates an inability to adhere to the policy and rules set forth in the department manuals, the Fire Department Rules & Regulations and the Police Department Manual of Policy & Procedure, and such policy and rules are incorporated herein;
 - (2) He is physically unfit for the performance of the duties of the position sought to be filled;
 - (3) He is currently illegally using a controlled substance or abusing of alcohol;
 - (4) He has been guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, or of any crime which was punishable by death or imprisonment in excess of one (1) year pursuant to the law which he was convicted;
 - (5) He has been dismissed from public service for delinquency or misconduct in office;
 - (6) He has engaged or engages in any practice or activity which would predispose him to compromise the responsibilities assigned to him, or the trust vested in him, as a member of the Police or Fire Department;
 - (7) He makes any statement as part of a promotion process which he knows or has reason to know is false; or,

- (8) He is currently on probation or under suspension.
 - (9) He is affiliated with any group whose policies or activities are subversive to the form of government set forth in the constitutions and laws of the United States and Pennsylvania.
- d. The applicant must participate in and complete the promotion process in accordance with these Rules and Regulations and all instructions governing each step of the promotion process. The promotion process shall consist of the following:
- Step 1. Application
 - Step 2. Practical examination
 - Step 3. Oral examination
 - Step 4. Appraisal of promotion potential
 - Step 5. Probation
- e. An assessment process may be implemented for any promotional position. If so, it shall take the place and be worth the same percentage as the practical and oral examinations since these are integral parts of the assessment process;
- f. The failure to complete any step in the promotion process in accordance with these Rules and Regulations and all instructions governing each step of the promotion process shall disqualify an applicant from further participation in that promotion process. Disqualification from the promotion process shall render an applicant ineligible for promotion and such status shall continue until the candidate participates in and completes a subsequent promotion process in accordance with the Rules and Regulations then in effect and all instructions governing that promotion process;
- g. An applicant who has previously participated in a promotion process or any part thereof, and is required, for any reason, to participate in a subsequent promotion process, shall not be exempt from participating in and completing each and every step of the subsequent promotion process;
- h. Nothing contained in this section shall be interpreted to insulate any applicant from suspension, removal or reduction in rank.

4.2 Positions of Promotion.

- a. There shall be two (2) positions open to competitive promotion within the Police Department:

- (1) Police Corporal
- (2) Police Lieutenant

- b. There shall be one (1) position open to competitive promotion within the Fire Department:

- (1) Fire Platoon Chief.

4.3 Public Notice.

Applications for a probationary appointment to a position of promotion shall be solicited by public notice posted within the Municipality not less than fourteen (14) Days prior to the final date for acceptance of applications. Such notice shall specify the position(s) sought to be filled, the minimum qualifications required for application, the date, time and location for the practical examination/assessment process, the deadline for submission of applications and the location(s) at which applications may be obtained.

4.4 Application.

Upon request, at the location(s) specified in the public notice, an applicant shall receive the following:

- a. An application for the position(s) sought to be filled as announced in the public notice;
- b. A copy of the job description;
- c. A detailed description of the promotion process; and
- d. A notice of all requirements for the position(s) sought to be filled.

A copy of these Rules and Regulations shall be made available to any applicant upon request to the Chief of Police or Fire Department.

4.5 Filing Applications.

Application for any position of promotion shall be accepted at any time during normal business hours in the office of the Manager, or at such other offices or by such other officers as the Manager shall designate. No application shall be valid for the pending promotion process if submitted after the deadline specified in the public notice for submission of applications.

4.6 Recording of Applications.

The Manager, or his designee, shall date and record all applications. Upon receipt of all applications, the Manager's designee and one witness will randomly assign numbers chosen by lot to the applications. The number so assigned shall be the individual applicant number. An application once recorded, shall be a public record and shall not be returned to the applicant. Errors in fact or omissions are the responsibility of the applicant.

4.7 Practical Examination.

- a. The practical examination for positions of promotion with the Police Department shall be written and shall test the applicants' knowledge of police procedures, criminal and traffic law, supervisory responsibilities, instructional methods, departmental policy, criminal evidence and procedure, and any other knowledge deemed appropriate.
- b. The practical examination for positions of promotion with the Fire Department shall be written and shall test the applicants' knowledge of fire equipment, suppression equipment, combat and command procedures, building inspection procedures, building construction, local regulations, standard operating procedures and conditions, fire codes, and basic HAZMAT procedures. The examination shall further test the applicants' capabilities to discharge supervisory and administrative responsibilities.

4.8 Admission to Practical Examination.

All applicants who have completed Step 1 of the promotion process, and only such applicants, shall be admitted to the practical examination.

4.9 Practical Examination Scores.

- a. All practical examinations shall be scored against a master answer key.
- b. Applicants for the positions of Police Lieutenant, Police Corporal and Fire Platoon Chief must achieve a practical examination score equal to or greater than the score prescribed by the Board through Rules & Regulations and stated in the position announcement. Applicants failing to achieve a score equal to or greater than the said score shall not be eligible to continue in the promotion process.
- c. The practical examination score earned by applicants will constitute a fraction of the applicant's eligibility list score as provided below:

(1) Police Corporal - 50%

- (2) Police Lieutenant – 40%
- (3) Fire Platoon Chief – 40%

d. All applicants for positions of promotion who satisfactorily complete Step 2 shall be eligible to participate in Step 3.

4.10 Practical Examination List.

Each applicant passing the practical examination will be listed by applicant number in rank order according to their practical examination score. In the event that two (2) or more applicants achieve the same score, their ranking shall be determined by applicant number, with the lower applicant number ranked higher on the practical examination list.

4.11 Notification of Results.

After all practical examinations have been scored and the practical examination list compiled, each applicant shall be notified of his/her score and position on the list by the Personnel Officer or his/her designate. All applicants failing to establish eligibility for Step 3 shall be so notified. (See Section 4.9b.)

4.12 Oral Examination.

An applicant shall be required to demonstrate a facility for communicating ideas, orders and supervisory directives to subordinate officers and personnel. The applicant shall also be required to participate in exercises designed to test skills dealing with supervisory or administrative decision-making and situation analysis, and knowledge of current fire or law enforcement procedures. The oral examination shall be administered and scored by an oral examination panel. (See Section 4.14.) Each applicant examined shall be interviewed individually by the panel. Where an oral examination or interview is conducted as part of the assessment center process, an oral examination panel shall not be necessary.

4.13 Admission to Oral Examination.

All applicants eligible to participate in Step 3 shall be notified of the date, time and location of his/her oral interview.

4.14 Oral Examination Panel.

a. The oral examination panel (“panel”) shall be composed of three (3) members appointed by the Manager (including at least one resident of the community who is not a police officer) to serve in that capacity for a particular promotion process. The Manager shall appoint panel members from among the following categories of individuals:

- (1) Professional persons with experience in personnel relations or personnel management;
- (2) Professional persons with experience in law enforcement or firefighting holding or having held a position at least one (1) rank above the position being filled, but is not a member of either the Mt. Lebanon Police or Fire Department;
- (3) A resident of the community who has, in the past, taken an active interest in community affairs.

The Manager shall also appoint a representative from his office to serve as an observer to oversee the panel. The observer shall not be a member of the panel and shall take no part in examining the applicant or grading his performance except as set forth in Section 4.15.

4.15 Oral Examination Scores.

Each applicant shall receive a grade for each area of evaluation by each member of the panel. A description of the areas of evaluation and the scoring scale to be used will be provided to each applicant at the time he receives notice pursuant to Section 4.13. Each member of the panel shall grade each applicant, without consultation, immediately following the conclusion of the applicant's examination. The score earned on the oral examination shall constitute a fraction of the applicant's eligibility list score as provided below: (See Section 4.19.)

- a. Police Corporal 30%
- b. Police Lieutenant 40%
- c. Fire Platoon Chief 40%

The observer shall collect all score sheets after each applicant's examination. It shall be the responsibility of the observer to compile the scores awarded each applicant for each category, to derive an average score for each category, to derive an average total score and to record all such information on the form provided for that purpose.

At the conclusion of all oral examinations, each member of the panel shall review the work of the observer and shall sign each form to attest to its accuracy. The observer shall collect all signed forms and forward them and all score sheets to the Personnel Officer or his designee.

4.16 Oral Examination List.

Each applicant passing the oral examination will be listed by applicant number in rank order according to their oral examination score. In the event that two (2) or more applicants achieve the same score, their ranking shall be determined by

applicant number, with the lower applicant number ranked higher on the oral examination list.

4.17 Notification of Results.

After all oral examinations have been scored and the oral examination list compiled, each applicant participating in Step 3 shall be notified of his/her score and position on the list by the Personnel Officer or his/her designate.

4.18 Assessment Process

Assessment is a method of conducting psychological and performance evaluations of individuals that involves testing and observations of individuals in a group setting with situational tests and comprehensive measurement procedures. An assessment center approach points out applicants' strengths and weaknesses.

The assessment process may be used in lieu of the practical and oral examinations but not in addition to those examinations.

4.19 Admission to Assessment Process

All applicants who have compiled Step 1 of the promotion process, and only such applicants, shall be admitted to the assessment process. (See Section 4.1e).

4.20 Assessment Process Scores.

Assessment process scores will be tabulated by the administering agency/individual utilizing sound scoring methods consistent with the assessment process. The score earned on the assessment process shall constitute a fraction of the applicant's eligibility list score as provided below:

- a. Police Corporal - 80%
- b. Police Lieutenant - 80%
- c. Fire Platoon Chief – 80%

4.21 Assessment Process Panel.

Where an assessment process is utilized, the Assessment Process Administrator shall submit the names and backgrounds of the prospective assessment process panel members to the Manager for approval prior to the administration of the process.

4.22 Assessment Process List.

Each applicant completing the assessment process will be listed by applicant number in rank order according to their assessment process total score. In the

event that two (2) or more applicants achieve the same score, their ranking shall be determined by applicant number, with the lower applicant number ranked higher on the assessment process list.

4.23 Notification of Results.

Where an assessment process is used, the oral and written portion shall be scored to reflect a composite of the two (2) evaluated areas. This composite score shall not be more than the total which could be earned by taking the traditional practical examination and separate oral examination.

After the assessment process has been scored and the assessment process list compiled, each applicant participating shall be notified of his/her score and position on the list by the Personnel Officer or his/her designate.

4.24 Appraisal of Promotion Potential.

Each applicant for a position of Promotion shall be evaluated by any combination of personnel from the applicant's department who are:

- a. one (1) or more ranks above the current position of the applicant.
- b. one or more ranks below the current position of the applicant, excluding any employees who have not yet completed their initial probationary period.

Candidates for promotion shall be rated regarding their promotion potential. Job knowledge and skill and behavioral competencies, identified as critical to the position open for promotion, are used to evaluate candidates. A uniform rating scale shall be utilized to permit valid and useful distinctions among candidates and their expected performance.

A promotion rating form shall be distributed and used for this purpose.

The Chief of the department shall collect all completed promotion rating forms, compile an average score for each applicant, sign the form and submit it to the Personnel Officer prior to the next step in the promotional process. The score so computed shall equal twenty percent (20%) of the eligibility list score for each applicant.

4.25 Eligibility List.

- a. An eligibility list shall be compiled consisting only of the names of those applicants who have completed Step 4. To determine the order in which those names shall appear on the eligibility list, an eligibility list score shall be derived in the manner set forth in subsection (b) of this section.

- b. To determine the eligibility list score for each applicant, each applicant's score from Steps 2 through 4 shall be combined in a manner consistent with Sections 4.9, 4.15 and 4.18.
- c. The eligibility list shall list the eligibility list score of each applicant opposite his name, and to each name shall be assigned a rank order number. In the event that two (2) or more applicants achieve the same score, their ranking shall be determined by applicant number, with the lower applicant number ranked higher on the eligibility list.
- d. The eligibility list will be compiled in accordance with applicable Veteran's Preference Act requirements.

4.26 Notification of Results.

After the eligibility list has been compiled, the list shall be certified by the Board and posted in the office of the Personnel Officer. Each applicant whose name shall appear there on shall be notified of his score and position on the list by the Personnel Officer or his designee.

4.27 Duration of Eligibility List.

The eligibility list shall remain in effect for a period of one (1) year from the date the list is certified by the Board. Upon written request from the Department Head involved, the Board may extend the appointment eligibility list for a period not to exceed twelve (12) months.

4.28 Probationary Appointment Process.

Each position of promotion with the Police or Fire Department shall be filled by the Manager; only one (1) such position shall be filled at any one (1) time.

When a position is to be filled, the Manager shall consider those applicants having earned the three (3) lowest rank order numbers as those numbers appear on the eligibility list as certified by the Board. The Manager shall, thereupon, with sole reference to the merits and fitness of the applicants as detailed by their files, make an appointment from the three (3) names certified, unless the Manager shall make objection to the Board as to one (1) or more of the applicants so certified for failure to meet the qualifications for promotion set forth in Section 4.1. Should such objection be sustained by the Board after reasonable investigation, the Board shall thereupon remove the name of such applicant from the eligibility list. For each name so removed, the Board shall direct the Manager to consider the applicant with the next lowest rank order number. An applicant whose name has been so removed shall be ineligible for Official Appointment to any position and under no circumstances shall his/her name be recertified by the Board. If the Board finds, after reasonable investigation, that the objection to the applicant so

challenged is unfounded, it shall so notify the Manager and supply the Manager evidence for its overruling the objection. The appointment, if any, having been previously made shall be null and void and the Manager shall thereupon consider the challenged applicant for appointment as set forth above.

The two (2) applicants considered by the Manager and not receiving the appointment shall maintain their position on the eligibility list. The name of the applicant selected to receive the probationary appointment shall be removed from the eligibility list.

The same procedure shall be followed to fill each subsequent position.

4.29 Probationary Appointment.

The Manager shall notify the appointed applicant by registered mail, offering a probationary appointment to the position of promotion; the notice shall also state the effective date of the probationary appointment. To accept the offer of probationary appointment, the applicant must submit a written acceptance of the probationary appointment to the Manager within seven (7) Days of receipt of the offer of probation.

4.30 Probationary Period.

A probationary appointment shall be for a period of twelve (12) months, commencing on the effective date of the appointment. A probationer shall not be dismissed from his/her probationary position during any probationary period for any reason other than failure to satisfy the requirements set forth in Section 4.1, or as part of a reduction in the work force of the department to which the probationer is attached.

4.31 Evaluation of Probationer.

During the probationary period, the probationer shall be evaluated by the Chief of the probationer's department. The Chief conducting such evaluation shall make a written report of such evaluation to the Manager at the end of six (6) months of the probationary period, and again not less than ten (10) days nor more than thirty (30) days before the end of the probationary period. Each written report shall include a recommendation of the Chief as to the advisability of offering the probationer an Official Appointment. Any such written report shall set forth reasons for the evaluation and recommendation made.

4.32 Official Appointment.

The Manager shall review the entire file and work record of the probationer and written reports of the Chief of the department, and decide whether such probationer shall receive an Official Appointment.

4.33 Notification of Official Appointment.

The Manager shall notify each probationer of his/her decision, in writing, no later than the final day of the probationary period. In the event that the Manager determines that a probationer is not to receive an Official Appointment, such notice shall state a reason for that decision. A probationer denied promotion shall return to the position he/she held immediately prior to the effective date of the probationary appointment.

4.34 Appointment of Chief.

The Manager shall appoint the Chief of Police and Fire Chief in accordance with the Mt. Lebanon Home Rule Charter.

After appointment is made the Chief of the Police and Fire Departments becomes subject to the rules outlined in Section 5 of these Rules and Regulations.

4.35 Appointment of Deputy Chief of Police.

The process may allow, at the discretion of the Manager, for the advertisement and recruitment of qualified candidates both employed and not employed by the Police Department.

The selection process shall include at the discretion of the Manager and upon review of the Civil Service Commission:

- Resume and application review
- Evaluated oral interview process
- Psychological testing by a certified specialist to determine ability, skill level, professional attribute, personal traits and potential for success
- Non-competitive Civil Service exam
- Background investigation
- Medical examination

The Oral Review Panel shall consist of the Chief of Police, the Manager or his designee and one person with professional background skills and experience related to the selection of the position tested for.

Successful candidates are subject to the provisions of Sections 4.30, 4.31, 4.32 and 4.33.

4.36 Acting Positions

When a current promotional list exists for the rank that is vacated, the officer at the top of that list shall be offered the Acting position. If that officer refuses the position the next officer on the list shall be offered the position and so on throughout the list.

In the event that no Police Officer on a promotional list accepts an Acting position or no current list exists, the following guidelines shall be followed.

The Chief of Police may appoint a police officer of the next lower rank to serve in an Acting capacity as Police Corporal, Police Lieutenant, and Deputy Chief of Police.

- a. Seniority shall dictate Acting appointments. If an Acting appointment is made, the senior officer of the next lower rank will be offered the appointment.
- b. Individuals may be passed over for Acting positions when:
 - (1) The individual refuses appointment.
 - (2) The individual is on probation or suspension, or has been suspended within the previous six months for a poor performance evaluation or misconduct at the time an Acting appointment is to be made.
- c. Each acting appointment shall not exceed a six-month time period. If unusual circumstances require an acting appointment for a successive period of six months or less, the appointment will be offered to the senior officer of the next lower rank who has not held the acting appointment during the current position vacancy, nor is on probation for poor performance or misconduct.
- d. In the event that all personnel in an eligible rank refuse an acting position, or there are no personnel staffing the eligible rank, an appointment shall be made from the next lower rank.

In the event that no officer accepts an Acting position, the Chief shall determine what course of action is necessary to satisfy the needs of the Department.

See listed ranks below for eligible Acting positions:

<u>Positions:</u>	<u>Eligible Rank</u>
a. Police Lieutenant	Corporal or Police Officer IV
b. Deputy Chief of Police	Lieutenant

The position of Chief of Police may be filled on an Acting basis by the Municipal Manager.

SECTION 5. SUSPENSIONS, REMOVALS AND REDUCTION IN RANK

5.1 Grounds for Disciplinary Action.

- a. No person appointed to a position in the Police or Fire 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:
- (1) Physical or mental impairment which cannot be reasonably accommodated and which affects the officer's ability to perform the essential functions of his position, in which case the officer shall receive an honorable discharge from service;
 - (2) Neglect or violation of any official duty;
 - (3) Violation of any federal law or any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony;
 - (4) Inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming an officer;
 - (5) Intoxication while on duty;
 - (6) Engaging or participating in conducting any political or election campaign other than the officer's exercise of his own right of suffrage;
 - (7) Violation of Mt. Lebanon Personnel Manual Rules and Regulations;
 - (8) Revocation of the Municipal Police Officer's Education and Training Commission certification (PA Act 120).

5.2 Honorable Discharge.

- a. Employees removed from employment for the following reasons shall receive an Honorable Discharge:
- (1) Retirement;
 - (2) Termination at the request of the employee, provided the employee would not otherwise have been subject to suspension, removal or demotion;

- (3) Termination of probation, unless probation is terminated or Official Appointment denied for failure to meet the qualifications for Official Appointment or qualifications for promotion for reasons set forth in Rule 3.1 b. (i);
- (4) Physical or mental impairment which cannot be reasonably accommodated and which affects the officer's ability to perform the essential functions of his position;
- (5) Reduction in the work force of the department to which the employee is attached; or
- (6) Loss of Municipal Police Officers' Education and Training Commission certification because of failure to pass the in-service training requirements mandated by the Municipal Police Education and Training Law.

5.3 Furloughs.

- a. If for reasons of economy or other reasons, it shall be deemed necessary by the municipality to reduce the number of full-time Police Officers or Career Firefighters in the department, then the Municipality shall apply the following procedure:
 - (1) Reductions shall be effected by furloughing the person or persons, including probationers, last appointed to the respective department.
- b. Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed, until such reduction shall have been accomplished. In the event the appointing authority decides to increase the Police or Fire Department, the furloughed Police Officers/Career Firefighters shall be reinstated in reverse order of their furlough from the department if the furloughed Police Officer/Career Firefighter accepts reinstatement in writing within thirty (30) days of receiving notice of the opening.
- c. The provisions of this section shall not apply to the Chief of Police, Deputy Chiefs of Police or the Fire Chief.

5.4 Notices of Suspension, Removal or Reduction in Rank.

Whenever a Police Officer or Career Firefighter is suspended, removed or reduced in rank, the specific charges warranting such actions shall be stated in writing by the Manager to the Board. The charges shall be stated clearly and in sufficient detail to enable the Police Officer/Career Firefighter to understand the charges against him and to allow the Police Officer/Career Firefighter an

opportunity to respond to those charges. The charges shall specify the subsection of Section 5.1 which provides the basis for the disciplinary action as well as an explanation of the factual circumstances upon which the appointing authority relied in finding a violation of Section 5.1.

Within five (5) days after the disciplinary action is filed with the Board, a written statement of the charges shall be delivered to the Police Officer/Career Firefighter by personal service or by certified and registered mail. In addition, the charges shall notify the Police Officer/Career Firefighter of his appeal rights under Section 5.5 of these Rules and Regulations. A copy of the statement of charges shall also be served upon the, members of the Civil Service Board.

5.5 Hearings on Suspension, Removals and Reductions in Rank.

- a. The Police Officer or Career Firefighter who has been suspended, removed or reduced in rank may appeal the decision of the appointing authority by written notice to the Secretary of the Board requesting a hearing. This request must be received by the Board within ten (10) Days after the Police Officer/Career Firefighter received notice of the discipline. The Police Officer or Career Firefighter may make written answers to any charges filed against him not later than the date fixed for the hearing. Failure of the Police Officer or Career Firefighter to provide written answers to any of the charges shall not be deemed an admission by the Police Officer/Career Firefighter.
- b. The Board shall schedule a hearing within ten (10) Days from the Police Officer's/Career Firefighter's written request for a hearing unless continued by the Board for cause at the request of the Board or the Police Officer/Career Firefighter. At any such hearing, the Police Officer/Career Firefighter against whom the charges have been made may be present and represented by counsel, (at his own expense), may call witnesses and present testimony and documentation on his behalf. The Municipality may also be represented by counsel, call witnesses and present evidence as necessary to support the charges. The stenographic record of all testimony shall be taken at every hearing and preserved by the Board. In the event the charges are dismissed, the record shall be sealed and not be available for public inspection.
- c. In conducting the hearing, the Board's standard of review shall be to determine whether sufficient evidence has been presented to support the statutory reason for the disciplinary action. If the Board finds that sufficient evidence has been introduced to support the charge, the Board shall not modify the penalty imposed by the Municipality unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the discretion. In considering the appropriateness of the discipline, the Board shall not substitute its judgment for that of the Municipality. The Board

may request post-hearing briefs, and shall issue a written decision containing specific findings of fact and conclusions of law within thirty (30) Days of receipt of the hearing transcript. Copies of the written order shall be sent to the employee and the Manager by registered or certified mail.

5.6 Hearing Procedure.

- a. All testimony shall be given under oath administered by the Chairperson, or in his absence, the Vice-Chairperson. The Board shall have power to issue subpoenas as set forth in Section 2.11. The hearing shall be open to the public unless 21 days prior to the commencement of the hearing, a written or oral request to close the hearing is made by either the charged Police Officer/Career Firefighter or the Municipality.
- b. Each hearing shall be conducted as dictated by the Board. Unless modified by the Board, the hearing shall proceed as follows:
 - (1) The Chairperson shall call the hearing to order and state the general purpose of the hearing;
 - (2) The Secretary, upon direction of the Chairperson, shall read the written notice of charges and further recite the action taken against the employee;
 - (3) The Secretary shall read the written answer of the employee;
 - (4) The Chairperson shall afford the representatives of the Municipality an opportunity to make further statements and to offer documentary evidence and exhibits in support of the charges made and actions taken and to produce and examine witnesses;
 - (5) The Chairperson shall afford the employee or his counsel an opportunity to question or cross-examine any person making charges or any witness produced by the Municipality;
 - (6) The Chairperson shall afford the employee or his counsel an opportunity to make further reply to the charges made and to produce and examine witnesses and to offer documentary evidence and exhibits;
 - (7) The Chairperson shall afford the representatives of the Municipality or its counsel an opportunity to question or cross-examine the employee and any witness produced by the employee;

- (8) The Chairperson shall permit the representatives of the Municipality or its counsel to make a summation; and
 - (9) The Chairperson shall permit the employee or its counsel to make a summation.
- c. During the course of the hearing, any member of the Board shall have the right to question and cross-examine any person offering testimony.

If the Board sustains the charges, the Police Officer/Career Firefighter who was suspended, removed or reduced in rank may file an appeal with the Court of Common Pleas within thirty (30) Days from the date of entry of the Board's final order. No order of suspension shall be made by the Board for a period longer than ninety (90) Days. In the event that the Board 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 against his record.

SECTION 6. INSPECTION OF RECORDS

6.1 Inspection in General.

Except as otherwise provided in these Rules and Regulations, all records of the Board required by these Rules shall be open to the public and available for inspection during normal business hours. A member or representative of the Board shall be present at all times during any inspection of any record of the Board.

6.2 Character and Reputation Reports.

All reports of investigations and inquiries into the character and reputation of Applicants shall not be open to inspection.

6.3 Inspection of Examination Materials.

Examination materials shall be confidential and shall not be open to inspection. Any examined applicant may inspect his examination papers but only in accordance with the following provisions:

- a. The applicant shall make a written request to the Board within seven (7) calendar days from the date that notification of results of that examination is postmarked; and
- b. The Board shall respond within thirty (30) Days.
- c. The applicant shall make the inspection within five (5) calendar days from the date the Board's consent to inspect is postmarked.

The Board shall not consent to the request of any applicant to inspect any practical examination paper which may be used as part of a subsequent practical examination that may be scheduled within ninety (90) calendar days following the date of receipt of the written request. If the Board consents to an inspection of any practical examination papers by any applicant, it shall state in its letter of consent the specific examination papers that may be inspected. Before any member of the Board, or any person designated by the Board, permits any inspection of examination papers, he shall require the applicant to produce the letter indicating the consent of the Board and he shall limit the inspection by the applicant to only those examination papers indicated in the letter of consent. No applicant shall be permitted to inspect any examination papers other than his own, nor shall an applicant be permitted to make any written notes, tape recordings, photographs, or reproductions of any kind whatsoever while inspecting any examination papers.

SECTION 7. EXAMINATION – APPEALS

7.1 Appeals.

- a. A candidate for entry-level or promotional positions may appeal his/her final standing on the appointment eligibility list or the promotional eligibility list to the Board. All such appeals shall be made to the Board in writing, within ten (10) Days after certification of the list involved.

The appeal must contain:

- (1) The title of the position;
 - (2) The candidate's name and applicant number;
 - (3) The reason for the appeal; and
 - (4) The suggested remedy.
- b. Within thirty (30) Days the Board shall meet to review the appeal and any relevant examination materials. Within ten (10) days of the meeting, the Board shall respond in writing to the appellant with its findings. The decision of the Board is final.
 - b. No appeal will be considered if the appellant is challenging the processes outlined in Section 3 and 4 of these Rules and Regulations. However, appeals that are based upon an indication of discriminatory practice, favoritism, or error in scoring test questions will be considered.

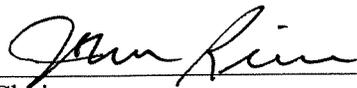
SECTION 8. SEVERABILITY

8.1 Severability

Should any article, provision, section, subsection, sentence, clause, phrase or requirement of these Rules and Regulations be held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions thereof, it being the intention of the Board and Commission that the remainder of these Rules and Regulations shall continue in full force and effect.

SECTION 9. RESOLUTION FOR ADOPTION

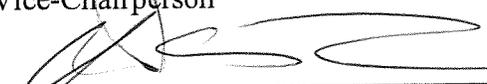
The foregoing Rules and Regulations, which are in accordance with powers granted by the Civil Service section of the First Class Township Code, sections 625-650, enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the Municipal Governing Body of Mt. Lebanon, Pennsylvania, are hereby adopted by the Civil Service Board of Mt. Lebanon, Pennsylvania.



Chairperson



Vice-Chairperson



Secretary

Approved by the Commission of Mt. Lebanon, Pennsylvania on March 24, 2014.

ATTEST:



Manager/Secretary



President Mt. Lebanon Commission