

**RULES AND REGULATIONS
FOR THE
CIVIL SERVICE COMMISSION
TOWNSHIP OF UPPER DUBLIN
MONTGOMERY COUNTY, PENNSYLVANIA,
AS AMENDED THROUGH AMENDMENT NO. 12,
APPROVED AUGUST 14, 2018**

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TOWNSHIP OF UPPER DUBLIN
MONTGOMERY COUNTY, PENNSYLVANIA**

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ARTICLE I. DEFINITION OF TERMS

101. Definitions. (Amendment No. 6, 4/12/2011)

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. Applicant
Any individual who applies in writing to the Commission in response to legally advertised notice of vacancy and/or examination for original appointments or promotion in the Police Department.
- B. Certification
The submission to the Municipal Governing Body of names taken from the eligibility list developed by the Civil Service Commission.
- C. Chairperson
The Chairperson of the Civil Service Commission of the Township of Upper Dublin.
- D. Commission
The Civil Service Commission of the Township of Upper Dublin.
- E. Eligible
A person whose name is recorded on a current eligibility list or furlough list.
- F. Eligibility List
The list of names of persons who have passed all examinations for a particular civil service position in the Police Department.
- G. Examination
The series of tests given to applicants to determine their qualifications for a position in the Police Department.
- H. Furlough List
The list containing the names of persons temporarily laid off from positions in the Police Department because of a reduction in the number of officers.
- I. Gender
"He," "His," or "Him" shall mean both male and female gender.

- J. Medical Examination
The examination, procedure, inquiry or test designed to obtain information about medical history or a physical or mental condition which might disqualify an applicant if it would prevent the applicant from performing, with or without a reasonable accommodation, all of the essential functions of the position.
- K. Municipal Governing Body
The Board of Commissioners of the Township of Upper Dublin, Montgomery County, Pennsylvania.
- L. Municipal Secretary
The Secretary of the Township of Upper Dublin.
- M. Physician
The meaning given to it in 1 Pa. C.S. § 1991 (relating to definitions.)
- N. Police Department
The Police Department of the Township of Upper Dublin, Montgomery County, Pennsylvania.
- O. Police Officer
For purposes of these rules and regulations, a sworn full-time employee in the Police Department regardless of civil service rank. The ranks for the Police Department are as follows: Patrol Officer, Corporal, Sergeant, Lieutenant, Deputy Chief, and Chief.
- P. Probationer
An officer in the Police Department who has been appointed from an eligibility list, but who has not yet completed his work-test period.
- Q. Qualified Medical Professional
An individual, in collaboration with or under the supervision or direction of a physician, as may be required by law, who is licensed: (1) as a physician assistant pursuant to the Act of December 20, 1985 (P.L. 457, No. 112), known as the "Medical Practice Act of 1985," or the Act of October 5, 1978 (P.L. 1109, No. 261), known as the "Osteopathic Medical Practice Act;" or (2) as a certified registered nurse practitioner pursuant to the Act of May 22, 1951 (P.L. 317, No. 69), known as "The Professional Nursing Law."
- R. Reduction in Rank
A change to a different civil service rank which results in a decrease in salary; provided, however, that a decrease in salary without a change to a different civil service rank shall not necessarily constitute a reduction in rank.
- S. Removal
The permanent separation of a police officer from the Police Department.

- T. Secretary
The Secretary of the Civil Service Commission of the Township of Upper Dublin.
- U. Suspension
The temporary separation without pay of a police officer from the Police Department.
- V. Township
Township of Upper Dublin, Montgomery County, Pennsylvania.

ARTICLE II. THE COMMISSION

201. Officers.

The Commission shall consist of three individuals who shall be qualified electors of the Township and shall be appointed by the Municipal Governing Body to serve terms of six years. Any vacancy occurring in such Commission for any reason whatsoever shall be filled for the unexpired term within the period of thirty days after such vacancy occurs.

Each member of the Commission, before entering upon the discharge of the duties of his office, shall taken an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform his official duties with fidelity.

202. Offices Incompatible with Civil Service Commission.

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

203. Organization of Commission; Quorum. (Amendment No. 2, 11/19/2002)

The Commission shall elect one of its members as the Chairperson, one of its members as Vice-Chairperson and one as the Secretary. The Commission shall meet and organize on the first Monday on each even-numbered year. Each Commission member shall be notified in writing of each and every meeting. Three members of the Commission shall constitute a quorum and no action of the Commission shall be valid unless it shall have the concurrence of at least two members. The Municipal Governing Body may, by resolution, appoint up to three qualified electors of the Township to serve as alternate members of the Commission. The term of office of the alternate member shall be six years. The participation of the alternate member in the proceedings and discussions of the Commission shall be in accordance with Sections 627. and 628. of the First Class Township Code.

204. Duties of Chairperson.

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

205. Duties of Secretary.

The Secretary or his designated representative shall carry on at the direction of the Commission all official correspondence of the Commission, send out all notices required by law and these rules of procedure, keep a record of each examination or other official action of the Commission, and perform all other duties required by law, by these rules and by the Commission.

206. Meetings.

Except for the biennial organization meeting, all meetings shall be held either at the call of the Chairperson or at the call of two members of the Commission. At least twenty-four (24) hours' written notice of each meeting shall be given each member. No rules or regulations of the Commission shall be adopted without the prior approval of the Municipal Governing Body. The Commission shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or these rules.

207. Order of Business.

The order of business of all meetings of the Commission shall be as established from time to time by the Commission.

208. Minutes.

The Secretary shall keep minutes of the Commission proceedings showing the vote of each member upon each question, and records of examinations and other official actions. If a member is absent or fails to vote, the Secretary shall indicate that fact in the minutes. All recommendations of applicants for appointment received by the Commission shall be kept and preserved for a period of five years, and all such records and all written causes of removal filed with the Commission, except as otherwise provided in these rules and regulations or by law, shall be open to public inspection and subject to reasonable regulation.

209. Annual Report.

The Commission shall make an annual report to the Municipal Governing Body containing a brief summary of its work during the year and a full accounting for any expenditures of public monies, which shall be available for public inspection.

210. Investigations.

The Commission shall have power to make investigations concerning all matters touching the administration and enforcement of the civil service rules and regulations. The Chairperson of the Commission is hereby given power to administer oaths and affirmations.

211. Clerks and Supplies.

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

ARTICLE III. APPLICATIONS

301. Application for Examination.

No person shall be admitted to an examination for a position in the Police Department of Upper Dublin Township until after having filed, on the official form prescribed by the Civil Service Commission, an oath or affirmation providing the information as required by the Commission. The official application form shall include, but not be limited to, Application for Employment, Personal Data Questionnaire, Waiver, Polygraph Release and any other appropriate forms as determined by the Commission. The Commission may charge an application fee as determined from time to time by the Commission not to exceed Fifty (\$50.00) Dollars.

302. Discrimination.

No question in any form of application for examination or in any examination shall be so framed as to elicit information concerning the political or religious opinions of any applicant nor shall inquiry be made concerning such opinion or affiliations and all disclosures thereof shall be disregarded.

No discrimination shall be exercised, threatened or promised by any person against or in favor of any applicant or employee because of political opinions or affiliations or on the basis of race, color, creed, religion, ancestry, age, gender, national origin, veteran's status, marital status or a non-job-related handicap or disability, and no offer or promise of reward, favor or benefit, directly or indirectly, shall be made to or received by any person for any act done or duty omitted or to be done under these rules and regulations. The Commission and Township will provide equal opportunities in employment and promotion.

303. Availability.

Application forms shall be available to all interested persons in the office of the Municipal Secretary, and from such other offices and officers that the Commission, from time to time, may choose to delegate. Application forms may be mailed upon written or telephone request; however, no filing date deadlines will be extended due to mailing delay.

304. Age and Residence Requirements. (Amendment No. 12, 8/14/18)

No person shall be eligible to apply for examination unless he or she is at least twenty-one (21) years of age at the time of the last date for filing an application. If provided by ordinance, nonresident police officers shall become residents of the Township after appointment to such positions as provided in such ordinance.

305. General Qualifications - All Applicants.

Each applicant for a position in the Police Department shall, at the time of the last date for filing of an application, be a United States citizen, have a minimum of sixty (60) college credits or an Associate's or Bachelor's Degree from a college or university duly accredited by a nationally recognized accreditation organization, or have three (3) years experience as a duly certified municipal, federal or state police officer, or have three (3) years experience as an active police officer in the Army, Navy, Air Force and/or Marine Corps.

Each applicant shall be physically, medically and psychologically fit for the performance of the duties of a police officer; of good moral character; and, licensed to operate a motor vehicle in the

Commonwealth of Pennsylvania prior to appointment. In the case of a foreign-born applicant, evidence satisfactory to the Commission shall be produced showing the person to be a United States citizen.

306. General Qualifications - Application for Corporal, Sergeant, Lieutenant and Deputy Chief. (Amendment No. 6, 4/12/2011)

In addition to meeting the qualifications fixed for each applicant for a position in the Police Department, all applicants for the position of Corporal, Sergeant, Lieutenant and Deputy Chief shall:

- A. have satisfactorily completed their basic training program for police officers and have graduated from a recognized police school, or possess a waiver for these requirements;
- B. have demonstrated an ability to carry out orders from superiors as documented by immediate supervisors and the Chief of Police in written evaluations;
- C. demonstrated a working knowledge of police science and administration as ascertained by a promotional examination prescribed by the civil service commission; and,
- D. demonstrated an ability to deliver and supervise the work of subordinates.

Also, each person applying for a specific posted position shall meet the appropriate additional qualifications:

- A. have been continuously employed in police services as a sworn police officer in the Police Department for at least three (3) years as of the application date to qualify for Corporal.
- B. have been continuously employed in police services as a sworn police officer in the Police Department for at least five (5) years as of the application date to qualify for Sergeant.
- C. have been continuously employed in police services as a sworn police officer in the Police Department for at least two (2) years at the rank of Sergeant as of the application date to qualify for Lieutenant.
- D. have been continuously employed in police services as a sworn police officer in the Police Department for at least five (5) years at the rank of Sergeant or five (5) years at the rank of Lieutenant or five (5) years at the rank of Sergeant and/or Lieutenant as of the application date to qualify for Deputy Chief.

307. Investigation of the Applicant. (Amendment No. 6, 4/12/2011)

A background investigation of the character and reputation of an applicant being considered for certification for appointment shall be made by the Chief of Police or his designee. The background investigation shall include a polygraph test as provided in Article VI. of the rules and regulations. The character and reputation of the applicant must be sufficient for him to merit appointment as a police officer. Reliance upon credit history and criminal records shall be in compliance with state and federal law. The background investigation shall include, but not be limited to, a criminal history check (submission of fingerprints), a credit history check, personal interviews with the applicant's employers (past five (5) years-work history), personal interviews of

at least three (3) people who have personal knowledge of the applicant - not relatives, and the check of driving records to confirm a valid Pennsylvania motor vehicle drivers license.

After the completion of the background investigation, the Chief of Police or his designee, shall make a recommendation to the Commission whether or not the applicant has passed or failed the background investigation.

(Amendment No. 7, 12/13/2011)

No background investigations shall be required for applicants for a promotion examination under Section 701.F of these Rules and Regulations.

308. Filing Applications.

Applications for positions in the Police Department may be received at any time, during normal business hours, in the office of the Municipal Secretary, and by such other offices and officers as the Commission may designate. The receipt of such applications shall be subject to the following condition:

To be considered for such examination, all applications must be received by the close of business on the date set forth in the public notice as the deadline for receiving applications under Section 401. of these rules and regulations.

309. Recording Applications.

The Commission or its designee shall review each application, upon receipt, for the purpose of determining that such application contains no errors or omissions. The Secretary or his designee shall record the receipt of all fully completed acceptable applications which, once recorded, shall not be returned to the applicants. An unacceptable application shall be returned to an applicant with an explanation in writing of the deficiencies in the application.

310. Rejection of Applicant; Hearing. (Amendment No. 6, 4/12/2011)

The Commission may refuse to examine or, if examined, may refuse to certify after examination as eligible, any applicant who is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which he has applied, or who is physically unfit for the performance of the duties of the position to which he seeks employment, or who is illegally using a controlled substance, as defined in Section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. § 802), or who has been guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose politics or activities are subversive to the form of government set forth in the Constitution and laws of the United States and Pennsylvania.

If any applicant or person is aggrieved by refusal of the Commission to examine or certify the applicant as eligible after examination, the Commission shall, at the request of the applicant, within ten (10) days appoint a time and place for a public hearing, with or without counsel, at which time the Commission shall take testimony and review its refusal to provide examination or certification. The decision of the Commission shall be final.

311. Penalty for False Statement.

The statements made by the applicant in the official application shall not contain any misstatement, falsification, omission or concealment of material fact. Should investigation disclose any such willful misstatement, falsification, omission or concealment with respect to an application:

- A. The application shall be invalid and the applicant shall be disqualified from examination, or
- B. If applicant shall have been examined, the name of such applicant shall be removed from the eligible list, or
- C. If the applicant shall have been appointed, such willful misstatement, falsification, omission or concealment shall constitute grounds for dismissal from the Police Department.

No person who has made a willful false application shall, for a period of five years, be permitted to make a future application for any position in the Police Department, without the prior written approval of the Commission, within the sole discretion of the Commission, after a due process hearing.

ARTICLE IV. ANNOUNCEMENT OF EXAMINATIONS

401. Public Notice.

Public notice of the time and place of the commencement of every examination process, together with the information as to the kind of position or place to be filled in the Police Department, shall be given once in a newspaper of general circulation in the Township. The public notice shall be published at least two (2) weeks prior to the scheduled date for commencement of the examination process and a copy of the notice shall be posted on the bulletin board in the Township Building. Additional public notice by publication, posting or otherwise may be given at any time at the discretion of the Commission. The deadline for receiving applications shall be set forth in the public notice.

402. Content of Notice.

The public notice shall contain the following information:

- A. Title/general requirements of the position to be filled.
- B. Time and place for the commencement of the examination process, or if this cannot be accomplished, all applicants will be notified by mail.
- C. The deadline for receiving applications.
- D. The address of the office where the application shall be filed.

The public notice may further include a statement of residency requirements; starting/maximum salary and benefits; educational requirements; and/or any pertinent information as deemed appropriate by the Commission.

403. Notice of Examination Elements After Written Examination.

In addition to the public notice, the Secretary shall give written notice at least seven (7) days prior to the date fixed for the examination to each qualified applicant by mailing or otherwise delivering to each applicant qualified for the next step in the examination process, a notice which shall include the date, time and place the applicant shall report for the next examination in the process. In the case of medical, psychological and polygraph examinations, the notice shall also include the name of the medical, psychological and/or polygraph examiners.

Every such notice shall be mailed or otherwise delivered at least seven (7) days prior to the date fixed for examination. Only applicants receiving notices to report for any examination shall be permitted to participate in such examination, and each applicant shall present his notice to the examiner before he shall be examined. When there is a failure to report for an examination in accordance with the instructions contained in the case of a medical, psychological or polygraph examination, the doctor, psychologist and/or polygraph examiner designated in the notice, may fix another date and time for such examination.

ARTICLE V. MEDICAL AND PSYCHOLOGICAL EXAMINATIONS (Amendment No. 6, 4/12/2011)

501. Appointment of Examiners.

The physical medical examinations shall be under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be under the direction of a psychiatrist or a psychologist. The physician or other qualified medical professional and a psychiatrist or psychologist shall be appointed by the Township Commissioners. The physician or other qualified professional and a psychiatrist or a psychologist appointed shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question the person's ability to perform all of the essential functions of the position for which the person was conditionally appointed.

502. Physical and Psychological Examinations After Offer of Employment.(Amendment No. 7, 12/13/2011)

A. For examinations for the position of Patrol Officer, after the Municipal Governing Body selects an applicant from the certified list of three (3) for appointment to the vacant position, the applicant selected shall receive a conditional offer of employment. The offer of employment shall be conditioned upon the conditional employee undergoing a physical and psychological medical examination and a determination that the conditional employee is capable of performing all the essential functions of the position. The physical medical examinations shall be under the direction of a physician or other qualified medical professional. The psychological medical examinations shall be under the direction of a psychiatrist or a psychologist. If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of a position, a person designated by the Township Commissioners shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position. If, at the conclusion of the aforesaid

interactive discussion, the Township Commissioners determine that the conditional appointee is not qualified, the Township Commissioners shall give written notice to the conditional appointee and the Civil Service Commission. The failure to pass either examination shall result in the applicant being rejected from consideration. The rejected applicant may appeal this decision under Section 310. in the same manner and following the same procedure as if the rejection were by the Commission.

B. For examinations for promotions for the positions of Corporal, Sergeant, Lieutenant and Deputy Chief, no physical and psychological medical examinations shall be required.

Sections 503. through Section 506. shall be deleted.

ARTICLE VI. POLYGRAPH EXAMINATION

601. Appointment of Examiner.

The Commission shall, from time to time, appoint one (1) or more qualified examiners to perform polygraph examinations required by these rules.

602. Report of Examiner.

The Commission shall furnish each polygraph examiner with forms upon which the examiner shall state whether any of the applicant's responses to questions from the applicant's Personal Data Questionnaire were deceptive. The report of each examination shall be submitted to the Commission within five (5) days after the date of the examination.

603. Testing Procedure.

The examiner shall ask questions based on the information contained in the Personal Data Questionnaire and Drug Use Questionnaire. Before administering the test, the examiner shall ask each applicant whether there is any more information related to the Personal Data Questionnaire which the applicant would like to provide. There shall also be a post-test review, during which the examiner shall again ask the applicant, if deception is indicated, whether there is any information which the applicant is withholding.

604. Appeal Procedure.

If the examiner shall deem any of the applicant's responses to be deceptive, the examiner must tell the applicant immediately and give the applicant an opportunity to explain, deny or admit the deception. If the applicant denies being deceptive or if the explanation is found unsatisfactory by the examiner, the applicant will be given the opportunity to retake the test with a second examiner. Notice of the opportunity to retest shall be given in writing to the applicant. The second examiner will not have access to the results of the first test prior to readministering the polygraph. If the second examiner finds no deception, the applicant will be considered as having passed the polygraph test. If the second examiner also finds the applicant deceptive, the applicant will be considered as having failed the examination.

605. Appeal to the Commission for Third Examination.

An applicant who has failed both tests may appeal to the Commission for a third examination, and the decision to give the applicant an opportunity to take a third test resides solely within the discretion of the Commission. If the applicant is awarded an opportunity to take a third test and passes, then the applicant will be considered as having passed the polygraph test. If the applicant is found deceptive on a third test, the applicant shall be rejected, who may thereafter appeal his rejection to the Commission pursuant to Section 310. of these rules.

ARTICLE VII. EXAMINATION PROCESS

701. Examinations for Police Positions.

It shall be noted that Section 310. (Rejection of Applicant: Hearing) of these rules and regulations is applicable to this Article VII.

A. Examination for the Position of Patrol Officer:

(1) The following parts shall comprise the examination process for the position of patrol officer:

	<u>Element</u>	<u>Passing Score</u>	<u>Weighting</u>
Step 1	Written Examination	Ref: Section 703.	40%
Step 2	Oral Examination (Amendment No. 10, 10/10/2016)	Ref: Section 703.	60%
Step 3	Physical Agility Test	Ref: Section 701(A)(3)	Pass/Fail
Step 4	Background Investigation	Ref: Section 307.	Pass/Fail
Step 5	Medical Examination	Ref: Article V.	Pass/Fail
Step 6	Psychological Evaluation	Ref: Article V.	Pass/Fail

(2) Upon completion of the written examination by qualified applicants and following the determination of scores, the Commission shall select the top fifty (50) persons receiving passing grades for further processing. All persons having the same score as the fiftieth person shall also be included for further processing.

(Amendment No. 4, 2/7/2006) (Amendment No. 9, 2/12/2013) (Amendment No. 12, 8/14/18)

(3) Physical Agility Test

A. Each applicant shall be evaluated to determine physical fitness using the standards developed by the Cooper Institute for Aerobics

Research in Dallas, Texas used by the Municipal Police Officers Education and Training Commission under Act 120 at the time of the physical agility test. Each applicant shall score no lower than the 30th percentile of the Cooper Standards, which coincides with the 30th percentile of the general population, in each of the following four (4) required evaluations. An applicant shall not pass the physical agility test unless the applicant has obtained a score in the 30th percentile or higher for the person's age and gender as specified in the Cooper Standards for each of the four (4) evaluations. The four (4) required evaluations are as follows:

1. 1.5 mile run.
2. 300 meter run.
3. 1 repetition bench press.
4. 1 minute sit-ups.

B. This is a pass/fail test. Failure to meet one of the minimums shall result in the failure of the physical agility test and the elimination of the applicant from the examination process.

(Amendment No. 7, 12/13/2011)

C. The Commission shall appoint the Police Department or its representative to conduct the Physical Fitness or Agility Examination (testing) and report the results to the Commission. The order of testing shall be within the discretion of the test administrator, but the same test order shall be used for all applicants.

(4) Intergovernmental Testing - At the discretion of the Commission, the Commission may participate with other Bucks County and Montgomery County municipalities for Step 1 and Step 3 elements of the examination process. When such intergovernmental testing is elected by the Commission, the scheduling of the Oral Examination may be before or after the Physical Agility Test. (Amendment No. 11, 5/9/17)

B. Examination for the Positions of Corporal, Sergeant and Lieutenant.(Amendment No. 7, 12/13/2011)

(1) The following parts comprise the examination process for the aforementioned positions:

	<u>Element</u>	<u>Passing Score</u>	<u>Weighting</u>
Step 1	Written Examination	Ref: Section 703	50%
Step 2	Oral Examination	Ref: Section 703	50%

(2) Assessment Center Testing. (Amendment No. 10, 10/10/2016)

At the discretion of the Commission, the examination process for the position of Lieutenant may be an Assessment Center testing process comprised of the following:

Step 1 - Written Examination - An in-basket exercise with components based upon issues commonly faced by the Police Department (In-Basket Exercise).

Passing Score - 70% Weighting - 50%

Ref: Section 703.

Step 2 - Oral Examination - A problem resolution exercise focused on organizational problems faced by the Police Department (Problem Solving) and an examination administered by an oral board panel consisting of three (3) executive-level police officials from outside Montgomery County, Pennsylvania (Oral Board Interview). The score shall be the average of the scores for the Problem Solving and the Oral Board Interview.

Passing Score - 70% Weighting - 50%

Ref: Section 703.

The final score shall be the sum of the weighted scores for Step 1 and Step 2.

(3) Patrol Supervisor Examination. - At the discretion of the Commission, the examination process for the position of Corporal and the position of Sergeant may consist of a combined/single Written Examination and a combined/single Oral Examination for both positions. The Passing Score and the Weighting shall be as provided in Section 701.B(1) of these Rules and Regulations. Separate eligibility lists shall be prepared for the position of Corporal and the position of Sergeant as provided in Section 801 of these Rules and Regulations. (Amendment No. 11, 5/9/17)

C. Examination for the Position of Deputy Chief.(Amendment No. 7, 12/13/2011)

(1) The following parts comprise the examination process for the aforementioned position:

	<u>Element</u>	<u>Passing Score</u>	<u>Weighting</u>
Step 1	Written Examination	Ref: Section 703.	50%
Step 2	Oral Examination	Ref: Section 703.	50%

(2) Assessment Center Testing, (Amendment No. 10, 10/10, 2016)

At the discretion of the Commission, the examination process for the position of Deputy Chief may be an Assessment Center testing process comprised of the following:

Step 1 - Written Examination - An in-basket exercise with components based upon issues commonly faced by the Police Department (In-Basket Exercise).

Passing Score - 70% Weighting - 50%

Ref: Section 703

Step 2 - Oral Examination - A problem resolution exercise focused on organizational problems faced by the Police Department (Problem Solving) and an examination administered by an oral board panel consisting of three (3) executive-level police officials from outside Montgomery County, Pennsylvania (Oral Board Interview). The score shall be the average of the scores for the Problem Solving and the Oral Board Interview.

Passing Score - 70% Weighting - 50%

Ref: Section 703

The final score shall be the sum of the weighted scores for Step 1 and Step 2.

D. Appointment of Chief of Police.

In the case of a vacancy in the office of Chief of Police, the Municipal Governing Body has full discretion in selecting the individual to fill the position of Chief of Police. If the Municipal Governing Body requests the Commission to subject that person to a noncompetitive examination, and if that person successfully passes the noncompetitive examination, then the Commission shall notify the Municipal Governing Body of the results of the examination.

E. Examinations to Fill Anticipated Vacancies.

The Municipal Governing Body (Township Commissioners) may at any time notify the Commission of an anticipated vacancy or vacancies in the positions of Patrol Officer, Corporal, Sergeant, Lieutenant or Deputy Chief in the Police Department and request that the Commission commence an examination or examinations as provided in Article VII of these Rules and Regulations to establish and certify an eligibility list for such position or positions. (Amendment No. 11, 5/9/17)

F. **Promotions.** (Amendment No. 6, 4/12/2011)

Promotions in the Police Department shall be based on merits to be ascertained by examinations to be prescribed by the Commission. All questions relative to promotions shall be practical in character and such as will fairly test the merit and fitness of persons seeking promotion.

The Township Commissioners shall notify the Commission of a vacancy on the Police Force which is to be filled by promotion and shall request the certification of an eligibility list. The Commission shall certify for each vacancy the names of the three (3) persons on the eligibility list who have received the highest average in the last promotion examination held within a period of two (2) years preceding the date of the request for the eligibility list. If three (3) names are not available, the Commission shall certify the names remaining on the eligibility list. The Township Commissioners shall make an appointment from the names certified based solely on the merits and fitness of the candidate unless the Township Commissioners make objections to the Commission regarding any person on the eligibility list for any reason provided under Section 310.

The Township Commissioners shall have power to determine in each instance whether an increase in salary shall constitute a promotion.

702. Percentage Value of Examination Elements. (Amendment No. 6, 4/12/2011)

Each part of the written examination and oral examination shall be graded on a scale of one hundred (100%) percent. All other steps in the examination process shall be on a pass/fail basis. An applicant for any position in the Police Department must pass each required step in the examination process to be eligible for certification for appointment to the desired position.

703. Passing Score - Veteran's Preference.

The minimum passing score on a written examination shall be seventy (70%) percent. An applicant must obtain a passing score on the written examination to be eligible to take an oral examination. The minimum passing score on an oral examination shall be seventy (70%) percent. Failure of an applicant to obtain seventy (70%) percent in the oral examination shall exclude that applicant from further processing.

Pursuant to the Veteran's Preference Act, any applicant for the position of patrol officer who qualifies as a "soldier" under this Act, shall receive an additional ten (10) points on top of their total score if that applicant had received passing scores in all parts of the examinations in Article VII.

704. Notice of Applicant's Grade. (Amendment No. 6, 4/12/2011)

When the grading of each element of an examination is completed, and upon completion of the examination process, the Secretary shall post notice of the written examination results in the Township Building and shall give written notice to each applicant eligible to take the oral examination and continue in the examination process. A copy of the eligibility list, which contains the names and grades of those who have passed the examination, shall be posted in the Township Building.

705. Reserved. (Amendment No. 5, 8/5/2009)

706. Administering Examinations. (Amendment No. 6, 4/12/2011)

The Commission shall designate an examining agency or qualified individual(s) to act as examiners for the written examination, the oral examination, and the physical agility testing.

707. Rules for Conducting Written Examinations.

The Commission or its designated examining agency shall prepare a statement of instructions and rules for conducting written examinations. The appointed examiner shall administer each examination in accordance with the instructions, and be responsible for enforcing the rules for conducting written examinations.

708. Penalty for Improper Conduct. (Amendment No. 6, 4/12/2011)

Should an applicant be found by the Commission to have committed any act tending to defeat the proper conduct or the result of any examinations, his name shall be removed from the eligibility list resulting from the examination and the applicant shall not, for a period of five (5) years, be permitted to make future application for any position in the Police Department, without the prior written approval of the Commission, within the sole discretion of the Commission, after a due process hearing.

ARTICLE VIII. ELIGIBILITY LISTS (Amendment No. 6, 4/12/2011)

801. Preparation of Eligibility List. (Amendment No. 6, 4/12/2011)

At the completion of the testing process, including any background, physical agility or other examinations, with the exception of physical and psychological medical examinations pursuant to Section 502 of these rules, the Commission shall rank the candidates who have satisfied the minimum requirements for appointment on an eligibility list. The eligibility list shall contain the names of individuals eligible for appointment listed from highest to lowest based upon their weighted scores on the examinations administered by the Commission and any points for which the applicant was entitled by virtue of 51 Pa. C.S. Ch. 71 (relating to veterans' preference). The eligibility list shall be filed in the office of the municipal secretary, and a copy posted on the notice board in the Township Building. The eligibility list shall also indicate the date of its preparation. The right of a candidate to remain on an eligibility list is under and subject to a satisfactory background investigation conducted pursuant to Section 307.

802. Breaking Tie Scores. (Amendment No. 6, 4/12/2011)

When two (2) or more eligible applicants shall receive the same final weighted score, the order in which the names of such persons shall appear on the eligibility list shall be determined by their respective scores on that part of the examination assigned the greatest weight. In the event that two (2) or more qualifying applicants also receive identical scores on that part of the examination assigned the greatest weight, then the order shall be determined by their respective scores on the part of the examination assigned the second greatest weight. In the event that two (2) or more qualifying applicants for the position of patrol officer also receive identical scores on that part of the examination assigned the second greatest weight, then the order shall be determined by giving first

priority to those persons having Municipal Police Officers Act 120 Certification; if none, then by the police officers having the greatest length of law enforcement experience; then if none, by the persons having the greatest number of college credits. In the event that two (2) or more qualifying applicants for the positions of corporal, sergeant, lieutenant and deputy chief also receive identical scores on that part of the examination assigned the second greatest weight, the order of listing shall be determined by seniority.

803. Life of Eligibility Lists. (Amendment No. 6, 4/12/2011)

The eligibility list shall be valid for a period of one (1) year from the date the Commission formally adopts the eligibility list. Prior to the expiration of the one-year period, the Commission may extend the validity of the eligibility list for up to an additional twelve (12) months by a majority vote of the Commission at a duly authorized Commission meeting. In the absence of a lawful extension by the Commission, the list shall expire. In addition, the Commission may, at its sole discretion, void an eligibility list at any time.

ARTICLE IX. CERTIFICATION AND APPOINTMENTS

901. Filling Vacancies.

When a vacancy is to be filled in the Police Department, the Municipal Governing Body shall submit a written request to the Commission for certification of eligibles. In making the request, the title of the position to be filled shall be specified.

902. Furloughs; Furlough List to Fill Appointments.

- A. If for reasons of economy or other reasons, it shall be deemed necessary by the Municipal Governing Body to reduce the number of full-time police officers in the Police Department, then the Municipal Governing Body shall apply the following procedure: (1) if there are any employees eligible for retirement under the terms of any retirement or pension law, then such reductions in numbers shall be made by retirement of such employees starting with the oldest employee and following in order of age of respectively; (2) if the number of full-time police officers eligible for retirement is insufficient to effect the necessary reduction in numbers, or if there are no persons eligible for retirement, or if no retirement or pension fund exists, then the reductions shall be effected by furloughing the person or persons, including probationers, last appointed to a position in the Police 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 that the Municipal Governing Body decides to increase the Police Department, the furloughed officers shall be reinstated in order of their seniority in the Police Department if the furloughed officer accepts reinstatement in writing within thirty (30) days of receiving notice of the opening. These reduction in force provisions are not applicable to the Chief of Police.

- C. A furloughed police officer shall be required to take and pass the medical and psychological examinations referred to Article V. of the rules and regulations to be eligible to fill a vacancy.

903. Certification From Eligibility Lists. (Amendment No. 6, 4/12-2011)

Every position or employment in the Police Force, except that of Chief of Police, shall be filled only in the following manner:

- A. The Township Commissioners shall notify the Commission of any vacancy which is to be filled and request certification of an eligibility list.
- B. Upon receipt of a request for certification, the Secretary shall certify the furlough list. If no furlough list exists or if the total number of vacancies cannot be filled from the available names on the furlough list, then the Commission shall certify for each existing vacancy from the eligibility list the names of the three (3) persons who have received the highest average, and certify an additional name for each additional vacancy.
- C. The Township Commissioners shall make a conditional appointment from the three (3) names certified based solely on the merits and fitness of the candidates, unless the Township Commissioners make objections to the Commission regarding one (1) or more of the certified persons for any of the reasons stated in Section 310. Should such objections be sustained by the Commission, as provided in Section 310, or if the conditional appointee is determined to be unqualified in accordance with the procedures set forth in Section 502 (medical and psychological examinations), the Commission shall strike the name of the person from the eligibility list and certify the next highest name for each name stricken from the eligibility list. As each subsequent vacancy occurs in the same or in other position, precisely the same procedure shall be followed.
- D. A vacancy in an existing position in the Police Force which occurs as a result of retirement, resignation, disability or death may be filled by the Township Commissioners by the reappointment or reinstatement of a former employee of the Police Force, who had previously complied with the provisions of this section. No examination, other than a physical examination as directed by the Civil Service Commission, shall be required in a case of reappointment or reinstatement to the Police Force with which the employee previously served, except at the discretion of the Township Commissioners or as otherwise required by law.
- E. In the case of a vacancy in the Office of Chief of Police, the Township Commissioners may nominate a person to the Commission. It shall thereupon become the duty of the Commission to subject the person to a non-competitive examination and if the person shall be certified by the Commission as qualified, he may then be appointed to the position and thereafter shall be subject to all the provisions of the rules and regulations.
- F. If there are less than three (3) available on the eligibility list, the Commission shall certify the name(s) remaining on the eligibility list. The Municipal Governing Body

may select from such lesser number of available eligibles or may request that the Commission void the eligibility list and hold another examination.

- G. For initial appointment to the position of patrol officer, when one of the three applicants on the certified list is a veteran, that applicant shall be selected.

904. Removal of Names from Furlough and Eligibility Lists. (Amendment No. 6, 4/12/2011)

In addition to the other reasons stated as grounds for removal in these rules and regulations, the name of any person/applicant appearing on a furlough list or an eligibility list shall be removed by the Commission if such person:

- A. Indicates in writing his/her unavailability for appointment and requests removal from the list, OR
- B. Is appointed to a position in the Police Department, OR
- C. Declines an appointment to a permanent position in the Police Department, OR
- D. Fails to make written reply to the Commission within seven (7) calendar days from the date of mailing a notice of certification, OR
- E. Indicates availability for appointment and is so appointed to fill a vacancy but fails to report for duty at the time prescribed, unless, in the opinion of the Municipal Governing Body, such person can show good and sufficient reasons for failure to report, OR
- F. The background investigation under Section 307. of these rules and regulations, as amended, is not satisfactory to the Commission, OR
- G. The person/applicant fails to pass the medical and psychological examinations under Article V. of these rules and regulations.

905. Reserved. (Amendment No. 6, 4/12/2011)

906. Probationary Period. (Amendment No. 3, 10/7/2004) (Amendment No. 6, 4/12/2011) (Amendment No. 8, 11/13/2012)

Every successful applicant appointed to the position of patrol officer or to a promotional position with the Police Department shall serve a twelve (12) month Probationary Period. For newly hired patrol officers, the one (1) year Probationary Period shall not commence until after the officer has completed training under the Municipal Police Education and Training Act, Act 177 of 1996, formerly known as Act 120 of 1974, or any successor Act, and receives a certification number. During the Probationary Period, a newly hired officer may only be dismissed for the reasons set forth in Section 310. A promoted officer, during probation, may be returned to a prior rank only for the reasons set forth in Section 310. However, at the end of the twelve (12) month Probationary Period, if the conduct of the probationer has not been satisfactory to the Board of Commissioners, the probationer shall be notified in writing that the appointment will not be permanent. At that time, a newly hired officer's employment shall end, and a promoted officer shall return to a previous rank. Any officer who is not informed in writing that his performance has been unsatisfactory shall receive a permanent appointment to the new position. Any probationer who is notified in writing that his appointment will not be made permanent has no right of appeal under these Rules.

907. Provisional Appointments. (Amendment No. 3, 4/12,2011)

Whenever there are urgent reasons for the filling of a vacancy in any position in the Police Department and there are no names on the eligibility list for such appointment, the Municipal Governing Body may nominate a person to the Commission for competitive examination and if such nominee shall be certified by the Commission as qualified after such competitive examination, he may be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the Commission to hold a competitive examination and certify a list of eligibles pursuant to Section 55641. of the First Class Township Code and a regular appointment shall then be made from the name or names submitted by the Commission: provided, however, that nothing herein contained shall prevent the appointment without examination of persons temporarily as police officers in cases of riot or other emergency.

ARTICLE X. SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK

1001. General.

No person employed as a police officer in the Police Department shall be suspended, removed or reduced in rank except for the following reasons: (1) physical or mental disability affecting his ability to continue in service, in which cases the person shall receive an honorable discharge from service; (2) neglect or violation of any official duty; (3) violation of 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 of any political or election campaign otherwise than to exercise his own right of suffrage. A person so employed shall not be removed for religious, racial or political reasons. A written statement of any charges made against any person so employed shall be furnished to such person within five (5) days after the same are filed with the Commission.

If for reasons of economy or other reasons it shall be deemed necessary by the Municipal Governing Body to reduce the number of paid employees of the Police Department, then the Municipal Governing Body shall apply the following procedure: (1) if there are any employees eligible for retirement under the terms of any retirement or pension law, then such reduction in numbers shall be made by retirement if the party to be retired exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No. 222) known as the "Pennsylvania Human Relations Act;" (2) if the number of paid employees in the Police Department eligible for retirement is insufficient to effect the necessary reduction in numbers or if there are no persons eligible for retirement or if no retirement or pension fund exists, then the reduction shall be effected by furloughing the person or persons, including probationers, last appointed to the Police Department. 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 said Police Department shall again be increased, the employees furloughed shall be reinstated in the order of their seniority in the service. The provisions of this paragraph as to reductions in the number of police officers in the Police Department shall not apply to any Chief of Police.

1002. Procedure.

Whenever any Police Officer is suspended, removed or reduced in rank, the specific charges warranting each such action shall be stated in writing by the Municipal Governing Body. The charges shall be stated clearly and in sufficient detail to enable the accused to understand the charges made against him and to be able to answer them, and shall include the section of the law or regulation as well as the factual basis for the violation of that law or regulation. As soon as practicable, the statement of charges shall be filed with the Commission and, within five (5) days of such filing, a copy of the statement of charges shall be delivered to the accused either by personal service or by certified or registered mail. In addition, the charges shall notify the officer of the right to appeal under Section 1003. of these rules.

1003. Hearing on Suspensions, Removals and Reductions in Rank.

- A. The officer who has been suspended, removed or reduced in rank may appeal the decision of the Municipal Governing Body by written notice to the Secretary of the Commission at the Upper Dublin Township Municipal Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania, 19034 requesting a hearing. This request shall be received by the Commission within ten (10) days after the officer received notice of the discipline. The officer may make written answers to any charges filed not later than the date fixed for the hearing. Failure of the officer to provide written answers to any of the charges shall not be deemed an admission by the officer.
- B. The Commission shall schedule a hearing within ten (10) days from the officer's written request for a hearing unless continued by the Commission for cause at the request of the Commissions, the Municipal Governing Body, or the officer. At any such hearing, the officer against whom the charges have been made may be present and represented by counsel, may call witnesses and present testimony and documentation in defense. The Township may also be represented by counsel call witnesses and present evidence as is necessary to support the charges. A stenographic record of all testimony shall be taken at every hearing and preserved by the Commission. 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 Commission'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 commission finds that sufficient evidence has been introduced to support the charge, the Commission shall not modify the penalty imposed by the Municipal Governing Body unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Municipal Governing Body's discretion. In considering the appropriateness of the discipline, the Commission shall not substitute its judgment for that of the Municipal Governing Body. The Commission may request posthearing briefs.

1004. Notice of Hearing.

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

- A. Either by personal service or by certified or registered mail to each of the principals involved in the case, and
- B. By mailing a notice to all other parties who have stated an interest in the hearing; provided, however, that any failure to give the notice required by this subsection shall not invalidate any subsequent action taken by the Commission.

1005. Oaths.

All testimony shall be given under oath or affirmation. The Chairperson, or in his absence, the Vice-Chairperson acting as Chairperson, shall administer all oaths and affirmations.

1006. Subpoenas.

The Commission shall have power to issue subpoenas over the signature of the Chairperson to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of such witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid by the party requesting the subpoena.

All officers in public service and employees shall attend and testify when required to do so by the Commission.

If any person shall refuse or neglect to obey any subpoena issued by the Commission, he shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine in accordance with law, and in default of the payment of such fine and costs, shall be imprisoned in accordance with law.

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

1007. Hearing Procedure.

Each hearing shall be conducted in the following manner:

- A. The Chairperson, or the Vice-Chairperson in his absence, shall call the hearing to order, state the general purpose of the hearing, and make note of the parties present.
- B. The Secretary, upon direction of the Chairperson, shall read the charges against the accused together with the record of action taken against such officer.
- C. The Secretary shall read any written reply of the accused.
- D. The Chairperson shall afford each person making charges, or his counsel, an opportunity to make further statement in support of the charges and to produce any witness.
- E. The Chairperson shall afford the accused, or his counsel, an opportunity to question or cross-examine the person making charges, and to question or cross-examine any witness produced by such person.
- F. The Chairperson shall afford each person making charges an opportunity to produce any witness and to make a summation.

- G. The Chairperson shall afford the accused, or his counsel, an opportunity to produce any witness and to sum up the defense. Each person or attorney has the right to cross examine witnesses.
- H. The Commission shall be the judge of admissible evidence and shall not be bound by technical rules of evidence.
- I. A stenographic record of all testimony taken at such hearings shall be filed with and preserved by the Commission, which record shall be sealed and not be available for public inspection in the event the charges are dismissed.
- J. Such hearing shall be in compliance with the provisions of the Local Agency Law.

The Commission, at any time during the course of the hearing, may question or cross-examine the person making charges, the accused, and any witness.

1008. Decision of the Commission.

Within thirty (30) calendar days after the hearing, the Commission shall issue its decision in the form of a written decision and order approved by at least two (2) members of the Commission. The written decision and order shall include all findings of fact. If, during the hearing, opposing facts are presented, the Commission shall include in its written order a decision as to what it considers to be the correct facts. Notice of the decision and order of the Commission and a copy thereof shall be given to the person making charges, to the accused officer, and to the Municipal Governing Body by personal delivery, certified mail or registered mail.

ARTICLE XI. INSPECTIONS AND RECORDS

1101. Inspection in General.

Except as otherwise provided herein, all of the records of the Commission shall be open to the public and available for inspection during normal business hours. A member of the Commission, or any person who may, from time to time, be designated by the Commission, shall be present at all times during any inspection of any records of the Commission.

1102. Character and Reputation Reports.

The initial application and all reports of investigation and inquiries into the character and reputation of applicants shall be kept in the strictest confidence, and shall not be open to public inspection.

1103. Inspection of Examination Materials.

All examination materials shall be confidential and shall not be open to general public inspection, except as may be provided by law. Any examined applicant may inspect his examination papers, provided that:

- A. He makes a written request to the Commission within ten (10) days of the date of posting of the scores or the date of mailing of the written notice of his grade, and

- B. He receives the written consent of the Commission to inspect his examination papers, and
- C. He makes inspection within five (5) days from the date of the mailing of the consent of the Commission.

The Commission shall consent to the request of an examined applicant to inspect examination materials only when required by law. If the Commission consents to an inspection of any examination materials, it shall state in its letter of consent the specific examination materials that may be inspected. Prior to inspection, the examined applicant shall produce the Commission's letter indicating the consent of the Commission and the examination shall be limited to only those examination materials indicated in the letter of consent. No examined applicant shall be permitted to inspect any examination papers other than his own, nor shall he be permitted to make any written notes or copies while inspecting any examination paper, unless required by law.

ARTICLE XII. COMMISSION FORMS

1201. Use of Forms.

The official application form and all other forms used by the Commission may be adopted from time to time by Resolution by the Commission and as adopted shall be incorporated by reference into these rules and regulations and shall be as much a part of these rules as if they were fully described herein. The Commission may adopt and use various types of forms to perform its official functions, copies of which may be obtained from the office of the Municipal Secretary, and from such other offices and officers that the Commission, from time to time, may choose to designate.

ARTICLE XIII. AMENDMENTS

1301. Amendment - Municipal Governing Body Approval.

The Commission, with the approval of the Municipal Governing Body, may from time to time amend any of these rules and regulations, in accordance with law.