

**TOWN OF BLOOMSBURG
COLUMBIA COUNTY, PENNSYLVANIA
RESOLUTION NO. 07-13-2020.01**

RULES AND REGULATIONS

FOR THE

CIVIL SERVICE COMMISSION OF

TOWN OF BLOOMSBURG, PENNSYLVANIA

SECTION 1. 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. **Administrative Leave** - The temporary separation, with pay, of a police officer from the Police Department
- b. **Appointing Authority** – The Town Council of the Town of Bloomsburg, Columbia County, Pennsylvania.
- c. **Applicant** - Any individual who applies in writing to the Commission in response to a legally advertised notice of vacancy and/or examination for any position in the Police Department.
- d. **Certification** – The submission to the Appointing Authority pursuant to their request of three names taken from the eligible list developed by the Civil Service Commission.

- e. **Chairperson** – The Chairperson of the Civil Service Commission of the Town of Bloomsburg, Pennsylvania.
- f. **Commission** – The Civil Service Commission of the Town of Bloomsburg, Pennsylvania.
- g. **Eligible** – A person whose name is recorded on a current eligible list or furlough list.
- h. **Eligibility List** – The list of names of persons who have passed all examinations for a particular position in the Police Department.
- i. **Examination** – The series of tests given to candidates to determine their qualifications for a position in the Police Department.
- j. **Final Score** – The combined total of the written and oral examination of those applicants who received a minimum score as set forth in these Regulations in both the written and oral examinations, plus the addition of 10 points under Section 4.4, if applicable.
- k. **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.
- l. **Oral Examination Score** – The score achieved by each applicant on the oral examination as administered, graded, and calculated as set forth in Section 4.3, Police Officer, 6.3(a) Corporal, 7.3 Sergeant.

- m. **Public Safety Committee** – Committee composed of members of the Town Council and appointed by the Mayor to review examination results, interview candidates and make a recommendation to Town Council.
- n. **Police Officer** – For purposes of these Rules and Regulations, an entry level, sworn full-time position in a Police Department.
- o. **Probationer** – An officer in the Police Department who has been appointed from an Eligibility List, but who has not yet completed the probationary period.
- p. **Reduction in Rank** – A change to a lower position or rank where employees fulfilled all of the requirements of these Rules and Regulations for both the prior and current position or rank.
- q. **Removal** – The permanent separation of a police officer from the Police Department.
- r. **Suspension** – The temporary separation without pay of a police officer from the Police Department.
- s. **Secretary** – The Secretary of the Civil Service Commission of the Town of Bloomsburg, Pennsylvania.
- t. **Town Council** – The Town council of the Town of Bloomsburg, Pennsylvania.
- u. **Total Score** – For initial appointments, Total Score shall be the combined total of the written and oral examination with the calculation to be made as set for the in section 4.3.

For promotion to Sergeant, the Total Score shall be the combined total of the written examination, oral examination, and the calculation shall be made as set for the in section 7.3.

For promotion to Corporal, the Total Score shall be the total of the oral examination and shall be calculated as set for the in section 6.4.

- v. **Written Examination Score** - The score achieved by each applicant on the written examination as administered, graded, and calculated as set forth in Section 4.2 police Officer, 7.3 Sergeant.

1.2 Interchangeability of Language – Words used in the singular may be read to include the plural or the plural may be read as the singular. Similarly, the masculine form may be read to include the feminine and neuter; the feminine may be read to include the masculine and neuter; and the neuter may be read to include the masculine and feminine.

SECTION 2. THE COMMISSION

2.1 Civil Service Commission

The Commission shall consist of three Commissioners who shall be qualified electors of the Town of Bloomsburg and shall be appointed by the Town Council initially to serve for the terms of one, two and three years, and as terms thereafter expire shall be appointed for terms of three years.

Any vacancy occurring in the Commission for any reason whatsoever shall be filled by the Town Council for the unexpired term.

Each member of the Commission, before entering upon the discharge of the duties of their office, shall take an Oath or affirmation to support the Constitution of the United States and

of the Commonwealth of Pennsylvania and to perform their official duties with fidelity. No civil service commissioner shall receive compensation.

2.2 Offices Incompatible with Civil Service Commissioner

No commissioner 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 teaching profession.

2.3 Organization of Commission Quorum

The Commission first appointed shall organize within ten days of its appointment and shall elect one of its members as its Chairperson, one as Vice-Chairperson, and one as the Secretary. The Commission shall thereafter meet and organize on the first Monday of February of each even-numbered year. Two 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.

2.4 Duties of Chairperson

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

2.5 Duties of Secretary

The Secretary 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 and

Regulations, keep a record of each examination or other official action of the Commission, and perform all other duties required by law or these Rules and Regulations.

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 members of the Commission. The Commission shall have the discretion to determine whether a meeting shall be open to the public when not specifically regulated by law or these Rules and Regulations. The Secretary of the Commission shall give each Commissioner 48 hours notice in writing of each and every meeting of the Commission. An email to a Commissioner will also constitute a notice in writing.

2.7 Clerks and Supplies

The 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 psychologist as are necessary. The elected and appointed officials of the Town of Bloomsburg shall assist the Commission with all reasonable and appropriate efforts including compensation for any counsel or experts retained by the Commission.

2.8 Amendment of Rules and Regulations

The Commission may amend, revise, void or replace these Rules and Regulations for any reason by action of a majority of the Commission at any properly convened meeting of the Commission. Before any changes to these Rules and Regulations become effective, those changes must be approved by the Town Council of the Town of Bloomsburg. These Rules and

Regulations, and any amendments thereto shall be made available to the public for distribution or inspection.

2.9 Minutes and Records

The Commission shall keep minutes of its proceedings and records of examinations and other official action for a period of at least ten (10) years. All recommendations of applications for appointment to any position within the Police Department received by the Commission shall be kept and preserved for a period of ten (10) years.

Any and all records related to any disciplinary action filed with the Commission may, in the discretion of the Commission and with the concurrence of the Council, be open to public inspection subject to reasonable regulation. The Secretary shall keep minutes of its proceedings showing the vote of each member upon each question. If the member is absent or fails to vote, the Secretary shall indicate that fact in the minutes.

2.10 Investigations

The Commission 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 Commission is authorized to administer Oaths and affirmations in connection with such investigations.

2.11 Subpoenas

The Commission shall have the power to issue subpoenas over the signature of the Chairperson, or their 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 appropriations for the incidental expenses of the Commission.

All officers in public service and employees of the Town of Bloomsburg 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, upon conviction of such refusal or neglect in a summary proceeding, that person shall be sentenced to pay a fine not to exceed one hundred dollars (\$100.00), and in default of the payment of such fine and cost shall be imprisoned not to exceed thirty (30) days.

If any person shall refuse or neglect to obey any subpoena, the Commission may apply to the Court of Common Pleas of Columbia County to enforce compliance with its subpoena, requiring the attendance of such persons before the Commission or the Court to testify and to produce any records as appears necessary, and in default thereof to be held in contempt of Court.

2.12 Annual Report

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

SECTION 3. APPLICATIONS AND QUALIFICATIONS OF NEW APPLICANTS

3.1 General Qualifications – All Applicants

Every applicant for any position in the Police Department shall possess a diploma from an accredited high school or a graduate equivalency diploma. In addition, every applicant must be a United States citizen, be physically and mentally fit to perform the full duties of a police

officer and possess a valid motor vehicle operator's license issued by the Commonwealth of Pennsylvania at the time of the written exam.

Also, applicants subject to any of the following shall be disqualified.

- (a) Criminal conviction of Misdemeanor 2 or higher. ARD for driving under the influence shall not be considered a criminal conviction.
- (b) Criminal behavior admitted by the applicant that would be graded as a Misdemeanor 2 or higher regardless of arrest or conviction, excluding DUI.
- (c) Any violation of the Uniform Firearm Act, Brady Law and any other federal law and amendments prohibiting possession of a firearm, admitted by the applicant, and regardless of arrest or conviction.
- (d) Sale, delivery, manufacturing or possession of a controlled substance graded as a Misdemeanor 2 or higher, admitted by the applicant, and regardless of arrest or conviction.
- (e) Use of the following drugs admitted by the applicant:
 - (i) Use of Schedule I drugs, excluding marijuana, and non-prescribed Schedule II drugs as listed in the C.S.D.D.C.A. (Act 64) within a period of five years prior to filing an application. (Example, cocaine, heroin, LSD, methamphetamine, MDMA (ecstasy), oxycontin, gamma hydroxybutyric acid (GHB).
 - (ii) Use of steroids (Schedule III) within a period of three years prior to filing an application.

- (iii) Use of marijuana twenty-five times or more over applicant's lifetime, or any use within a period of three years prior to filing an application.
- (f) Dishonorable discharge from the military.
- (g) Intentional falsification or omission of information on the Formal Application for Employment and/or The Polygraph Screening Booklet.
- (h) Any domestic violence resulting in a judicial determination of guilt of domestic violence against spouse, significant other or child. Stipulation with no admission shall not be considered judicial determination of guilt.
- (i) Shoplifting/stealing items exceeding more than \$25.00 in value within one year prior to filing application.
- (j) Discussion or attempt to discuss the administration or result of the oral or written examination with the examination administrators or members of the Civil Service Commission.
- (k) Cheating on the oral or written examination.
- (l) Influencing or attempting to influence any examination administrator or any member of the Civil Service Commission.
- (m) Failure to appear for any portion of the testing process.

3.2 Age and Residency Requirements

All applicants must have reached their twenty-first (21st) birthday before the date of the written examination. Applicants must move within a radius of fifteen (15) miles of the Town of

Bloomsburg as shown on the map attached as Attachment A within six (6) months of completing their probationary period.

3.3 Eligibility for Examination

In order to be eligible for participation in any examination for any position with the Police Department, every applicant must submit a completed application form to the Commission before the deadline stated by the Commission for that specific examination. The Commission may require the applicant to possess Act 120 certification prior to the written exam. The applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa. Cons. Stat. §4904 relating to unsworn falsification to authorities. At the time of the submission of the Application, the applicant shall also submit a nonrefundable testing fee not to exceed \$70.00. Any Application submitted without the testing fee shall be deemed incomplete and that applicant shall not be allowed to take the written test.

3.4 Availability

The application form shall be available to all interested persons at the office of the Town of Bloomsburg Police Department between the hours of 8:00 A.M. and 4:00 P.M. Monday through Friday, and from such other offices that the Commission, from time to time, may choose to designate. Applications may be obtained in person or by mail. The Civil Service Commission is not responsible for delays or loss of mail.

3.5 Discrimination

The Town of Bloomsburg is an equal opportunity employer. It is the Town of Bloomsburg's and the Commission's policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, sex, age, veteran's status, marital status or non-job related physical or mental handicap or disability. The Town of Bloomsburg and the Commission will provide equal opportunities in employment and promotion.

3.6 Rejection of Applicant

The Commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these Rules and Regulations for the particular position for which the applicant has applied. In addition, the Commission may refuse to examine, or if examined, may refuse to certify any applicant: (1) who is physically or mentally unfit to perform the full duties of the position to which they seek employment; (2) or who is a substance abuser; (3) who is guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct; (4) or who has been dismissed from public service for delinquency or misconduct in the office; (5) or who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the constitutions and law of the United States and the Commonwealth of Pennsylvania; (6) or who neglected or violated any official duty while employed as a police officer by another municipality; (7) or who violated any law of this Commonwealth provided that such violation constitutes a misdemeanor or felony (or committed any violation in any other state or foreign country that would be considered a misdemeanor or felony) (8) or whose inefficiency, neglect, intemperance, disobedience of orders, or conduct in a prior position would be considered unbecoming a police officer.

3.7 Recording and Filing Applications

Applications for positions in the Police Department shall be received at Town Hall or the Bloomsburg Police Department, Town of Bloomsburg only after an examination has been properly advertised and before the deadline for receiving applications which must be set forth in the public advertisement. Applications will be received by the municipal officer designated in the public advertisement or their designee. That person shall record the receipt of all applications and provide each applicant with notice of the time and place for the first portion of the testing procedure, the written examination. Any application containing material errors or omissions shall be rejected and the applicant shall be notified in writing of said rejection. The Commission assumes no responsibility for missed filing deadlines due to delays in the mail or delays in the notification of rejected applications.

3.8 Hearing for Disqualified Applicants

Any applicant or other person who believes that they are aggrieved by the actions of the Commission, in refusing to examine or to certify the individual as eligible after examination may request a hearing before the Commission. Within ten days after such request, the Commission shall designate a time and place for the hearing which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. Cons. Stat. §101, et seq. The applicant or aggrieved party must make their request for a hearing in writing within ten calendar days of the

date when the party knew or should have known of the Commission's action which is being challenged.

3.9 Public Notice

The Commission shall conspicuously post in Town Hall, Town of Bloomsburg notice of the time and place of every examination, together with the information as to the type of position to be filled, the requirements for that position, where applications may be obtained for the examination, and the deadline for filing those applications. In addition, at least two weeks prior to each examination, publication of the notice shall occur in at least one newspaper of general circulation or a newspaper circulating generally in the Town of Bloomsburg.

SECTION 4. EXAMINATION AND GRADING PROCEDURE

A. For Initial Appointment

4.1 Appointment of Examination Administrators

The Commission shall appoint a written examination administrator, an oral examination administrator, a physical agility examiner, a medical fitness examiner, a psychological examiner, polygraph examiner, and a background check investigator to conduct the appropriate examinations and investigations required by these Rules and Regulations.

4.2 Written Examination

The written examination shall be graded on a 100 point scale with each question being of equal weight, and an applicant must score eighty percent (80%) or higher in order to continue the application process. Applicants scoring less than eighty percent (80%) shall be rejected. Within thirty (30) days after the administration of the written examination, all applicants shall be given

notice of their test result only, with the highest fifteen (15) scorers scheduled for one or more oral examination appointment(s). Notice to the passing applicants who have scored in the top fifteen may be given by e-mail, telephone or sent by certified mail to the address provided by the applicant on the application. Notice to the remaining applicants who did not score in the top fifteen and the failing applicants may be given by e-mail, telephone or sent by regular mail to the address provided by the applicant on the application. An applicant shall have no right to receive a copy of the graded written test and shall not discuss or attempt to discuss the administration or results of the written test with the test administrator and doing so shall result in the automatic disqualification of the applicant.

4.3 Oral Examination

The highest fifteen (15) scorers who have passed the written examination shall be given an oral examination which will be graded on a 100 point scale consisting of five (5) questions with each question being worth twenty (20) points. An applicant must score 70% or higher in order to continue the application process. Applicants scoring less than 70% shall be rejected. The oral examination shall involve questioning by three (3) oral examination administrators asking the applicant how they would handle situations relevant to police work. The scores of the three (3) oral examination administrators for each question shall be averaged to arrive at the applicant's score for each question. The score for each question shall be added together to arrive at the applicant's oral examination score.

The written examination shall represent fifty (50%) of the applicant's Total Score and the oral examination shall represent fifty (50%) of the Total Score. The calculations for the combined total of the written examination and oral examination shall be made by multiplying the

written examination score by fifty (50%) percent and by multiplying the oral examination score by fifty (50%) percent and then adding those produces resulting in a Total Score.

An applicant shall not discuss or attempt to discuss the results or administration of the oral examination with the oral examination administrators, either before or after the oral examination, and doing so shall result in the automatic disqualification of the applicant.

4.4 Veteran's Preference Points

Pursuant to the Veteran's Preference Act, any applicant for the position of patrol officer who qualifies as a "soldier" under this Act, and who (1) is one of the highest 15 scorers on the written examination and (2) receives a minimum of 80% on the written examination, and 70% on the oral examination shall receive an additional ten (10) points on top of their Total Score. An applicant for the position of Sergeant or Corporal shall not be entitled to Veteran's Preference Points in accordance with the Veteran's Preference Act.

4.4.1 Final Score

The applicant's Total Score plus the additional ten (10) points the applicant may receive under Section 4.4 shall represent the applicant's Final Score. Within thirty (30) days after the Applicant's oral examination, the Applicant may be informed by e-mail, telephone or regular mail of their score in their oral examination and their Final Score.

4.5 Physical Agility Examination

The highest ten (10) Final Scorers shall be eligible to take the Physical Agility Examination. All applicants for the position of police officer must pass the standardized physical agility test adopted by the Civil Service Commission for their age and sex. Applicants

who cannot pass one or more of the following requirements shall be deemed to have failed the Physical Agility Examination and shall be rejected. The test may include the following:

- (a) Body Drag.
- (b) 300 Meter Run
- (c) Audio Recording of Miranda rights following 300 Meter Run
- (d) 30-Second trigger pull.

4.6 Polygraph Examination

Each of the highest three (3) Final Scores who have passed the physical agility examination shall submit to a polygraph examination. The candidates shall fill out a Polygraph Screening Booklet, as amended, at the Town of Bloomsburg Police Department. The results of each examination shall be submitted to the Commission.

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

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 re-administering the polygraph. If the second examiner finds no deception, the applicant will be considered as having passed the polygraph. If the second examiner also finds the applicant deceptive, the applicant will be considered as having failed the examination.

4.7 Background Investigation

The Commission shall request a background check investigator (who may be the Chief of Police or their designee) to conduct a background investigation on each of the highest three (3) final scorers who have passed the Physical Agility Examination and the Polygraph Examination. The background investigation shall include interviews with the applicant's family, acquaintances, current and former employers, current and former neighbors, references, and current and former teachers, school officials and any other person(s) the investigator deems necessary. In addition, the applicant's credit history and criminal history shall be investigated. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

After the background investigation is completed, the investigator shall make a written recommendation to the Commission on whether the applicant has passed the background check and is appropriate for consideration for appointment as a police officer. Appropriateness of the applicant shall be based on the criteria set forth in Section 3.6 of these Rules and Regulations. This recommendation shall be in writing and if the applicant has failed the background investigation, then a detailed written explanation of the reasons for disqualification must be included. The Commission shall make the final determination on whether the information

collected during the background investigation warrants rejection of the candidate. If the Commission rejects an Applicant as a result of information collected in the background investigation, the next highest final scorer who has passed the Physical Agility Examination and Polygraph Examination shall be included among those subject to the Background Investigation.

Within thirty (30) days after the Commission considers the recommendation of the background check investigator or their designee, the applicant will be informed of whether the applicant has passed the background investigation.

SECTION 5. CERTIFICATION OF THE LIST OF NEW ELIGIBLES AND APPOINTMENT OF NEW APPLICANTS

5.1 Creation of Eligibility List

At the completion of the background check, the Commission shall rank the passing applicants on a list with the applicant receiving the highest Final Score at the top of the list. The Commission shall certify from this list the names of three (3) persons for each vacancy who have received the highest average in the last examination held within a period of one year preceding the date of the request for such list of eligibles. Where more than one (1) vacancy is to be filled from an Eligibility List, an applicant who is not selected to fill a vacancy shall remain on the Eligibility List for purposes of consideration for the additional vacancy positions and the applicant receiving the next highest Final Score shall be added to the certified list of eligibles such that there is always three (3) persons for each vacancy. This shall constitute the Eligibility List. In the case of tied scores, the tie will be broken by giving preference to the applicant who submitted a completed application first. If both tied applicants submitted their complete

applications the same day, then the applicants shall be ranked in alphabetical order by surname. The Commission may, at its sole discretion, void an Eligibility List at any time for any reason. The Commission shall post in its office the Eligibility List containing the names and grades of those persons named on the Eligibility List. The eligibility list shall automatically expire one (1) year after being certified by the Civil Service Commission.

5.2 Appointment

(a) The Appointing Authority of the Town of Bloomsburg may fill any vacancy in an existing position in the Police Department which occurs as a result of expansion of the police force, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the police department who had been furloughed. Except for physical and psychological examinations, no further testing shall be required for a furloughed employee.

(b) If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, every position, except that of Chief of Police, shall be filled only in the following manner:

(1) The Appointing Authority of the Town of Bloomsburg shall notify the Commission of any vacancy which is to be filled and shall request the certification of the top three (3) names from the eligibility list.

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

(3) The Town Council of the Town of Bloomsburg shall make an appointment from one of the three names certified. However, for initial appointment to the

position of police officer, when one of the three applicants on the certified list is a veteran, that applicant shall be selected;

(4) An offer of employment shall be made to the selected applicant contingent on the applicant satisfactorily passing the Medical Examination and Psychological Examination.

(c) The Town Council may object to one or more of the persons certified for the reasons set forth in Section 3.6 of these Rules and Regulations. If the candidate to whom the Town Council objects fails to timely exercise their rights of appeal under Section 3.8 or if the Commission declines to uphold their appeal, the Commission shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three candidates for each name stricken off.

5.3 Medical and Psychological Examinations

After the Appointing Authority selects a candidate from the certified list of three for appointment to the vacant position, that candidate shall submit to a medical and psychological examination conducted by persons appointed by the Commission. If the candidate successfully passes these examinations then that employee shall be appointed to the vacant position in the police department for which they had applied. Failure to pass either examination shall result in the candidate being rejected from consideration. The rejected candidate may appeal this decision under Section 3.8. The Commission shall then certify another name to be included with the two previously certified names for consideration by the Appointing Authority pursuant to Section 5.2.

5.4 Probationary Period

Every successful applicant to the position of patrol officer with the Police Department shall serve a one (1) year probationary period. For newly hired police officers, the one (1) year probationary period shall not commence until after the officer has completed training under Act 120. During the probationary period, a probationary officer may be dismissed or suspended for any reason set forth in Section 11.1. However, at the end of the **(1) year** probationary period, if the conduct of the probationer has not been satisfactory to the Town Council of the Town of Bloomsburg, the probationer shall be notified in writing that they will not receive a permanent appointment. At that time, a newly hired officer's employment shall end. Any officer who is not informed in writing that their performance has been unsatisfactory, shall receive a permanent appointment to their position. Any probationer who is notified in writing that they will not receive a permanent appointment has no rights of appeal under these Rules and Regulations.

SECTION 6. APPLICATION FOR THE POSITON OF CORPORAL

6.1 Qualifications

(a) In addition to meeting the qualification in Section 3.1, all applicants for the position of Corporal, shall have not received a formal reprimand for one year after any reckoning period prior to the deadline for submitting applications, and have not been suspended without pay at any time for six (6) or more days two (2) years prior to the deadline for submitting

applications. Any formal written reprimand or suspension to which the applicant has timely appealed pursuant to a grievance procedure or these Rules and Regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

(b) All applicants for the position of Corporal shall have at least (2) two years of continuous full-time prior service within the Police Department of the Town of Bloomsburg.

6.2 Rejection of Applicant

The Commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these Rules and Regulations for the particular position for which the applicant has applied. In addition, the Commission may refuse to examine, or if examined, may refuse to certify any applicant: (1) who is physically or mentally unfit to perform the full duties of the position to which the applicant seeks employment; (2) or who is a substance abuser; (3) who is guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct; (4) or who has been dismissed from public service for delinquency or misconduct in the office; (5) or who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the constitutions and law of the United States and the Commonwealth of Pennsylvania; (6) or who neglected or violated any official duty while employed as a police officer by another municipality; (7) or who violated any law of this Commonwealth provided that such violation constitutes a misdemeanor or felony (or committed any violation in any other state or foreign country that would be considered a misdemeanor or felony) (8) or whose inefficiency, neglect, intemperance, disobedience of orders, or conduct in a prior position would be considered unbecoming a police officer.

6.3 Examinations Not Required:

Applicants for the position of Corporal shall not be required to submit to a Written Examination (4.2), Physical Agility Examination (4.5), Background Investigation (4.7), Polygraph Examination (4.6) or Medical and Psychological Examination (5.3), provided, if required the applicant successfully completed substantially similar examinations upon their initial appointment a police officer and documentation thereof is submitted to the Civil Service Commission upon its request.

(a) Oral Examination

Notwithstanding anything herein to the contrary, an applicant for Corporal must score Seventy (70%) percent or higher on the oral examination. Any applicant who scores less than seventy (70%) percent on the oral examination shall be rejected.

6.4 Calculation of Total Score for Position of Corporal

The oral examination shall represent eighty (80%) percent of the applicant's Total Score, and the officer's current calendar year evaluation preceding the examination shall represent twenty (20%) of the Total Score, and if no evaluation the oral exam will equal 100% of the score.

6.5 Certification of Eligibility List and Appointment

At the completion of the background check, the Commission shall rank the passing applicants on a list with the applicant receiving the highest Final Score at the top of the list. The Commission shall certify from this list the names of three (3) persons for each vacancy who have received the highest average in the last examination held within a period of one year preceding the date of the request for such list of eligibles. Where more than one (1) vacancy is to be filled

from an Eligibility List, an applicant who is not selected to fill a vacancy shall remain on the Eligibility List for purposes of consideration for the additional vacancy positions and the applicant receiving the next highest Final Score shall be added to the certified list of eligibles such that there is always three (3) persons for each vacancy. This shall constitute the Eligibility List. For promotional positions, fulfilling the performance requirement set forth in Section 6.1 is also required. In the case of tied scores, the tie will be broken by giving preference to the applicant with the most seniority. The Commission may, at its sole discretion, void an Eligibility List at any time for any reason. The Commission shall post in its office the Eligibility List containing the names and grades of those persons named on the Eligibility List. The eligibility list shall automatically expire one (1) year after being certified by the Civil Service Commission.

Appointment

(a) The Appointing Authority of the Town of Bloomsburg may fill any vacancy for the position of Corporal in the Police Department which occurs as a result of expansion of the police force, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee with the rank of Corporal of the police department who had been furloughed. Except for physical and psychological examinations, no further testing shall be required for a furloughed employee.

(b) If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, the position shall be filled only in the following manner:

(1) The Appointing Authority of the Town of Bloomsburg shall notify the Commission of the vacancy which is to be filled and shall request the certification of the top three (3) names from the eligibility list.

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

(3) The Town Council of the Town of Bloomsburg shall make an appointment from one of the three names certified.

(c) The Town Council may object to one or more of the persons certified for the reasons set forth in Section 6.2 of these Rules and Regulations. If the candidate to whom the Town Council objects fails to timely exercise their rights of appeal under Section 11.4 or if the Commission declines to uphold their appeal, the Commission shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three candidates for each name stricken off.

6.6 Probationary Period

A promoted officer, during their probationary period, may be returned to their prior rank only for cause for the reasons set forth in Section 11.1. However, at the end of the six (6) month probationary period, if the conduct of the probationer has not been satisfactory to the Town Council of the Town of Bloomsburg, the probationer shall be notified in writing that they will not receive a permanent appointment. At that time, a promoted officer shall return to their previous rank. Any officer who is not informed in writing that their performance has been unsatisfactory, shall receive a permanent appointment to their position. Any probationer who is

notified in writing that they will not receive a permanent appointment has no rights of appeal under these Rules and Regulations.

SECTION 7. APPLICANTS FOR THE POSITION OF SERGEANT

7.1 Qualification

(a) In addition to meeting the qualification in Section 3.1 above, all applicants for position of Sergeant, shall have not received a formal written reprimand for one year after any reckoning period prior to the deadline for submitting applications, and have not been suspended without pay at anytime for two (2) years prior to the deadline for submitting applications. Any formal written reprimand or suspension to which the applicant has timely appealed pursuant to a grievance procedure or these Rules and Regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

(b) All applicants for the position of Sergeant shall have at least five (5) years continuous full-time prior service within the Police Department of the Town of Bloomsburg.

7.2 Rejection of Applicant

The Commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these Rules and Regulations for the particular position for which the applicant has applied. In addition, the Commission may refuse to examine, or if examined, may refuse to certify any applicant: (1) who is physically or mentally unfit to perform the full duties

of the position to which they seeks employment; (2) or who is a substance abuser; (3) who is guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct; (4) or who has been dismissed from public service for delinquency or misconduct in the office; (5) or who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the constitutions and law of the United States and the Commonwealth of Pennsylvania; (6) or who neglected or violated any official duty while employed as a police officer by another municipality; (7) or who violated any law of this Commonwealth provided that such violation constitutes a misdemeanor or felony (or committed any violation in any other state or foreign country that would be considered a misdemeanor or felony) (8) or whose inefficiency, neglect, intemperance, disobedience of orders, or conduct in a prior position would be considered unbecoming a police officer.

7.3 Written Examination and Oral Examination

Notwithstanding anything herein to the contrary, an applicant for Sergeant must score Seventy (70%) percent or higher on the written examination to proceed to the oral examination. An applicant must score seventy (70%) percent or higher on the oral examination to proceed with the application process. Any applicant who scores less than seventy (70%) percent on either the written or oral examination shall be rejected.

7.4 Calculation of Total Score for Position of Sergeant

The written examination shall represent forty (50%) percent of the applicant's Total

Score, the oral examination shall represent forty (50%) percent of the Total Score, The calculations for the combined total of the written examination and oral examination shall be made by multiplying the written examination score by fifty (50%) percent and by multiplying the oral examination score by fifty (50%) percent and then adding those produces resulting in a Total Score.

7.5 Certification of Eligibility List and Appointment

The Commission shall rank the passing applicants on a list with the applicant receiving the highest Final Score at the top of the list. The Commission shall certify from this list the names of three (3) persons for each vacancy who have received the highest average in the last examination held within a period of one year preceding the date of the request for such list of eligibles. Where more than one (1) vacancy is to be filled from an Eligibility List, an applicant who is not selected to fill a vacancy shall remain on the Eligibility List for purposes of consideration for the additional vacancy positions and the applicant receiving the next highest Final Score shall be added to the certified list of eligibles such that there is always three (3) persons for each vacancy. This shall constitute the Eligibility List. For promotional positions, fulfilling the performance requirement set forth in Section 7.1 is also required. In the case of tied scores, the tie will be broken by giving preference to the applicant with the most seniority. The Commission may, at its sole discretion, void an Eligibility List at any time for any reason. The Commission shall post in its office the Eligibility List containing the names and grades of those persons named on the Eligibility List. The eligibility list shall automatically expire one (1) year after being certified by the Civil Service Commission.

Appointment

(a) The Appointing Authority of the Town of Bloomsburg may fill any vacancy in an existing position of Sergeant in the Police Department which occurs as a result of expansion of the police force, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee with the rank of Sergeant of the police department who had been furloughed. Except for physical and psychological examinations, no further testing shall be required for a furloughed employee.

(b) If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, the position shall be filled only in the following manner:

(1) The Appointing Authority of the Town of Bloomsburg shall notify the Commission of any vacancy which is to be filled and shall request the certification of the top three (3) names from the eligibility list.

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

(3) The Town Council of the Town of Bloomsburg shall make an appointment from one of the three names certified.

(c) The Town Council may object to one or more of the persons certified for the reasons set forth in Section 7.2 of these Rules and Regulations. If the candidate to whom the Town Council objects fails to timely exercise their rights of appeal under Section 11.4 or if the Commission declines to uphold their appeal, the Commission shall strike the name of that

candidate from the eligibility list and certify the next highest name for inclusion on the list of three candidates for each name stricken off.

7.6 Probationary Period

A promoted officer, during their probationary period, may be returned to their prior rank only for cause for the reasons set forth in Section 11.1 However, at the end of the six (6) month probationary period, if the conduct of the probationer has not been satisfactory to the Town Council of the Town of Bloomsburg, the probationer shall be notified in writing that the applicant will not receive a permanent appointment. At that time, a promoted officer shall return to their previous rank. Any officer who is not informed in writing that their performance has been unsatisfactory, shall receive a permanent appointment to their position. Any probationer who is notified in writing that they will not receive a permanent appointment has no rights of appeal under these Rules and Regulations.

SECTION 8. APPOINTMENT OF LIEUTENANT

The position of Lieutenant is defined as a non-union, non-exempt position—eligible for overtime. This position is an appointed position where the appointment is made by the Town Council and Mayor. This position requires 10 years of continuous service with the Town of Bloomsburg as a uniformed officer and 5 years as a Sergeant with an exemplary service record. The Town may administer a written promotional examination or an oral promotional examination or a combination of both oral and written exams to determine the appointment.

8.1 Qualification – Applicants for Lieutenant

(a) In addition to meeting the qualification in Section 3.1 above, all applicants for position of Lieutenant, shall have not received a formal written reprimand for one year after any reckoning period prior to the deadline for submitting applications, and have not been suspended without pay at anytime for two (2) years prior to the deadline for submitting applications. Any formal written reprimand or suspension to which the applicant has timely appealed pursuant to a grievance procedure or these Rules and Regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

(b) All applicants for the position of Lieutenant shall have at least ten (10) years of continuous full-time prior service with the Police Department of the Town of Bloomsburg.

SECTION 9. APPOINTMENT OF CHIEF OF POLICE

In the case of a vacancy in the office of Chief of Police, the Appointing Authority has full discretion in selecting the individual to fill the position of Chief of Police. If the Appointing Authority 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 Appointing Authority of the results of the examination and that person may only be removed from the position of Chief of Police for the same reasons set forth in Section 11.1

SECTION 10. PROVISIONAL APPOINTMENTS

Whenever there are urgent reasons for the filling of a vacancy in any position in the Police Department and there are no names on the eligible list for such appointment, the Town

Council of the Town of Bloomsburg may nominate a person's name to the Commission for noncompetitive examination, and if such nominee may be certified by the Commission as qualified after such noncompetitive examination, they may be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the Commission within three weeks to begin the Civil Service Hiring Process of competitive examination and to certify a list of those eligible; then a regular appointment shall be made from the name or names submitted by the Commission: provided, that nothing within this Section shall prevent the appointment, without examination, of persons temporarily as police officers in cases of riot or other emergency.

SECTION 11. SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK

11.1 Grounds for Disciplinary Action

(a) No person appointed to a position in the Police Department pursuant to these Rules and Regulations may be suspended without pay or removed and no person promoted in rank pursuant to these Rules and Regulations may be reduced in rank except for the following reasons:

- (1) Physical or mental disability affecting the officer's ability to continue in service, in which case the officer shall receive an honorable discharge from service;
- (2) Neglect or violation of any official duty;
- (3) Violation of any law 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; or

(6) Engaging or participating in conducting of any political or election campaign other than the officer's exercise of his own right of suffrage.

(b) No officer shall be removed for religious, racial or political reasons. A statement of any charges made against any officer so employed shall be furnished to the officer within five (5) days after those charges have been adopted by the Town Council of the Town of Bloomsburg.

11.2 Furloughs

(a) If for reasons of economy or other reasons, it shall be deemed necessary by the Town of Bloomsburg to reduce the number of full-time police officers in the department, then the Town of Bloomsburg 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 respectively; (2) if the number of full-time police officers eligible for retirement is insufficient to effect the necessary reductions in numbers, or if there are no persons eligible for retirement, or if no retirement or pension funds exists, then the reduction shall be effected by furloughing the person or persons including probationers, last appointed to the respective force.

(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 Appointing Authority decides to increase the Police Department, the furloughed officers shall be reinstated in order of their seniority in the department if the

furloughed accepts reinstatement in writing within thirty (30) days of receiving notice of the opening. These reductions in force provisions are not applicable to the Chief of Police.

11.3 Notice of Suspension, Removal or Reduction in Rank

Whenever a police officer is suspended, removed or reduced in rank, the specific charges warranting such actions shall be stated in writing by the Town council of the Town of Bloomsburg. The charges shall be stated clearly and in sufficient detail to enable the officer to understand the charges against the individual and to allow the officer an opportunity to respond to those charges. The charges shall specify the subsection of Section 11.1 which provides the basis for the disciplinary action as well as the explanation of the factual circumstances upon which the Appointing Authority relied in finding a violation of Section 11.1.

Within five (5) days after the Chief of Police or their designee has imposed disciplinary action in the form of a suspension, a written statement of the charges shall be delivered to the officer either by personal service, certified or registered mail. In addition, the charges shall notify the officer of their appeal rights under Section 11.4 of these Rules and Regulations. A copy of the statement of charges shall also be served upon the members of the Civil Service Commission.

11.4 Hearings on Suspension, Removals and Reductions in Rank

(a) The officer 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 Commission at Town Hall, 301 East Second Street, Bloomsburg, Pa 17815-1870 requesting a

hearing. This request shall be received by the Commission within ten days after the officer received notice of the discipline. The officer may make written answers to any charges filed against the individual 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 days from the officer's written request for a hearing unless continued by the Commission for cause at the request of the Commission, the Town Council of the Town of Bloomsburg 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 on their behalf. The Town of Bloomsburg may also be represented by counsel, call witnesses and present evidence as is necessary to support the charges. The 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 Town Council of the Town of Bloomsburg unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Council's discretion. In considering the appropriateness of the discipline, the Commission shall not substitute its judgment for that of the Town Council of the Town of Bloomsburg. The Commission may request posthearing briefs and shall issue a written decision

containing specific findings of fact and conclusions of law within sixty (60) days of receipt of the hearing transcript.

11.5 Hearing Procedure

(a) All testimony shall be given under oath administered by the Chairperson, or in their absence, the Vice-Chairperson. The Commission shall have power to issue subpoenas as set forth in Section 2.11. The hearing shall be open to the public unless, prior to the commencement of the hearing, a written or oral request to close the hearing is made by either the charged officer or the Town of Bloomsburg.


(b) If the Commission sustains the charges, the officer 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 by the Commission of its final order. No order of suspension shall be made by the Commission for a period longer than one year. In the event that the Commission fails to uphold the charges, then the person sought to be suspended, removed or demoted shall be reinstated with full pay for the period of the suspension, removal or demotion, and no charges related to the suspension, removal or reduction in rank shall be officially recorded against their record.

SECTION 12. RESOLUTION FOR ADOPTION

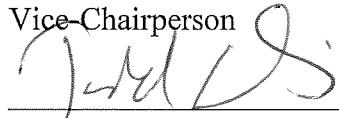
The foregoing Rules and Regulations, which are in accordance with powers granted by the Civil Service section of the Incorporated Towns Code, enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the Municipal Governing Body of the Town of Bloomsburg, Pennsylvania are hereby adopted by the Civil Service Commission of the Town of Bloomsburg, Pennsylvania on July 13, 2020.



Chairperson



Vice-Chairperson



Secretary

Approved by the Town Council of the Town of Bloomsburg, Pennsylvania on July 13, 2020.

ATTEST:



Town Manager

SIGNED:



Mayor