CITY OF COATESVILLE
RESOLUTION NO. 2014-20
CIVIL SERVICE BOARD
RULES AND REGULATIONS

WHEREAS. The Article XLIV of the Third Class City Code, 53 P.S. §39401, et seq., provides for the manner of appointment of certain city employees, including Police Officers;

WHEREAS, the City Code of Coatesville,§ 44-3 and §115-18, further requires that all Police Officers be appointed in accordance with the Article XLIV of the Third Class City Code;

NOW THEREFORE BE IT RESOLVED, that the City of Coatesville Civil Service Commission recommends the adoption of the foregoing Rules and Regulations, which are in accordance with the powers granted by Article XLIV of the Third Class City Code;

AND BE FURTHER RESOLVED, that the City of Coatesville Civil Service Commission further recommends that an applicant for the position patrol officer, as defined in the foregoing Rules and Regulations, whose application was submitted after June 10, 2013 but prior to the adoption and approval of these Rules and Regulations, shall be given consideration in the manner provided for use under these Rules and Regulations;

AND BE IT FURTHER RESOLVED, that the Secretary of the Civil Service Commission shall accept applications for the position of part-time patrol officer for November 17, 2014 until November 28, 2014 and the Secretary of the Civil Service Commission shall post public notice of the same in accordance Section 3.9 of these Rules and Regulations.

Adopted by the Civil Service Commission of the City of Coatesville, Chester County Pennsylvania, on this 5th day of November, 2014.

CHAIRPERSON, CIVIL SERVICE COMMISSION

SECRETARY, CIVIL SERVICE COMMISSION

Approved by the City Council of the City of Coatesville, Chester County Pennsylvania on this 10th day of November, 2014.

ATTEST:

KIRBY A. HUDSON
City Manager

SIGNED:

JOSEPH HAMRICK,
President, City Council

CITY OF COATESVILLE

RULES AND REGULATIONS

OF THE

CIVIL SERVICE COMMISSION

FOR

PATROL OFFICERS, CORPORALS, SERGEANTS, LIEUTENANTS AND FIREFIGHTERS

The following policies and procedures are promulgated under the authority of Third Class City Code, Optional Third Class City Charter Law, and the Coatesville City Charter.

2014

ARTICLE I. DEFINITION OF TERMS

Section 1.1 Definitions.

Unless otherwise expressly stated, the following words and phrases, whenever used in these rules and regulations, shall be construed to have the meaning indicated herein.

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 or Fire Department.

Appointing Authority – The City Council of the City of Coatesville of Chester County, Pennsylvania.

City Council - City Council of Coatesville, Pennsylvania.

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

Chairperson - The Chairperson of the Civil Service Commission of the City of Coatesville, Pennsylvania.

Commission - The Civil Service Commission of the City of Coatesville, Pennsylvania.

Commissioner – An individual appointed by the City of Coatesville, Pennsylvania to serve as a member of the Civil Service Commission.

Eligible - A person whose name is recorded on a current eligibility list or furlough list.

Eligible List - A list of names of persons who have passed all examinations for a particular position in the Police or Fire Department, also referred to as the list of eligibles.

Examination - The series of examinations given to Applicants to determine their qualifications for a position in the Police or Fire Department.

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

Fire Department – *Reserved.*

Firefighter – *Reserved.*

Furlough List - The list containing the names of persons temporarily laid off from positions in the Police or Fire Department because of a reduction in force.

Patrol Officer – An entry level sworn part-time or full-time position in the Police Department. The appointing authority shall retain full discretion in determining which part-time Patrol Officer receives an offer of full-time employment. Regardless of the Patrol Officer's hours worked, the civil service rank of entry level full-time and part-time Police Officers shall be Patrol Officer.

Police Department – The Police Department of the City of Coatesville.

Police Officer – Any sworn officer of the Police Department appointed to these Rules and Regulations. The term Police Officer shall not include the Chief of Police.

Probationer - A Police Officer or Firefighter who has been appointed or promoted from an eligibility list, but who has not yet completed the designated probationary period.

Reduction in Rank - A change to a different position or rank where the employee fulfilled all of the requirements of these Rules and Regulations for both the prior and current position or rank. However, a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank.

Removal - The permanent separation of a Police Officer from the Police Department or Firefighter from the Fire Department.

Secretary - The Secretary of the Civil Service Commission of the City of Coatesville, Pennsylvania.

Suspension - The temporary separation without pay of a Police Officer from the Police Department or Firefighter from the Fire Department.

Section 1.2 Gender.

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

ARTICLE II. THE COMMISSION

Section 2.1 Civil Service Commission.

The Commission shall consist of three (3) Commissioners who shall be qualified electors of the City of Coatesville. Council shall appoint one person to serve for two (2) years, one person to serve for three (3) years, and one person to serve for four (4) years. Upon the expiration of the term of any member of the Commission, one person shall be appointed to by City Council to serve for a term of four (4) years.

Any vacancy occurring in the Commission for whatever reason shall be filled by City Council for the remainder of the unexpired term with the period of thirty (30) days of the occurrence of such vacancy.

Council may appoint up to three (3) qualified electors of the City of Coatesville to serve as alternate members of the Commission on four (4) year terms. If a quorum is not reached, the chairperson shall designate as many alternate members to sit on the Commission as needed to provide a quorum. While seated, the alternate shall be entitled to participate in all proceedings and discussions, including casting a vote. The alternate shall remain on the Commission until the matter or case for which the alternate was appointed has been resolved. Designation of an alternate shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. Any alternate may participate in any proceeding or discussion of the Commission but shall not be entitled to vote as a member of the Commission unless designated as a voting alternate member pursuant to this section.

Section 2.2 Offices Incompatible with Civil Service Commissioner.

No City officer, official, or employee shall be eligible for appointment to the Commission.

Section 2.3 Organization of Commission; Quorum

The Commission first appointed shall organize within ten (10) days of its appointment and shall elect one of its members as its chairperson, one as vice chairperson, and one as its 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.

Section 2.4 Duties of Chairperson.

The Chairperson, or in his 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.

Section 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, by these Rules and Regulations

Section 2.6 Meetings.

Except for the biennial organization meeting, all meetings shall be held either at the call of the Chairperson or at the call of two (2) members of the Commission. The Commission shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or by these Rules. The Secretary of the Commission shall give each Commissioner twenty-four (24) hours notice, in writing, of each and every meeting of the Commission.

Section 2.7 Clerks and Supplies.

The City 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 City shall assist the Commission with all reasonable and appropriate efforts, including compensation for any counsel or experts retained by the Commission. However, any counsel, expert or consultant shall be subject to approval by City Council.

Section 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 become effective, those changes must be approved by City Council. These Rules and Regulations, and any amendments thereto, shall be made available to the public for distribution or inspection.

Section 2.9 Minutes and Records.

The Commission shall keep minutes of its proceedings and records of examination and other official action. The Commission secretary shall keep minutes of the Commission's proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. All records of the Commission shall be preserved and disposed of according to the *Retention and Disposition Schedule for Records of Pennsylvania Municipalities* issued by the Government Records Committee under the authority of the Municipal Records Act, 1968 P.L. 961, No. 428, 53 P.S. 53 § 9001 *et seq.*

Section 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 Chairperson of the Commission is authorized to administer oaths and affirmations in connection with such investigations.

Section 2.11 Subpoenas.

The Commission shall have the power to issue subpoenas over the signature of the Chairperson or designee, to acquire the attendance of witnesses, and to have 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 from appropriations for the incidental expense of the Commission.

All officers in public service and employees of the City 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), and in default of the payment of such fine and cost shall be imprisoned not to exceed thirty (30) days.

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

Section 2.12 Annual Report.

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

ARTICLE III. APPLICATIONS AND QUALIFICATIONS

Section 3.1 Eligibility for Examination.

(a) Police Department. 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 applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa. C.S.A., § 4904 relating to unsworn falsification to authorities.

(b) Fire Department. *Reserved.*

Section 3.2 Discrimination.

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

Section 3.3 Availability.

Application forms shall be available to all interested persons in the office of the Commission Secretary, as well as from any other public location or office that the Commission may from time to time designate. These forms may be mailed upon written request. However, the Commission assumes no responsibility for missed filing deadlines due to delay in the mail.

Section 3.4 Age and Residency Requirements.

(a) Police Department. An Applicant for the position of Patrol Officer shall be no less than twenty-one (21) years of age and shall live within twenty-five (25) miles of the City of Coatesville at the time of application.

(b) Fire Department. *Reserved.*

Section 3.5 General Qualifications.

(a) Police Department.

(i) Part-time Patrol Officer. The applicant applying for Part-time Patrol Officer shall not be considered eligible for the position unless he or she meets the following criteria:

(1) He shall be a citizen of the United States;

(2) He shall have graduated from an accredited high school or possess a graduate equivalency diploma accepted by the Commonwealth of Pennsylvania;

(3) He shall be physically, medically, and psychologically fit to perform the essential functions of the job classification, with or without reasonable accommodation;

(4) He shall be licensed to operate a motor vehicle in the Commonwealth of Pennsylvania;

(5) He shall be of good character;

(6) He shall have, with the exception of those eligible under section 3.5(a)(i)(7)(C), successfully completed the training and education

prescribed by the Municipal Police Education and Training Act, commonly known as Act 120, 53 Pa.C.S.A. § 2161 *et seq.* ("Act 120").

(7) He shall be, at the time of application, either:

(A) currently certified by Act 120 and employed full or part-time with a municipal department,

(B) currently certified by Act 120 and employed by a Pennsylvania County as a Sheriff's Deputy, or

(C) eligible for Act 120 certification as a retired Pennsylvania State Trooper.

(ii) Full-time Patrol Officer. *Reserved.*

(b) Fire Department. *Reserved.*

Section 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 examinations prescribed in these Rules 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 who is physically or mentally unfit to perform the full duties of the position applied for, or who is a habitual substance abuser, who is 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 policies or activities are subversive to the forms of government set forth in the constitutions and laws of the United States and the Commonwealth of Pennsylvania.

Section 3.7 Recording and Filing of Applications.

Applications for positions in the Police or Fire Department shall be received at the Coatesville City Hall building only after a hiring or promotional test has been properly advertised and before the deadline for receiving applications which must be set forth in public advertisement. Applications will be received by the City office designated in the public advertisement or that office's 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 may, at the discretion of the Commission, be returned to the applicant for correction prior to the deadline for filing applications, after which no new applications or amended applications will be accepted.

Section 3.8 Hearing for Disqualified Applicants.

Any disqualified applicants who believes that they are aggrieved by the actions of the Commission in refusing to examine or to certify them as eligible after examination, may request a hearing before the Commission. Within ten 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. C.S.A. § 101 et seq. The disqualified applicant must make his request for hearing in writing

ten calendar days of the date when the party knew or should have know of the Commission's action which is being challenged.

Section 3.9 Public Notice.

The Commission shall conspicuously post in the Coatesville City Hall an announcement of the hiring or promotional Examination and set forth the time and place of every Examination, together with the information as to the type of position to be filled, the requirements for that position, where applications may be obtained, and the deadline for filing those applications. In addition, at least two weeks prior to the close of the application period, publication of the notice shall occur in at least one newspaper of general circulation or a newspaper circulating generally in the City of Coatesville. Notice shall likewise and in a similar manner be provided to local resource contacts for appropriate dissemination to the disabled community. Additional public notice via publication, posting or otherwise, may be given at any time at the discretion of the Commission or as required by law.

Section 3.10 Ineligibility for False Statement.

The statements made by an Applicant in his application shall contain no falsification, omission, or concealment of material fact. Should investigation disclose any falsification or concealment with respect to an application:

(1) The application shall be invalid and the candidate shall be disqualified from examination;

(2) If the Applicant shall have been examined, the name of such candidate shall be removed from consideration for the position;

(3) If the Applicant shall have been appointed, such willful misstatement, falsification, or concealment shall constitute grounds for dismissal;

(4) No person who makes any willful false statement shall be permitted to make any future application for any position in the Police or Fire Departments of the City of Coatesville for a period of 7 years.

ARTICLE IV. EXAMINATION AND GRADING PROCEDURE.

Section 4.1 General Examination Requirements for Initial Appointment.

(a) Police Department.

(i) Part-time Patrol Officers. The Examination for Part-time Patrol Officer will consist of a written and oral examination which will be graded on a one hundred (100) point scale with the written examination representing sixty percent (60%) of the final score and the oral examination representing forty percent (40%) of the final score. After an applicant has been extended a conditional offer of employment, final appointment shall be contingent upon the applicant passing a complete physical and psychological medical examination.

(ii) Full-time Patrol Officers. *Reserved.*

(b) Fire Department. *Reserved.*

Section 4.2 General Examination Requirements for Promotion.

(a) Police Department. In the event that there is no valid promotional eligibility list or if promotional vacancies exceed the number of names on existing valid promotional eligibility lists, a promotional test shall be administered by the Commission. The Commission shall post a notice in City Hall and in the Coatesville Police Department stating the upcoming date, time, and place of the promotional test.

Individual Officers shall inform the Commission, by a set deadline, if interested in taking the Examination. Officers will be informed if they meet the necessary prerequisites for promotion and will then receive written notification of the date, time, and place of the promotional exam. Only Officers receiving notices to report for a promotional examination shall be permitted to participate in such examination.

Each Patrol Officer seeking promotion shall undergo and complete the following Examinations: written examination; oral examination; psychological leadership examination; promotional physical examination.

(b) Fire Department. *Reserved.*

Section 4.3 Appointment of Examiners.

The Commission shall appoint or approve a written examination administrator, an oral examination administrator, a physical agility examiner, a medical examiner and a psychological examiner to conduct the appropriate examination required by these Rules.

No administrator shall have had any personal, social, or other relationship with any person to be tested which would affect the objective judgment of the panel. All candidates for the same position shall be reviewed by the same oral review board which shall grade the applicants.

Section 4.4 Notice of Examinations for Applicants.

In addition to the public notice, the Secretary shall give each applicant written notice which shall include the dates, times, places, and duration of the written and oral examinations no less than 14 days prior to each examination. This notice shall also inform recipients that any applicant who needs special accommodation in taking the tests should notify the examiner of such requirements in advance of the examination date.

Failure to report for a written or oral examination in accordance with the instructions contained in the written notice shall disqualify the applicant.

Physical and psychological medical examinations of any applicant shall be given only after a job offer has been extended; successful completion of these exams is necessary to make the job offer valid; these examinations shall be at the expense of the City of Coatesville and shall be given according to a schedule arranged by the Coatesville Civil Service Commission; the applicant, with the approval of the examiners designated by the Coatesville Civil Service Commission, may arrange another time if there is a scheduling conflict.

Section 4.5 Written Examinations.

(a) Police Department.

(i) Part-time Patrol Officers. The written examination for initial appointment to the position of Part-time Patrol Officer shall be graded on a 100 point scale, and an applicant must score seventy percent (70%) or higher and remain one of the 30 top scores, including ties, in order to continue in the application process. Applicants scoring less than seventy percent (70%) shall be rejected.

(ii) Full-time Patrol Officers. *Reserved.*

(b) Fire Department. *Reserved.*

Section 4.6 Oral Examinations.

(a) Police Department.

(i) Part-time Patrol Officers. Every applicant for initial appointment to the position of Part-time Patrol Officer who scored a minimum passing score or higher and received one of the top 30 scores on the written examination shall qualify for an oral examination. The oral examination shall be graded on a 100 point scale with a score of seventy percent (70%) or higher necessary for passing. The oral examination shall involve questioning applicants on how they would handle situations relevant to their perspective duties. Within thirty (30) days after the applicant's oral examination, they shall be informed of their oral examination and total overall score, and each passing applicant shall be informed of the next step in the examination process.

(ii) Full-time Patrol Officers. *Reserved.*

(b) Fire Department. *Reserved.*

Section 4.7 Veterans' Entry Level Preference.

Any Applicant who is entitled to Veterans' Preference pursuant to Section 4405.1 of the Third Class City Code (53 P.S. § 39405.1) and who has successfully passed a written and oral examination, shall receive an additional ten (10) points on the final examination score.

Section 4.8 Physical Agility Testing

(a) Police Department.

(i) Part-time Patrol Officers. There shall be no physical agility test for Part-time Patrol Officers.

(ii) Full-time Patrol Officers. *Reserved.*

(b) Fire Department. *Reserved.*

Section 4.9 Background Investigation.

The Commission shall request the chief of police or the chief's designee to conduct a background investigation on each applicant for Patrol Officer in the Police Department or Firefighter in the Fire Department. The background investigation shall also include interviews with the applicants current and former employers, current and former neighbors, references and current and former teachers and school officials. The background investigation shall also include a criminal history check. The applicants' credit history and record of criminal convictions shall also be investigated, as well as the applicant's driving record for verification that he posses a valid driver's license.

After the background investigation is completed, the chief, or designee, shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment to a paid position in the Police or Fire Department.

Appropriateness of the Applicant shall be based on the criteria set forth in Section 3.5 of these Rules. This recommendation shall be in writing and, if the recommendation is to disqualify, then a 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. Within thirty (30) days after the Commission considers the recommendation of the chief of police or designee, each applicant will be informed of whether they have passed the background investigation.

ARTICLE V. CERTIFICATION OF THE LIST OF ELIGIBLES AND APPOINTMENT

Section 5.1 Creation of Eligibility List.

(a) Police Department. At the completion of any examination requirements set forth in Article IV, the Commission shall rank all passing Applicants on a list with the Applicant receiving the highest score at the top of the list and the Applicant receiving the lowest score at the bottom of the list. Applicants who qualify for veterans' preference points shall have those points added to their score prior to being ranked on the eligibility list.

For promotional positions, fulfilling the requirements of Section 6.2(a) is also required. In the case of tied scores, the tie will be broken by giving preference to the Applicant who submitted a final completed application first. Where ties occur for promotional positions, preference will be given to the most senior employee. If Applicants remain tied after applying these preferences, then the Applicants shall be ranked in alphabetical order by surname.

The Commission will furnish to Council a certified copy of the list. The list will be maintained as a public record for two (2) years or until a new list is furnished to Council, whichever occurs first. The Commission may furnish a new eligibility list to Council for any reason. When a person on the list is appointed to a position, the name of that person shall be stricken from the list and the names of the non-appointed persons will be adjusted to their proper place on the list.

(b) Fire Department. *Reserved.*

Section 5.2 Appointment.

(a) Police Department. The appointing authority may fill any vacancy in an existing position in the Police Department that 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 and previously complied with the provisions of the Civil Service requirements. Except for medical and psychological examinations, no other testing shall be required for a furloughed employee or a rehired or reappointed employee.

If no furlough list exists or if positions remain to be filled after all of the Patrol 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 shall notify the Commission of any vacancy which is to be filled and shall request the certification of three (3) names from the list of eligibles;

(2) The Commission shall certify to Council, in writing, the three (3) names of the applicants with the highest number of points on the eligibility list. If three (3) names are not available, then the Commission shall certify the name(s) remaining on the list;

(3) The appointing authority 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 appointing authority objects fails to timely exercise the rights of appeal under Section 3.8 or if the Commission declines to uphold the appeal, the Commission shall strike the name of that candidate from the eligibility list and certify the next highest candidate from the eligibility list for inclusion on the list of three candidates. If the name of any applicant on the certified list is submitted to and rejected by the appointing authority three times, such applicant's name shall be stricken form the list of eligibles.

(4) The appointing authority may nominate to Council a person from the eligibility list submitted to fill the vacancy. Provided, that for initial appointment to Patrol Officer, when one of the three applicants on the certified list qualifies for veterans' preference, then that applicant shall be selected ahead of any non-veteran; and

(5) If Council approves the nomination, the person nominated shall be conditionally appointed by Council to fill the vacancy. If Council does not approve the nomination, or if the appointee is determined by the medical examination to be unqualified, the appointing authority shall submit another nomination for the position from the remaining names on the list.

(b) Fire Department. *Reserved.*

Section 5.3 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 and that person may only be removed from the position of Chief of Police for the reasons set forth in section 6.2(a).

Section 5.4 Appointment of Fire Chief.

Reserved.

Section 5.5 Physical and Psychological Examinations.

(a) Police Department. 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 physical examination and a psychological examination by the appropriate medical experts. If the candidate passes the physical and psychological examinations, then that employee shall be appointed to the vacant position in the police department for which the application was submitted. The appointment shall be contingent upon successfully passing both the physical and psychological examinations. 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(a).

(b) Fire Department. *Reserved.*

Section 5.6 Probationary Appointment.

(a) Police Department. Every successful applicant to the position of Patrol Officer, including from part-time to full-time within the police department, or to a promotional position within the police department shall serve a one (1) year probationary period. For newly hired Patrol Officers, the one (1) year probationary period shall not commence until after the Officer has received a MPOETC certification number. During the probationary period, a newly hired Patrol Officer may only be dismissed for cause for the reasons set forth in Section 3.6. A promoted officer, during probation, may be returned to the prior rank only for cause for the reasons set forth in Section 3.6. However, at the end of the one (1) year probationary period, if the conduct of the probationer has not been satisfactory to the appointing authority, the probationer shall be notified, in writing, that the appointment will not be permanent. At that time, a newly hired Patrol Officer's employment shall end, or 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 and Regulations

(b) Fire Department. *Reserved.*

Section 5.7 Temporary Appointment.

(a) Police Department. Whenever it is necessary for the public safety or to preserve order, the appointing authority may appoint extra police officers without complying with the provisions of these Rules and Regulations.

(b) Fire Department. *Reserved.*

ARTICLE VI. PROMOTIONS

Section 6.1 Qualifications.

(a) Police Department. Promotions shall be based on qualifications and examinations as previously described herein, the nature and scope of which shall be determined by the Commission.

(b) Fire Department. *Reserved.*

Section 6.2. General Qualifications: Applicants for Promotion.

(a) Police Department. In addition to meeting the qualifications in Sections 3.4 and 3.5, all applicants for a promotional position except Chief of Police, shall have not been suspended without pay for more than five (5) days within twelve (12) months prior to the deadline for submitting applications. This rule shall not apply to a suspension to which the applicant has timely appealed pursuant to contractual grievance procedures unless the appeal is resolved prior to the creation of the eligibility list.

All applicants at the time of appointment shall have continuous prior service with the Police Department of the City of Coatesville as follows:

(1) An applicant for the position of corporal shall have at least four (4) years of service with the Coatesville Police Department,

(2) An applicant for the position of Sergeant shall have at least two (2) years of experience as a Corporal and be an existing officer with the Coatesville Police Department;

(3) An applicant for the position of Lieutenant shall have at least three (3) years of experience as a Sergeant within the Coatesville Police Department;

(4) An applicant for the position of Captain must be a Lieutenant within the Coatesville Police Department, and will be excluded from the Civil Service selection process.

(b) Fire Department. *Reserved.*

Section 6.3 Examinations.

(a) Police Department. A promotional examination shall be conducted in the same manner as that prescribed for original appointments, provided an applicant must score seventy percent (70%) or higher on the written examination and seventy percent (70%) or higher on the oral examination. Applicants scoring less than seventy percent (70%) on either the written or oral examination shall be rejected.

Test results for the promotional positions of Corporal, Sergeant and Lieutenant shall be weighted as follows and a composite test score shall be rendered following the completion of all tests: forty percent (40%) shall be comprised of the written examination score; sixty percent (60%) shall be comprised of the oral examination score.

(b) Fire Department. *Reserved.*

Section 6.4 Eligibility List.

(a) Police Department. In response to a written request by the City Manager for names to fill a position by promotion, the Commission shall certify to Council a list of three persons on the eligibility list who have received the highest average in the last preceding promotional examination held within the two years preceding the date of the request. If three names are not available, the Commission shall certify the names remaining. Council shall make an appointment from the names certified, based solely on the merits and fitness of the candidates.

(b) **Fire Department.** *Reserved.*

Section 6.5 Appointment of Chief of Police.

None of the rules and regulations contained herein shall be construed to limit in any way the discretion of the City Manager in selecting a Chief of Police or captain, in accordance with the provisions of Section 2-404 (Powers and Duties) of the Home Rule Charter of the City of Coatesville.

Section 6.6 Appointment of Fire Chief.

Reserved.

ARTICLE VII. HEARINGS ON SUSPENSIONS, REMOVALS AND REDUCTION IN RANK

Section 7.1 Grounds for Disciplinary Action

(a) **Police Department.** All Police Officers shall be subject to suspension, discharge and discipline by the Chief of Police, without pay, for misconduct or violation of any law of this Commonwealth, any ordinance of the city, or regulation of the Police Department, pending action by City Council on the charges made against the Police Officer.

Any Police Officer aggrieved by the suspension, discharge or discipline imposed by the Police Chief more serious than a three (3) day suspension without pay may request a hearing before Council or the Commission if designated by ordinance. At the hearing, the Officer may be represented by counsel. No Police Officer shall be suspended more than one time for the identical or same violation or act of misconduct.

Any Police Officer aggrieved by the action of Council or the Commission shall have the right to appeal in accordance with 2 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local agency action). This review shall be exclusive. The issue before the court shall be whether the action of Council or the Commission shall be affirmed or be modified in any respect or whether the charges should be dismissed or whether the suspension or demotion made by the director shall be affirmed or rescinded. Where any such Police Officer has been suspended and the charges are dismissed or the suspension rescinded on appeal, he shall receive full compensation for the entire period of suspension.

If a Police Officer is a member of a bargaining unit, the Police Officer may challenge a discipline, suspension, or discharge by using the procedure above or by a proceeding in grievance arbitration. A choice to proceed by one method shall foreclose the opportunity to proceed in the alternative method.

No Police Officer shall be removed for religious, racial or political reasons. A statement of any charges made against any Police Officer so employed, shall be furnished to the Police Officer (5) days after those charges have been adopted by the City Council.

(b) **Fire Department.** *Reserved.*

Section 7.2 Furloughs.

(a) **Police Department.** If for reasons of economy, or other reasons, it shall be deemed necessary by the Coatesville City Council to reduce the number of Officers in the Police Department, then

such reductions shall be accomplished by furloughing, in numerical order, commencing with the person last appointed, until such reduction has been accomplished. In the event that the appointing authority decides to increase the size of the Police Department, the furloughed Police Officers shall be reinstated in order of their seniority in the Police Department if the furloughed Full-Time Police 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.

(b) Fire Department. *Reserved.*

Section 7.3 Notice of Suspension, Removal or Reduction in Rank.

(a) Police Department. Whenever a Police Officer other than the Chief of Police is suspended without pay, removed or reduced in rank, the specific charges warranting such actions shall be stated, in writing, by the City Council. The charges shall be stated clearly and in sufficient detail to enable the Officer to understand the charges and to allow the Police Officer an opportunity to respond to those charges. The charges shall specify the portion of Section 7.1 which provides the basis for the disciplinary action, as well as an explanation of the factual circumstances upon which the appointing authority relied in finding a violation of Section 7.1.

Within five (5) days after the City Council votes to impose the disciplinary action, a written statement of the charges shall be delivered to the Police Officer 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 7.1 of these Rules and Regulations. A copy of the statement of charges shall also be served upon the members of the Civil Service Commission.

(b) Fire Department. *Reserved.*

Section 7.4 Civil Service Hearings.

(a) Police Department. *Reserved.*

(b) Fire Department. *Reserved.*

Section 7.5 Hearing Procedure.

(a) Police Department. All testimony shall be given under oath, administered by the chairperson, or in absence of the chair, the vice chair person. The Commission shall have the 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 the charged person or City Council.

If the Commission sustains the charges, the officer who was suspended, removed or reduced in rank may file an appeal in accordance with Section 7.1(a). No order of suspension without pay 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 without pay, removal or demotion, and no charges related to the suspension, removal or reduction in rank shall be officially recorded in the officer's record.

(b) Fire Department. *Reserved.*

ARTICLE VIII. ADOPTIONS AND AMENDMENTS

Section 8.1 Amendments.

From time to time the Commission may amend , revise, void or replace these Rules for any reason by action of a majority of the Commission at any properly convened meeting of the Commission. The foregoing Rules and Regulations are in accordance with the powers granted by the City Council under the Home Rule Charter. These Rules and Regulations are intended to be consistent with general state law. Before any changes to these Rules become effective, those changes must be approved by the City Council. These Rules, and any amendments thereto shall be made available to the public for distribution or inspection. Any direct inconsistency, whether now existing or resulting from future amendments to the City Code, shall cause the automatic amendment of these Rules and Regulations to make them consistent with the Code, whether or not these Rules and Regulations have been formally amended.

Section 8.2 Severability.

In the event that any portion, provision, sentence, clause or section or part of any section of these Rules and Regulations, is found to be illegal, unconstitutional or unenforceable, such provisions shall not affect or impair any of remaining provisions or sentences, clauses or sections or parts of these Rules and Regulations, and it is declared to be the intent of the Civil Service Commission that the Rules shall be severable.

Section 8.3 Public Inspection.

These Rules and Regulations shall be made available by the City for public inspection at no charge, and for public distribution at a reasonable charge.