

CITY OF COATESVILLE  
RESOLUTION NO. 2017-08

CIVIL SERVICE COMMISSION  
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 Firefighters;


WHEREAS, the City Code of Coatesville; § 44 3, further requires that all Firefighters 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 IT FURTHER RESOLVED, that the Secretary of the Civil Service Commission shall accept applications for the position of Firefighter from 8:00 AM on \_\_\_\_\_ until 4:30 PM on \_\_\_\_\_ and the Secretary of the Civil Service Commission shall post public notice of the same in accordance Section 3.8 of these Rules and Regulations.

Adopted by the Civil Service Commission of the City of Coatesville, Chester County Pennsylvania, on this 9 day of March, 2017.

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CHAIRPERSON, CIVIL SERVICE COMMISSION

  
\_\_\_\_\_  
VICE CHAIRPERSON, CIVIL SERVICE COMMISSION


  
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SECRETARY, CIVIL SERVICE COMMISSION

Approved by the City Council of the City of Coatesville, Chester County Pennsylvania on this 13<sup>th</sup> day of March 2017.

ATTEST:

  
\_\_\_\_\_  
Michael T. Tite, AICP, City Manager

SIGNED:

  
\_\_\_\_\_  
C. Arvilla Hunt, City Council President

**CITY OF COATESVILLE**  
**RULES AND REGULATIONS**  
**OF THE**  
**CIVIL SERVICE COMMISSION**  
**FOR**  
**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.

**2017**

## **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, that is not promotional in nature, in the 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 Fire Department, also referred to as the list of eligible.

**Examination** - The series of examinations given to Applicants to determine their qualifications for a position in the 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** - the department within the City of Coatesville in charge of preventing and extinguishing fires, providing rescue, and the mitigation of Hazards.

**Firefighter** - For the purposes of these rules, any sworn firefighter both full time and part time of the Fire Department appointed to these rules and regulations. The term firefighter shall not include the Fire Chief.

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

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

**Promotional Applicant** - An individual who applies in writing to the Commission in response to a legally advertised notice of vacancy and/or examination for a promotional position in the Fire Department.

**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 and 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 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 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.

## **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 organizational 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 governing body shall furnish the Commission with such supplies and clerical assistance as may be necessary for the Commission to fulfill its duties. In addition, the Commission may retain counsel, and any other consultants or experts, including physicians and psychiatrists, as are necessary. The elected and appointed officials of the 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 2.11 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 2.12 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 2.13     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.**

#### **Fire Department.**

In order to be eligible for participation in any examination for any position within the Fire Department, every applicant or promotional applicant must submit a completed application form to the Commission before the deadline stated by the Commission for that specific examination. The applicant or promotional 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.

### **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     General Qualifications**

- A. Fire Department. The applicant applying for Firefighter 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 no less than 4 years as a senior firefighter in a fire department; and the applicant

shall if requested, provide a letter from their most recent fire chief on company/department letterhead, stating that the individual is a member of the organization in good standing that meets the named requirements; and

7. He shall be Pennsylvania State Certified as a Firefighter Level II or equivalent and have an issued certification number in accordance with the National Fire Protection Association (NFPA) 1001 consensus standards; and
  8. He shall possess a valid Pennsylvania Certification as Emergency Medical Technician or equivalent; and
  9. He shall all possess certification in Vehicle Rescue; and
  10. He shall possess current certificates (either of the full course within the last 12 months, or a refresher course within the last 12 months for Hazardous Materials Operations) from an approved training facility for Hazardous Materials Operations in accordance with the NFPA 472 consensus standards; and
  11. He shall possess an Emergency Vehicle Operations Certificate - Fire Apparatus or equivalent; and
  12. have completed a Pump II and Aerial Apparatus or equivalent;
- B. All promotional applicants shall meet the criteria in Section 3.4(a) above and any other criteria required by the Commission for the specific promotional vacancy.
- C. Additional training may need to be completed within the probationary period as required and/or outlined by the Fire Chief.

### **Section 3.5      Rejection of Applicant.**

The Commission may refuse to examine or, if examined, may refuse to certify as eligible after examination any applicant or promotional 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 or promotional 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 3.6      Recording and Filing of Applications.**

Applications for a positions in the 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 3.7      Hearing for Disqualified Applicants.**

Any disqualified applicants or promotional 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 or promotional applicant must make his request for a hearing in writing ten calendar days from the date when the party knew or should have known of the Commission's action which is being challenged.

### **Section 3.8      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 3.9      Ineligibility for False Statement**

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

- A. The application shall be invalid and the candidate shall be disqualified from examination;
- B. If the Applicant or Promotional Applicant shall have been examined, the name of such candidate shall be removed from consideration for the position;
- C. If the Applicant or Promotional Applicant shall have been appointed, such willful misstatement, falsification, or concealment shall constitute grounds for dismissal;
- D. No person who makes any willful false statement shall be permitted to make any future application for any position in the Fire Department 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.**

The Examination for Firefighter 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 medical and psychological examination.

### **Section 4.2      General Examination Requirements for Promotion.**

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 Fire Stations stating the upcoming



date, time, and place of the promotional test. - - - - -

Individual firefighters shall inform the Commission, by a set deadline, if interested in taking the Examination. Firefighters 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 firefighters receiving notices to report for a promotional examination shall be permitted to participate in such examination.

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

#### **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.

Medical and psychological 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.**

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

#### **Section 4.6 Oral Examinations.**

Every applicant for initial appointment to the position of Firefighter who scored a minimum passing score or higher 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-five percent (75%) 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 days after the applicant's oral examination, they shall be informed of their oral examination and total overall scored, and each passing applicant shall be informed of the next step in the examination process.

#### **Section 4.7 Veterans' Entry Level Preference**

Any Applicant who is entitled to Veterans' Preference pursuant to Section 4405 of the Third Class City Code (53 P.S. § 39405), shall have his final score increased by 10 points if the Applicant has received a passing score without such increase.

- A. A veteran who meets the qualifications for and conditions of the position under uniform eligibility rules, which includes successful passage of an examination, shall receive an additional ten (10) points on the examination pursuant to 51 Pa.C.S. 7103(a).
- B. If, after the additional 10 points are granted, a veteran is on the list of three eligible applicants, the veteran shall receive a preference in hiring over nonveterans on that list.

#### **Section 4.8 Physical Agility Testing**

An Applicant for the position of entry-level Firefighter must be able to perform the events of the following physical agility test:

##### **Required Equipment/Clothing**

Applicants must wear long sleeve shirt and pants, helmet and gloves and a completely filled self-contained breathing apparatus (SCBA) excluding the face piece for all events with exception the Aerial Ladder Climb. The SCBA will be supplied to the Applicants at the test site.

##### **Testing Expectations**

Prior to the start of the test, each applicant will be walked through the testing course by an examiner. The examiner may provide an explanation of each station to the applicants.

##### **Timing**

Applicants will have ten minutes to complete the aerial climb. After a 2 minute rest period, Applicants will then be given ten minutes to complete the remaining events. Timing for events 2-8 will begin at the start of Event 2 and end once Event 8 is completed.

##### **Events**

- A. **Aerial Ladder Climb:** This task simulates the actions necessary to climb an aerial ladder. Applicants will stand at the rear of the apparatus with a ladder belt on. When the examiner tells the applicant to go, the Applicants will climb to the aerial turntable and then ascend the ladder seventy-five (75) feet at a sixty (60) degree angle. Once the Applicant reaches the top they will return to the ground.
- B. **Forcible Entry Simulation:** This task simulates the actions necessary to open a roof for ventilation. Applicants will swing a flat-head axe and chop a wood block thirty (30) times. When the task is completed, Applicants will set the axe down.
- C. **Stair Climb:** This task simulates the actions necessary to carry a hose pack to the upper floors of a high rise building. The hose pack will consist of 100' of 1-3/4" hose and will be located at the bottom of the stair tower. The Applicants will reach down, pick up the hose pack and carry it 4 flights to the top of the stair tower. The Applicants will then return down the stair tower and place the hose pack at the bottom of the stair tower.
- D. **Ladder Raise:** This task simulates the actions necessary to raise a 24' extension ladder. Applicants will pick up an aluminum 24' extension ladder from its resting position, carry the ladder to the wall and place the bottom of the ladder against the wall. Applicants will then safely raise the ladder to a vertical position and then position the ladder for climbing. Once the Applicant has checked the climbing angle of the ladder, they will safely lower the ladder and it to the starting position.

- E. **Equipment Hoist:** This task simulates the actions necessary in hoisting equipment to upper floors. Applicants will stand in front of a third floor window from which a rope is hanging. The rope is attached to a fifty (50) foot rolled piece of 3" hose. Applicants will pull the rope using a hand over hand method until the hose appears in the window. Applicants will then hoist the hose over the window sill and place it on the floor.
- F. **Hose Drag:** This task simulates the actions necessary to advance a charged 1-3/4" hose line. The Applicants will then reach down, pick up the charged hose line at the starting point and advance it 50 feet. When the Applicants reach the 50 foot mark, they will then pull an additional 50 feet of hose using a hand over hand method.
- G. **Dummy Drag:** This task simulates the actions necessary to drag a victim to safety. Applicants will drag the dummy 20 feet to a cone. The Applicants will drag the dummy around the cone and continue the 20 feet to the starting position. The Applicants may not drag the dummy by any limbs or clothing.
- H. **Search Simulation:** This task simulates the actions necessary to complete a search in a smoke-filled structure. Following a section of 1.75" hose, Applicants will navigate through a tunnel approximately 30 feet long with obstructions and turns.

#### **Section 4.9 Background Investigation.**

The Commission shall request the Chief of Police or the Police Chief's designee to conduct a background investigation on each applicant for firefighter in the Fire Department. The background investigation shall also include interviews with the applicant's 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, conformance with applicable law, 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 possess 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 Fire Department.

Appropriateness of the Applicant shall be based on the criteria set forth in Section 3.6 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 Fire Chief 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**

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 eligibility list will be valid for one (1) year from the date the Commission ranks all passing Applicants and formally adopts the eligibility list. The Commission may, at its sole discretion, before the original expiration date, by a vote of the majority of the Commission at a duly authorized Commission meeting, extend the eligibility list for up to an additional twelve (12) months. The Commission may, at its discretion, void an eligibility list at any time for any reason.

The eligibility list shall be annually examined by the Commission for the purpose of deleting individuals from the list who are permanently unavailable for or disqualified for the position or positions involved, either by death, permanent removal from the area or written desire to be removed from the list or by other cause.

## **Section 5.2      Appointment**

The appointing authority may fill any vacancy in an existing position in the Fire Department that occurs as a result of expansion of the Fire Department staffing, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the Fire 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 Firefighters on the furlough list were offered reemployment, every position, except that of Fire Chief shall be filled only in the following manner:

The Fire Chief shall make a written application to the chairperson of the Commission, who shall certify to City Council, in writing, the three names on the eligibility list of applicants for the position having the highest number of points.

- A. If three (3) names are not available, then the Commission shall certify the name(s) remaining on the list;
- B. The Fire Chief shall nominate to City Council an individual from the eligibility list submitted to fill the vacancy;
- C. If City Council approves the nomination, the individual shall be conditionally appointed by City Council to fill the vacancy and shall be assigned for service in the department, subject to any required physical or psychological medical examinations that may be required by the Commission as a condition of permanent appointment.
- D. If City Council does not approve the nomination or if the appointee is determined by the examination process to be unqualified, the Fire Chief shall submit another nomination for the position from the remaining names, if any. If the second nomination is not approved by City Council or if the appointee is determined by the medical examination process to be unqualified, the Fire Chief shall submit the third name, if any.
- E. The individual whose nomination by the director is approved by council shall be appointed to fill the civil service position under consideration.
- F. The name of the individual appointed shall be immediately stricken from the certified list of the Commission, and, except as otherwise provided, the names of the non-appointed individuals shall immediately be restored to their proper place on the certified list. Names shall be stricken from the certified list if:
  - 1. the name of any applicant has been submitted to council and been rejected three times;
  - 2. the conditional applicant has not been appointed three times;

3. The conditional applicant has been determined by the medical examination process to be unqualified.

### **Section 5.3 Appointment of Fire Chief**

In the case of a vacancy in the Office of Fire Chief the appointing authority has full discretion in selecting the individual to fill the position of Fire Chief. 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 Fire Chief for the reasons set forth in section 6.2(a).

### **Section 5.4 Physical and Psychological Examinations**

After City Council 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. Physical medical examinations shall be under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be under the direction of a psychiatrist or psychologist.

**Professional Opinion:** A physician, other qualified medical professional, psychiatrist or psychologist shall be appointed by City Council and shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question the individual's ability to perform all the essential functions of the position, for which the employee was conditionally appointed.

**Performance:** If the opinion calls into question the conditional appointee's ability to perform all essential functions of the position, the Fire Chief shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position.

**Determination:** If, at the conclusion of the interactive discuss under subsection (c), the Fire Chief determines that the conditional appointee is not qualified, the Fire Chief shall give written notice to the conditional appointee and the Commission.

**Definitions:** As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Medical Examination" - Any examination, procedure, inquiry or test designed to obtain information about medical history or a physical or mental condition which might disqualify an applicant if it would prevent the applicant from performing, with or without reasonable accommodation, all of the essential functions of the position.

"Qualified Medical Professional" - An individual, in collaboration with or under the supervision or direction of a physician, as may be required by law, which is licensed:

- A. as a physician assistant pursuant to the act of December 20, 1985 (P.L. 457, No. 112),<sup>1</sup> known as the Medical Practice Act of 1985, or the act of October 5, 1978 (P.L. 1109, No. 261),<sup>2</sup> known as the Osteopathic Medical Practice Act; or
- B. As a certified registered nurse practitioner pursuant to the act of May 22, 1951 (P.L. 317, No. 69), known as The Professional Nursing Law.

## **Section 5.6 Probationary Appointment**

Every successful applicant to the position of Firefighter or to a promotional position within the fire department shall serve a 6 month probationary period. During the probationary period, a newly hired firefighter may only be dismissed for just cause for the reasons set forth in Section 3.6. A promoted firefighter, during probation, may be returned to the prior rank only for just cause for the reasons set forth in Section 3.6. However, at the end of the 6 month 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 firefighter's employment shall end, or a firefighter shall return to a previous rank. Any firefighter 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.

## **Section 5.7 Temporary Appointment**

*Reserved.*

# **ARTICLE VI PROMOTIONS**

## **Section 6.1 Qualifications.**

Promotions shall be based on qualifications and examinations as previously described herein, the nature and scope of which shall be determined by the Commission. City Council shall make an appointment from the names certified based solely on the merits and fitness of the candidates unless City Council makes objections to the Commission regarding one or more of the individuals on the eligibility list.

## **Section 6.2 General Examination Requirements for Promotion.**

- A. City Council shall notify the Commission of a civil service vacancy which is to be filled by promotion and shall request the certification of an eligibility list. For each vacancy, the Commission shall certify the names of three individuals on the eligibility list who have received the highest average in the last preceding promotional examination held within the period of two years preceding the date of the request for the eligibility list. If three names are not available, the Commission shall certify the names remaining on the list.
- B. 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 Fire Stations stating the upcoming date, time, and place of the promotional test.
- C. Individual firefighters shall inform the Commission, by a set deadline, if interested in taking the Examination. Firefighters 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 firefighters receiving notices to report for a promotional examination shall be permitted to participate in such examination.
- D. Each firefighter seeking promotion shall undergo and complete the following: Written examination, oral examination, leadership examination and physical examination.

## **Section 6.3 Eligibility List**

In response to a written request by the City Manager for names to fill a position by promotion, the Commission shall submit a list of all persons qualified and shall contain a numbering of names. If there are no candidates available on the eligibility list, the City reserves the right to reopen the promotional process to candidates not

currently employed by the City, who have similar rank and experience with a Department of similar responsibility, size, and issues.

#### **Section 6.4 Appointment of Fire Chief.**

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 Fire Chief in accordance with the provisions of Section 2-404 (Powers and Duties) of the Home Rule Charter of the City of Coatesville.

### **ARTICLE VII HEARINGS ON REMOVAL, SUSPENSIONS, AND REDUCTIONS IN RANK**

#### **Section 7.1 Ground for Disciplinary Action**

All fire fighters shall be subject to suspension, discharge, and discipline by the Fire Chief, for misconduct, or violation of any law of this Commonwealth, any ordinance of the City, or regulation of the Fire Department.

Any fire fighter aggrieved by the suspension, discharge or discipline imposed by the Fire Chief, more serious than a suspension of three days without pay, may request a hearing before the City Council or the commission. At the hearing, the fire fighter may be represented by counsel.

Any fire fighter aggrieved by the decision of City Council shall have the right to appeal in accordance with 2 Pa.C.S. Ch. 7 (relating to judicial review of local agency action). Such review shall be exclusive. When no appeal is taken within the time prescribed by law, the decision by City Council shall become final. The issue before the court shall be whether the action of City Council shall be affirmed or modified in any respect, whether the charges should be dismissed or whether the suspension or demotion made by the Fire Chief shall be affirmed or rescinded.

If a fire fighter has been suspended and the charges are dismissed or suspension rescinded on appeal, the fire fighter shall receive full compensation for the entire period of suspension.

In any case in which the fire fighter is a member of a bargaining unit, and is subject to suspension, discharge or discipline, the fire fighter shall have the option of challenging the suspension, discharge or discipline imposed by using the procedures provided in 7.1(b) above or by a proceeding in grievance arbitration. A choice to proceed in one venue shall foreclose the opportunity to proceed in the alternative venue.

#### **Section 7.2 Furloughs.**

If for reasons of economy, or other reasons, it shall be deemed necessary by the Coatesville City Council to reduce the number of Fire fighters on the Fire Department, the following shall apply:

- A. Seniority rights shall prevail.
- B. Any and all removals for causes or causes shall be from the members last appointed.
- C. The members or members serving the shortest time shall be removed first; however, members with longer times of service may be discharged for cause.

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

(a) Whenever a Firefighter other than the Fire Chief is suspended without pay, removed or reduced in rank, the specific charges warranting such actions shall be stated, in writing, by the Fire Chief. The charges shall be stated clearly and in sufficient detail to enable the Firefighter to understand the charges and to allow the Firefighter an opportunity to respond to those charges. The charges shall specify 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 voted to impose the disciplinary action, a written statement of the charges shall be delivered to the Firefighter either by personal service or by certified or registered mail. In addition, the charges shall notify the Firefighter of the right to appeal under these Rules and Regulations. A copy of the statement of charges shall also be served upon the members of the Civil Service Commission.

#### **Section 7.4 Civil Service Hearings**

*Reserved*

#### **Section 7.5 Hearing Procedure**

All testimony shall be given under oath, administered by the chairperson, or in absence of the chair, the vice chairperson. The Commission shall have the power to issue subpoenas as set forth in Section 2.12. 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 Firefighter who was suspended, removed or reduced in rank may file an appeal with the Court of Common Pleas within thirty (30) days from the date of entry by the Commission of its final order. 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 Firefighter's record.

### **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.