

CIVIL SERVICE RULES AND REGULATIONS

BOROUGH OF NEW BRIGHTON Beaver County, Pennsylvania

**Adopted by the
Civil Service Commission:**

November 6, 2023

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**Adopted by
Borough Council:**

November 16, 2023

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SECTION 1 DEFINITION OF TERMS

1.1 Definitions.

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

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.

Appointing Authority - The Borough Council of the Borough of New Brighton, Beaver County, Pennsylvania.

Borough - The Borough of New Brighton, Beaver County, Pennsylvania.

Borough Council - The Borough Council of the Borough of New Brighton, Beaver County, 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 Borough of New Brighton, Pennsylvania.

Commission - The Civil Service Commission of the Borough of New Brighton, Pennsylvania.

Council - The Borough Council of the Borough of New Brighton, Beaver County, Pennsylvania.

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

Eligible list - The list of names of persons who have passed all required examinations for a particular position in the police department.

Examination - The series of tests given to applicants to determine their qualifications for a position in the police department.

Furlough List - The list containing the names of persons temporarily laid off from positions in the police department because of a reduction in the number of officers.

Police Force - As used in these Rules and Regulations shall mean a police force organized and operating as prescribed by law, the members of which devote their normal working hours to police duty or duty in connection with the bureau, agencies and services connected with police protection work, and who are paid a stated salary or compensation for such work by the borough. Police force as used in these Rules and Regulations shall not include:

- Any special police appointed by the mayor to act in emergencies,
- Any person appointed solely for parking meter enforcement duties,
- Any special school police,

Any extra police serving from time to time or on an hourly or daily basis, or,
Any auxiliary policeman appointed under the act of January 14, 1952 (P.L.2016).

Police Officer - For purposes of these Rules and Regulations, an entry level sworn full-time position in a police department

Probationer - An officer in the police department who has been appointed from an eligible list, but who has not yet completed the work-test 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.

Secretary - The Secretary of the Civil Service Commission of the Borough of New Brighton, Pennsylvania.

Suspension - The temporary separation without pay of a police officer from the police department.

1.2 Gender

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

SECTION 2 THE COMMISSION

2.1 Civil Service Commission

The Civil Service Commission of the Borough of New Brighton, Beaver County, Pennsylvania, mailing address 610 Third Avenue, New Brighton, Pennsylvania 15066, operates pursuant to the authority granted in the Pennsylvania Borough Code, Sections 1171-1195 as amended May 17, 2012, P.L.262, No.43.

The commission shall consist of three commissioners who shall be qualified electors of the borough and shall be appointed by the borough council initially to serve for the terms of two, four and six years, and as terms thereafter expire shall be appointed for terms of six years.

Any vacancy occurring in any commission for any reason whatsoever shall be filled by the borough council for the unexpired term within the period of thirty days after the vacancy occurs.

Borough council may appoint no more than three qualified electors of the borough to serve as alternate members of the commission. The term of office of the alternate members shall be six years. When seated pursuant to section 2.3, an alternate shall be entitled to participate in all proceedings and discussions of the commission to the same and full extent as provided by law for commission members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other office in the borough. An 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 section 2.3.

Each member of the commission, before entering upon the discharge of the duties of office, shall take an oath or affirmation of office pursuant to 53 Pa.C.S. § 1141 (relating to form of oaths of office). The civil service commissioners shall receive no compensation.

2.2 Offices Incompatible with Civil Service Commissioner

No commissioner shall at the same time hold an elective or appointed office under the United States government, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth, except that one member of the commission may be a member of the Council of the Borough. One commissioner may be a member of the teaching profession.

2.3 Organization of Commission; Quorum

The commission first appointed shall organize within ten days of its appointment and shall elect one of its members as the chair and one as the secretary. The commission shall thereafter meet and organize on the first Monday of each even-numbered year. Each commissioner shall be notified in writing of each and every meeting. Three members of the commission shall constitute a quorum. If, by reason of absence or disqualification of a member a quorum is not reached, the chair shall designate as many alternate members of the commission to sit on the commission as may be needed to provide a quorum. An alternate member of the commission shall continue to serve on the commission in all proceedings involving the matter or case for which the alternate was initially

designated until the commission has made a final determination of the matter or case. Designation of an alternate member pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among the alternates. No action of the commission may be valid unless it shall have the concurrence of at least two members.

2.4 Duties of Chairperson

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

2.5 Duties of Secretary

The secretary shall carry on at the direction of the commission all official correspondence of the commission, send out all notices required by law and these Rules and Regulations, keep a record of each examination or other official action of the commission, and perform all other duties required by law or these Rules and Regulations.

2.6 Meetings

Except for the biennial organization meeting, all meetings shall be held either at the call of the chairperson or at the call of two members of the commission. The commission shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or these Rules and Regulations. The secretary of the commission shall give each commissioner 24 hours notice in writing of each and every meeting of the commission. In all cases regarding meetings, the Commission shall follow the provisions provided for in the "Sunshine Law."

2.7 Clerks and Supplies, Etc; Solicitor

The borough shall furnish to the commission, on its requisition, clerical assistance that may be necessary for the work of the commission. The borough shall provide a suitable and convenient room for the use of the commission. The commission shall order from the borough the necessary stationery, postage, printing and supplies. The borough shall also provide the services of a solicitor for the commission to be appointed by the commission and paid by the borough. The borough shall have the authority to place a reasonable limit on the amount allowed each year for the services of the commission solicitor. The elected and appointed officials of the borough shall aid the commission in all proper ways in carrying out the provisions of these Rules and Regulations relating to civil service.

2.8 Rules and Regulations

The commission shall have power to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the sections of the Borough Code related to Civil Service for Police and shall be governed thereby. Before the effective date of the rules and regulations, or amendments thereto, the same shall be first approved by borough council. When the rules and regulations, or amendments, have been approved, they shall not be annulled, amended, or added to, without the approval of council. All rules and regulations and modifications shall be made available by the borough for public distribution or inspection.

2.9 Minutes and Records

The commission shall keep minutes of its proceedings and records of examinations and other official actions. All recommendations of applicants for appointment received by the commission shall be kept and preserved for a period of five years, and all records and all written causes of removal filed with the commission, except as otherwise provided in section 6.4, shall be open to public inspection and subject to reasonable regulation.

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 Local Government Records Committee under the authority of the Municipal Records Act, 1968 P.L. 961, No. 428, 53 P.S. 9001.

2.10 Investigations

The commission shall have power to make investigations concerning all matters touching the administration and enforcement of these Rules and Regulations. The chair of the commission is hereby given power to administer oaths and affirmations in connection with the investigations.

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 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 Borough 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 shall refuse or neglect to obey any subpoena, the commission may apply by petition to the Court of Common Pleas of Beaver 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.

2.12 Annual Report

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

2.13 Discrimination

No question in any form of application for examination or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall inquiry be made concerning the opinion or affiliations and all disclosures of opinion or affiliation shall be ignored. No discrimination shall be exercised, threatened or promised by any person

against or in favor of any applicant or employee because of political or religious opinions or affiliations or race, and no offer or promise or reward, favor or benefit, directly or indirectly, shall be made to or received by any person for any act done or duty omitted or to be done under these Rules and Regulations.

The Borough is an equal opportunity employer. It is the Borough'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's status, marital status or non job-related physical or mental handicap or disability. The Borough and the commission will provide equal opportunities in employment and promotion.

2.14 Appointments of Police

These Rules and Regulations are subject to the power of council to determine compensation. Every appointment to and promotion in the police force paid directly by the borough shall be made only according to qualifications and fitness, to be ascertained by examinations which shall be competitive as hereinafter provided.

No person shall be suspended, removed or reduced in rank as a paid employee in the police force of the borough, except in accordance with the provisions of these Rules and Regulations. However, nothing in these Rules and Regulations shall apply to retirement nor shall anything herein prevent the borough from adopting a compulsory retirement age for its employees or for any class or classes thereof and from retiring all employees automatically when they reach such age.

2.15 Penalty

Any member of council who, by vote, causes to be appointed any person to the police force contrary to the provisions of these Rules and Regulations, or any member of council or member of the commission who willfully refuses to comply with, or conform to, the provisions of these Rules and Regulations, shall be deemed guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100), or suffer imprisonment not exceeding ninety days, or both.

SECTION 3 APPLICATIONS AND QUALIFICATIONS

3.1 Application for Examination

In order to be eligible for participation in any examination for any position with the police department, every applicant must submit a completed application form to the commission before the deadline stated by the commission for that specific examination.

Each person desiring to apply for examination shall file with the commission a formal application in which the applicant shall provide, under oath or affirmation the following information:

- full name and residence or post office address;
- citizenship, place and date of birth;
- condition of health and physical capacity for public service;
- business or employment and his residence for the past five years; and
- other information as may be required by the commission, showing the applicant's qualifications for the position for which the applicant is being examined.

The applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa. Cons. Stat. 54904 relating to unsworn falsification to authorities.

3.2 Reserved for Future Use

3.3 Application Availability

Application forms shall be available to all interested persons in the office of the Borough Manager, and from such other offices and officers that the commission, from time to time, may choose to designate. Application forms may be mailed upon written or telephone request. However, the commission assumes no responsibility for missed filing deadlines due to a delay in the mail.

3.4 Age and Residency Requirements

All applicants must have reached their twenty-first (21st) birthday before the deadline for submitting completed applications. Applicants must meet a residency requirement as set forth in the collective bargaining agreement within six (6) months of completing their probationary period.

3.5 General Qualifications - All Applicants

Every applicant for any position in the police department shall possess a diploma from an accredited high school or a graduate equivalency diploma, have successfully completed Pennsylvania Act 120 training and be eligible for Municipal Police Officer's Education and Training (MPOETC) certification with all current updates. In addition, every applicant must be a United States citizen, be physically and mentally fit to perform the full duties of a police officer, and, prior to appointment, possess a valid motor vehicle operator license issued by the Commonwealth of Pennsylvania.

3.6 Applicants for Promotion

(a) In addition to meeting the qualifications in Section 3.5 above, all applicants for a

promotional position, except chief, shall have not been suspended without pay for more than five (5) days in the three (3) years prior to the deadline for submitting applications. Any suspension to which the applicant has timely appealed pursuant to a contractual grievance procedure or these Rules and Regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

(b) All applicants shall have continuous prior service with the Police Department of the Borough of New Brighton as follows:

- (1) An applicant for the position of corporal shall have at least five (5) years of service with the department for promotional eligibility. (Military time, civilian service, and service with another agency do not contribute toward satisfying this requirement.);
- (2) An applicant for the position of sergeant shall have at least two (2) years of service at the rank of corporal with the department to qualify for promotional eligibility. (Military time, civilian service, and service with another agency do not contribute toward satisfying this requirement.)

(c) Promotions shall be based on merit to be ascertained by examinations to be prescribed by the commission. All questions relative to promotions shall be practical in character and will fairly test the merit and fitness of persons seeking promotion. Borough Council shall notify the commission of a vacancy in the police force in the borough which is to be filled by promotion and shall request the certification of an eligibility list. The commission shall certify for each vacancy the names of three persons on the eligibility list who have received the highest average in the last preceding promotional examination held within a 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 eligibility list. The borough council shall make an appointment from the names certified, based solely on the merits and fitness of the candidate, unless council makes objections to the commission regarding one or more of the persons so certified for any reason provided under section 3.7.

(d) The council shall have power to determine in each instance whether an increase in salary shall constitute a promotion.

3.7 Rejection of Applicant; Hearing

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

If any applicant is aggrieved by the refusal of the commission to certify the applicant as eligible after examination, or a person is aggrieved by refusal of the commission to examine the person, the commission shall, at the request of the applicant or person aggrieved, within ten days, appoint a time and place for a public hearing which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. Cons. Stat. § 101 *et seq.* At the hearing, the applicant or person

aggrieved may appear with or without counsel, and the commission shall take testimony and review its refusal to provide examination or certification. The deliberations of the commission, including interim rulings on evidentiary or procedural issues, may be held in the nature of a closed executive session. The commission's disposition of the matter shall constitute official action which shall occur at a public meeting held pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings). The decision of the commission shall be final.

3.8 Recording and Filing Applications

Applications for positions in the police department shall be received at the Borough 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 the public advertisement. Applications will be received by the municipal officer designated in the public advertisement or that officer'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.

3.9 General Provisions Relating to Examinations

The commission shall make rules and regulations, to be approved as provided in section 2.8, providing for the examination of applicants for positions in the police force and for promotions, which rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing grades. All examinations for positions or promotions shall be practical in character and shall relate to matters and include inquiries as will fairly test the merit and fitness of the persons examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations. Each applicant for an original position shall:

1. be subject to the regulations adopted by the commission;
2. either before or after the written examination, be required to submit to a physical fitness or agility examination that is job related and consistent with business necessity;
3. if made a conditional offer of employment, be given a physical and psychological medical examination as provided in section 5.4; and
4. be subject to a background investigation. Background investigations may be restricted to those candidates on an eligibility list or those to be certified to borough council for appointment in accordance with sections 5.1 and 5.2.

Public notice of the time and place of every examination, together with the information as to the kind of position or place to be filled, shall be given by publication once in a newspaper of general circulation, at least two weeks prior to each examination, and a copy of the notice shall be prominently posted in the office of the commission or other public place.

The commission shall post in its office the eligibility list, containing the names and grades of those who have passed the examination.

3.10 Public Notice

The commission shall conspicuously post in the Borough building an announcement of the hiring or promotional testing 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

SECTION 4

EXAMINATION AND GRADING PROCEDURE

4.1 General Examination Requirements for the Position of Police Officer

The examination for police officer will consist of a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing fifty percent (50%) of the final score and the oral examination representing fifty percent (50%) of the final score.

In addition, each applicant will undergo a physical fitness test and be subject to a background investigation. The physical fitness test and background investigation will be graded on a pass/fail basis. After an applicant has been extended an offer of employment, final appointment shall be contingent upon the applicant passing a physical and psychological medical examination.

4.2 General Examination Requirements for Promotions

Each applicant for promotion shall be subject to the regulations adopted by the commission and to examination and selection in accordance with section 3.6. Physical fitness or agility examinations that are job-related and consistent with business necessity and physical and psychological medical examinations are required for promotions.

Promotional examinations for positions of rank above police officer and below police chief shall include a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing fifty percent (50%) of the final score and the oral examination representing fifty percent (50%) of the final score. After an applicant has been extended an offer of promotion, the final appointment to the promotional position shall be contingent upon the applicant passing a physical and psychological medical examination.

4.3 Notice of Examination

The commission shall appoint a written examination administrator, an oral examination administrator, a physical fitness examiner, a medical examiner and a psychological examiner to conduct the appropriate examination required by these Rules and Regulations.

4.4 Written Examinations

All applicants must pass the physical fitness test to be eligible to sit for the written examination. The written examination shall be graded on a 100 point scale, and an applicant must score seventy percent (70%) or higher and receive one of the top twenty (20) highest scores including ties in order to continue in the application process. Applicants scoring less than seventy (70) percent or not receiving one of the top twenty (20) highest scores shall be rejected. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their test results and passing applicants shall be scheduled for an oral examination appointment.

4.5 Oral Examination

Every applicant who scored seventy percent (70%) or higher and receives one of the top twenty (20) highest scores including ties in the written examination shall be given an oral examination which will 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 police work. Within thirty (30) days after the applicants' oral examination, they shall be informed of the score in their oral examination and total overall score.

4.6 Veterans' Preference Points

Pursuant to the Veterans' Preference Act, any applicant for the position of police officer who qualifies as a "soldier" under this Act, shall receive an additional ten (10) points on top of their total score if that applicant had received passing scores under sections 4.1, 4.4 and 4.5.

4.7 Section Reserved For Future Use

4.8 Physical Fitness Testing

- A. An Applicant for the position of police officer must meet the following requirements by passing all phases of a physical fitness test administered by the Allegheny County Police Training Academy or an agency or examiner chosen by the Borough of New Brighton Civil Service Commission to test the physical fitness that is job related and consistent with business necessity:
1. Aerobic power as measured by the 1.5-mile run: Applicant is required to cover a measured distance of 1.5 miles on an assigned course within the time correlating to the Cooper Health Based Norms Test Battery 40th percentile bracket for the Applicant's age and gender.
 2. Anaerobic power as measured by the 300-meter run: Applicant is required to cover a measured distance of 300 meters within the time correlating to the Cooper Health Based Norms Test Battery 40th percentile bracket for the Applicant's age and gender.
 3. Upper-body muscular endurance as measured by the push-up test: From a front supported position, hands and feet (toes), lower body as a unit with shoulders, hips and legs in the same plane, lowering the body by bending elbows until the upper arms are parallel to the ground, and return to a front supported position by straightening the arms, the number of times correlating to the Cooper Health Based Norms Test Battery 40th percentile bracket for the Applicant's age and gender within (1) one minute. Once commenced, the push-up sequence must be continuous until the number of repetitions is reached or 1-minute elapses, whichever occurs first.
 4. Abdominal muscular endurance as measured by the one-minute sit-up test: With legs bent at a 90-degree angle, heels on the mat or ground, fingers interlocked behind the head, lift the body, touch elbows to knees and return to the starting position, shoulders touching the mat or ground, the number of times correlating to the Cooper Health Based Norms Test Battery 40th percentile bracket for the Applicant's age and gender within (1) one minute. Feet may be together or apart and may be held but not knelt upon by another. Fingers must stay interlocked behind the head throughout the event. The back cannot be arched, and the buttocks cannot be lifted from the mat.
 5. Police Applicant Fitness Test Requirements

Applicant Exam (40% Cooper)	Male Standards by Age						Female Standards by Age				
	18-29	30-39	40-49	50-59	60+		18-29	30-39	40-49	50-59	60+
Sit-Up (1 Min Reps)	38	35	29	24	19		32	25	20	14	6
300 Meter Run (Time)	59	58.9	72	83.2	83.2		71	79	94	94	94
Push-Up (1 Min Reps)	29	24	18	13	10		15	11	9	9	9
1.5 Mile Run (Time)	12:29	12:53	13:50	15:14	17:19		15:05	15:56	17:11	19:10	20:55

Testing Order:

1 Minute Sit-up
300 Meter Run
1 Minute Push-up
1.5 Mile Run

This is a cumulative test, and all events must be completed within two (2) hours.

All Applicants should be afforded a minimum rest time of five (5) minutes between events. If an Applicant does not fall into one of the listed age categories, special authorization must be obtained from the Borough of New Brighton Civil Service Commission before testing can be accomplished.

Applicants are required to pass the Physical Fitness Test with a score at the 40th percentile (chart above) in each event based on their age at the time of testing.

If an Applicant is unsuccessful in any event, testing is immediately ended (failure) and no other events can be attempted at that time.

6. The above Physical Fitness Test is a cumulative test. Each event is pass/fail, thus, if one event is failed, the entire test is failed.

Applicants who have either successfully passed or failed the physical agility test will be notified in writing by the commission within thirty (30) days.

- B. An Applicant for a promotion above the rank of patrol officer, but below the rank of chief, must meet the following requirements by passing all phases of a physical fitness test administered by the Allegheny County Police Training Academy or an agency or examiner chosen by the Borough of New Brighton Civil Service Commission to test the physical fitness that is job related and consistent with business necessity:
 1. Aerobic power as measured by the 1.5-mile run: Applicant is required to cover a measured distance of 1.5 miles on an assigned course within the time correlating to the Cooper Health Based Norms Test Battery 20th percentile bracket for the Applicant's age and gender.
 2. Anaerobic power as measured by the 300-meter run: Applicant is required to cover a measured distance of 300 meters within the time correlating to the Cooper Health Based Norms Test Battery 20th percentile bracket for the Applicant's age and gender.

3. Upper-body muscular endurance as measured by the push-up test: From a front supported position, hands and feet (toes), lower body as a unit with shoulders, hips and legs in the same plane, lowering the body by bending elbows until the upper arms are parallel to the ground, and return to a front supported position by straightening the arms, the number of times correlating to the Cooper Health Based Norms Test Battery 20th percentile bracket for the Applicant's age and gender within (1) one minute. Once commenced, the push-up sequence must be continuous until the number of repetitions is reached or 1-minute elapses, whichever occurs first.
4. Abdominal muscular endurance as measured by the one-minute sit-up test: With legs bent at a 90-degree angle, heels on the mat or ground, fingers interlocked behind the head, lift the body, touch elbows to knees and return to the starting position, shoulders touching the mat or ground, the number of times correlating to the Cooper Health Based Norms Test Battery 20th percentile bracket for the Applicant's age and gender within (1) one minute. Feet may be together or apart and may be held but not knelt upon by another. Fingers must stay interlocked behind the head throughout the event. The back cannot be arched, and the buttocks cannot be lifted from the mat.

5. Police Applicant Fitness Test Requirements

Promotion Exam (20% Cooper)	Male Standards by Age					Female Standards by Age				
	18-29	30-39	40-49	50-59	60+	18-29	30-39	40-49	50-59	60+
Sit-Up (1 Min Reps)	33	30	24	19	15	24	20	14	10	3
300 Meter Run (Time)	66	68	83	95	95	78	86	110	110	110
Push-Up (1 Min Reps)	22	17	11	9	6	10	8	6	6	6
1.5 Mile Run (Time)	13:58	14:33	15:32	17:30	20:13	17:11	18:18	19:43	21:57	21:57

Testing Order:

1 Minute Sit-up
300 Meter Run
1 Minute Push-up
1.5 Mile Run

This is a cumulative test, and all events must be completed within two (2) hours.

All Applicants should be afforded a minimum rest time of five (5) minutes between events. If an Applicant does not fall into one of the listed age categories, special authorization must be obtained from the Borough of New Brighton Civil Service Commission before testing can be accomplished.

Applicants are required to pass the Physical Fitness Test with a score at the 40th percentile (chart above) in each event based on their age at the time of testing.

If an Applicant is unsuccessful in any event, testing is immediately ended (failure) and no other events can be attempted at that time.

6. The above Physical Fitness Test is a cumulative test. Each event is pass/fail, thus, if one event is failed, the entire test is failed.

Applicants who have either successfully passed or failed the physical agility test will be notified in writing by the commission within thirty (30) days.

4.9 Background Investigation

The commission shall request the chief of police or the chief's designee to conduct a background investigation on the applicants to be certified to Borough Council for appointment. The background investigation shall include interviews with the applicant's family, acquaintances, current and former employers, current and former neighbors, references and current and former teachers and school officials. In addition, the applicant's credit history and record of criminal convictions should be investigated. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

After the background investigation is completed, the chief, or designee, shall make a written recommendation to the commission on whether the applicant is appropriate for consideration for appointment as a police officer.

Appropriateness of the applicant shall be based on the criteria set forth in Section 3.7 of these Rules and Regulations. This recommendation shall be in writing and if the recommendation is to disqualify, then a detailed written explanation of the reasons for disqualification must be included. The commission shall make the final determination on whether the information collected during the background investigation warrants rejection of the candidate. 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.

SECTION 5

ELIGIBILITY LIST AND MANNER OF FILLING APPOINTMENTS

5.1 Eligibility List

At the completion of the testing process, including any physical agility or other examination, with the exception of any background investigation to be conducted after the establishment of an eligibility list and physical and psychological medical examination pursuant to section 5.4, the commission shall rank the candidates who have satisfied the minimum requirements for appointment on an eligibility list. The eligibility list shall contain the names of individuals eligible for appointment listed from highest to lowest based on their scores on the examinations administered by the commission and any points for which the applicant was entitled by virtue of 51 Pa.C.S. Ch. 71 (relating to veterans' preference). The eligibility list will be valid for one year from the date the commission formally adopts the eligibility list. Prior to expiration of the one-year period, the commission may extend the validity of the eligibility list for up to an additional twelve months by a majority vote of the commission at a duly authorized commission meeting. In the absence of a lawful extension by the commission, the list shall expire.

For promotional positions, fulfilling the performance requirement set forth in Section 3.6 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. If both tied applicants submitted their complete applications on the same day, then the applicants shall be ranked in alphabetical order by surname.

5.2 Appointment

Except as provided in subsection (c), every original position or employment in the police force, except that of chief of police, shall be filled only in the following manner: the council shall notify the commission of any vacancy which is to be filled and shall request the certification of an eligibility list. The commission shall certify for each existing vacancy from the eligibility list, the names of the three persons, or a lesser number where three are not available, who have received the highest average. The council shall make a conditional appointment from the three names certified, based solely on the merits and fitness of the candidates, unless borough council makes objections to the commission regarding one or more of the certified persons for any of the reasons stated in section 3.7. Should the objections be sustained by the commission, as provided in section 3.7, or if the conditional appointee is determined to be unqualified in accordance with the procedures set forth in section 5.4, the commission shall strike the name of the person from the eligibility list and certify the next highest name for each name stricken from the eligibility list. As each subsequent vacancy occurs in the same or another position precisely the same procedure shall be followed.

Any vacancy in an existing position in the police force which occurs as a result of retirement, resignation, disability or death may be filled by council by the reappointment or reinstatement of a former employee of the police force who had previously complied with the provisions of this section. No examination, other than a physical examination as directed by the civil service commission, shall be required in any case of reappointment or reinstatement.

If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, every position, except that of chief of police, shall be filled only in the

following manner. The Borough Council shall make an appointment from one of the three names certified with reference to the merits and fitness of the candidates. However, [for initial appointment to the position of police officer,] when one of the three applicants on the certified list is a veteran, that applicant shall be selected.

5.3 Appointment of the Chief of Police

In the case of a vacancy in the office of chief of police, the council may nominate a person to the commission. It shall then become the duty of the commission to subject the person to a non-competitive examination, and if the person shall be certified by the commission as qualified, he may then be appointed to the position, and shall be subject to all the provisions of these Rules and Regulations.

5.4 Physical and Psychological Medical Examinations

(a) An applicant selected from the eligibility list shall receive a conditional offer of employment. The offer of employment shall be conditioned upon the conditional appointee undergoing a physical and psychological medical examination and a determination that the conditional appointee is capable of performing all the essential functions of the position. 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.

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

(c) If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of a position, a person designated by council 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.

(d) If, at the conclusion of the interactive discussion under subsection (c), council determines that the conditional appointee is not qualified, council shall give written notice to the conditional appointee and the commission.

(e) Nothing in this act shall be construed to authorize physical or psychological medical examinations prior to conditional appointment.

(f) As used in this section, the following definitions shall apply:

"Medical examination" shall mean 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 a reasonable accommodation, all of the essential functions of the position.

"Physician" shall have the meaning given to it in 1 Pa.C.S. § 1991 (relating to definitions).

"Qualified medical professional" shall mean an individual, in collaboration with or under the supervision or direction of a physician, as may be required by law, who is licensed:

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

5.5 Probationary Period

All original appointments to any position in the police force shall be for a probationary period of one (1) year, but during the probationary period an appointee may be dismissed only for a cause specified in section 3.7 or because of incapacity for duty due to the use of alcohol or drugs. If at the close of a probationary period the conduct or fitness of the probationer has not been satisfactory to the council, the probationer shall be notified in writing that the probationer will not receive a permanent appointment, and the appointment shall cease. If the probationer is not notified or dismissed in accordance with this section, the probationer's retention shall be equivalent to a permanent appointment. The decision of a borough to suspend or discharge a probationer shall be final and shall not be subject to the hearing provisions of section 6.4.

For newly hired police officers, the one (1) year probationary period shall not commence until after the officer has received a Municipal Police Officer's Training Commission Act (MPOETC) certification number.

5.6 Provisional Appointments

Whenever there are urgent reasons for the filling of a vacancy in any position in the police department and there are no names on the eligible list for such appointment, the Borough Council may nominate a person to the commission for noncompetitive examination, and such nominee may be certified by the commission as qualified after such noncompetitive examination, and may be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the commission within three weeks to hold a competitive examination and certify a list of eligibles and then a regular appointment shall then be made from the name or names submitted by the commission: provided, that nothing within this section shall prevent the appointment, without examination, of persons temporarily as police officers in cases of riot or other emergency.

SECTION 6

SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK

6.1 Removals; Grounds for Disciplinary Action

(a) .--No person employed in the police force of the borough shall be suspended without pay, removed or reduced in rank except for the following reasons:

- (1) Physical or mental disability affecting the officer's ability to continue in service, in which case the officer shall receive an honorable discharge from service;
- (2) Neglect or violation of any official duty;
- (3) Violation of any law which provided that such violation constitutes a misdemeanor or felony;
- (4) Inefficiency, neglect, intemperance, immorality, disobedience of orders or conduct unbecoming an officer;
- (5) Intoxication while on duty; or
- (6) Engaging or participating in conducting of any political or election campaign while on duty or in uniform or while using borough property otherwise than to exercise the person's own right of suffrage.
- (7) Engaging or participating in the conduct of a political or election campaign for an incompatible office as provided in the Borough Code Section 1104(f).

(b) A person so employed shall not be removed for religious, racial or political reasons. A written statement of any charges made against any person so employed shall be furnished to the person within five days after the same are filed. The person so employed shall have ten days from the date of receiving the notice in which to submit a written request for a hearing to the civil service commission under section 6.4.

6.2 Furloughs

If for reasons of economy or other reasons it shall be deemed necessary for the borough to reduce the number of paid employees of the police force, then the borough shall furlough the person or persons, including probationers, last appointed to the respective force. Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have been accomplished. In the event the said police force shall again be increased the employees furloughed shall be reinstated in the order of their seniority in the service. The provisions of this paragraph as to reductions in force are not applicable to a chief of police.

6.3 Notice of Suspension, Removal or Reduction in Rank

Whenever a police officer is suspended, removed or reduced in rank, the specific charges warranting such actions shall be stated in writing by the Borough Council. The charges shall be stated clearly and in sufficient detail to enable the officer to understand the charges and to allow the

officer an opportunity to respond to those charges. The charges shall specify the subsection of Section 6.1 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 6.1.

Within five days after the Borough Council has voted to impose the disciplinary action, a written statement of the charges shall be delivered to the officer either by personal service or by certified and registered mail. In addition, the charges shall notify the officer of the right to appeal under Section 6.4 of these Rules and Regulations. A copy of the statement of charges shall also be served upon the members of the Civil Service Commission.

6.4 Hearings on Suspension, Removals and Reductions in Rank

The officer who has been suspended, removed or reduced in rank may appeal the decision of the appointing authority by written notice to the secretary of the commission at Civil Service Commission, 610 Third Avenue, New Brighton, PA 15066 requesting a hearing.

(a) The person suspended, removed or reduced in rank may make written answers to any charges filed against the person not later than the day fixed for hearing. The commission shall grant the person a hearing which shall be held within a period of ten days from the filing of charges in writing, unless continued by the commission for cause at the request of the council or the accused. Notwithstanding this provision, the failure of the commission to hold a hearing within ten days from the filing of the charges in writing shall not result in the dismissal of the charges filed.

(b) At any hearing, the person against whom the charges are made may be present in person and by counsel. The council may suspend the person, without pay, pending the determination of the charges against the person, but in the event the commission fails to uphold the charges, then the person sought to be suspended, removed or reduced in rank shall be reinstated with full pay for the period during which the person was suspended, removed or reduced in rank, and no charges shall be officially recorded against the person's record. A stenographic record of all testimony taken at the hearings shall be filed with, and preserved by, the commission, which record shall be sealed and not be available for public inspection in the event the charges are dismissed.

(c) All parties concerned shall have immediate right of appeal to the court of common pleas of the county, and the case shall there be determined as the court deems proper. No order of suspension made by the commission shall be for a longer period than one year. The appeal shall be taken within thirty days from the date of entry by the commission of its final order and shall be by petition. Upon the appeal being taken and docketed, the court of common pleas shall fix a day for a hearing and shall proceed to hear the appeal on the original record and additional proof or testimony as the parties concerned may desire to offer in evidence. The decision of the court affirming or revising the decision of the commission shall be final, and the employee shall be suspended, discharged, reduced in rank or reinstated in accordance with the order of court.

(d) The council and the person sought to be suspended, removed or reduced in rank shall at all times have the right to employ counsel before the commission and upon appeal to the court of common pleas. Unless the council or the person sought to be suspended, removed or reduced in rank requests that the proceedings before the commission be open to the public, the proceedings before the commission pursuant to this section shall be held in the nature of a closed executive session that shall not be open to the public. Any such request shall be presented to the commission before the civil service hearing commences. The deliberations of the commission, including interim rulings on evidentiary or procedural issues, may be held in private and shall not be subject to a request for being open to the public, the council or to the person sought to be suspended, removed or reduced in rank. The commission's disposition of the disciplinary action shall constitute official action which shall occur at a public meeting held pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings).

6.5 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 power to issue subpoenas as set forth in Section 2.11.

In conducting the hearing, the commission's standard of review shall be to determine whether sufficient evidence has been presented to support the statutory reason for the disciplinary action. If the commission finds that sufficient evidence has been introduced to support the charge, the commission shall not modify the penalty imposed by the Borough Council unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Council's discretion. In considering the appropriateness of the discipline, the commission shall not substitute its judgment for that of the Borough Council. The commission may request post hearing briefs, and shall issue a written decision containing specific findings of fact and conclusions of law within sixty (60) days of receipt of the hearing transcript.

SECTION 7

RESOLUTION FOR ADOPTION

The foregoing Rules and Regulations, which are in accordance with powers granted by the civil service section of the Borough Code, Sections 1171-1195, enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the municipal governing body of the Borough of New Brighton, Pennsylvania, which replace all previously adopted Rules and Regulations, are hereby amended and adopted by the Civil Service Commission of the Borough of New Brighton, Pennsylvania on November 6, 2023.

original signed

John C. Ramer, Chairperson

original signed

William Anzalone, Alternate

original signed

Harold Conley, Secretary

Approved by the Borough Council of the Borough of New Brighton, Pennsylvania on November 16, 2023.

ATTEST:

original signed

Thomas J. Albanese
Borough Secretary

SIGNED:

original signed

Robert R. Hartwick, Jr.
President of Borough Council