

RULES AND REGULATIONS
OF THE
CIVIL SERVICE COMMISSION
CENTRAL BUCKS REGIONAL POLICE
DEPARTMENT

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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:
- a) Applicant - Any individual who applies in writing to the Bucks County Police Training Center (BCPTC) in response to a legally advertised notice of vacancy and/or examination for any position in the police department. Examinations are generally announced for January and/or June.
 - b) Appointing Authority - The Central Bucks Regional Police Commission (hereinafter CBRPC or Appointing Authority), Bucks County, Pennsylvania.
 - c) Bucks County Police Training Center (BCPTC) – The training facility for applicants and/or members of participating police departments in Bucks County.
 - d) Central Bucks Regional Police Association – the collective bargaining unit representing the Police Officers.
 - e) Certification - The submission to the appointing authority pursuant to its request of three names taken from the eligibility list developed by the Civil Service Commission.
 - f) Chairperson - The chairman of the Civil Service Commission of the CBRPC, Bucks County, Pennsylvania.
 - g) Commission - The Civil Service Commission of the CBRPC, Bucks County, Pennsylvania.
 - h) Commissioner – A member of the Civil Service Commission.
 - i) Eligible - A person whose name is recorded on a current eligibility list, or furlough list.
 - j) Eligibility List - The list of names of persons who have passed all examinations for a particular position in the Police Department.
 - k) Examination - The series of tests given to candidates to determine their qualifications for a position in the police department.
 - l) Furlough List - The list containing the names of police officers temporarily laid off from positions in the police department because of a reduction in the number of officers.

- m) Participating Municipalities – The municipalities represented on, and providing the members of, the Central Bucks Regional Police Commission.
 - n) Police Department – The Central Bucks Regional Police Department.
 - o) Police Officer - For purposes of these Rules and Regulations, a sworn full-time position in the Police Department.
 - p) Probationer - A Police Officer in the Police Department who has been appointed from an eligibility list, but who has not completed the probationary period.
 - q) Reduction in Rank - The movement of a Police Officer to a lower rank or to a different job classification having a lower salary based on a disciplinary action.
 - r) Removal - The permanent separation of a Police Officer from the Police Department.
 - s) Secretary - The Secretary of the Civil Service Commission of the CBRPC, Bucks County, Pennsylvania.
 - t) 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 Commission shall consist of three (3) Commissioners who shall be qualified electors of the Participating Municipalities. They are appointed by the Borough Councils of the Participating Municipalities initially to serve for the terms of two, four, and six years. Thereafter, as terms expire, they may be appointed for terms of six years.

2.1.1 Civil Service Commission, Alternate Members

CBRPC may appoint no more than three (3) qualified electors to serve as alternate members of the Commission. The term of office of the alternate members shall be six (6) years.

In the event a vacancy of an appointed alternate member occurs for any reason whatsoever, said vacancy shall be filled by the CBRPC for the unexpired term within the period of ninety (90) days after such vacancy occurs.

An alternate member may not hold another office in the borough.

An alternate member may participate in any proceeding or discussion of the Commission but may not vote as a member of the Commission unless designated as a voting alternate member under Section 2.3 of these Rules and Regulations and 8 Pa.C.S. §1174(c) or its successor statute.

Each alternate member of the Commission, before entering upon the discharge of the duties of his office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform their official duties with fidelity. No Civil Service Commission alternate member shall receive compensation.

- 2.2 Offices Incompatible with Civil Service Commissioners. - 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 Borough Council of the Borough of Doylestown, the Borough of New Britain, or the Borough of Chalfont. One Commissioner may be a member of the teaching profession.
- 2.3 Organization of Commission; Quorum. - The Commission shall organize, within ten (10) days of its appointment, and shall elect one of its members as its Chairperson, one as Vice-Chairman and one as Secretary. The Commission shall thereafter meet and organize on the first Monday of each even numbered year. Three (3) 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 (2) members.

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.

(1) An alternative 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.

(2) Designation of an alternative member under this section shall be made on a case-by case basis in rotation according to declining seniority among the alternates.

- 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.
- 2.5 Duties of Secretary. - The Secretary or designee 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 shall give each Commissioner twenty-four (24) hours' notice, in writing, of each and every meeting of the Commission.
- 2.7 Clerks and Supplies. - The CBRPC offices 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 other consultants or experts, including physicians and psychiatrists, as are necessary. The elected and appointed officials of the CBRPC shall assist the Commission with all reasonable and appropriate efforts, including compensation for any counsel or experts retained by the Commission.
- 2.8 Amendment of Rules and Regulations. - The Commission may amend, revise, void or replace these Rules and Regulations, for any reason, by action of a majority of the Commission at any properly convened meeting of the Commission. Before any changes to these Rules and Regulations become effective, the Participating Municipalities must approve changes. These Rules and Regulations, and any amendments thereto, shall be made available to the public for distribution or inspection. Representatives of the Central Bucks Regional Police Association shall be given advanced notice of any amendments to these Rules and Regulations prior to the approval by the Participating Municipalities
- 2.9 Minutes and Records. - The Commission shall keep minutes of its proceedings and records of examinations and other official action. 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 Pa.C.S.A. § 1381 *et seq.* Any and all records related to any disciplinary action filed with the Commission shall be open

to public inspection, subject to reasonable regulation, unless privileged or confidential under any law or rule, except as otherwise provided under Section 6, relating to Suspensions, Removals, and Reductions in Rank.

The secretary shall keep Minutes of its proceedings showing the vote of each member upon each question. If the member is absent or fails to vote, the Secretary shall indicate that fact in the Minutes.

- 2.10 Investigations. - The Commission shall have the power to conduct 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 for witnesses testifying in connection with such investigations.
- 2.11 Subpoenas. - The Commission shall have the power to issue subpoenas over the signature of the Chairperson, or designee, to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry, including any background investigation conducted pursuant to these Rules and Regulations. 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 Police Officers in public service and employees of the Police Department 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, the person shall, upon conviction, be sentenced to pay a fine not to exceed one hundred dollars (\$100), and in default of the payment of such fine and costs, 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 Bucks 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 Participating Municipalities of the CBRPC containing a brief summary of its work during the year and a full accounting for any expenditures of public monies. The annual report shall be available for public inspection.

SECTION 3. APPLICATIONS AND QUALIFICATIONS.

- 3.1 Public Notice. - The BCPCT shall conspicuously post, in its administration office and in the Police Department office, notice of the time and place of every examination, together with the information as to the type of position to be filled, the requirements for that position, where applications may be obtained for the examination, and the deadline for filing the applications. In addition, at least two (2) weeks prior to the deadline for filing of applications, publication of the notice shall occur in at least one newspaper of general circulation, or a newspaper circulating generally in the Participating Municipalities.

Information on all vacant promotional positions will be posted as above, and in addition to advertising, each member of the Police Department will receive a memorandum of the announcement at least two (2) weeks prior to the examination.

- 3.2 Discrimination. - The Police Department is an equal opportunity employer. It is the policy of the Participating Municipalities and the Commission's 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 Police Department and the Commission will provide equal opportunities in employment and promotion.
- 3.3 Eligibility for Examinations. - To be eligible to take an examination for a position with the Police Department, every applicant must submit a completed application form to the BCPCT and/or the administration office of the Commission before the deadline stated by the Commission for that specific examination. The applicant must make an oath or affirmation that the application is completed truthfully. Applicants are subject to the penalties of 18 Pa. Cons. Stat. §4904, relating to unsworn falsification to authorities.
- 3.4 Availability. - Application forms shall be available to all interested persons from the BCPTC and/or the administration offices of the Commission, 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.
- 3.5 Age and Residency Requirements. - All applicants must have reached their twenty first (21st) birthday before the deadline for submitting completed applications. Residency requirements shall be as agreed upon in any collective bargaining agreement.

- 3.6 General Qualifications – All Applicants. - At the time of application for any position in the Police Department, every applicant shall possess a diploma from an accredited high school, or a graduate equivalency diploma. In addition, an applicant must be a United States citizen, able to read, write, and understand the English language, be physically and mentally fit to perform the full duties of a Police Officer, and prior to appointment, possess a valid motor vehicle operator's license issued by the Commonwealth of Pennsylvania. In addition, all applicants for any position in the Police Department must either have successfully completed the training and education prescribed by the Municipal Police Education and Training Act ("Act 120"), 53 Pa.C.S.A. § 2161 *et seq.*, or be eligible for Act 120 certification.

A full-face photograph (passport type 2"x2") must be attached to the returned application. Certified funds payable to Bucks County Police Chiefs Association in the amount of \$50.00 (*NO PERSONAL CHECKS WILL BE ACCEPTED*).

Do Not Attach Any Other Information Such as Letters of Recommendation or Training Certificates

- 3.7 General Qualifications. - Applicants for Promotion.
- a) In addition to meeting the qualifications in Section 3.6 above, all applicants for a promotional position, except chief, shall not have been suspended without pay for more than five (5) days in the two (2) years prior to the deadline for submitting applications. Any suspension to which the applicant has timely appealed, pursuant to a grievance procedure or these Rules and Regulations, shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.
- b) All applicants shall have continuous prior service with the Police Department as follows:
- 1) An applicant for the position of corporal shall have at least three (3) years of service with the Police Department.
 - 2) An applicant for the position of sergeant shall have at least five (5) years of service with the Police Department.
- 3.8 Recording and Filing Applications. - Applications for positions in the Police Department shall be received at the Commission administrative office only after an examination has been properly advertised and before the deadline for receiving applications, as set forth in the public advertisement. That office shall record the receipt of all applications and provide each applicant with a notice of the time and place for the first portion of the testing procedure, the written examination.

Applications 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 or amended applications will be accepted.

Applicants for promotional positions shall respond by letter to the commission. The letter will be submitted to the Commission office, as indicated in the vacancy announcement. Such letter shall indicate the officer's interest, and indicate that he meets the minimum requirements for the position. The letter must be submitted by the deadline date as specified in the announcement.

- 3.9 Rejection of Applicant. - The BCPTC may refuse to examine, or if examined, may refuse to certify as eligible after examination, an applicant who:
- a) is found to lack any of the minimum qualifications for examination prescribed in these Rules and Regulations for the particular position for which the applicant has applied;
 - b) is physically or mentally unfit to perform the full duties of the position applied for;
 - c) 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 is a habitual abuser of any such controlled substance;
 - d) is guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct;
 - e) 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;
 - f) has been dismissed from public service for delinquency or misconduct in office;
 - g) has a criminal conviction for any misdemeanor or felony; or a criminal conviction in any other state, which if the crime had been committed in Pennsylvania, the crime would be considered a misdemeanor or felony, provided, however, that acceptance into Accelerated Rehabilitative Disposition ("ARD") does not constitute a conviction under these Rules and Regulations, unless a judge terminates the participation of the applicant in ARD, or the applicant otherwise fails to successfully complete ARD;
 - h) was dishonorably discharged from the Armed Services;

- i) falsified or omitted information on the application or during the examination process;
- j) has engaged in criminal behavior, regardless if arrested or detected, for admissions by the applicant that would be graded as a felony;
- k) has admitted to the following drug use:
 - a. Use of Marijuana: No more than 25 times between the ages of 18 to 22. No usage in the three (3) years prior to filing an application. Zero tolerance for usage after the age of 22;
 - b. Use of Schedule I, II or III drugs, excluding marijuana, non-prescribed Schedule II drugs and steroids, as listed in the Controlled Substance, Drug, Device and Cosmetic Act: No more than three (3) times between the ages of 18 to 22. No usage in the five (5) years prior to filing an application, or since age 18. Zero tolerance for usage after the age of 22;
 - c. Usage of Heroin, Methamphetamine, LSD, or PCP: Zero tolerance;
 - d. Intravenous drug use of any kind: Zero tolerance;
 - e. Usage of steroids (Pill form): Zero Tolerance; or
- l) has engaged in criminal activity, regardless of grading, while in a law enforcement position.

3.10 Hearing for Disqualified Applicants. - An applicant, or other person, who believes that he is aggrieved by the actions of the Commission in refusing to examine or to certify him as eligible after examination, may request a hearing before the Commission. The request for a hearing must be made in writing within ten (10) calendar days of the date when the party knew, or should have known of the Commission's action that is being challenged.

Within ten (10) days after such a request, the Commission shall designate a time and place for the hearing, which hearing shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa.C.S.A. § 101 *et seq.*

The hearing shall be closed to the public unless the Commission or the applicant or aggrieved party requests that it be open to the public.

At the hearing, the applicant or aggrieved party 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 a closed executive session.

The decision of the Commission shall be final.

SECTION 4. EXAMINATION AND GRADING PROCEDURES

- 4.1 General Examination Requirements for the position of Police Officer. - The examination for Police Officer consists of a written and an oral examination. Each of the examinations will be graded on a one-hundred (100) point scale. Seventy percent (70%) is considered passing. The written examination grade will represent fifty percent (50%) of the final score. The oral examination grade will represent fifty percent (50%) of the final score. In addition, each applicant will undergo a polygraph test and a background investigation. This test and the investigation will be graded on a pass/fail basis. After an applicant has been extended a conditional offer of employment, the final appointment shall be contingent upon the applicant passing the physical fitness and psychological examinations.
- 4.2 General Examination Requirements for Promotions. - The examination for the positions of corporal and sergeant shall include a written and an oral examination. Each examination 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. There are no failing scores for promotional examinations for the positions of corporal and sergeant.
- 4.3 Notice of Examination for Appointment Positions. - The Commission shall appoint a written examination administrator, an oral examination administrator, a polygraph examiner, a medical examiner and a psychological examiner to conduct the appropriate examinations required by these Rules and Regulations.
- 4.4 Written Examination. - The written examination shall be graded on a one-hundred (100) point scale. An applicant must score seventy percent (70%), or higher, in order to continue the application process. Applicants scoring less than seventy (70%) shall be rejected. Within thirty (30) days after the administration of written examination, all applicants shall be given written notice of their test results and each passing applicant shall be informed of the next step in the examination process. The top ten (10) passing applicants shall be scheduled for an oral examination.
- 4.5 Oral Examination. - Applicants who scored seventy percent (70%) or higher in the written examination shall be given an oral examination. It will be graded on a one-hundred (100) point scale. A score of seventy percent (70%), or higher, is

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 administration of the applicant's oral examination, all applicants shall be given written notice of the score on their oral examinations and their total overall score, and each passing applicant shall be informed of the next step in the examination process.

4.6 Veterans' Preference Points. - Pursuant to the Veterans' Preference Act, any applicant for the position of entry-level Police Officer who qualifies as a "Soldier" under said Act shall receive an additional ten (10) points on top of his total score if that applicant had received passing scores on all of the required examinations. Any applicant claiming a veterans' preference is responsible for providing any and all relevant documents to the Commission.

4.7 Polygraph Examination. –

- a) Every applicant for the position of Police Officer shall fill out a personal data questionnaire and undergo a polygraph examination. The Commission shall furnish each polygraph examiner with forms upon which the examiner shall state whether any of the applicant's responses to questions from the applicant's personal data questionnaire are deceptive. The report on each examination shall be submitted to the Commission within five (5) days after the date of the examination.
- b) The examiner shall ask questions based on the information contained in the personal data questionnaire. Before administering the test, the examiner shall ask each applicant whether there is any information that the applicant has withheld.
- c) If the examiner shall deem any of the applicant's responses to be deceptive, the examiner must tell the applicant immediately and give the applicant an opportunity to explain, deny, or admit the deception. If the applicant denies being deceptive, or if the explanation is found unsatisfactory by the examiner, the applicant will be given an opportunity to retake the test with a second examiner. Notice of the opportunity to retest shall be given in writing to the applicant. The second examiner will not have access to the results of the first test prior to re-administering the polygraph. If the second examiner finds no deception, the applicant will be considered as having passed the polygraph test. If the second examiner also finds the applicant deceptive, the applicant will be considered as having failed the examination.
- d) An applicant who has failed both tests may appeal to the Commission for a third examination. The decision to give the applicant an opportunity to take a third test resides solely within the discretion of the Commission. If the applicant is awarded an opportunity to take a third test and passes,

then the applicant will be considered as having passed the polygraph test. If the applicant is found deceptive on the third test, the applicant will be rejected.

4.8 Physical Fitness Testing. - An applicant for the position of Police Officer, prior to undertaking the required fitness tests, must submit a completed notarized personal injury waiver.

- a) An applicant for the position of entry-level Police Officer must meet the physical agility testing standards required under the Act 120 Class, Municipal Police Officers Education and Training Commission ("MPOETC"), as set by the Commonwealth of Pennsylvania.

Background Investigation – Entry-Level Position. - The Commission shall direct the Police Department and/or any other agency or individual that the Commission deems appropriate, to conduct a background investigation on each applicant for the position of entry-level Police Officer. The investigation shall include interviews with the applicant's family, acquaintances, current and former employers, current and former neighbors, references, 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. The background investigation may be completed before or after the Commission has certified names for hiring to the Participating Municipalities.

After the background investigation is completed, the Chief of Police, 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 3.9 of these Rules and Regulations. This recommendation shall be in writing. If the recommendation is to disqualify, then a detailed written explanation of the reason 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 results of the investigation, each applicant will be informed of whether he has passed the background investigation.

SECTION 5. CERTIFICATION OF THE LIST OF ELIGIBLES AND APPOINTMENT

5.1 Creation of Eligibility List. - At the completion of the examination requirements for police officer, set forth in Section 4, that is, written examination; oral examination;

background investigation and polygraph examination, the Commission shall rank all passing applicants on a list. The applicant receiving the highest score will be positioned at the top of the list and the applicant receiving the lowest passing score will be positioned at the bottom of the list. Applicants who qualify for veterans' preference points shall have those points added to their passing score prior to being ranked on the eligibility list. For promotional positions, fulfilling the performance requirements set forth in Section 3.7 is also required; however, applicants for promotional positions shall not be required to undergo background investigations or polygraph examinations. In the case of tied scores for applicants for entry-level positions, giving preference to the applicant who submitted a final completed application first will break the tie. Where ties occur for promotional positions, preference will be given to the most senior employee. If applicants remain tied after applying these preferences, then the applicants shall be ranked in alphabetical order by surname.

The Commission shall certify the names from the eligibility list of the three persons, or a lesser number, if three are not available, who have received the highest average for each existing vacancy. The Commission shall post the eligibility list.

The eligibility list shall be valid for one (1) year from the date the Commission ranks all passing applicants, assigns veterans' preference points and formally adopts the eligibility list. The Commission may, in its 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 sole discretion, void an eligibility list at any time, for any reason.

5.2 Appointment.

- a) The Appointing Authority may fill any vacancy in an existing position in the Police Department which occurs as a result of expansion of the police force, retirement, resignation, disability; or death, by the reappointment or reinstatement of a former employee of the Police Department who had been furloughed and previously complied with the provisions of the Civil Service requirements. Except for physical and psychological examinations, no other testing shall be required for a furloughed employee, or a rehired or reappointed employee.
- b) If no furlough list exists, or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, every position, except that of Chief of Police, shall be filled only in the following manner:
 - 1) The Appointing Authority shall notify the Commission of any vacancy which is to be filled, and shall request the certification of three (3) names from the eligibility list;

- 2) If three (3) names are not available, then the Commission shall certify the name(s) remaining on the eligibility list;
 - 3) The Appointing Authority shall make an appointment from one of the three (3) names certified, with reference to the merits and fitness of the candidates. However, for initial appointments to the position of Police Officer, when one of the three applicants on the certified list qualifies for a veterans' preference, that applicant shall be selected.
- c) The Appointing Authority may object to one or more of the persons certified for the reasons set forth in Section 3.9 of these Rules and Regulations. If the candidate to whom the Appointing Authority objects fails to timely exercise the rights of appeal under Section 3.10, or if the Commission declines to uphold the appeal, the Commission shall strike the name of the candidate from the eligibility list. Then, the Commission shall certify the next highest name for inclusion on the list of three (3) candidates.
- 1) In the case of more than one vacancy to be filled, the Commission shall certify from the eligibility list a number of the highest ranked candidates equal to the number of vacancies to be filled, plus the next two (2). This will provide that the last appointment will always be made from the remaining three (3) names certified. If a candidate qualifies for veterans' preference points and appears in the top three (3) names certified, that candidate must be given first consideration for appointment, regardless of ranking among the three.

5.3 Appointment of Chief of Police. - In the case of a vacancy in the office of Chief of Police, the Appointing Authority has full discretion in selecting the individual to fill the position of Chief of Police. If the Appointing Authority requests the Commission to subject that person to a non-competitive examination, and if that person successfully passes the non-competitive examination, then the Commission shall notify the Appointing Authority of the results of the examination. That person may only be removed from the position of Chief of Police for the reasons set forth in Section 6.1.

A police chief may be appointed without civil service status. If this is done, that individual may be returned to a prior rank if promoted from within the Police Department, or dismissed if appointed from outside of the Police Department, without implicating civil service hearing rights.

5.4 Physical and Psychological 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 the Appointing Authority 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 or other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of a position, a person designated by the Appointing Authority 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), the Appointing Authority determines that the conditional appointee is not qualified, the Appointing Authority shall give written notice to the conditional appointee and the Commission.
- e) The rejected candidate may appeal this decision under Section 3.10.

5.5 Probationary Period. - Every successful applicant to the position of Police Officer, or to a promotional position with the Police Department, shall serve a twelve (12) month probationary period. For newly hired Police Officers, the twelve (12) month probationary period shall not commence until after the Police Officer has completed training under Act 120 and has received a certification number. During the probationary period, a newly hired Police Officer may only be dismissed for cause, for the reasons set forth in Section 3.9 or Section 6.1, or because of incapacity for duty due to the use of alcohol or drugs.. A promoted officer, during probation, may be returned to a prior rank only for cause, for the reasons set forth in Section 3.9.

However, at the end of the twelve (12) 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 Police Officer's employment shall end, and a promoted officer shall return to a previous rank.

Any Police Officer who is not informed in writing that his performance has been unsatisfactory shall receive a permanent appointment to the new position. Any probationer who is notified in writing that appointment will not be made permanent has no rights of appeal under these Rules and Regulations.

- 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 eligibility list for such appointment, the Appointing Authority may nominate a person to the Commission for non-competitive examination, and such nominee may be certified by the Commission as qualified after such non-competitive examination, and may be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the Commission within three (3) weeks to hold a competitive examination and certify an eligibility list. 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 Grounds for Disciplinary Action. -

- a) Any Police Officer charged with any misdemeanor or felony shall be suspended immediately.
- b) Any Police Officer charged with any crime in any other state, which if the crime had been committed in Pennsylvania, would be considered a misdemeanor or felony in Pennsylvania, shall be suspended immediately.
- c) No person appointed to a position in the Police Department, pursuant to these Rules and Regulations, may be suspended without pay or removed, and no person promoted in rank, pursuant to these Rules and Regulations, may be reduced in rank, except for the following reasons:
 - 1) physical or mental disability affecting the Police Officer's ability to continue in service, in which case, the Police Officer shall receive an honorable discharge from service;
 - 2) neglect or violation of any official duty;
 - 3) conviction of any misdemeanor or felony in Pennsylvania, or conviction of any crime in any state, which if the crime had been committed in Pennsylvania would be considered a misdemeanor or

felony in Pennsylvania, provided, however, that acceptance into Accelerated Rehabilitative Disposition ("ARD") does not constitute a conviction, unless a judge terminates the participation of the Police Officer, or the Police Officer otherwise fails to successfully complete ARD;

- 4) inefficiency, neglect, intemperance, disobedience of orders, or conduct unbecoming a Police Officer;
 - 5) intoxication while on duty; or
 - 6) engaging or participating in or conducting of any political or election campaign while in the course of performing official duties, other than the Police Officer's exercise of the right of suffrage.
- d) No officer shall be removed for religious, racial, or political reasons.
- e) A statement of any charges made against any Police Officer so employed shall be furnished to the Police Officer within five (5) days after the Appointing Authority has adopted those charges.

6.2 Furloughs. -

- a) If, for reasons of economy or other reasons, it shall be deemed necessary by the Appointing Authority to reduce the number of full-time Police Officers in the Police Department, then the Appointing Authority shall apply the following procedures to the extent permitted by law:
- (1) If there are employees eligible for retirement, under the terms of any retirement or pension law, then such reductions in numbers shall be made by retirement of such employees, starting with the oldest employee and following in order of age respectively. The furlough of a retirement eligible Police Officer shall be permitted only to the extent allowable under the Age Discrimination and Employment Act and the Pennsylvania Human Relations Act.
 - (2) If the number of full-time Police Officers eligible for retirement is insufficient to effect the necessary reduction in numbers, or if there are no persons eligible for retirement, or if no pension fund exists, then the reductions shall be effected by furloughing the person or persons, including probationers, last appointed to the Police Department.
- b) Such removal shall be undertaken by furloughing in numerical order, commencing with the person last appointed, until such reduction shall have been accomplished. In the event that the Appointing Authority

decides to increase the size of the Police Department, the furloughed Police Officers shall be reinstated in order of their seniority in the Police Department; if the furloughed officer accepts reinstatement in writing within thirty (30) days of receiving notice of the opening. These reductions in force provisions are not applicable to the Chief of Police or any Captain.

- 6.3 Notice of Suspension, Removal or Reduction in Rank. - Whenever a Police Officer is suspended, removed, or reduced in rank, the Appointing Authority shall state the specific charges warranting such action in writing. The charges shall be stated clearly and in sufficient detail to enable the Police Officer to understand the charges and to allow the Police Officer an opportunity to respond to those charges. The charges shall specify the subsection(s) 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 Appointing Authority has voted to impose the disciplinary action, a written statement of the charges shall be delivered to the Police Officer, either by personal service, or by certified mail. In addition to the charges, the statement 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 Commission.

- 6.4 Hearings on Suspension, Removals and Reductions in Rank.
- a) Any Police 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, 57 W. Court Street, Doylestown, PA 18901, requesting a hearing. This request shall be received by the Commission no later than ten (10) days after the Police Officer received notice of the disciplinary action. The Police Officer may make written answers to any charge filed not later than the date fixed for the hearing. Failure of the Police Officer to provide written answers to any of the charges shall not be deemed an admission by the Police Officer.
 - b) Any Police Officer who has been suspended, removed or reduced in rank may proceed under these Rules and Regulations or under the provisions of the Collective Bargaining Agreement for his position, but may not proceed under both.
 - c) The Commission shall schedule a hearing within ten (10) days from the Police Officer's written request for a hearing, unless continued by the Commission for cause at the request of the Commission, the Appointing Authority or the Police Officer. At any such hearing, the Police Officer against whom the charges have been made may be presented and

represented by counsel, may call witnesses, and may present testimony and documentation in his defense. The Appointing Authority may also be represented by counsel, call witnesses and present evidence as is necessary to support the charges. A stenographic record of all testimony shall be taken at every hearing and preserved by the Commission. In the event the charges are dismissed, the record shall be sealed and not available for public inspection.

- d) 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 Appointing Authority unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Appointing Authority's discretion. In considering the appropriateness of the discipline, the Commission shall not substitute its judgment for that of the Appointing Authority. 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.

6.5 Hearing Procedure. -

- a) All testimony shall be given under oath administered by the Chairperson, or in absence of the chairperson, the Vice-Chairperson. The Commission shall have the power to issue subpoenas as set forth in Section 2.11. The hearing shall be closed to the public unless, prior to the commencement of the hearing, a written or oral request to open the hearing is made by either the charged Police Officer or the Appointing Authority, and the Commission decides in its discretion to honor that request.
- b) If the Commission sustains the charges, the Police Officer who was suspended, removed or reduced in rank may file an appeal with the Court of Common Pleas within thirty (30) days from the date of entry by the Commission of its final order. No order of suspension without pay shall be made by the Commission for a period longer than one (1) year. In the event that the Commission fails to uphold the charges, then the person sought to be suspended, removed or demoted shall be reinstated with full pay for the period of the suspension, removal, or reduction in rank, and no charges related to the suspension, removal or reduction in rank shall be officially recorded in the Police Officer's record.

SECTION 7. ADOPTION

The foregoing Rules and Regulations, which are in accordance with powers granted by the civil service provisions of the Pennsylvania Borough Code, Sections 1170-1194, enacted by the General Assembly of the Commonwealth of Pennsylvania, and in accordance with the authority granted by the municipal governing bodies of Doylestown Borough, New Britain Borough and Chalfont Borough, Pennsylvania, are hereby ADOPTED by the Civil Service Commission of the Central Bucks Regional Police Commission on February 3, 2020.

CIVIL SERVICE COMMISSION
OF THE CENTRAL BUCKS REGIONAL POLICE COMMISSION


Chairperson


Vice-Chairperson


Secretary

Approved by the Central Bucks Regional Police Commission,
Pennsylvania on January 21, 2020.

ATTEST:


Secretary

SIGNED:


Chairman