

POLICE CIVIL SERVICE REGULATIONS

CITY OF SUNBURY

Resolution 2022-50

Effective 6-13-2022

Chapter I. Purpose

These Regulations are adopted by the City Council of the City of Sunbury to provide a uniform and transparent system for Civil Service approvals.

Chapter II. Civil Service Rules/ Police Department

Section 1. Definitions of Terms

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

Applicant: Any individual who is Act 120 certified and applies in writing to the commission in response to a legally advertised notice of vacancy and/or examination for any union position in the police department.

Appointing Authority: The City Council of the City of Sunbury, County of Northumberland and Commonwealth of Pennsylvania.

Certification: The submission to the appointing authority pursuant to its request for three names taken from the eligibility list developed by the Civil Service Commission.

Chairperson: The Chairperson of the Civil Service Commission of the City of Sunbury, Pennsylvania.

Commission: The Civil Service Commission of the City of Sunbury, Pennsylvania.

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

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

Eligibility List: The list of names of persons who have passed all examinations for a particular union position in the Sunbury police department.

Examination: The series of tests given to applicants and candidates for promotion 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.

Probationer: An officer in the police department who has been appointed from an eligibility 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 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 City of Sunbury, 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 represent both the masculine and feminine genders.

Section 2. The Commission

Section 2.1 Civil Service Commission

The commission shall consist of three commissioners who shall be registered electors of the City and shall be appointed by the City Council initially to serve for staggering terms of one for two years, one for three years and one for four years. As terms expire, commissioners shall be elected for terms of four years. There shall be no restrictions on term limits. Two members of the Commission shall constitute a quorum necessary for transaction of business of the Commission.

Any vacancy occurring in the commission for any reason whatsoever shall be filled by vote of the City Council for the unexpired term within the period of thirty (30) days after such vacancy occurs.

Each member of the commission, before entering upon the discharge of the duties of their office, shall take and subscribe to an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform their official duties with fidelity. No civil service commissioner shall receive compensation.

2.2 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 Regulations.

2.3 Duties of Secretary

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

2.4 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 Regulations. The secretary of the commission shall give each commissioner twenty-four (24) hours' notice in writing of each and every meeting of the commission.

2.5 Clerk and Supplies

The governing body shall furnish the commission with such supplies and clerical assistance as may be necessary for the commission to fulfill its duties. In addition, the commission may retain counsel, and any other consultants or experts, including physicians and psychiatrists, as are deemed necessary. The elected and appointed officials of the City shall assist the commission with all reasonable and appropriate efforts including compensation for any counsel or experts retained by the commission.

2.6 Amendment of Regulations

The commission may amend, revise, void or replace these 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 Regulations become effective, those changes must be approved by the City Council. These Regulations and any amendments thereto, shall be made available to the public for distribution or inspection, upon request.

2.7 Minutes and Records

The commission shall keep minutes of its proceedings and records of the examinations and other official action. All records of the commission shall be filed with the City Clerk and 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, 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. The secretary shall keep minutes of the commission's 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.

2.8 Investigations

The commission shall have the power to make investigations concerning all matters relating to the administration and enforcement of these Regulations. The chairperson of the commission is authorized to administer oaths and affirmations for witnesses testifying in connection with such investigations.

2.9 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, including any background investigation conducted. 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 public officials, police officers and employees of the City shall attend and testify when required to do so by the commission.

If any person shall refuse or neglect to obey any subpoena issued by 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 Northumberland 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.

2.10 Annual Report

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

Section 3. Applications and Qualifications

3.1 Eligibility for Examination

In order to be eligible for participation in any examination for any union police position with the police department, every applicant must be Act 120 certified and submit a completed application form to the commission secretary before the deadline stated by the commission for that specific examination. The applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa. C.S.A. § 4904 relating to un-sworn falsification to authorities.

3.2 Non-Discrimination

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

3.3 Availability

Application forms shall be available to all interested persons in the office of the City Clerk. Application forms shall 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 General Qualifications- Applicants for Hiring

Every applicant for a union police position in the police department shall possess a diploma from an accredited high school or a graduate equivalency diploma as well as Municipal Police Officers' Education and Training Commission (MPOETC) Act 120 Certification. 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's license issued by the Commonwealth of Pennsylvania. The Civil Service Commission, with approval by City Council, reserves the right to raise the education and experience requirements as deemed necessary from time to time.

3.5 Qualifications for Promotion

In order for an officer to be considered for promotion to the rank of Corporal he or she must be in good standing and have completed five years of service as a Sunbury patrol officer. In order to be considered for promotion to Sergeant the candidate must have attained the rank of corporal and served as a corporal for at least one year. ~~In order to be considered for promotion into a Command Staff position at the rank of Captain the candidate must have completed at least fifteen (15) years of service with the Sunbury Police Department, at least one (1) year experience in an investigative capacity (i.e...detective, narcotics), must have clean disciplinary record for the last five (5) years consisting of nothing above a written reprimand, and must have experience in labor relations by having served in an elected post within a labor union or association (i.e...President, Vice-President).~~

3.6 Rejection of Applicant

The commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these Regulations for the particular position for which the applicant has applied. In addition, the commission may refuse to examine, or if examined, may refuse to certify any applicant who is physically or mentally unfit to perform the full duties of the position applied for by the appropriately appointed administrator, or who is a habitual substance abuser, who is guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitutions and laws of the United States and the Commonwealth of Pennsylvania.

3.7 Recording and Filing Applications

Applications for positions in the police department shall be received at City Hall 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 City Clerk, or designee, as designated in the public advertisement (for outside hiring and internal notice for promotions). 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.

3.8 Hearing for Disqualified Applicants

Any applicants or other persons who believe that they are aggrieved by the actions of the commission in refusing to examine or to certify them as eligible after examination, may request a hearing before the commission. Within ten (10) days after such request, the commission shall designate a time and place for the hearing which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa.

C.S. § 101 et seq. The applicant or aggrieved party must make his request for a hearing 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.

3.9 Public Notice

The commission shall conspicuously post in City Hall and the police department, 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 the position, where applications may be obtained, and the deadline for filing those applications. In addition, at least two weeks prior to the close of the application period, publication of the notice shall occur in at least one newspaper of general circulation or a newspaper circulating generally in the City.

Section 4. Examinations and Grading Procedure

4.1(a) General Examination Requirements for New Hires

The examination for patrol 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 seventy percent (70%) of the final score and the oral examination representing thirty percent (30%) of the final score. In addition, each applicant shall be required to undergo and pass a pass/fail physical agility test and meet the requirements of a background check. A polygraph test may be required, as deemed appropriate by the civil service commission. The new hire shall always be required to undergo all these tests. The physical agility test and background check will be graded on a pass/fail basis for every applicant. After an applicant has been extended a conditional offer of employment by the Mayor with the approval of Council, final appointment shall be contingent upon the applicant passing a medical and psychological examination.

4.1(b) Appointment of Examiners

The commission shall appoint a written examination administrator, an oral examination administrator, a polygraph examiner (as needed), a physical agility examiner, a medical examiner and a psychological examiner to conduct the appropriate examination required by these Regulations, and deemed to be necessary.

4.1(c) Veteran' Preference Points for Applicants for Hire

When any person who was engaged in the military service of the United States during any military engagement in which the United States participated, and has an honorable discharge there-from, shall take any examination for appointment and examination of any such person is completed and graded, if the grade is passing, then such grading or percentage as the examination merits shall be increased by fifteen per centum (15%), and such total mark or grade shall represent the final grade or classification of such person and shall determine his or her order of standing on the eligibility list. For the purpose of this

article, the military service means the Army, Navy, Marines, Air Force, Coast Guard and any branch or unit thereof; and servicemen and women who were engaged in a military engagement which includes land, naval and air engagements. Any applicant claiming veterans' preference is responsible for providing any and all relevant documents to the City Clerk, prior to the written examination.

4.1(d) Written Examination

The written examination shall be graded on a 100 point scale, and an applicant must score seventy percent (70%) or higher in order to continue in the application process. Applicants scoring less than seventy percent (70%) 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 each passing applicant shall be informed of the next step in the examination process.

4.1(e) Physical Agility Testing

Physical agility testing shall be administered by an appointed third party administrator. The testing shall be administered on a pass/fail standard

4.1(f) Oral Examination

Every applicant who passed the physical agility test and who scored seventy percent (70%) or higher in the written examination, shall be given an oral examination that 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 their oral examination and total overall scores, and each passing applicant shall be informed of the next step in the examination process.

4.1(g) Background Investigation for new Hire Applicants

The commission shall request an appropriate person or entity to conduct a background check, credit check and drug check, including steroids investigation, on each applicant. The background investigation shall also 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. At a minimum, personal interviews shall be conducted with at least three (3) people that have personal knowledge of the applicant but who are not related to the applicant and with the applicant's employer(s) for the past five (5) years. **Conduct a review with the applicant's employee information from each previous law enforcement employer to determine the applicant's law enforcement work history.** The background investigation shall also include a criminal history check, including the submission of fingerprints to the Central Repository for the Commonwealth of Pennsylvania and the Federal Bureau of Investigation (FBI). The applicant's credit history and record of criminal convictions shall also be investigated, as well as the applicant's driving record for verification that he possesses a valid driver's license. **Ensure that the**

applicant is eligible to lawfully possess a firearm. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation. The background investigator will also submit a request to MPOETC for any separation records on file for an applicant.

If necessary to complete a thorough background investigation on any applicant, the commission may require the applicant to sign a release for all personnel records maintained by any other employer(s) by which the applicant is/was previously employed.

After all background investigation is completed, the Chief of Police and the Mayor shall conduct personal interviews and 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 3.4 of these Rules. This recommendation shall be in writing and, if the recommendation is to disqualify, then a written explanation of the reasons for disqualification must be included. The commission shall make the final determination on whether the information collected during the background investigation warrants rejection of the candidate. Within thirty (30) days after the commission considers the recommendation of the Chief of Police and the Mayor, each applicant will be informed of whether they have passed the background investigation.

4.2(a) General Examination Requirements for Promotion

The examination for promotion 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 seventy percent (70%) of the final score and the oral examination representing thirty percent (30%) of the final score.

4.2(b). Appointment of Examiners

The commission shall appoint a written examination administrator, and an oral examination administrator to conduct the appropriate examination required by these Rules.

4.2(c). Written Examination

The written examination shall be graded on a 100 point scale, and an applicant must score seventy (70%) or higher in order to continue in the promotion process. Applicants scoring less than seventy percent (70%) 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 each passing applicant shall be informed of the next step in the examination process.

4.2(d) Oral Examination

Every applicant who scored seventy (70%) or higher in the written examination, shall be given an oral examination that 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 as well as knowledge of the Pennsylvania Crimes Code. Within thirty (30) days after the applicants' oral examination, they shall be informed of their oral examination and total overall scores, and each passing applicant shall be informed of the next step in the examination process.

4.2(e) Chief of Police and Supervisor Evaluations

The Chief of Police and all Supervisors will perform an evaluation of each applicant applying for a promotional position. The same form will be used to evaluate each applicant.

4.2(f) Examination Requirements for Promotion into a Command Staff position at the Rank of Captain

The examination for promotion into a Command Staff rank of Captain will consist of an oral examination only. The oral examination shall be graded on a 100-point scale, with a score of 70% or higher necessary for passing. The oral examination shall involve questions that demonstrate the following: experience, leadership, personal and professional ethics, communication skills, knowledge of policy and procedures, knowledge of how a Third Class City government operates, labor relations issues, knowledge of public service delivery methods, and any other questions geared at determining a candidate's qualifications, knowledge, skill, experience, and character to serve as a member of a Command Staff.

Section 5. Certification of "List of Eligibility" and Appointment

5.1 Creation of Eligibility List

At the completion of the examination requirements set forth in Section 4, written examination, oral examination, physical agility test, and background investigation, the commission shall rank all passing applicants on a list with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list. Applicants for patrol officer, who qualify for veterans' preference points, shall have those points added to their passing score prior to being ranked on the eligibility list.

For new hires, in the case of tied scores, the Civil Service Commissioners will decide the ranking, based on

For new hires, the eligibility list will be valid for one year from the date the commission ranks all passing applicants, assigns veterans' preference points and formally adopts the eligibility list. The commission may, at its sole discretion, before the original expiration date, by a vote of the majority of the commission

at a duly authorized commission meeting, extend the 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 City Council of the City may fill any vacancy in an existing position in the police department that occurs as a result of expansion of the police force, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the police department who had been furloughed and previously complied with the provisions of the civil service requirements. All testing shall be required for a furloughed employee or a rehired or reappointed employee, subject to any recertification requirements prescribed by the Municipal Police Officers' Education and Training Commission (MPOETC).
- 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. City Council shall notify the commission of any vacancy which is to be filled and shall request the certification of three (3) names having the highest percentage from the list of eligibility;
 - 2. If three (3) names are not available, then the commission shall certify the name(s) remaining on the list;
 - 3. The City Council may make an appointment only from one of the three (3) names certified with reference to the merits and fitness of the candidates. However, for initial appointment to patrol officer, when one of the three applicants on the certified list is a veteran, that applicant shall be selected.
- c) The City Council may object to one or more of the persons certified for the reasons set forth in Section 3.6 of these Rules. If the candidate to whom the City Council objects fails to timely exercise the rights of appeal under Section 3.8, or if the commission declines to uphold the appeal, the commission shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three candidates for each name stricken off.

5.3 Medical and Psychological Examinations

After Sunbury City Council members select a candidate from the certified list of three for appointment to the vacant position for initial hire, that candidate shall submit to a medical examination and a psychological examination by the appropriate medical experts, if deemed appropriate by the civil service commission. If the candidate successfully passes the medical and psychological examinations, then that individual shall be appointed to the vacant position in the police department for which the application was submitted. The appointment shall be contingent upon successfully passing both the medical and psychological examinations. The failure to pass either examination shall result in the candidate being

rejected from consideration. The rejected candidate may appeal this decision under Section 3.8. The commission shall then certify another name to be included with the two previously certified names for consideration by the Sunbury City Council pursuant to Section 5.2.

5.4 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 City Council may nominate a person to the commission for noncompetitive examination. 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 six (6) months to hold a competitive examination and certify a list of eligible and a regular appointment shall then be made from the name or names submitted by the commission; provided, however, 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 Suspension and Discharge; Reduction of Employees; Appeals

All police officers subject to civil service shall be subject to suspension by the Chief of Police for misconduct, or violation of any law of this Commonwealth, any ordinance of the City, or regulation of the department, pending action by the city council upon the charges made against any of such officers. On hearing before the city council, where they may be represented by counsel, they may be fined or suspended for a period not exceeding thirty days with or without pay, or they may be discharged by city council, if found guilty of the charges made against them. The chief of police may, for misconduct or violation as aforesaid, suspend any employee of such department for a period of ten days, with or without pay, without preferring charges and without a hearing of council; but no employee shall be suspended multiple times for the same, single, identical violation or act of misconduct. If it should become necessary to reduce the number of employees in the police department for purposes of economy, seniority rights shall prevail, and any and all removals for such cause or causes shall be from the members last appointed, and the member or members serving the shortest time shall be removed first; but members with longer times of service may be discharged for cause.

Any civil service employee aggrieved by the action of the council in fining, suspending or discharging him shall have the right to appeal by petition to the court of common pleas within thirty (30) days after the suspension or after receipt of written notice of such action by council which it shall be the duty of the council to give and the court shall hear the charges made against him de novo. The issue before the court shall be whether the action of the council shall be affirmed or be modified in any respect or whether the

charges should be dismissed or whether the suspension made by the director shall be affirmed or rescinded. Where any such employee has been suspended and the charges are dismissed or the suspension rescinded on appeal, he shall receive full compensation for the entire period of suspension. Any employee choosing to appeal an action of council in fining, suspending or discharging shall have to choose whether he or she challenges such action via a civil service appeal or whether through a contractual applicable collective bargaining agreement. An employee shall not have the right to appeal or challenge such action of council in two forums.

RESOLUTION FOR ADOPTION OF REGULATIONS

The foregoing Civil Service Regulations, which are in accordance with powers granted by the civil service provision of the City Code, enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the municipal governing body of Sunbury, Pennsylvania, are hereby adopted by the Civil Service Commission of Sunbury, Pennsylvania, on this 2nd day of March, 2017.

Terry Specht, Secretary

Chairman

Approved by the City Council of Sunbury, Northumberland County, Pennsylvania this 13th day of March, 2017.

ATTEST:

Terry Specht, City Clerk

David L. Persing, Mayor

RESOLUTION NO. ____-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNBURY,
NORTHUMBERLAND COUNTY, PENNSYLVANIA, REESTABLISHING
THE TERMS OF OFFICE OF THE CIVIL SERVICE COMMISSION AND
APPOINTING MEMBERS.

WHEREAS, pursuant to the statute, laws and ordinances of the Commonwealth of Pennsylvania and the City of Sunbury, Northumberland County, Pennsylvania, it is appropriate and incumbent that the membership of the Civil Service Commission be reestablished, and that the following persons be appointed to the Civil Service Commission of the City of Sunbury, Northumberland County, Pennsylvania, for the following terms of office:

Jeff Bittner	1/1/2015-12/31/2017
Robert "Toby" Lytle	1/1/2016-12/31/2018
Ted Andrewlevich	1/1/2017-12/31/2019

RESOLVED AND ENACTED this 9th day of January, 2017.

ATTEST:

CITY OF SUNBURY

City Clerk

Mayor