

NETHER PROVIDENCE TOWNSHIP

RESOLUTION NO. 2022-14

NETHER PROVIDENCE TOWNSHIP CIVIL SERVICE COMMISSION

RULES AND REGULATIONS

FOR

POLICE OFFICERS

BE IT RESOLVED that the Township of Nether Providence Police Civil Service Commission recommends the adoption of the following Civil Service Commission Rules and Regulations. The proposed Rules and Regulations are based upon the determination by the Police Civil Service Commission and the Commissioners of the Township of Nether Providence that the police officers in the Township of Nether Providence must possess certain minimum qualifications to meet the needs of the law enforcement services to the residents of the Township of Nether Providence. The failure to meet the standards set forth herein would render the police officer less effective in functioning in the capacity of a police officer in the Township of Nether Providence. These standards relating to the ability of the applicant to function as a police officer are based upon the requirements of the applicant, as a police officer, to properly serve the residents of the Township of Nether Providence. These minimum requirements are necessary for the effective functioning in the capacity of a police officer in our community. These levels of education, training, experience, and background, as well as performance, duty, and obligation to the community, relate to the ability of officers to properly function as police officers in the Township of Nether Providence; and

WHEREAS, the Township of Nether Providence hereby recognizes, creates, and establishes ranks for the Township of Nether Providence Police Department as the following:

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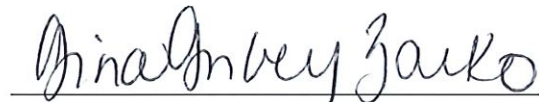
- 1) Patrol Officer;
- 2) Sergeant; and
- 3) Lieutenant; and
- 4) Chief of Police.

AND BE FURTHER RESOLVED, the foregoing Rules and Regulations, which are in accordance with powers granted by the Civil Service section of the First Class Township Code, Section 625-650, enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the Board of Commissioners of the Township of Nether Providence, Delaware County, Pennsylvania, are hereby adopted by the Civil Service Commission of the Township of Nether Providence, Delaware County Pennsylvania, on this 27th day of June, 2022.



CHAIRMAN, CIVIL SERVICE

COMMISSION



SECRETARY, CIVIL SERVICE

COMMISSION

Approved by the Board of Commissioners of the Township of Nether Providence, Pennsylvania on this 28 day of June, 2022.

BY: 

Kaitlin McKenzie, President

ATTEST:



Dave Grady, Township Manager

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(A) DEFINITION OF TERMS

1.1 Definitions

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

- (a) Alternate Commissioner – An individual appointed by the Township Commissioners in a First-Class Township to serve as an “Alternate Civil Service Commissioner.” Properly appointed Alternate Commissioners shall have all the same powers and duties as a properly appointed Commissioner set forth in the First-Class Township Code.
- (b) 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 full-time or part-time in the Police Department.
- (c) Appointing Authority - The Board of Commissioners of the Township of Nether Providence, County of Delaware, Pennsylvania.
- (d) Certification - The submission to the Appointing Authority pursuant to its request of three (3) names taken from the eligibility list created by the Civil Service Commission.
- (e) Chairperson - The Chairperson of the Civil Service Commission of the Township of Nether Providence, County of Delaware, Pennsylvania,
- (f) Commission - The Civil Service Commission of the Township of Nether Providence, County of Delaware, Pennsylvania.
- (g) Eligible - A person whose name is recorded on a current eligibility list or furlough list.
- (h) Eligible List - The list of names of persons who have passed all examinations for a particular position in the Police Department.

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- (i) Examination - The series of examinations given to candidates to determine their qualifications for a position in the Police Department.
- (j) 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 police officers.
- (k) Patrol Officer - For purposes of these Rules, an entry-level sworn full-time or part-time position in the police department. The Appointing Authority shall retain complete discretion in determining which part-time patrol officer receives an offer of full-time employment. Regardless of a patrol officer's hours worked, the civil service rank of full-time and part-time patrol officers shall be the same.
- (l) Probationer - An employee in the Police Department appointed from an eligible list but has not yet completed the one (1) year of work.
- (m) Rank - Recognized ranks in the Police Department are: (1) Patrol Officer; (2) Sergeant; (3) Lieutenant; and (4) Chief of Police.
- (n) 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 salary decrease without changing to a different position or rank shall not necessarily constitute a reduction in rank.
- (o) Removal - The permanent separation of a Police Officer from the Police Department.
- (p) Secretary - The Secretary of the Civil Service Commission of the Township of Nether Providence, County of Delaware, Pennsylvania.
- (q) Suspension - The temporary separation without pay of a Police Officer from the Police Department.

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1.2 Gender

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

(B) THE COMMISSION

2.1 Civil Service Commission

(a) The Commission shall consist of three (3) Commissioners who shall be qualified electors of the Township of Nether Providence and shall be appointed by the Board of Commissioners of the Township of Nether Providence initially to serve for the terms of two (2), four (4), and six (6) years, and thereafter shall be appointed for terms of six (6) years. Any vacancy occurring in the Commission for any reason whatsoever shall be filled by the Nether Providence Township Board of Commissioners for the unexpired term within thirty (30) days after such vacancy occurs.

Before entering upon the discharge of the duties of their office, each member of the Commission shall take an oath or affirmation to support the Constitution of the United States and the Commonwealth of Pennsylvania and to perform their official duties with fidelity. No Civil Service Commissioner shall receive compensation. No member of the Civil Service Commission shall hold any other office in the Township.

(b) The Board of Commissioners may appoint no more than three qualified electors of the Township to serve as alternate members of the commission. The term of office shall be six years. 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, specifically the right to cast a vote as a voting member during the proceedings, and any alternate shall have all the powers and duties outlined in the First-Class Township Code and as otherwise provided by law.

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Alternates shall hold no other office in the Township. Any alternate may participate in any proceeding or discussion of the commission but shall not be entitled to vote as a member of the commission unless designated as an alternate voting member pursuant to Section 628 of the First-Class Township Code.

2.2 Offices Incompatible with Civil Service Commissioner

No Commissioner or alternate shall simultaneously hold an elective or appointed office under the United States government, the Commonwealth of Pennsylvania, the Township of Nether Providence, or any political subdivision of the Commonwealth of Pennsylvania.

2.3 Organization of Commission; Quorum

(a) The commission first appointed shall organize within ten days of its appointment and elect one of its members as its chairperson and one as its secretary. The commission shall, after that, meet and organize on the first Monday of January of each even-numbered year. Three members of the commission shall constitute a quorum, and no action of the commission shall be valid unless it shall have the concurrence of at least two members.

(b) If a quorum is not reached because of the absence or disqualification of a member, the chairperson shall designate as many alternate commissioners to sit on the Commission as may be needed to provide a quorum. Any 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 commissioner shall be made case-by-case in rotation according to declining seniority among all alternates. No action of the Commission shall be valid unless it shall have the concurrence of at least two members.

(c) For purposes of hiring and promoting police officers under these Rules, each step of the hiring or promotional process requiring official action by the Commission shall be considered a

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separate “matter or case” under Subsection (b), above. Each step of the hiring or promotional process need not be voted upon or approved by the same composition of commissioners or alternate commissioners, as the case may be, provided that the quorum requirement has been satisfied.

2.4 Duties of Chairperson

The Chairperson, or in their absence, the Vice-Chairperson, shall preside at all Commission meetings and hearings, 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 undertake 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 organizational meeting, all meetings shall be held either at the call of the Chairperson or the call of two (2) members of the Commission. The Commission shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or these Rules and Regulations. The Secretary of the Commission shall give each Commissioner and alternate Commissioner twenty-four (24) hours’ notice of every meeting of the Commission.

2.7 Clerks and Supplies

The Nether Providence Township Board of Commissioners shall furnish the Commission with such supplies and clerical assistance as necessary for the Commission to fulfill its duties. In

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addition, the Commission may retain counsel and any other consultants or experts as required. The elected and appointed officials of the Township of Nether Providence shall assist the Commission with all reasonable and appropriate efforts, including compensation for any counsel or experts retained by the Commission. The Township Commissioners shall appoint physicians, psychiatrists, psychologists, and other qualified medical professionals.

2.8 Amendment of Rules and Regulations

The Commission may amend, revise, void, or replace these Rules and Regulations for any reason by the 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, those changes must be approved by the Nether Providence Township Board of Commissioners by resolution. These Rules and Regulations and any amendments shall be made available to the public for 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 Commission records 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 Municipal Records Act, 1968 P.L. 961, Number 428, 53 P.S. 9001. All records of any disciplinary action filed with the Commission shall be open to public inspection subject to reasonable regulation. 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

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The Commission shall have the power to investigate all matters relating to the administration and enforcement of these Rules and Regulations. The Chairperson of the Commission is authorized to administer oaths and affirmations in connection with such investigations.

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 Township of Nether Providence shall attend and testify when required by the Commission.

If any person refuses or neglects 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 (\$100.00), and in default of the payment of such fine and cost shall be imprisoned not to exceed thirty (30) days.

If any person refuses or neglects to obey any subpoena, the Commission may apply by petition to the Court of Common Pleas, County of Delaware, Pennsylvania, 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 Nether Providence Township Board of Commissioners containing a summary of its work during the year and complete accounting for any expenditures of public monies. The annual report shall be available for public inspection.

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(C) APPLICATIONS

3.1 Eligibility for Examination

To be eligible for participation in any examination for a position with the Police Department, every applicant must submit a completed application form to the Commission before the deadline for that specific examination. The applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

3.2 Discrimination (EEO Statement)

The Township of Nether Providence is an equal opportunity employer. It is the policy of the Township of Nether Providence and the Commission 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 or any other status protected under Federal law or the Laws of the Commonwealth of Pennsylvania. The Township of Nether Providence 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 Nether Providence Township Police Department and from such other offices that the Commission, from time to time, may choose to designate.

3.4 Age

All applicants for the position of Patrol Officer must have reached their twenty-first (21st) birthday on or before the deadline for submitting completed applications.

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3.5 General Qualifications - All Applicants

Every applicant for the position of Patrol Officer in the Police Department shall possess a High School Diploma or equivalent at the time of filing the application, have completed Act 120 training, and be immediately eligible for certification by the Commonwealth of Pennsylvania Municipal Police Officers' Education and Training Commission. Every applicant for the position of Patrol Officer shall be a United States citizen, be physically and mentally fit to perform the duties of a police officer and possess a valid motor vehicle operator's license issued by the Commonwealth of Pennsylvania at the time of application.

3.6 General Qualifications – Sergeants & Lieutenant

(a) In addition to meeting the qualifications in Section 3.5 above, all applicants for a promotional position, except the chief, shall not have been reprimanded in the one (1) year before the examination and suspended without pay in the three (3) years before the deadline for submitting applications. Any suspension to which the applicant has timely appealed pursuant to a contractual grievance procedure or these Rules shall be disregarded unless the appeal is resolved before creating the eligibility list.

(b) All applicants for a promotional position shall have continuous prior service with the police department of Nether Providence Township as follows:

(1) An applicant for the position of Sergeant shall hold the position of Patrol Officer and have at least five (5) years of experience as a full-time Officer with the police department; at the time of their application for the position of Sergeant and continuing until the time of promotion to the position of Sergeant, an applicant for the position of Sergeant shall hold in good standing the rank of Patrol Officer within the Police Department of the Township of Nether Providence; provided, however, that if there are no applicants for the position of Sergeant then holding the position of Patrol Officer within the Police Department of the Township of Nether Providence with the

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requisite five (5) years' experience, an applicant shall be eligible to apply for promotion to the rank of Sergeant provided that such applicant meets all other requirements and prerequisites of holding the position of Patrol Officer at the time of application and promotion to Sergeant.

(2) An Applicant for the position of Lieutenant shall hold the rank of Sergeant and have at least five (5) years of experience as a Sergeant with the police department; at the time of their application for the position of Lieutenant and continuing until the time of promotion to the position of Lieutenant, an applicant for the position of Lieutenant shall hold in good standing the rank of Sergeant within the Police Department of the Township of Nether Providence; provided, however, that if there are no applicants for the position of Lieutenant then holding the rank of Sergeant within the Police Department of the Township of Nether Providence, with the requisite five (5) years' experience an applicant shall be eligible to apply for promotion to the position of Lieutenant provided that such applicant meets all other requirements and prerequisites of holding the position of Sergeant at the time of application and promotion to Lieutenant.

3.7 Rejection of Applicant

The Commission may refuse to examine, or, if challenged, 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 Rules for the particular position for which the applicant has applied. In addition, the commission may refuse to examine or, if contested, may refuse to certify any applicant who is physically or mentally unfit to perform the complete duties of the position applied for or who is a chronic 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 outlined in the constitutions and

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laws of the United States and the Commonwealth of Pennsylvania. The Applicant will be given written notice of their right to appeal the decision of the Civil Service Commission.

3.8 Public Notice

The Commission shall conspicuously post, at least three (3) weeks before the initial examination, in the Nether Providence Township Municipal Building Administration Office and the Nether Providence Township Police Department notice of the time and place of the initial 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 review, and the deadline for filing applications. In addition, at least three (3) weeks before the initial examination, publication of the notice shall occur in at least one (1) newspaper of general circulation or a newspaper circulating in the Township of Nether Providence.

3.9 Recording and Filing Applications

Applications for the position in the Police Department to be filled shall be received at the Nether Providence Township Police Department only after an examination has been appropriately advertised and before the deadline for receiving applications which must be outlined in the public advertisement. The Nether Providence Township Police Department will receive applications and required documents, and no portion shall be accepted after the deadline. The receipt of the applications shall be recorded. Applicants for the position of Patrol Officer shall also produce the following documents at this time: a completed application; a photocopy of his Pennsylvania Driver's License; a photocopy of their High School Diploma or equivalent; a photocopy of documentation certifying completion of Commonwealth of Pennsylvania Municipal Police Officers' Education and Training Commission Act 120 training; Proof of citizenship; and if Veterans Preference is being sought: a photocopy of their Honorable Discharge or DD-214, from the United States Armed Forces. The Township of Nether Providence is not responsible for photocopying any of the original documents mentioned above. Any application containing

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material errors or omissions may, at the discretion of the Commission, be returned to the applicant for correction before the deadline for filing applications, after which no new applications or amended applications will be accepted.

3.10 Hearing for Disqualified Applicants

If any applicant or person is aggrieved by the Commission's refusal to examine or certify the applicant as eligible after the examination, then the Commission shall, within ten (10) days, appoint a time and place for a public hearing, with or without counsel, at the applicant's request. At this time, the Commission shall take testimony and review its refusal to provide examination or certification. The hearing shall be conducted according to the procedures outlined in the Local Agency Law, 2 Pa.C.S.A. § 101 *et seq.* The applicant or aggrieved party must request 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, which is being challenged. The decision of the Commission shall be final.

(D) EXAMINATION AND GRADING PROCEDURE

4.1 General Examination Requirements for the Position of Patrol Officer.

The examination for Patrol Officer shall consist of an initial exam, written and an oral examination as outlined in §4.8, which will be graded on a one hundred (100) point scale with the written exam 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 a background investigation. For every applicant, this physical fitness test and background investigation will be graded on a pass/fail basis. After an applicant has been extended an offer of employment, the final appointment shall be contingent upon the applicant passing psychological, polygraph, and medical examinations, including a drug screening.

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4.2 General Examination Requirements for the Position of Sergeant & Lieutenant.

The examination for Sergeant or Lieutenant shall consist of a written and an oral examination as outlined in §4.8, which will be graded on a one hundred (100) point scale, with the written exam representing fifty percent (50%) of the final score and the oral examination representing fifty percent (50%) of the final score.

4.3 Notice of Examination

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

(a) An applicant selected from the eligibility list by the Township Commissioners shall receive a conditional offer of employment. The offer of employment shall be conditioned upon the applicant passing a psychological, polygraph, and medical examination, including a drug screening, to determine that the conditional employee can perform all the essential functions of the position. Medical examinations shall be conducted by a physician or other qualified medical professional. Psychological 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 Township Commissioners and shall render an opinion as to whether the conditional appointee has a physical or mental condition that 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 the Township Commissioners shall meet with the

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conditional appointee to have 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, after the interactive discussion under subsection (c), the Township Commissioners determine that the conditional appointee is not qualified, the Township Commissioners shall give written notice to the conditional appointee and the Civil Service Commission.

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

(f) "Medical examination" shall mean any examination, procedure, inquiry, or test designed to obtain information about medical history or a physical or mental condition that might disqualify an applicant if it would prevent the applicant from performing, with or without reasonable accommodation, all of the essential functions of the position.

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

(h) "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, which is licensed:

(1) As a physician assistant under 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 nurse practitioner under the Act of May 22, 1951 (P.L. 317, No. 69), known as "The Professional Nursing Law."

4.4 Written Examination

The written examination for applicants for Patrol Officer shall be graded on a one hundred (100) point scale. Only the twenty (20) highest scoring applicants, including ties, receiving a grade of

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seventy percent (70%) or higher, will continue in the application process and participate in the oral examination. Within thirty (30) days after the administration of the written exam, all applicants shall be given written notice of their test results, and the passing applicants shall be scheduled for an oral examination.

The written examination for applicants for Sergeant and Lieutenant shall be graded on a one hundred (100) point scale. Only applicants, including ties, receiving a grade of seventy percent (70%) or higher will continue in the application process and participate in the oral examination. Within thirty (30) days after the administration of the written exam, all applicants shall be given written notice of their test results, and the passing applicants shall be scheduled for an oral examination appointment.

4.5 Oral Examination

A. Patrol Officer

The top twenty (20) applicants, including ties, for Patrol Officer who scored seventy percent (70%) or higher in the written examination shall be given an oral examination which will be graded on a one hundred (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 manage 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 a total overall score.

B. Sergeants

(1) All applicants for Sergeant shall be given an oral exam which will be graded on a one hundred (100) point scale. The oral examination process designated by the Commission shall, in addition to any other issues deemed appropriate by the Commission or its designee(s), include questioning applicants regarding how they would manage to respond to relevant law enforcement situations and other matters which evaluate the officer's ability to perform police work in a supervisory

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capacity. How the oral examination process is conducted, as well as the identity of the individuals who will administer the oral examinations, may be determined by the Commission on an ad hoc basis.

C. Lieutenant

(1) All applicants for Lieutenant shall be given an oral exam which will be graded on a one hundred (100) point scale. The oral examination process designated by the Commission shall, in addition to any other issues deemed appropriate by the Commission or its designee(s), include questioning applicants regarding how they would manage to respond to relevant law enforcement situations and other matters which evaluate the officer's ability to perform police work in a supervisory capacity. How the oral examination process is conducted, as well as the identity of the individuals who will administer the oral examinations, may be determined by the Commission on an ad hoc basis.

4.6 Veterans' Preference Points

According to the Veterans' Preference Act, any applicant for the position of Patrol Officer who qualifies as a "soldier" under this Act shall have ten (10) points added to their total score if that applicant had received passing scores in all other areas of testing and qualification. Any applicant claiming veterans' preference shall be responsible for providing relevant documents to the Commission.

4.7 Physical Fitness Testing

- A. An applicant for the position of police officer must complete a physical agility test approved by the Commission utilizing, among other things, any recommendation of the Township's Chief of Police. Such Tests shall be job-related, consistent with business necessity, and designed to evaluate physical agility components applicable to the essential duties of a Township police officer.

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B. Applicants shall be physically fit to perform the duties of a police officer.

4.8 Background Investigation

The Commission shall request the Chief of Police or their designee to conduct a background investigation of each applicant. The background investigation may 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 history shall be investigated. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

All applicants shall execute an appropriate authorization to release personal information and cooperate fully in providing information upon request to ensure a thorough and complete investigation. After completion of the background investigation, the Chief of Police or his designee shall recommend to the Commission whether or not the applicant is an appropriate candidate for appointment as a Police Officer.

Appropriateness of the applicant shall be considered upon the criteria outlined in Section 3.9 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 decide whether or not the information collected during the background investigation warrants the rejection of the candidate.

Within thirty (30) days after the Commission considers the recommendation of the Chief of Police or their designee, each applicant will be informed whether they have passed the background investigation. Disqualified applicants may appeal according to Section 3.10.

(E) CERTIFICATION OF THE LIST OF ELIGIBLES AND APPOINTMENT

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5.1 Creation of Eligibility List

After the examination requirements outlined in Section 4, the written examination (Patrol Officer only), oral examination, background investigation (Patrol Officer only), and physical fitness test, the Commission shall rank all passing applicants 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 who qualify for veterans' preference points shall have those points added to their passing score before being ranked on the eligibility list. 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 the tie is still not broken, the applicants shall be ranked in alphabetical order by surname.

The eligibility list shall be valid for one (1) year from the date the Commission ranks all passing applicants, assigns veterans points, and formally adopts the eligibility list. The Commission may, at its sole discretion, by a vote of the majority of the Commission at a duly authorized commission meeting, extend the list up to an additional twelve (12) months. Without a lawful extension by the Commission, the list shall expire. The Commission may, at its sole discretion, void an eligibility list at any time for any reason.

5.2 Appointment

The appointing authority of the Township of Nether Providence may fill any vacancy in an existing position in the Police Department that occurs as a result of the expansion of the Police Department, retirement, resignation, disability, or death by the reappointment or reinstatement of a former employee who has been furloughed. Except for psychological and medical examinations, including drug screening, no other testing shall be required for a furloughed employee.

If no furlough list exists or if positions remain to be filled after all names on the furlough list have been offered re-employment, every position, except that of Chief of Police shall be filled only in the following manner:

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- (1) The appointing authority of the Township of Nether Providence shall notify the Commission of any vacancy which is to be filled and shall request the certification of three (3) names from the list of eligibles;
- (2) If three (3) names are not available, then the Commission shall certify the name(s) remaining on the list;
- (3) The Township of Nether Providence Board of Commissioners shall make an appointment from each one (1) of the three (3) names certified regarding the merits and fitness of the candidates. However, for initial appointment to the position of Patrol Officer, when one (1) of the three (3) applicants on the certified list is a veteran, that applicant shall be selected.

5.3 Appointment of Chief of Police

In the case of a vacancy in the office of the Chief of Police, the Board of Commissioners has complete discretion in selecting the individual to fill the position of Chief of Police. If the Board of Commissioners requests the Commission to subject that person to a non-competitive examination, and if that person successfully passes the non-competitive exam, then the Commission shall notify the appointing authority of the examination results. That person may only be removed from the position of Chief of Police for the reasons outlined in Section 6.1.

5.4 Medical, Psychological, and Polygraph Examinations

After the appointing authority selects an applicant from the certified list of three (3) for appointment to a vacant position, the candidate shall submit to a medical examination, psychological examination, and polygraph examination by the appropriate experts. The applicant shall be notified of his conditional appointment contingent upon passing the medical exam, psychological exam, and polygraph. The Township shall be responsible for any costs and fees related to the medical exam, psychological exam, and polygraph. If the candidate successfully passes the medical, psychological, and polygraph examinations, then that employee shall be

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appointed to the vacant position in the Police Department to which the applicant has applied. Failure to pass any examinations after completing the interactive discussion process in Section 4.3 shall result in the candidate being rejected from consideration. The rejected candidate may appeal this decision under Section 3.10.

The Commission shall then certify another name to be included with the two (2) previously certified names for consideration by the appointing authority.

5.5 Probationary Period

Every successful applicant appointed to Patrol Officer or a promotional position with the Police Department shall serve a one (1) year probationary period. During the probationary period, the probationary Patrol Officer may be dismissed only for cause for the reasons outlined in Section 3.6. A promoted officer, during probation, may be returned to a prior rank only for cause for the reasons outlined in Section 3.7. However, at the end of the one (1) year probationary period, if the probationer's conduct has not been satisfactory to the Board of Commissioners of the Township of Nether Providence, the probationer shall be notified in writing that the appointment will not be permanent. At that time, a newly hired Patrol Officer's employment shall end, and a promoted officer shall return to his previous rank. Any officer not informed in writing that his performance has been unsatisfactory shall receive a permanent appointment to the new position. Any probationer notified in writing that their appointment will not be made permanent has no right of appeal under these Rules and Regulations.

5.6 Provisional Appointments

Whenever there are urgent reasons for filling a vacancy in any position in the Police Department, and there are no names on an eligibility list for such appointment, the Board of Commissioners of the Township of Nether Providence may nominate a person to the Commission for non-competitive examination. The Commission may certify such nominee as qualified after such non-

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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 a list of eligible, 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 another emergency.

(F) SUSPENSIONS, REMOVALS, AND REDUCTIONS IN RANK

6.1 Grounds for Disciplinary Action

(a) No person appointed to a position in the Police Department under these Rules and Regulations may be suspended without pay or removed, and no person promoted in rank under these Rules and Regulations may be reduced in rank except for the following reasons:

- (1) physical or mental disability affecting the person's ability to continue in service, in which case the person shall receive an honorable discharge from service;
- (2) neglect or violation of any official duty as per the Township of Nether Providence Police Department Manual of Operations and Procedures;
- (3) violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony;
- (4) inefficiency, neglect, intemperance, disobedience of orders, or unbecoming conduct;
- (5) intoxication while on duty; or
- (6) engaging in or participating in any political or election campaign other than the individual's exercises of his right of suffrage.

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(b) No Police Officer shall be removed for religious, racial, or political reasons. A statement of any charges made against any police officer so employed shall be furnished to the officer within five (5) days after those charges have been adopted by the Board of Commissioners of the Township of Nether Providence.

6.2 Furloughs

(a) If for reasons of economy or other valid reasons, it shall be deemed necessary by the Board of Commissioners of the Township of Nether Providence to reduce the number of Police Officers in the Police Department, then the Board of Commissioners of the Township of Nether Providence shall apply the following procedure:

(1) if there are any employees eligible for retirement under the terms of any retirement or pension law, then such reductions in numbers shall be made by the retirement of such employees, starting with the oldest employee, and following in order of age, respectively;

(2) If the number of full-time officers eligible for retirement is insufficient to affect the necessary reduction in numbers, if there are no persons eligible for retirement, or if no retirement plan or pension fund exists, the reductions shall be affected by furloughing the person or persons, including probationers, last appointed to the Police Department.

(b) Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have been achieved. In the event the appointing authority subsequently decides to increase the Police Department, the furloughed police officers shall be reinstated in order of their seniority in the Police Department if the furloughed Police Officer accepts reinstatement in writing within thirty (30) days of receiving notice of the opening.

(c) Any furloughed employee must accept reinstatement in writing within thirty (30) days of receiving notice of the opening or shall forego the reinstatement.

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6.3 Notice of Suspension, Removal, or Reduction in Rank

Whenever a Patrol Officer is suspended, removed, or reduced in rank, the specific charges warranting such actions shall be stated in writing by the Township of Nether Providence's Board of Commissioners. 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 be stated clearly and in sufficient detail to enable the employee to understand the nature of the charges against him and to allow the employee 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 (5) days after the Board of Commissioners of the Township of Nether Providence 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

(a) 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, Nether Providence Township Civil Service Commission, 214 Sykes Lane, Wallingford, PA 19086, requesting a hearing. The Commission shall receive this request within ten (10) days after the employee receives notice of the discipline. The officer may make written answers to any charges filed not later than the date fixed for the hearing. Failure of the officer to provide written answers to any of the charges shall not be deemed an admission by the officer.

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(b) The Commission shall schedule a hearing within ten (10) days from the officer's written request for a hearing unless continued by the Commission for cause at the request of the Commission, the Board of Commissioners of the Township of Nether Providence, or the officer. At any such hearing, the officer against whom charges have been made may be present and represented by counsel, may call witnesses, and present testimony and documentation in defense. Counsel may also represent the Township of Nether Providence, 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. If the charges are dismissed, the record shall be sealed and not be available for public inspection.

(c) In conducting a hearing under these Rules and Regulations, 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, then the Commission shall not modify the penalty imposed by the Board of Commissioners of the Township of Nether Providence unless it finds that the penalty imposed was arbitrary, discriminatory, or an abuse of the Board of Commissioners' discretion. In considering the appropriateness of the discipline, the Commission shall not substitute its judgment for that of the Board of Commissioners. The Commission may request post-hearing briefs and shall issue a written decision containing specific findings of facts 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 the absence of the chair, the vice-chairperson. The Commission shall have the power to issue subpoenas as outlined in Section 2.11. The hearing shall be open to the public unless, before the commencement of the hearing, a written or oral request to close the hearing is made by either the charged officer or the Township of Nether Providence.

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(b) If the Commission sustains the charges, the 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 shall be made by the Commission for a period longer than one (1) year. If 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 demotion, and no charges relating to the suspension, removal, or reduction in rank shall be officially recorded in the officer's record.

RESOLVED and APPROVED THIS _____ DAY OF _____, 2022

By: _____

Kaitlin McKenzie, President

Attest: _____

Dave Grady, Township Manager