

**RULES AND REGULATIONS  
FOR THE  
CIVIL SERVICE COMMISSION  
OF THE  
TOWNSHIP OF RESERVE, PENNSYLVANIA**

*Adopted 3/28/2013, amended by Resolution 777 on 3/18/2024  
and Resolution 781 on 7/15/2024*

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. Appointing Authority

The board of commissioners of the Township of Reserve, Allegheny County, Pennsylvania.

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 as a full-time police officer in the police department.

C. Board

The board of commissioners of the Township of Reserve.

D. Certification

The submission to the appointing authority pursuant to their request of the top three names having the highest total scores, taken from the eligible list developed by the civil service commission.

E. Chairperson

The chairperson of the Civil Service Commission of the Township of Reserve, Pennsylvania.

F. Commission

The Civil Service Commission of the Township of Reserve, Pennsylvania.

G. Eligible

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

H. Eligible List

The list of names of persons who have passed all examinations for a position as full-time police officer or sergeant in the Police department.

I. Furlough List

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

J. Police Officers, Full-Time

A full-time position in the police department of the Township of Reserve, hired under the provisions of these rules and regulations.

K. Probationer

An officer in the department who has been appointed from an eligible list, but who has not yet completed the probationary period.

L. Promotional Rank

Shall include the position of sergeant and Chief of Police.

M. Reduction In Rank

A change to a different position or rank eg. Sergeant to Patrolman; however, a decrease in salary without a change to different position or rank shall not necessarily constitute a reduction in rank.

N. Removal

The permanent separation of a police officer from the police department.

O. Secretary

The Secretary of the Civil Service Commission of the Township of Reserve, Pennsylvania.

P. Suspension

The temporary separation of a police officer from the police department as a disciplinary matter, pursuant to these rules and regulations.

Q. Township Manager

The manager of the Township of Reserve.

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 township and shall be appointed by the Board of Commissioners initially to serve for the terms of two (2), four (4), and six (6) years, and as terms thereafter expire shall be appointed for terms of six (6) years.

Any vacancy occurring in the Commission for any reason whatsoever shall be filled by the Board of Comm 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 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 Offices Incompatible With Civil Service Commissioner

No commissioner shall at the same time hold an elective or appointed office under the United States Government, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth, except that one member of the Commission may be a member of the Board of Township Commissioners.

2.3 Organization Of Commission: Quorum

The Commission first appointed shall organize within ten (10) days of its appointment and shall elect one of its members as its chairperson, one as its vice-chairperson and one as the secretary. The Commission shall thereafter meet and organize on the first Monday of each even-numbered year. If the first Monday is a legal holiday, the meeting shall be held the first day following. Two (2) 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.

2.4 Duties Of Chairperson

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

2.5 Duties Of Secretary

The secretary shall carry on at the direction of the Commission all official correspondence of the Commission, send out all notice 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, these rules and regulations and by the Commission.

2.6 Meeting: Order Of Business

Except for the biennial organization meeting, all meetings shall be held either at the call of the chairperson or the call of two members of the Commission. The Commission shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or these rules and regulations. The secretary of the Commission shall give each commissioner no less than 24 hours notice, in writing, of each and every meeting of the commission, and in accordance with requirements of the Sunshine Act of the Commonwealth of Pennsylvania.

The order of business of all meetings of the commission shall be as follows:

1. Roll Call
2. Approval of minutes of previous meeting
3. Unfinished business
4. Hearing of cases
5. New business
6. Communications and reports

2.7 Clerks And Supplies

The Township shall furnish the commission with such supplies and clerical assistance as may be necessary for the Commission to fulfill its duties. In addition, the Commission may retain counsel, and any other consultants or experts, including physicians and psychiatrists, as are necessary. The elected and appointed officials of the Township 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, those changes must be approved by the Township Board of Commissioners. These rules and regulations, and any amendments thereto 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 action for a period of at least ten (10) years. All recommendations of applicants for appointment to any position within the police department received by the commission shall be kept and preserved for a period of ten (10) years.

Except as otherwise provided in this section, all of the records of the commission shall be open to the public and available for inspection by appointment with the chairperson of the commission. A member of the commission, or any person who may from time to time be designated by the commission, shall be present at all times during any inspection of any record of the commission.

All reports of investigations and inquiries into the character and reputation of applicants shall be kept in the strictest confidence and shall not be open to inspection.

All examination materials shall be confidential and shall not be open to the general public inspection. 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 make investigations concerning all matters relating to the administration and enforcement of these rules and regulations. The chairperson or in his absence the vice 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 his designee, to require 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 expenses of the commission.

All officers in public service and employees of the township shall attend and testify when required to do so by the commission.

If any person shall refuse or neglect to obey any subpoena issued by the commission, upon conviction of such refusal or neglect in a summary proceeding, that person shall be sentenced to pay a fine not to exceed one hundred (\$100.00) dollars 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 Allegheny 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. Upon the written request of the police officer accused, or of any person making charges against such police officer, or at the request of the township manager, the chairperson, or in his absence, the vice chairperson, shall order the attendance of any witness or the production of any pertinent document, provided that such a written request is filed with the township manager within ten (10) calendar days prior to the hearing date and provided that such request for attendance of witnesses shall not be, in the discretion of the chairperson of the Civil Service Commission, frivolous or the documents irrelevant or immaterial. The chairperson may request the person seeking the subpoena to provide the reasons for the attendance of such witness or such documents. Subpoenas may be served in accordance with the Pennsylvania rules of civil procedure.

## SECTION 3. APPLICATIONS AND QUALIFICATIONS

### 3.1 Eligibility For Examinations

No person shall be admitted to a examinations for any position in the police department until such person has submitted in person, a properly completed application form (a copy of which is attached to and made a part of these regulations) giving such information as the commission may require, 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. Cons. Stat. Section 4904 relating to unsworn falsification to authorities. Applicant shall also submit a legible photocopy of a valid Pennsylvania driver's license which must also be displayed at all examinations.

### 3.2 Application Fee

Each applicant may be assessed a fee for all entry level and/or registrations for the position of police officer. The application fee is due when submitting a completed application. Payment may be made by certified check, money order, or any online payment method accepted by the Township of Reserve. All payments are to be made payable to the Township of Reserve. No cash will be accepted. The fee is non-refundable. The amount of the fee shall be established from time to time by the Board of Commissioners by a duly adopted resolution.

### 3.3 Availability

Application forms shall be available to all interested persons in the Township Office, 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 or missed filing deadlines due to a delay in the mail.

### 3.4 Age And Residency Requirements

All applicants must have reached their twenty-first (21st) birthday before the deadline for submitting completed applications. Each applicant shall present satisfactory evidence of date of birth. Applicants need not be township residents; however, they must live within thirty (30) minutes of any Reserve Township border within twelve (12) months of the date of hire.

### 3.5 General Qualifications -All Applicants

Every applicant for any position in the police department shall possess a diploma from an accredited high school or a graduate equivalency diploma. Moreover, every applicant must have successfully completed the Act 120 training at time of appointment and shall commit to taking a successful completion of a certification examination administered by the Pennsylvania Municipal Police Officers' Education and Training Commission within sixty (60) days of notice by the Township to take and pass the examination and such other qualification as are set forth in the Reserve Township Civil Service Rules. The candidate must possess a minimum of sixty (60) credit hours which credit hours shall have been obtained from an accredited college or university and/or have been certified as a police officer in the state of Pennsylvania and have been working as a police officer for a minimum of 1,000 hours. In addition, every applicant must be a United States citizen, be physically and mentally fit to perform the full duties of a police officer, shall not have been convicted of a misdemeanor and/or felony offense, vision 20/20 corrected, and must be licensed to operate a motor vehicle in the Commonwealth of Pennsylvania. This section states minimum requirements only; the Board of Commissioners may, from time to time, by motion, resolution, or amendment to these rules, impose additional requirements. All those standards and requirements set out in the statutes of the Commonwealth of Pennsylvania, or in regulations of other governmental regulatory agencies, which apply to, or establish minimum qualifications, to be possessed by applicants to the position of police officer shall likewise be incorporated herein; in the event of the conflict between standards set out in other statutes or regulations and the standards set out in these rules and regulations, the more rigid standards shall apply.

The applicant must pass a physical agility test consisting of the following:

1. 300-meter : less than 71 seconds.
2. Push-ups : minimum of 25 pushups (performed in 60 seconds)
3. Sit-ups : minimum of 29 sit-ups (performed in 60 seconds)
4. Vertical jump : minimum of 16 inches

### 3.6 General Qualifications -Applicants for Sergeant and Chief of Police

In addition to meeting the qualifications fixed for each applicant (excluding minimum agility standards) for a police officer position in the police department, all applicants for the position of sergeant and Chief of Police shall meet the following requirements:

1. For sergeant, must be continuously employed by a police department for at least five (5) years.
2. Have effective communication skills, leadership qualities, and hold integrity and professionalism to a high standard.
3. Demonstrate a working knowledge of police science and administration and criminal justice system.
4. Have received at least a grade of "satisfactory" on the last two (2) years of his/her performance rating. However, this shall be included only if the candidate had reviewed his/her performance rating with his/her supervisor in the time period of the last two (2) years.
5. Shall have no written reprimands or unpaid suspensions within the past five (5) years from their current employer. 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 prior to the creation of the eligibility list.
6. Shall have undertaken and passed a written and/or oral examination for sergeant.
7. The oral examination shall be administered by two (2) non-biased law enforcement officers from other municipalities, or it shall be administered by an independent agency selected by the Civil Service Commission.
8. Along with normal patrol responsibilities, must have the ability to complete administrative tasks such as Use of Force Evaluations, Body Worn Camera review, incident report reviews / approvals, and have a good understanding and enforcement of police policies / procedures.
9. At the time that a selection of a sergeant/police chief is to be

made by the Township Commissioners, the board of commissioners may elect to interview the three (3) candidates who have achieved the highest total scores and appear as the top candidates and have been certified for appointment by the Civil Service Commission. At the discretion of the Township Board of Commissioners, Township of Reserve Chief of Police may be required to be present at any interview for the appointment of a sergeant.

10. The following shall be the minimum requirements for certification of the candidate nominated by the board of commissioners to the Civil Service Commission for the position of Chief of Police.
  - A. Have at least ten (10) years of law enforcement experience.
  - B. Hold a promotional rank at the time of application.
  - C. Have a comprehensive background in the criminal justice system.
  - D. There shall be a non-competitive examination of the nominee. If the commission determines the nominee is qualified, it shall certify such nominee to the board.
  - E. The police chief examination process may consist of either a written examination or oral examination or both; any such examination shall be non-competitive.

### 3.7 Rejection Of Applicant

The commission may refuse to examine, or, if examined, may refuse to certify as eligible after examinations, any applicant whose official application shall contain any falsification, omission or concealment of material fact or who is found to lack any of the minimum qualifications for examinations prescribed in these rules and regulations for the particular position for which the applicant has applied.

Should investigation disclose any omission, willful misstatement, falsification or concealment with respect to an application:

1. The application shall be invalidated and the applicant disqualified from examination, or
2. If the applicant shall have been examined, the name of such applicant shall be removed from the eligible list, or
3. If the applicant shall have been appointed, such omission, willful misstatement, falsification or concealment shall constitute grounds for dismissal from the police department.

No person who shall make any willful, false application shall be permitted to make any future application for any position in the police department of the Township.

In addition, the commission may refuse to examine, or refuse to certify any applicant who is physically or mentally unfit to perform the full duties of the position to which he seeks employment ; or who uses or has used illegal controlled substances ; or has been convicted of any misdemeanor or felony, or engaged in 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 form of government set forth in the constitution and law of the United States and the Commonwealth of Pennsylvania.

### 3.8 Recording And Filing Applications

Applications for positions in the police department shall be received at the township manager's office and at such other offices as the commission may designate. Applications will be received and reviewed by the township manager, Chief of Police or representative designated in the public advertisement or his designee upon receipt for errors and omissions. That person shall record the receipt of all applications which are free of errors and omissions Any application containing material errors or omissions shall not be accepted and shall 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. Only the first fifty (50) properly completed applications shall be accepted.

### 3.9 Hearing For Disqualified Applicants

Any 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. 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. Cons. Stat. Section 101 et. Seq. The applicant or aggrieved party must make his/her request for a hearing in writing within ten (10) calendar days of the date of the notice from the Civil Service Commission of such disqualification.

### 3.10 Disqualification

In addition to the foregoing, the following list, which is not intended to be all inclusive, shall be applicable. It is not possible to enumerate all areas that will cause questions regarding the fitness of a candidate to be a police officer. Each case will be judged upon its own merits. Some background defects will raise immediate question regarding the candidate's ability to proceed, such as:

1. Misdemeanor/felony arrest and/or conviction.
2. Arrest and conviction for any of the following types of crimes.
  - a. Any crime defined as an indexable Offense in Title 18 of the Pa Code Uniform Crime Report.
  - b. Any crime defined as one which has a tendency to injuriously affect the administration of justice by the introduction of a falsehood or fraud. These shall include, but not be limited to:
    - i. Forgery
    - ii. Perjury
    - iii. Subordination of perjury
    - iv. Suppression of testimony
    - v. Bribery
    - vi. Barratry
  - c. Any crime that is defined as a sex offense or arson.
  - d. Any crime related to domestic violence.
3. For the purpose of these rules a misdemeanor shall be any crime defined by the Pennsylvania crimes code as a misdemeanor, or any crime punishable by imprisonment in excess of ninety (90) days.
4. Release from any civilian police department for an infraction that would amount to a crime but was not prosecuted.
5. History of inability to meet debts or over-extended credit.
6. History of heavy gambling loss.
7. Failure to provide support for minor children.
8. History of excessive use of drugs or alcohol, and a failure to undergo rehabilitation.
9. History of association, unless through the criminal justice system, with known criminals or "organized crime figures".
10. Any deliberate false statement on the personal history statement.
11. History of or evidence of unstable employment.
12. History of loss of ability to operate vehicle.

3.11 Public Notice

The Commission shall conspicuously post in the township municipal building notice of the time and place of examination for the position of police officer. The requirements for that position, where applications may be obtained for the examination, and the deadline for filing those applications. In addition, at least two (2) weeks prior to each examination, publication of the notice shall occur in at least one (1) newspaper of general circulation or a newspaper circulating generally in the township. Public notice for promotional examination shall be posted at least two (2) weeks prior thereto on the bulletin board in the township municipal building.

3.12 Notice Of Examinations

A written notice shall be given to each qualified applicant. This notice shall be provided by mailing to each applicant who shall meet the minimum qualifications as set forth in these rules and regulations. The notice shall include the time and place for the first portion of the testing procedure, the written examination.

SECTION 4. EXAMINATION AND GRADING PROCEDURE

4.1 General Examination Requirements For The Position Of Police Officer

The examination for police officer will consist of a written and oral examinations which will be graded on a one hundred (100) point scale with the written examination representing sixty (60%) percent of the final score and the oral examination representing forty (40%) percent of the final score. In addition, each applicant will undergo an agility test and a background investigation. The agility test and investigation will be graded on a pass/fail basis for every applicant. After an applicant has been extended an offer of employment, final appointment shall be contingent upon the applicant passing a medical and psychological examination.

4.2 General Examination Requirements For The Position Of Sergeant

The examination for the position of sergeant shall include a written and/or an oral examination. If both a written and oral examination are requested, they will be graded on a one hundred (100) point scale with the written examinations representing sixty (60%) percent of the final score and the oral examination representing forty (40%) percent of the final score. If only a written or oral examination is requested, the examination administered will be graded on a one hundred (100) point scale.

#### 4.3 Conduct Of Examination

The commission shall appoint a written examination administrator, an oral examination administrator, an agility examiner, a medical examiner and a psychological examiner to conduct the appropriate examination required by these rules and regulations.

#### 4.4 Written Examination

The written examinations shall be graded on a one hundred (100) point scale, and an applicant must score sixty (60%) percent or higher in order to continue in the application process. Applicants scoring less than sixty (60%) percent shall be rejected. The applicant will be given a number by the Commission at the time of testing. This number will be placed on the test by the applicant. The applicant's name is not to be placed on the test. The names and matching numbers will be placed in a sealed envelope and retained by the commission. The test scores will be delivered in a sealed envelope to the Township Manager or the commission's designee to be opened at a meeting of the civil service Commission with the township manager or the commission's designee in attendance at which time the test scores will be matched to the applicants' names. Within thirty (30) days after the administration of the written examinations, all applicants shall be given written notice of their test results and passing applicants for the position of police officer shall be scheduled for agility testing.

#### 4.5 General Examination Requirements For The Position Of Police Officer Or Promotion

The examinations for police officer will consist of a written and an oral examination which will be graded on a hundred (100) point scale with the written examination representing sixty percent (60%) of the final score and the oral examination representing forty percent (40%) of the final score. After an applicant has been extended an offer of employment, final appointment shall be contingent upon the applicant passing a physical and psychological examination, and background investigation.

#### Oral Examination

4.6

Every applicant for the position of police officer who scored sixty (60%) percent 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 sixty (60%) percent or higher necessary for passing. The oral examinations shall involve, but not be limited to, questioning the applicant on how he would handle situations relevant to police work. Each applicant shall be questioned the same. Within thirty (30) days after the applicant's oral examination, he shall be informed of his score in his oral examination and total overall score.

#### Veterans' Preference Points

Pursuant to the Veterans Preference Act, any applicant for the position of police officer who qualifies as a "soldier" under the act, the act of August 1, 1975, p.l. 233, no. 92, shall receive additional credits authorized by the said act. Veterans' preference points shall only be added to the total weighted written and oral scores of such applicant. Applicants claiming veterans' preference credits must submit evidence of his or her qualifications for same.

## SECTION 5. CERTIFICATION OF THE LIST OF ELIGIBLES AND APPOINTMENT

### 5.1 Creation of eligibility list

At the completion of the examination requirements set forth in section 4, 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 who qualify for veterans' preference points, when applicable, shall have those points added to their passing score prior to being ranked on the eligibility test. In the case of tied scores, the tie will be broken by giving preference to the applicant who submitted a final completed application first. If both tied applicants submitted their complete applications on the same day, then the applicants shall be ranked in alphabetical order by surname. The commission may, at its sole discretion, void an eligibility list at any time for any reason, but in no case shall any eligibility list remain in effect for one year and may be extended for an additional year at any time during the initial year.

### 5.2 Appointment

Subject to these rules and regulations, the board of commissioners of the township 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. Except for physical and psychological examination, no other testing shall be required for a furloughed employee. In addition to the other reasons stated as grounds for removal in these rules, the name of any person appearing on a furlough list or an eligible list shall be removed by the commission if such person:

1. Is appointed to a position in the police department of the Township, or
2. Declines an appointment to a permanent position in the police department of the Township, or
3. Fails to make written reply to the Commission within fourteen (14) calendar days from the date of mailing of a notice of certification, or
4. Indicates availability for appointment and is appointed to fill a vacancy, but fails to report for duty at the time prescribed by the Board of Township Commissioners, unless, in the opinion of the board, such person can show good and sufficient reasons for failing to report.

Nothing in this section, however, shall be construed as authorizing the removal of the name of any person on any furlough list or eligible list who refuses or accepts a position of a lower rank than that for which he/she has qualified.

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

1. The board of commissioners of the township shall notify the commission of any vacancy which is to be filled and shall state the compensation to be paid. The board shall request the Commission to certify 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 board of commissioners shall make an appointment from one of the three names certified with reference to the merits and fitness of the candidates. However, for initial appointment to the position of police officer, when one of the three applicants on the certified list is a veteran, that applicant shall be selected.

The board of commissioners may object to one or more of the persons certified for the reasons set forth in these rules and regulations. If the candidate to whom the board of commissioners objects fails to timely exercise his rights to appeal or if the commission declines to uphold his 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 (3) candidates.

### 5.3 Appointment of Chief of Police

In the case of a vacancy in the office of Chief of Police, the board of commissioners has full discretion in selecting the individual to fill the position of Chief of Police. When the board of commissioners request the commission to subject that person to a noncompetitive examination, as required. And if that person successfully passes the noncompetitive examination, then the commission shall notify the board of commissioners of the results of the examinations and that person may only be removed from the position of Chief of Police for the reasons set forth in these rules and regulations.

### 5.4 Medical, psychological examination and background checks

After the appointing authority selects a candidate from the certified list of three (3) for appointment to a vacant and/or new position, that candidate shall submit to a medical examination and a psychological examination by the appropriate medical experts, as well as a background check. If the candidate successfully passes the medical and psychological examination and background check, then that employee shall commence his or her duties. The appointment shall be contingent upon successfully passing both the medical and psychological examination, as well as the background check. Failure to pass either examinations or background check shall result in the candidate being rejected from consideration. The rejected candidate may appeal this decision under Section 3.10.

## 5.5 Probationary period

Every successful applicant to the position of patrol officer or to a promotional position with the police department shall serve an eighteen (18) month probationary period. During the probationary period, a newly hired officer may be dismissed with or without cause, at the discretion of the appointing authority. A promoted officer, during probation, may be returned to a prior rank only for just cause. However, at the end of the eighteen (18) month probationary period, or any time during said period, if the conduct of the probationer has not been satisfactory to the Township of Reserve board of commissioners, the probationer shall be notified in writing that the appointment will not be permanent and said probationer may be dismissed by the appointing authority. At that time, a newly hired officer's employment shall end, and/or a promoted officer shall return to a previous rank. Any officer who is not informed in writing that their 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 vacancy in any position in the police department and there are no names on the eligible list for such appointment, the township board of commissioners may nominate a person to the commission for a noncompetitive examination, and such nominee may be certified by the commission as qualified after such noncompetitive examinations. He may be appointed provisionally to fill such vacancy. It shall there upon become the duty of the commission within three (3) weeks to hold a competitive examination and thereafter certify a list of eligibles and then a regular appointment shall be made from the name or names submitted by the commission, provided that nothing within this section shall prevent the appointment, without examinations, of persons temporarily as police officers in cases of riot or other emergency. Upon the expiration of any eligibility list, the civil service commission shall notify the board of commissioners so that a new eligibility list may be prepared.

## SECTION 6. SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK

### 6.1 Grounds for disciplinary action

No person appointed to a position in the police department pursuant to these rules and regulations may be suspended, removed and/or reduced in rank except for the following reasons:

1. Physical or mental disability affecting the officer's ability to continue in service, in which case the officer shall receive a honorable discharge from service;
2. Neglect or violation of any official duty;
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 conduct unbecoming an officer;
5. Intoxication while on duty;
6. Engaging or participating in conducting of any political or election campaign other than the officer's exercise of his own right of suffrage.

Any person hired as a police officer shall be ineligible to receive any salary, compensation or other consideration or thing of value for the performance of his duties as a police officer unless he has met all of the requirements as established by the municipal police officers' education and training commission and has been duly certified as having met those requirements by the commission under 53 p.s. Section 744 (7).

No officer shall be removed for religious, racial or political reasons. A statement of any charges made against any officer so employed shall be furnished to the officer within five (5) days after those charges have been adopted by the township board of commissioners. Service to the person accused shall be delivered either by personal service or by certified mail.

## 6.2 Furloughs

If for reasons of economy or other reasons, it shall be deemed necessary by the township to reduce the number of full-time police officers in the department, then the township 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 retirement of such employees starting with the oldest employee and following in order of age respectively;
2. If the number of full-time police officers eligible for retirement is insufficient to effect the necessary reductions in numbers, or if there are no persons eligible for retirement, or if no retirement or pension fund exists, then the reductions shall be effected by furloughing the person or persons including probationers last appointed to the respective force.

Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction has been accomplished. In the event that the appointing authority decides to increase the police department, the furloughed officers shall be reinstated in order of their seniority in the department if the furloughed officer accepts reinstatement in writing within thirty (30) days of receiving notice of the opening. The reductions in force provisions are not applicable to the Chief of Police.

## 6.3 Notice of suspension. Removal or reduction in rank

Whenever a police officer is suspended, removed or reduced in rank, the specific charges warranting such actions shall be stated in writing by the township board of commissioners. The charges shall be stated clearly and in sufficient detail to enable the officer to understand the charges against him and to allow the officer an opportunity to respond to those charges. The charges shall specify the subsection of section 6.1 which provides the basis for the disciplinary action, as well as an explanation of the factual circumstances upon which the appointing authority relied in finding a violation of section 6.1.

Within five (5) days after the board of commissioners 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 mail. In addition, the charges shall notify the officer of his appeal rights under section 6.4 of these rules and regulations. A copy of the statement of charges shall also be served upon the members of the civil service commission.

#### 6.4 Hearings on suspension. Removals and reductions in rank

The officer who has been suspended, removed or reduced in rank may appeal the decision of the board of commissioners by written notice to the secretary of the commission at 33 Lonsdale Street, Pittsburgh, PA 15212 requesting a hearing. This request shall be received by the commission within ten (10) days after the officer received notice of the discipline. The officer may make written answers to any charges filed against him 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.

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 or the officer. At any such hearing, the officer against whom the charges have been made may be present and represented by counsel, may call witnesses and present testimony and documentation on his behalf. The township 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 be available for public inspection.

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 board

of commissioners unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the board's discretion. In considering the appropriate ess 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 fact and conclusions of law within sixty (60) days of receipt of the hearing transcript.

Should an officer with a hearing pending before the Civil Service Commission, or awaiting a final disposition of such hearing, find it necessary to communicate with the civil service commission regarding his case, it shall be by letter addressed directly to all civil service commission members, and shall be considered a part of the proceedings.

Under no circumstances shall an officer make phone, mail or personal contact with individual members of the civil service commission for the purpose of discussing his case, nor shall he cause any other persons to make contact with individual members of the civil service commission on his behalf.

Any violation of the rules governing contact with the individual members of the civil service commission for the purpose of discussing matters pertaining to an officer's case may result in charges being filed against the offender and shall be considered a violation of official duty, and shall be a ground for immediate discharge.

#### 6.5 Hearing procedure

All testimony shall be given under oath administered by the chairperson, or in his absence, the vice-chairperson. The commission shall have power to issue subpoenas as set forth in section 2.11. The hearing shall be open to the public unless, prior to the commencement of the hearing, a written or oral request to close the hearing is made by either the charged officer or the township.

Each hearing shall be conducted in the following manner:

1. The chairperson shall state the general purpose of the hearing;
2. The chairperson shall read the written charges against the person accused together with the record of action taken against such Officer;
3. The chairperson shall read any written reply of the person accused;
4. The chairperson shall afford each person making charges, or his/her counsel an opportunity to make any further statements in support of the charges and to produce any witness.
5. The chairperson shall afford the person accused, or his/her counsel, an opportunity to question or cross-examine any person making charges, and to question or cross-examine any witness produced by such person ;
6. The chairperson shall afford each person making charges an opportunity to examine the person accused;
7. The chairperson shall permit each person making charges, or his/her counsel, to make a summation;
8. The chairperson shall afford the person accused, or his/her counsel, allow opportunity to produce any witness and to sum up the defense.
9. The stenographic record of all testimony taken shall be sealed and not available for public inspection in the event the charges are dismissed.

The commission, at any time during the course of the hearing, may question or cross-examine any person making charges, the person accused, and any witness.

Within sixty (60) calendar days after the receipt of the transcript by the Civil Service Commission, the commission shall issue its decision in the form of a written order approved by at least two (2) members of the commission. The written order shall include all findings of fact. If during the public hearing, opposing facts are presented, the commission shall include in its written order its decision as to the correct facts. The findings and decision of the commission shall be certified to any person making charges, to the accused officer, and to the board of commissioners.

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. 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 demotion, and no charges related to the suspension, removal or reduction in rank shall be officially recorded against his record.

#### SECTION 7. RESOLUTION FOR ADOPTION

The foregoing rules and regulations, which are in accordance with powers granted under the civil service section of the first class township code, [sections 625-6501], enacted by the general assembly of the Commonwealth of Pennsylvania, and in accordance with the authority granted by the board of commissioners of Reserve Township, Pennsylvania, and are hereby adopted by the Civil Service Commission of Reserve Township, Pennsylvania, on the 28th Day of March, 2013.

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CHAIRPERSON

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VICE-CHAIRPERSON

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SECRETARY