POLICE

CIVIL SERVICE RULES AND REGULATIONS

CITY OF BUTLER

BUTLER COUNTY PENNSYLVANIA

ADOPTED BY THE CIVIL SERVICE BOARD

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CHAPTER 1. DEFINITION OF TERMS.

1.1 Definitions.

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

Academy Hire: – The hiring of a police officer candidate while the candidate is enrolled in the police academy but has not yet satisfied the requirements of Chapter 4.

Applicant: – Any individual who applies in writing to the board in response to any advertised notice of vacancy and/or examination for any position in the police department.

Background Investigation: - An investigation of a police officer applicant conducted after the eligibility list has been posted, but prior to inclusion on the "Certified List of Three."

Board: – The Civil Service Board of the City of Butler, Butler County, Pennsylvania.

Board Member-(Alternate): An individual appointed by the city council to serve as an "Alternate" member of the civil service board. Properly appointed "Alternate" board member shall have all the same powers and duties as a "Primary" appointed board member set forth in the Third Class City Code and as outlined in these rules and regulations.

Board Member-(Primary): (Optional Provision) An individual appointed by the city council to serve as an "Primary" board member of the civil service board with traditional duties as set forth in the Third Class City Code and as outlined in these civil service rules and regulations.

City Clerk: - The city clerk of the City of Butler.

City Council: – The city council and appointing authority of the City of Butler.

Certified List of Three: – (Certified List) The submission to the city council pursuant to their request of top three names taken from the eligibility list, developed by the civil service board. This list shall include all officers on leaves of absence, as defined herein.

Chairperson: –The Chairperson of the Civil Service Board of the City of Butler.

Chief of Police: - A sworn police officer heading the police department who is appointed outside the provisions of these civil service rules and regulations and in compliance with *Section* 2002, of the Third Class City Code.

Eligible: –A person whose name is recorded on a current eligibility list or furlough list. This list shall include all officers on leaves of absence, as defined herein.

Eligibility List: – The list of names of persons who have passed all tests and/or examinations, except for the background investigation, physical and psychological tests for a particular position

in the police department, unless otherwise indicated. This list shall include all officers on leaves of absence, as defined herein.

Examinations: – The series of tests and/or examinations given to candidates to determine their qualifications for a position in the police department.

Full-Time Police Officer: A qualified police officer hired under the provisions of these Civil Service Rules and Regulations.

Furlough List: – The list containing the names of persons temporarily laid off from positions in the police department because of a reduction in the number of officers. Furloughed officers shall have priority over officers on leaves of absence, as defined herein, for rehiring purposes.

Lateral Hire: -The hiring of an officer that has years of service experience with a law enforcement agency other than the City of Butler Police Department. Contingent upon the Chief's recommendation, the City may approve a lateral hire and grant the officer credit for some or all of his/her years of service for the salary placement purposes only.

Leave of Absence: - When an officer leaves the employment of the City of Butler, he/she shall be considered on a leave of absence, without pay or benefits, for a period of 5 years. During a leave of absence, the officer is eligible to return to the employment of the City of Butler, contingent upon and subject to the Chief's recommendation for re-employment as set forth herein.

Mayor: The elected position of Mayor for the City of Butler.

Medical Examinations: - Any examination, procedure, inquiry or test designed to obtain information about medical history or a physical or mental condition which might disqualify an applicant if it would prevent the applicant from performing, with or without a reasonable accommodation, all of the essential functions of the position.

MPOETC: **Municipal Police Officer's Education and Training Commission:** Responsible state agency for mandatory basic training requirements for certification of police officers and other mandatory updated training requirements to maintain certification.

Part-Time Police Officer: An entry level qualified police officer hired under the provisions of these civil service rules and regulations.

Physician: - Shall have the meaning given to it in 1 Pa.C.S. § 1991, that relates to definitions.

Police Officer: - For the purposes of these rules and regulations, any sworn police officer in the Butler Police Department.

Promotion: Part-Time Police Officer to Full-Time Police Officer: A qualified Part-Time Police Officer promoted to a Full-Time Police Officer under the provisions of these civil service rules and regulations.

Promotion (Ranking Position): A qualified police officer who has attained ranking position as outlined in these civil service rules and regulations.

Probationer: – An officer in the police department who has been appointed from an eligibility list, but who has not yet completed the work-test period, as defined herein.

Qualified Medical Professional: - An individual, in collaboration with or under the supervision or direction of a physician, as may be required by law, who is licensed: as a physician assistant pursuant to the act of December 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act of 1985," or the act of October 5, 1978 (P.L.1109, No.261), known as the "Osteopathic Medical Practice Act"; or as a certified registered nurse practitioner pursuant to the act of May 22, 1951 (P.L.317, No.69), known as "The Professional Nursing Law."

Reduction in Rank: – A change to a different position or rank where the officer fulfilled all of the requirements of these rules and regulations for both the prior and current position or rank. However, a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank.

Removal: – The permanent separation of an officer from the police department except officers on leaves of absence, as defined herein.

Secretary: – The Secretary of the Civil Service Board of the City of Butler.

Secretary (Compensated) - A secretary, not a member of the board, shall be appointed by the board to assist the board in various administrative duties. The city clerk shall serve as the secretary of the board without additional compensation.

Suspension: – The temporary separation of any sworn officer in the Butler Police Department, from his or her position for disciplinary reasons.

Vice Chairperson: - The Vice Chairperson of the Civil Service Board of the City of Butler.

1.2 Gender

The word "he," "his," "him," and "men" when used in these rules and regulations represent both masculine and feminine genders.

CHAPTER 2. THE BOARD.

2.1 Civil Service Board.

There shall be a civil service board that shall provide for and oversee the examination of applicants for appointment to and promotion to any position in the police department and fire department, except to the position of Chief of Police, without having first passed all the examinations herein provided for and without having been appointed in the manner and according to the strict terms and provision and conditions of these civil service rules and regulations.

a) **Board (Primary).** The board shall consist of three board members who shall be qualified electors of the city and shall be appointed by the city council initially to serve for the terms of two, three and four years, and as terms thereafter expire shall be appointed for terms of four years.

   Any vacancy occurring on the board (Primary) for any reason whatsoever shall be filled by the city council for the unexpired term.

   Each member of the board (Primary) created by this subdivision, before entering upon the discharge of the duties of his office, shall take an oath or affirmation of office pursuant to 53 Pa.C.S. § 1141 (relating to form of oaths of office), and file the same, duly certified by the officer administering it, with the city clerk.

b) Board (Alternate). City Council may appoint no more than three qualified electors of the city to serve as alternate members of the board. The term of office shall be four years. An alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, but shall not be entitled to vote as a member of the board unless designated as a voting alternate member, pursuant to Section 4403.1 of the Third Class City Code and outlined in *Section 2.3,* of these civil service rules and regulations. "Alternate" members shall hold no other office in the city.

   Each member of the board (Alternates) created by this subdivision, before entering upon the discharge of the duties of his office, shall take an oath or affirmation of office pursuant to 53 Pa.C.S. § 1141 (relating to form of oaths of office).

2.2 Office Incompatible with Position of Board Member.

No city officer, official or employee shall be eligible for appointment to any civil service board.

2.3 Organization of Board – Quorum.

a) The board shall organize for the purpose of transacting all business immediately after the first appointment and thereafter as new appointments to the board are made. After

organizing, the board shall appoint one of its members as its chairperson, one as vice chairperson, and one as its secretary.

b) Two members of the board shall constitute a quorum and no action of the board shall be valid unless it shall have the concurrence of at least two members.

c) If by reason of absence or disqualification of a member, a quorum is not reached, the chairman shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially designated until the board has made a final determination of the matter or case. Designation of an alternate shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

For purposes of hiring and promoting police officers, under these rules and regulations, each step of the hiring or promotional process requiring official action by the board shall be considered a separate "matter or case" under Subsection (b), above, and each step of the hiring or promotional process need not be voted upon or approved by the same composition of "Primary" board members or "Alternate" board members, as the case may be, provided that the quorum requirement has been satisfied

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 board, decide all points of order or procedure and perform all duties required by law including these rules and regulations and is a voting member.

2.5 Duties of Vice Chairperson.

The vice chairperson shall act in the absence of the chairperson in carrying out the duties of the chairperson.

2.6 Duties of the Secretary.

The secretary, a member of the civil service board, under the direction of the board shall handle all official correspondence of the board; send out all notices required by law and these rules and regulations. The secretary shall maintain a record of each examination or other official action of the board, and perform all other duties required by law or these rules and regulations.

2.7 Duties of Secretary (Compensated).

The board shall appoint a compensated secretary, who is not a member of the board, at any time and prescribe the duties. The secretary (compensated) shall be subject to removal at any time by the board. The board shall have the power to change their duties. The authorization to appoint a compensated secretary, the compensation to be paid said secretary (compensated) and all necessary stationery and supplies for said board shall be approved by city council.

2.8 Meetings.

The board shall hold an annual meeting during the month of February. All other meetings shall be held either at the call of the chairperson or at the call of two members of the board. The board 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 Board shall give each boarder at least a twenty four (24) hour notice, in writing, of each and every meeting of the board. In all cases regarding meetings, including scheduling, the board shall follow the provisions provided for in Sunshine Act of 1986, P.L. 388, No. 84, as amended and commonly known as the "Sunshine Law. The order of business for all meetings shall be as follows:

(a) Roll Call
(b) Public Comments (Agenda Items)
(c) Approval of Previous Meeting's Minutes
(d) Communications and Reports
(e) Unfinished Business
(f) Hearing of Cases
(g) New Business
(h) Public Comments (General)
(i) Adjourn

2.9 Clerical Assistance, Legal Counsel & Supplies.

The governing body shall furnish the board with such supplies and clerical assistance as may be necessary for the board to fulfill its duties. The civil service board may appoint legal counsel who shall be the attorney for the board and shall advise the board of all legal matters, including representation and advisement at all hearings on disciplinary proceedings. The city council shall assist the board with all reasonable and appropriate efforts including compensation for any legal counsel, examiners, or experts retained or appointed by the board.

2.10 Rules and Regulations/Examinations.

No person or persons shall be appointed to any uniformed position in the police department, except the Chief of Police, without having first passed all the examinations herein provided for and without having been appointed in the manner and according to the terms and provisions and conditions provided herein.

The board shall prepare and adopt rules and regulations, subject to approval of council, which in the board's discretion, are best adapted to securing and maintaining the best services for the public for the selection, appointment and promotion of persons who are qualified to perform the work which is subject to the civil service examinations, as provided herein, and who are to be employed, appointed or promoted by the city. The rules and regulations adopted by the board shall provide for ascertaining and determining, so far as possible, the knowledge, skills, aptitude, mental and physical abilities, experience, education and character of all applicants as these criteria would reasonable apply to the respective positions; and the rules and regulations shall provide for examinations upon any and all subjects deemed proper or necessary by the board for

the purpose of determining the qualifications of applicants for the respective positions sought and for which application is made.

For the purpose of Chapter 2, officers returning from leaves of absence and lateral hires, as herein defined, shall be deemed to have completed the requirements of these Civil Service Rules and Regulations, and shall be exempt from any further testing and physical examination (outside of those governed by Act 57and MPOETC).

2.11 Appointment of Examiners.

The board shall appoint qualified written examination administrators, oral examination administrators and physical agility examination administrators to conduct appropriate examinations required by these rules and regulations.

The city council shall have the responsibility to appoint the physical and psychological examiner, as outlined in *Section 4.20* of these rules and regulations.

The civil service board shall not directly participate in any of the testing procedures, but shall co-ordinate all of the hiring processes to assure compliance with these civil service rules and regulations.

2.12 Amendment of Rules & Regulations.

The board may amend, revise, void or replace these rules and regulations for any reason by action of a majority of the board. Before any changes to these rules and regulations become effective, those changes must be approved by the city council. These rules and regulations, and any amendments thereto, once approved, by the city council, shall be made available to the public for distribution or inspection.

2.13 Minutes and Records.

The board shall keep minutes of its proceedings and records of examinations and other official action. All records of the board shall be preserved and disposed of according to the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued by the Local Government Records Committee under the authority of the Municipal Records Act of 1968, P.L. 961, No. 428, 53 P.S. 9001, as amended.

Any and all records relating to any hearing requested by applicants, shall be open to the public inspection subject to applicable regulations. The secretary shall keep minutes of the 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.

2.14 Investigations.

The board shall have the power to make investigations concerning all matters relating to the administration and enforcement of these rules and regulations. The chairperson of the board is authorized to administer oaths and affirmations for witnesses testifying in matters before the board.

2.15 Subpoenas.

The board shall have the power to issue subpoenas over the signature of the chairperson, or his designee, to acquire the attendance of witnesses and the production of records and papers pertaining to matters before the board, including any background investigation conducted pursuant to any applicable rules and regulations. Any 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 board.

If any person shall refuse or neglect to obey any subpoena, the board may apply by petition to the Court of Common Pleas of Butler County, Pennsylvania, for its subpoena, requiring the attendance of such persons before the board or the court to testify and to produce any records and papers as necessary, and in default, may be held in contempt of court and may be fined or imprisoned by the court as previously indicated.

2.16 Annual Report.

The board shall make an annual report to the city council containing a brief summary of its work during the year, and shall make a full accounting for any expenditure of public monies. The annual report shall be then available for public inspection.

CHAPTER 3. HIRING AND PROMOTION OF POLICE OFFICERS

3.1 General Hiring and Promotional Process Defined.

The City of Butler Collective Bargaining Agreement has authorized the hiring of Part-Time Police Officers under these civil service provisions and will be the primary entry level position for hiring police officers in the city.

The city shall first develop an eligibility list for Part-Time Police Officers as outlined in Chapter 4 of these civil service rules and regulations.

The movement from Part-Time Police Officer to a Full-Time Police Officer shall be a promotion as outlined in Chapter 5 of these civil service rules and regulations.

If, under the provisions of these civil service rules and regulations, all Part-Time Police Officers, who qualify and have achieved a Full-Time Police Officer status, the city council may petition the civil service commission to develop a Full Time Police Officer Eligibility List. If this action is taken, no Part-Time Eligibility List will be authorized until the Full-Time Eligibility List has been depleted of candidates or the eligibility list for Full-Time Police Officer has expired.

If an eligibility list is authorized for Full-Time Police Officers, the hiring process/provisions will be consistent and be compliant with the Hiring of a Part-Time Police Officer as outlined in Chapter 4 of these civil service rules and regulations. The word "Part-Time" shall then be substituted with the word "Full-Time."

In addition, the promotion of a Full-Time Police Officer to a "Ranking Police Officer" shall be in compliance with the provisions of Chapter 6 of these civil service rules and regulations.

For the purposes of Chapter 2, officers returning from leaves of absence and lateral hires, as herein defined, shall return to the same rank (if the rank is still open) and seniority (years of service) that the officer had on his/her last date of employment with the City. Officers shall not accrue seniority, rank, or other benefits while on a leave of absence.

For the purposes of Chapter 3, lateral hires, as defined herein, shall be placed on the salary scale as determined by the City at the time of hire. Lateral hires shall not receive credit towards rank of seniority (years of service), or other benefits including pension benefits.

For the purposes of Chapter 3, academy hires, as defined herein, shall be placed on the Eligibility Lists as more fully set forth within these Civil Service Rules and Regulations.

CHAPTER 4. PART-TIME POLICE OFFICER – INITIAL HIRINGS

A. APPLICATIONS AND QUALIFICATIONS

4.1 Eligibility for Examinations.

In order to be eligible for participation in the initial examinations for Part-Time Police Officer position with the Butler City Police Department, every applicant must submit a completed application form to the commission or other offices or agencies designated by the commission, before the deadline stated for that specific examination. The applicant must make an oath or affirmation that the application has been completed truthfully, and that the applicant is subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

4.2 Discrimination.

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

4.3 Applications.

Application forms shall be available to all interested persons in city hall and from such other offices and officers that the board may choose to designate. Application forms may be mailed to a potential candidate upon written or telephone request. However, the board assumes no responsibility for missed filing deadline dates due to a delay in the mail or for any other reason. For the purpose of Chapter 4, officers returning from leaves of absence and lateral hires shall be exempt from the application process detailed herein. Academy hires shall complete a separate application form and agreement as developed and implemented by the City.

4.4 Age Requirements and Residency Requirement.

All applicants must have reached their twenty-first (21st) birthday before the deadline for submitting a completed application. Applicants, upon successful completion of the probationary period, shall obtain residency within a fifteen (15) mile radius of the Butler City Hall.

4.5 General Qualifications.

At the time of application every applicant for any position in the Butler City Police Department must possess the following qualifications:

(a) A diploma from an accredited high school or a graduate equivalency diploma (GED).

(b) Every applicant will successfully be Pennsylvania Act 120 Certified under the provisions of the Municipal Police Officer's Education and Training Commission

(MPOETC) or will have successfully completed Act 120 Certification Training and successfully passed the final exam prior to hiring.

(c) Be a United States Citizen.

(d) Be physically and mentally fit to perform the full duties of a police officer for the Butler Police Department as determined by the physical and psychological testing.

(e) Must obtain all clearances as required under PA Act 15 of 2015 relating to employees that have a significant likelihood of contact with children.

(f) Be eligible to legally operate a motor vehicle in the Commonwealth of Pennsylvania.

4.5.1 Leaves of Absence: Officers returning from leaves of absence may be deemed to have satisfied the requirements of section 4.5 (d) without retesting.

4.5.2 Lateral Hires: Officers hired with years of service experience with a law enforcement agency other than the City of Butler Police Department may be deemed to have satisfied the requirement of section 4.5(d).

4.5.3 Academy Hires: Academy hires shall satisfy all of the requirement set forth herein by their completion of the academy and prior to serving as an officer in the Police Department.

4.6 Public Notice – Notification.

The board shall conspicuously post in the city building an announcement of the police officer testing and set forth the time and place of every examination, together with the information as to the type of position to be filled, the requirements for that position, where applications may be obtained, and the deadline for filing those applications. In addition, at least two (2) weeks prior to the initial examination for Part-Time Police Officer, publication of the notice shall be placed in at least one newspaper of general circulation in the borough.

The board shall conspicuously post in the Butler City Building, or other conspicuous locations, an announcement of the hiring and set forth the time and place of every examination, together with the information as to the type of position to be filled, the requirements for that position, where applications may be obtained for the examination, and the deadline for filing those applications. For the entry level position(s), at least two (2) weeks prior to first examination, a publication of the notice shall be placed in at least one newspaper of general circulation in the City of Butler, the Butler Eagle as a minimum, and/or any such other newspapers and in such other manner as may be directed by the board.

The city clerk, or other designated person, shall give, in writing, to each applicant qualified for the next step in the examination process, a notice which shall include the date, time and place the applicant shall report for the next examination in the process. In the case of physical and psychological examinations, the city clerk shall notify the candidate who has been

conditionally offered a position in the police department by a written notice of the date, time and place of the examination as well as the name of the physical and psychological examiners.

Every such notice shall be mailed or otherwise delivered/notified at least seven (7) days prior to the date fixed for examination. Only applicants receiving notices to report for any examination shall be permitted to participate in such examination, and each applicant shall present his or her notice to the examiner before he or she shall be examined. Failure to report for an examination in accordance with the instructions contained in the written notice shall disqualify the applicant, but in the case of a physical or psychological examinations, the physician and psychiatrist/psychologist designated in the notice may fix another date or time for such examination, provided, however, that any such date or time shall be written with the period of at least seven (7) days of the date and time established in the written notice.

4.7 Recording and Filing Applications.

Applications for position of the entry level position(s) shall be received at the Office of Chief of Police, Office of the City Clerk or other offices or agencies designated by the board, only after the police officers position has been properly advertised and before the deadline for receiving the applications, which must be set forth in the advertisement. That person(s) shall record the receipt of all applications, indicating the time and date received and provides each applicant with notice of the time and place for the first portion of the testing process. A non-refundable application fee, determined by the board, will be required to be paid by the applicant for Part--Time Police Officer at the time the application is submitted. Any application containing material errors or omissions may, at the discretion of the board, be returned to the applicant for correction, prior to the deadline for filing applications; however, the board is not responsible for proof reading submitted applications to ensure the applicant has submitted a complete and proper application. No new applications or amended applications or supporting documents will be accepted after the advertised closing time and date.

Penalty for False Statement: The statements made by the applicant in the official application shall contain no falsification, omissions or concealment of material fact. Should any investigation disclose any material misstatement, falsification or concealment with respect to an application;

(a) The application shall be invalid and the applicant shall be disqualified from examination, or

(b) If the applicant shall have been examined, the name of such applicant shall be removed from the eligibility list, or

(c) If the applicant shall have been appointed, such material misstatement, falsification or concealment shall constitute grounds for dismissal from the Butler City Police Department.

(d) No person who has made a material false application shall be permitted in the future to be an applicant for any position in the Butler City Police Department.

4.8 Rejection of Applicant.

The board may refuse to examine, or if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these rules and regulations. In addition, the board may refuse to examine, or if examined, may refuse to certify any applicant who is:

(a) Found to lack any of the minimum qualifications for examination prescribed in the rules and regulations or have furnished incomplete, inaccurate, misleading or false information on the official application or in response to any portion of the hiring process,

(b) Physically or mentally unfit to perform the full duties of the position of which the candidate seeks employment.

(c) Illegally using a controlled substance, as defined in section 102 of the Controlled Substance Act (Public Law 91-513, 12 U.S.C. § 802).

(d) Guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct of office.

(e) Affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitution and laws of the United States and the Commonwealth of Pennsylvania.

4.9 Hearing for Disqualified Applicants.

Any applicant aggrieved by refusal of the board to examine or certify the applicant as eligible after examination, the board shall, at the request of the applicant, within ten (10) working days, appoint a time and place for a public hearing, which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. C.S. Section 101 et. seq., with or without counsel, at which time the board shall take testimony and review its refusal to provide examination or certification.

The deliberations of the board, including interim rulings on evidentiary or procedural issues, may be held in the nature of a closed executive session. The board's disposition of the matter shall constitute official action which shall occur at a public meeting held pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings). The decision of the board shall be final.

B. EXAMINATION AND GRADING PROCEDURE

4.10 General Examination Requirements.

The examination for the position of Part-Time Police Officer shall consist of both a written examination and an oral examination, which will be graded on a one hundred (100) point scale. The written examination will represent seventy percent (70%) of the final score. The oral examination will represent thirty percent (30%) of the final score. Each applicant will also undergo a physical agility test prior to being placed on the eligibility list. In addition, the applicant will undergo a complete background investigation. These tests, examinations and investigations, with the exception of the written and oral exams, will be graded on a pass/fail basis. Although a requirement, only a sufficient number of top scoring candidates necessary for consideration, as determined by the civil service board, will need to have a background investigation performed. Thus, any individual appearing on the eligibility list is subject to background investigation and no one will be certified as eligible on the "Certified List of Three," until they have successfully completed a background investigation and received a written recommendation that the applicant is appropriate for consideration in accordance with *Section 4.15,* of these rules and regulations.

In addition, no one will be certified in accordance with *Section 4.19,* of these rules and regulations until they are in compliance with all of the rules as outlined above.

4.11 Physical Agility Testing.

An applicant for the entry level position shall meet the physical agility requirements, in accordance with the criteria established by the board or other agencies designated by the board. In all cases, the physical agility examination shall be job related and consistent with business necessity and the candidates shall be provided with the physical agility requirements prior to the time of physical agility testing. The physical agility test shall be pass/fail.

Applicants who successfully pass or fail the physical agility test will be so notified at the completion of the physical agility test or within thirty (30) days, by the board. If the candidate passes the physical agility test, the candidate will be notified of the time and place for the next step of the hiring process, the written examination.

4.12 Written Examination.

The written examination shall be graded on a 100 point scale, and an applicant must score seventy percent 70% or higher and receive one of the top fifteen (15) highest scores, or a lesser number who may have passed the written test, including ties, in order to continue in the application process. Applicants scoring less than seventy percent (70%) or not receiving one of the top fifteen (15) highest scores or a lesser number, who may have passed the written test, shall be rejected. The written test shall be a validated test administered by a qualified test administrator as determined by the board. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their test results and passing applicants shall be scheduled for an oral examination appointment.

4.13 Oral Examination.

Every applicant who scored seventy percent (70%) or higher on the written test and receives one of the top fifteen (15) highest scores, or a lesser number who may have passed the written test, including ties, on the written examination shall be given an oral examination. The oral examination will be graded on a 100 point scale with a score of seventy percent (70%) or higher necessary for passing. The oral examination shall involve questioning applicants on how they would handle situations relevant to police work. Within thirty (30) days after the applicants' oral examination, they shall be informed of the score in their oral examination and total overall score.

4.14 Veterans' Preference Points.

Pursuant to the Veterans' Preference Act, any applicant for the position of Part-Time Police Officer who qualifies as a military veteran under this Act, shall receive an additional ten (10) points on top of their final score, prior to being placed on the eligibility list, if that applicant qualifies under *Sections 4.10, 4.11, 4.12 and 4.13,* of these rules and regulations. Applicants claiming veteran's preference shall have submitted satisfactory proof of service and honorable discharge therefrom, with their application form.

4.15 Background Investigation.

The board shall request the Chief of Police to conduct a background investigation on the top scoring eligible applicants, as determined by the Civil Service Board, prior to inclusion on the certified list of those eligible as set forth in *Section 4.19,* of these rules and regulations.

The background investigation must be consistent for each applicant and shall meet, at a minimum, all the specific requirements of the MPOETC, as required by law. The applicant may be interviewed directly when the information collected requires clarification or further explanation.

After the background investigation is completed, the Chief of Police or the chief's designee, shall make a written recommendation to the board on whether the applicant is appropriate for consideration for appointment as a police officer for the City of Butler.

The recommendation by the Chief of Police or the chief's designee shall be based on the criteria set forth in *Section 4.8,* of these rules and regulations and on any other relevant information developed during the background investigation. This report to the board shall be in writing and in compliance with the Americans with Disabilities Act and must not include any physical history information on a candidate. If the recommendation is to disqualify, then a detailed, written explanation of the reasons for disqualification must be included. The board shall then make a final determination on whether additional information is required or if the information collected and reported warrants acceptance or rejection of the candidate.

Within thirty (30) days after the board considers the recommendation based on the background investigation, each applicant shall be notified as to whether they have passed or failed this portion of the examination process.

C. ELIGIBILITY LIST AND BACKGROUND INVESTIGATION

4.16 Creation of Eligibility List.

At the completion of the examination requirements set forth in *Section 4.11, 4.12, and 4.13,* the written examination, the oral examination, and the physical agility testing the board shall rank all passing candidates on an eligibility list. The applicant having received the highest score shall be at the top of the list, with all other candidates being listed in descending order of their scores. Applicants who qualify for veteran's preference points, as outlined in *Section 4.14,* shall have those ten (10) points added to their final score prior to being ranked on the eligibility list.

In the case of tied scores, the tie will be broken by giving preference to the applicant who received the highest score on the written test. In the event the qualifying applicant received identical scores, the order of listing shall be determined by the order in which they were numbered for recording purposes as set forth in *Section 4.7.*

Any individual appearing on the eligibility list, as described above, is subject to a background investigation and no one will be certified in accordance with *Section 4.19* of these rules and regulations until they have successfully completed these investigations and received a written recommendation that the applicant is appropriate for consideration in accordance with *Section 4.15* of these rules and regulations.

Officers on leaves of absence shall be placed on the eligibility list for the time period defined herein. At the expiration of said time period, officers on leaves of absence shall be automatically removed from the list.

4.17 Duration of Eligibility List.

The eligibility list shall be maintained for a period of two (2) years or until a new list is certified to council, whichever occurs first and are public records.

Officers on leaves of absence shall remain on the eligibility list for the time period defined herein, including during the creation of new eligibility list as set forth herein.

4.18 Review of Eligibility List.

The eligibility list shall be annually examined by the board for the purpose of deleting therefrom persons who are permanently unavailable for or disqualified for the position of Part-Time Police Officer, either by death, permanent removal of the area, written desire to be removed therefrom, or from other permanent cause. The board shall, by every reasonable cause, get a written notice from the candidate removed from the list and provide a notice to that candidate, in writing that the candidate will no longer be considered for the position.

D. APPOINTMENT PROCEDURE

4.19 Appointing Authority.

Furloughed police officers shall be given first consideration for re-employment, prior to any other hiring procedure and shall be reinstated in order of their seniority as outlined in *Section 7.5* of these rules and regulations.

Except as provided above, every initial position of Part-Time Police Officer for employment in the police department shall be filled only in the following manner: The board shall furnish to council a copy of all lists so prepared and kept.

a) Whenever any vacancy shall occur in the police department for the position of Part-Time Police Officer, the city council shall make written application to the mayor, who will make written application to the chair of the board, who shall certify to the city council, in writing, the three names on the eligibility list, "Certified List of Three," but if there are less than three eligible names on the list, the board shall certify those names.

b) The mayor shall nominate to the city council a person on the "Certified List" as stated above, a candidate to fill the position.

c) If the city council approves the nomination, the person nominated shall be conditionally appointed by council to fill the vacancy.

d) If the council does not approve the nomination then the mayor shall submit another nomination for the position from the remaining names, if any, for a conditional appointment.

e) If the nomination is not approved by the council, the mayor shall submit the third name, if any, for a conditional appointment.

f) The person whose nomination by the mayor is approved by the city council shall be appointed to fill the position of Part-Time Police Officer conditioned upon successfully passing a medical and psychological examination as outlined in *Section 4.20,* of these civil service rules and regulations.

g) The name of the person so appointed shall be immediately stricken from the respective eligibility list of the board and the names of the rejected persons shall immediately be restored to their proper place on the eligibility list.

Veterans Preference: The exception to the above procedure is when a qualified veteran is on the "Certified List of Three," the mayor shall submit the veteran's name to the city council who shall appoint that veteran, conditioned upon successfully passing a medical and psychological examination. If two or more of the names on the "Certified List of Three" are veterans, the mayor shall have the discretion to submit one of those names to the city council

who shall appoint that veteran, conditioned upon successfully passing a medical and psychological examination.

Regardless of any language to the contrary, academy hires shall be deemed to have been hired off the eligibility list as of the date approved by the City.

4.20 Physical and Psychological Examinations.

After the city council selects a candidate from the "Certified List of Three" for appointment to the vacant position, that candidate shall receive a conditional offer of employment. The offer of employment shall be conditioned upon the conditional appointee undergoing a physical and psychological medical examination and a determination that the conditional appointee is capable of performing all the essential functions of the position. Physical medical examinations shall be under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be under the direction of a psychiatrist or psychologist.

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

The physical and psychological exams will be conducted in compliance with the MPOETC regulations. The completion of the required MPOETC physical and psychological forms will be provided by the city. Drug testing shall be included as one component of the requirements. In addition, the respective examiners will be given a copy of the job description and the "Essential Functions of the Job" for performing the duties of police officer. The completed forms will be certified by the examining physician(s) indicating that the candidate is physically or psychologically fit, as the case may be, to perform the duties of a police officer and as outlined below. The completed forms shall be confidential and submitted to the appropriate city official for disposition.

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, the mayor shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position.

If, at the conclusion of the interactive discussion council determines that the conditional appointee is not qualified, council shall give written notice to the conditional appointee and the board of their decision. This written notice shall also notify the conditional appointee of their right to appeal the council's decision to the board within 10 working days from the date of the written notice.

The rejected candidate may appeal this decision under *Section 4.9* of these rules and regulations. If the candidate fails to timely exercise the rights of appeal, or if the board declines

to uphold the appeal, the board shall strike the name from the eligibility list and certify the next highest name for inclusion on the "Certified List of Three."

4.21 Probationary Period.

The probationary period for Part-Time Police Officers, hired under this section, shall be in compliance with the current language in the Collective Bargaining Agreement between the City of Butler and the Fraternal Order of Police, Lodge #32.

Officers returning from leaves of absence shall be exempt from the probation period defined herein.

CHAPTER 5. PROMOTION FROM PART-TIME POLICE OFFICER TO FULL-TIME POLICE OFFICER

A. APPLICATION AND QUALIFICATIONS

5.1 Eligibility for Examinations.

Part-Time Police Officers initially hired under the provisions of these rules and regulations who meet the requirements of these civil service rules and regulations shall be first eligible for a Full-Time Police Officer's position. For the purpose of these rules and regulations the movement from a Part-Time Police Officer to Full-Time Police Officer shall be considered a promotion and be subject the following qualification:

a) All employed Part-Time Police Officers to be eligible for promotion to a Full-Time Police Officer position shall not have received a formal written reprimand for one (1) year prior to the deadline for submitting application. Such restrictions also includes that they have not been suspended without pay at any time one year prior to the deadline for submitting an application. Any formal written reprimand or suspension to which the applicant has timely appealed pursuant to a grievance procedure of these rules and regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

b) All applicants shall have continuous prior Part-Time Police Officer service with the Police Department of the City of Butler, as follows:

(1) An applicant for the promotion from Part-Time Police Officer to Full-Time Police officer shall have met all the probationary requirements outlined in the Collective Bargaining Agreement, or

(2) If no Part-Time Police Officer has met all the probationary requirements outlined in the Collective Bargaining Agreement, the remaining requirements shall be temporarily waived and those Part-Time Police Officers that have not

met all the requirements, outlined in the Collective Bargaining Agreement, will then be required to complete all the requirements, once they are promoted to a Full-Time Police Officer status.

5.2 Discrimination.

The City of Butler is an equal opportunity employer. It is the mayor and council and the board's policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, age, veteran's status, marital status, sexual orientation, or non-job related physical or mental handicap or disability. The mayor and council and the board will provide equal opportunities in the promotion of Part-Time Police Officer to Full-Time Police Officer.

5.3 Notification.

For a Full-time Police Officer position, at least two weeks prior to the close of the application period, publication of a notice outlining the qualifications for the position, and requesting application forms, to apply for the position, shall be conspicuously posted in the police department and the city clerk's office. At the discretion of the civil service board, the board may receive documentation from the city of those eligible for a promotional exam from Part-Time Police Officer to Full-Time Police Officer and may notify them, in writing, of the notice and the deadline for filing applications. It is important that all applicants that meet the qualifications for promotion from Part-Time Police Officer to Full-Time Police Officer be duly notified, by the city clerk or other individual designated by the board.

The city clerk, or other designated person, shall give, in writing, to each applicant qualified for the next step in the examination process, a notice which shall include the date, time and place the applicant shall report for the next examination in the process.

Every such notice shall be mailed or otherwise delivered at least seven (7) days prior to the date fixed for examination. Only applicants receiving notices to report for any examination shall be permitted to participate in such examination, and each applicant shall present his or her notice to the examiner before he or she shall be examined. Failure to report for an examination in accordance with the instructions contained in the written notice shall disqualify the applicant.

5.4 Rejection of Applicant.

The board may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these rules and regulations for the particular position for which the applicant has applied. In addition, the board may refuse to examine, or if examined, may refuse to certify any applicant who is:

a) Found to have furnished incomplete, inaccurate, misleading or false information on the official application or in response to any portion of the promotional process,

b) Physically unfit for the performance of the duties of the position of which the candidate seeks employment,

c) Illegally using a controlled substance, as defined in section 102 of the Controlled Substance Act (Public Law 91-513, 12 U.S.C. § 802),

d) Guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct of office,

e) Affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitution and laws of the United States and the Commonwealth of Pennsylvania.

5.5 Hearing for Disqualified Applicants.

Any applicants or other persons who believe that they are aggrieved by the actions of the board, in refusing to examine or to certify them as eligible after examination, may request a hearing before the board, within ten (10) days of receiving written notice of what is perceived as the alleged error. Within ten days after such request, the board shall designate a time and place for the hearing which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. C.S. §101, et seq., with or without counsel, at which time the board shall take testimony and review its refusal to provide examination or certification. The decision of the board shall be final.

The deliberations of the board, including interim rulings on evidentiary or procedural issues, may be held in the nature of a closed executive session. The board's disposition of the matter shall constitute official action which shall occur at a public meeting held pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings). The decision of the board shall be final.

B. EXAMINATION AND GRADING PROCEDURE

5.6 General Examination Requirements.

The examination for the promotion from Part-Time Police Officer to Full-Time Police Officer shall include an oral examination, which will be graded on a one hundred (100) point scale.

5.7 Oral Examination.

An applicant must score at least seventy percent (70%) to qualify and continue in the application process. Any applicant who scores less than seventy percent (70%) will be disqualified. The oral examination shall involve questioning applicants on police oriented issues, including how they would handle situations relevant to police work. Within thirty (30) days after the administration of the oral they shall be informed of the score in their oral examination.

C. ELIGIBILITY LIST

5.8 Creation of Eligibility List.

At the successful completion of the examination requirements set forth in *Sections 5.6 and 5.7*, the board 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.

In the case of tied scores, the tie will be broken by giving preference to the applicant who applied first. If both tied applicants applied on the same day, then the applicants shall be ranked in alphabetical order by surname.

5.9 Duration of Eligibility List.

The eligibility list shall be maintained for a period of two (2) years or until a new list is certified to council, whichever occurs first and are public records.

D. APPOINTMENT PROCEDURE

5.10 Appointing Authority.

For promotion from the position of Part-Time Police Officer to Full-Time Police Officer, the position shall be filled only in the following manner:

a) The city council shall notify the civil service board of a civil service vacancy in the city which is to be filled by promotion and shall request the certification of an eligibility list.

b) The board shall furnish to council a certified copy of the eligibility list.

c) The board shall certify for each vacancy the names of three persons on the eligibility list who have received the highest average in the last preceding promotional examination held within the period of two years preceding the date of the request for the eligibility list.

d) If three names are not available, the board shall certify the names remaining on the list.

e) The city council, by a majority vote, shall make an appointment from the names certified, based solely on the merits and fitness of the candidates, unless the city council makes objections to the board regarding one or more of the persons on the eligibility list.

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

5.11 Probationary Period.

The probationary period for Part-Time and Full-Time Police Officers shall be in compliance with the current language in the Collective Bargaining Agreement between the City of Butler and the Fraternal Order of Police, Lodge #32.

5.12 Leaves of Absence: Officers returning from leaves of absence shall be exempt from the provisions of Chapter 5.

5.13 Lateral Hires: Lateral hires shall have a probation period of three months.

CHAPTER 6. PROMOTIONS (RANKING POSITIONS)

A. APPLICATION AND QUALIFICATIONS

6.1 Eligibility for Examinations.

At the time of application all applicants for a promotional ranking position, except Chief of Police, shall not have received a formal written reprimand for one (1) year prior to the deadline for submitting applications and shall not have been suspended without pay within the five (5) year prior to the deadline for submitting applications. Any suspension to which the applicant has timely appealed pursuant to a contractual grievance procedure or these rules shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

All applicants for promotion, except for Chief of Police, shall have had prior service with the Butler City Police Department as follows:

a) Police Sergeant: An applicant for the position of Sergeant shall have a minimum of two (2) years of service as Full-Time Police Officer with the Butler City Police Department by the scheduled written examination date.

b) Police Lieutenant: An applicant for the position of Lieutenant shall have first completed seven (7) years of service as a Full-Time Police Officer with the Butler City Police Department by the scheduled written examination date.

c) Police Captain: An applicant for the position of Captain shall have attained the rank of Lieutenant with the Butler City Police Department by the scheduled written examination date.

6.2 Discrimination.

The City of Butler is an equal opportunity employer. It is the city council and the board's policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, age, veteran's status, marital status, sexual orientation, or non-job related physical or mental handicap or disability. The city council and the board will provide equal opportunities in promotions to ranking positions.

6.3 Notification.

For a promotional ranking position, at least two weeks prior to the close of the application period, publication of a notice outlining the qualifications for the position, and requesting application forms, to apply for the position, shall be conspicuously posted in the police department and the city office. At the discretion of the civil service board, the board may receive documentation from the city of those eligible for a promotional exam and may notify them, in writing, of the notice and the deadline for filing applications. It is important that all applicants that meet the qualifications for promotion be duly notified, by the city clerk or other individuals designated by the board.

The city clerk, or other designated person, shall give, in writing, to each applicant qualified for the next step in the examination process, a notice which shall include the date, time and place the applicant shall report for the next examination in the process.

Every such notice shall be mailed or otherwise delivered at least seven (7) days prior to the date fixed for examination. Only applicants receiving notices to report for any examination shall be permitted to participate in such examination, and each applicant shall present his or her notice to the examiner before he or she shall be examined. Failure to report for an examination in accordance with the instructions contained in the written notice shall disqualify the applicant.

6.4 Rejection of Applicant.

The board may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these rules and regulations for the particular position for which the applicant has applied. In addition, the board may refuse to examine, or if examined, may refuse to certify any applicant who is:

a) Found to have furnished incomplete, inaccurate, misleading or false information on the official application or in response to any portion of the hiring process,

b) Physically unfit for the performance of the duties of the position of which the candidate seeks employment,

c) Illegally using a controlled substance, as defined in section 102 of the Controlled Substance Act (Public Law 91-513, 12 U.S.C. § 802),

d) Guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct of office,

e) Affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitution and laws of the United States and the Commonwealth of Pennsylvania.

6.5 Hearing for Disqualified Applicants.

Any applicant for promotion to a ranking position who believes that they are aggrieved by the actions of the board, in refusing to examine or to certify them as eligible after examination, may

request a hearing before the board, within ten (10) days of receiving written notice of what is perceived as the alleged error. Within ten days after such request, the board shall designate a time and place for the hearing which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. C.S. §101, et seq., with or without counsel, at which time the board shall take testimony and review its refusal to provide examination or certification.

The deliberations of the board, including interim rulings on evidentiary or procedural issues, may be held in the nature of a closed executive session. The board's disposition of the matter shall constitute official action which shall occur at a public meeting held pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings). The decision of the board shall be final.

B. EXAMINATION AND GRADING PROCEDURE.

6.6 General Examination Requirements.

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

6.7 Written Examination.

The written test shall be a validated test administered by a qualified test administrator as determined by the board. The written examination shall be graded on a one hundred (100) point scale. An applicant must score at least seventy percent (70%) to be eligible for the oral exam and continue in the promotional process. Applicants who score less than seventy percent (70%) shall be disqualified. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their examination results.

6.8 Oral Examination.

Every applicant who has satisfied all of the written examination requirements provided in *Section 6.7*, above, shall be given an oral examination. A panel of three examiners, who have commensurate experience to the rank position for which they are evaluating the candidates for promotion, shall be designated by the board to administer the oral exam. The written examination shall be graded on a one hundred (100) point scale. An applicant must score at least seventy percent (70%) to qualify and continue in the application process. Any applicant who scores less than seventy percent (70%) will be disqualified.

The oral examination shall involve questioning applicants on police oriented issues, including how they would handle situations relevant to police work. Within thirty (30) days after the administration of the oral they shall be informed of the score in their oral examination and total overall score.

C. ELIGIBILITY LIST

6.9 Creation of Eligibility List.

At the completion of the examination requirements set forth in *Sections 6.6, 6.7, and 6.8,* the board 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.

In the case of tied scores, the tie will be broken by giving preference to the applicant who applied first. If both tied applicants applied on the same day, then the applicants shall be ranked in alphabetical order by surname.

6.10 Duration of Eligibility List.

The eligibility list shall be maintained for a period of two (2) years or until a new list is certified to council, whichever occurs first and are public records.

D. APPOINTMENT PROCEDURES

6.11 Appointing Authority.

All ranking positions, except that of Chief of Police, shall be filled only in the following manner:

a) The city council shall notify the civil service board of a civil service vacancy in the city which is to be filled by promotion and shall request the certification of an eligibility list.

b) The board shall furnish to council a certified copy of the eligibility list.

c) The board shall certify for each vacancy the names of three persons on the eligibility list who have received the highest average in the last preceding promotional examination held within the period of two years preceding the date of the request for the eligibility list.

d) If three names are not available, the board shall certify the names remaining on the list.

e) The city council, by a majority vote, shall make an appointment from the names certified, based solely on the merits and fitness of the candidates, unless the city council makes objections to the board regarding one or more of the persons on the eligibility list.

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

6.12 Probationary Period.

Every successful applicant for the promotion to a ranking position, except that of the Chief of Police, within the police department, shall serve a six (6) month probationary period.

The probationary period will begin on the first day of the promotion to the respective ranking position.

A Police Officer promoted to a ranking position, during probation, may be returned to the position from which they were promoted, for cause for the reasons set forth in *Section 6.4* of these rules and regulations or because of incapacity for duty due to the use of alcohol or drugs.

In addition, a probationary ranking police officer, except the Chief of Police, may be returned to their previous position, if the probationary ranking police officer does not meet the requirement expectations of the position and documentation is accurately noted.

The Chief of Police shall submit a final probationary report, not less than ten (10) days nor more than fifteen (15) calendar days before the next regular meeting of the city council, immediately preceding the end of the probationary period. Each report shall be submitted in writing to city council. Within five (5) calendar days after receiving a probationary report, from the Mayor, if the conduct of the probationer has not been satisfactory to the city council, the probationer shall be notified in writing by the city council that the appointment will not be permanent and the promoted probationary ranking police officer will be returned to the previous position held, for the city.

Any probationer who is notified in writing by the city council, prior to completion of the six month probation period, that their appointment will not be made permanent, has no rights of appeal under these rules and regulations.

The city clerk shall notify the board, in writing, of its decision to retain or remove the probationer of such decision within five (5) calendar days and in no event beyond the last day of the probationary period.

At the end of the six (6) month probationary period, if the probationer is not notified in accordance with this section, a promoted ranking police officer shall receive permanent status in their respective promotional position.

E. CHIEF OF POLICE

6.13 Appointment of Chief of Police.

The Chief of Police shall be designated by the mayor from within the ranks and may be demoted without cause in the same manner, but not to any rank lower than the rank which was held at the time of designation as Chief of Police. In the event that no qualified officer from within the ranks has applied for such designation, the Chief of Police shall be designated by the mayor from without the ranks.

Note: As defined in §12002 of the Third Class City Code)

CHAPTER 7. SUSPENSIONS, REMOVALS AND REDUCTION IN RANK – FURLOUGHS

7.1 Grounds for Disciplinary Action.

a) Any police officer subject to the civil service provisions herein, shall be subject to suspension, discharge and discipline, by the mayor, for misconduct or violation of any law of the Commonwealth, ordinance of the city, or regulations of the department.

b) No police officer, including Chief of Police, shall be discriminated against by being removed, censured or reprimanded for any religious, racial or political reasons.

7.2 Hearings on Suspension, Removal or Reduction in Rank.

a) Any police officer aggrieved by the suspension, discharge or discipline imposed by the mayor, more serious than a suspension of three days without pay, may request a hearing before the city council, or by the civil service board, if designated by ordinance.

b) At the hearing, the police officer may be represented by counsel.

7.3 Appeal Process.

a) Any police officer aggrieved by the decision of the council or the civil service board shall have the right to appeal in accordance with 2 Pa.C.S. Ch 7 Subch. B (relating to judicial review of local agency action).

b) This review shall be exclusive.

c) Where no such appeal is taken within the time prescribed by law, the decision of the city council or the civil service board shall become final in accordance with the law.

d) The issue before the court shall be whether the action of the council or the civil service board shall be affirmed or modified in any respect or whether the charges should be dismissed or whether the suspension or demotion made by the mayor shall be affirmed or rescinded. Where a police officer has been suspended and the charges are dismissed or the suspension suspended on appeal, the police officer shall receive full compensation for the entire period of suspension.

7.4 Election of Remedies.

Where a police officer, who is a member of the bargaining unit, is subject to suspension, discharge or discipline, the police officer shall have the option of challenging the suspensions, discharge or discipline imposed, by selecting the due process procedure outlined above or by a proceeding with grievance arbitration as outlined in the Collective Bargaining Agreement. A choice to proceed either by the due process outlined above or by grievance arbitration shall foreclose the opportunity to proceed in the alternative method.

7.5 Furloughs.

a) If it should become necessary to reduce the number of police officers in the police department for purposes of economy, seniority rights shall prevail, and any and all removals for such cause or causes shall be from the members last appointed, and the member or members serving the shortest time shall be removed first; but members with longer times of service may be discharged for cause.

b) In the event that the city council decides to increase the size of the police department officer personnel, the furloughed police officers shall be reinstated in order of their seniority in the police department. Police officers so notified of reinstatement must accept reinstatement within thirty (30) days of receipt of such notice, otherwise such police officer shall be deemed to have waived any right to reinstatement.

c) In addition, those furloughed officers reinstated, as outlined above, must be in compliance, or become compliant with the certification or recertification requirements of the MPOETC, before discharging the duties of a police officer.

CHAPTER 8. LEAVES OF ABSENCE, LATERAL HIRES AND ACADEMY HIRES

8.1 Leave of Absence: Regardless of any language to the contrary, the City shall have the right to hire officers returning from leaves of absence prior to hiring any officer from a list of eligibility, except for furloughed officers.

8.2 Lateral Hires: Regardless of any language to the contrary, the City shall have the right to approve lateral hires prior to hiring any officer from a list of eligibility, except for furloughed officers.

8.3 Academy Hires: Regardless of any language to the contrary, the City shall have the right to hire individuals enrolled within the police academy if there are no officers on the City's eligibility list and there are no furloughed officers. When the City approves an Academy Hire, the parties shall execute a separate agreement that details the Academy Hire's obligations to the City.

It is understood that the officers join the force they are to be held to the constraints of the current contract (not the contract they may have left under).

CHAPTER 9. RESOLUTION FOR ADOPTION

The foregoing rules and regulations, which are in accordance with powers granted by the Civil Service Section of the Pennsylvania Consolidated Statutes, Title 11, Cities, (Act 2015-96 of the 2015 Legislative Session) Sections 14401-14410, enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the municipal governing body of the City of Butler, Butler County, Pennsylvania, are hereby adopted by the Civil Service Board of the City of Butler.

Chairperson

Vice Chairperson

Secretary

Approved by the Butler City Council, Butler County, Pennsylvania, this 13 day of October ___, 2022.

Attest:

City Clerk

Signed:

Mayor