Municipality of Penn Hills
Personnel Board
Meeting Agenda

February 6, 2026

Call to Order

Pledge of Allegiance

Roll Call

Public Comment

Old Business

New Business

1. **Action to consider approving updated Civil Service Rules and Regulations and forwarding same to Municipal Council for their consideration.**

Board Comment

Adjourn

MUNICIPALITY OF PENN HILLS

Allegheny County
Pennsylvania

POLICE

PERSONNEL BOARD RULES AND REGULATIONS

ADOPTED BY:
THE PERSONNEL BOARD
DATE:
AND
THE MUNICIPAL COUNCIL OF PENN HILLS
DATE:

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CHAPTER 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:

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

Board: The Personnel Board of the Municipality of Penn Hills, Allegheny County, Pennsylvania.

Certified List of Three: The submission to the appointing authority pursuant to their request for three names taken from the respective eligibility lists developed by the Personnel Board.

Chairperson: The Chairperson of the Personnel Board of Municipality of Penn Hills, Allegheny County, Pennsylvania.

Chief of Police: A sworn officer heading the police department appointed by the Municipal Manager subject to advice and consent of the mayor and council at a public meeting or, in the case of a vacancy in the position of Municipal Manager, appointed by the mayor and council. This individual may be appointed with or without civil service status.

Board: The Personnel Board of the Municipality of Penn Hills, Allegheny County, Pennsylvania.

Cadet: A **non-certified** police officer hired under the provisions of Section 3.5, of these rules and regulations, subject to successfully **qualify by** completing Act 120 training/certification and before officially performing the duties as a "certified" Full-Time Police Officer for the Penn Hills Police Department.

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

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

Examinations: The series of tests given to applicants 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 Personnel Board 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 police officers.

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 reasonable accommodation, all of the essential functions of the position.

Military Veteran: A Military Veteran as defined in the Veteran's Preference Act, as amended, PA Act 102 of 2020.

MPOETC: The Municipal Police Officers Education and Training Commission — Responsible state agency for mandatory basic training requirements for certification of police officers and mandatory requirements for background investigations and other regulations as it pertains to hiring and discharge of municipal police officers.

Municipal Manager: The Appointing Authority of the Municipality of Penn Hills, Allegheny County, Pennsylvania, pursuant to Article V, Section 4 (c.), of the Penn Hills Home Rule Charter.

Municipal Council: The legislative, policy making and goal setting of the body of the Municipality of Penn Hills made up of five members consisting of the mayor and four other members elected at large.

Personnel Board (Authority) : In compliance with the Penn Hills Home Rule Charter, Article XX, Section 8, the Personnel Board and the Penn Hills Home Rule Chapter, Chapter 262.01 and Chapter 262.02, the Penn Hills Personnel Board shall function under the provisions of the First Class Township Code, as amended, (Act 96 of 2020), Section 625-650, (civil service), unless otherwise required under the provisions of the Penn Hills Home Rule Charter and Administrative Code.

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

Police Officer: Any sworn police officer serving in the police department except as specifically noted.

Promotion: Ranking Officer: A qualified Full-Time Police Officer appointed to a promotional ranking position in the police department, as specifically noted in these 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.

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."

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

Secretary: **The** Secretary of the Personnel Board of the Municipality of Penn Hills, Allegheny County, Pennsylvania..

Suspension: The temporary separation without pay of a police officer from the police department.

Vice Chairperson: The Vice Chairperson of the Personnel Board of the Municipality of Penn Hills, Allegheny County, Pennsylvania.

1.2 Gender

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

CHAPTER 2. THE BOARD.

Please note that these civil service rules and regulations incorporates specific language that is embedded in the required provisions of the Penn Hills Home Rule Charter and the Penn Hills Administrative Code. In addition, in compliance with the Penn Hills Home Charter, other language provided herein is taken from the First Class Township Code, as amended by Act 96 of 2020. Finally, recent acts of the state legislature and case law also supplements the language in the Penn Hills Home Rule Charter and the Penn Hills Administrative Code.

2.1 The Personnel Board.

The Personnel Board shall have jurisdiction of those matters set forth in Article XVI, Section 1, of the Penn Hills Home Rule Charter. In addition, to the jurisdiction authority, as defined in the definitions, above, the Personnel Board shall also function as the Civil Service Commission for the Municipality of Penn Hills, as specifically set forth in Article XX, Section 8, of the Home Rule Charter and Chapters, 262.01 and 262.02, of the Penn Hills Administrative Code.

a) The mayor, with the advice and consent of municipal council, shall, within 90 days of the first organizational meeting of municipal council, appoint from the registered electors of the municipality, a Personnel Board composed of three (3) members.
b) In making appointments to the first board under the provisions of this charter, the mayor shall designate one (1) member to serve for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. Thereafter, all appointments shall be made for terms of three (3) years.
c) No individual shall be eligible to serve on the Personnel Board for more than two full three (3) year terms. After the expiration of two (2) years such individual shall be eligible for another appointment to the board.
d) Any vacancy occurring on the Personnel Board for any reason whatsoever shall be filled by the mayor with the advice and consent of municipal council for the unexpired term within the period of thirty (30) days after such vacancy occurs. Members of the Personnel Board may be removed from office by the mayor with the advice and consent of municipal council, only for cause, as ruled in Commonwealth Court Decision, Slonaker V. Maddy, 28 PA D.&C. 4th 272 (1993).
e) The Personnel Board shall receive no compensation.

2.2 Offices Incompatible with Position of Personnel Board Member.

Pursuant to the Penn Hills Home Rule Charter, Article XVI, Section 4, the following offices are incompatible with membership on the Personnel Board:

a) No member of the Personnel Board shall, at the same time, be a municipal employee or hold an elective or appointive office under the United States Government, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth. No member of the board shall be a member of any local, state or national committee of a political party. Nor shall any member of the Personnel Board be an officer or employee of any bargaining agency representing employees of the municipality.The first sentence of this section shall not be construed to apply to members of the teaching profession or to employees of any school district.

2.3 Organization of Board — Quorum.

Pursuant the Penn Hills Home rule Charter, Article, XVI, Section 7, the organization of the board and quorum is required as follows:

a) The Personnel Board first appointed shall organize within ten (10) days of its appointment and shall elect one of its members as Chairperson and one as Secretary.
b) The board shall thereafter meet and organize on the first Monday of January of each even-numbered year.
c) The Secretary of the Board shall give each member twenty-four (24) hours notice of every meeting of the board.
d) Two (2) 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 (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 board, decide all points of order or procedure and perform all duties required by law including these rules and regulations.

2.5 Duties of the Vice Chairperson.

The vice chairperson shall act in the absence of the chairperson in performing the duties of the chairperson and perform all duties required by law including these rules and regulations.

2.6 Duties of the Secretary.

The secretary, under the direction of the board, shall handle all official correspondence of the board, including the recording of votes cast by the board, send out all notices required by law including these rules and regulations, keeping a record of each examination or other official action of the board, and perform all other duties required by law including these rules and regulations. The municipal manager's office shall be available to assist the secretary when reasonably requested by the board.

2.7 Meetings.

Except for the biennial organization meeting, all meetings shall be held either at the call of the chairperson or at the call of two members of the 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. Each board member shall be notified in writing of each and every meeting. In all cases regarding meetings, including scheduling, the board shall follow the provisions provided for pursuant to 65 Pa.C.S. Ch. 7, 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

2.8 Clerical Assistance, Legal Counsel and Supplies

Pursuant the Penn Hills Home Rule Charter, Article, XVI, Section 8, the following assistance, although not all inclusive, the following assistance will be provided by the municipal council:

a) The municipality shall furnish to the board, on its requisition, such clerical assistance and supplies as may be necessary for the work of the board.
b) The municipality shall provide a suitable and convenient room for the use of the board.
c) The municipality shall pay for the solicitor's services to the board. The municipality may place a reasonable limit on the amount of compensation authorized each year for the services of the solicitor. It is understood that the solicitor for the Personnel Board shall not be the same solicitor that serves the municipal council.

2.9 Appointment of Examiners.

The board shall appoint experienced written examination, oral examination administrators and physical agility examination administrators to conduct appropriate examinations required by these rules and regulations. The municipal manager shall have the responsibility to appoint a qualified medical professional, psychiatrist or psychologist, as outlined in *Section 3.20,* of these rules and regulations.

2.10 Rules & Regulations.

a) The board shall have power to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this subdivision and shall be governed by the board's rules and regulations. The municipal council may not promulgate rules and regulations, or amendments to them, for carrying into effect the provisions of this subdivision. The mayor and municipal council may make suggestions regarding proposed rules and regulations or amendments to the rules and regulations to members of the board for their consideration. Regardless of whether the municipal council makes suggestions regarding proposed rules and regulations or amendments to the rules and regulations, rules and regulations or amendments shall be approved by the board before the effective date of the rules and regulations or amendments. When the rules and regulations or amendments have been approved by the municipal council, the rules and regulations or amendments shall not be abrogated, amended or added to without the approval of the municipal council.
b) The rules and regulations of the board shall reflect any minimum qualifications for police officers pertaining to age, educational background, years of experience and areas of desired special expertise or certifications adopted by resolution of the municipal council.
c) All rules and regulations or amendments to the rules and regulations shall be made available for public distribution or open to public inspection in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

2.11 Minutes and Records.

a) The board shall keep minutes of its proceedings and records of examinations and other official actions. All recommendations of applicants for appointment received by the board shall be kept and preserved for a period of five years, and all records and all written causes of removal filed with the board, except as otherwise provided in Section *5.4),* of these rules and regulations, shall be subject to reasonable regulation and open to public inspection in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
b) 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.

2.12 Investigations.

The board may conduct investigations concerning all matters regarding the administration and enforcement of this section and rules and regulations promulgated under this section. The chairperson of the board may administer oaths and affirmations in relation to the investigations.

2.13 Subpoenas.

a) The board may issue subpoenas over the signature of the chairperson to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of witnesses for attendance and travel shall be the same as for witnesses appearing in courts and shall be paid from appropriations for the incidental expenses of the board.
b) All officers in public service and employees shall attend and testify if required to do so by the board.
c) If an individual refuses or neglects to obey a subpoena issued by the board, the individual shall, upon conviction, be sentenced to pay a fine no less than $250 and no more than $500. If the individual is in default on the payment of the fine under this section, the individual shall be imprisoned for a period not to exceed 30 days.
d) If an individual refuses or neglects to obey a subpoena issued by the board, the board may petition the Court of Common pleas of Allegheny County to order the individual to appear before the board or the court to testify and produce records and papers as the board deems necessary. If the individual refuses to comply with the court's order, the individual shall be held in contempt of court.

2.14 Annual Report.

a) The board shall make an annual report to the municipal council containing a brief summary of its work during the year, which shall be available for public inspection in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
b) Such report shall be provided to the municipal council on or before the 31s^{t} day of January of each year. Such report shall further comply with *Section* 5.4, b), of these rules and regulations, which provides that the report should not reference the record of any hearing on a dismissal or reduction where such charge have been dismissed.

CHAPTER 3. FULL-TIME POLICE OFFICER

A. APPLICATIONS AND QUALIFICATIONS

3.1 Eligibility for Examinations.

In order to be eligible for participation in the initial examinations for a Full-Time Police Officer position with the Municipality of Penn Hills Police Department, every applicant must submit a completed application form to the board or other offices or agencies designated by the board, 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.

3.2 Discrimination.

The Municipality of Penn Hills is an equal opportunity employer.

a) No question in a form of application for examination or in an examination or inquiry shall be so framed as to elicit information from an applicant in violation of Federal or State antidiscrimination laws, such as the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241) or the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act. All disclosures by an applicant of information protected by anti-discrimination laws shall be ignored.
b) No discrimination shall be exercised, threatened or promised by a person against or in favor of an applicant or employee in violation of Federal or State Anti-Discrimination Laws, such as the Civil Rights Act of 1964 or the Pennsylvania Human Relations Act, and no offer or promise of reward, favor or benefit, directly or indirectly, shall be made to or received by an individual for an act done or duty omitted or to be done under these rules and regulations.

3.3 Applications.

Applicants shall complete a notarized application required by the board's rules and regulations showing the qualifications for the position which the applicant is being examined. These application forms shall be available to all interested persons in the office of the municipal manager's office or their designee and from such other offices and officers that the board, from time to time, may choose to designate. Application forms may be mailed upon written or telephone request. However, the board assumes no responsibility for missed filing deadlines due to a delay in the mail. The date and time of receipt of each application will be noted on the application.

3.4 Residency Requirements.

All police officers shall be permitted to reside either within, or not more than twenty-five (25) nautical miles, from the boundaries of the municipality. A nautical mile shall be measured as 6076.12 feet. Officers hired shall be required to comply with the residency provision within one (1) year from the completion of their probationary period.

3.5 General Qualifications.

At the time of application, every applicant for a position in the police department shall possess the following qualifications:

a) Be a United States Citizen.
b) Must have reached their twenty-first (21st) birthday before the date of the first administered test.
c) Possess a diploma from an accredited high school or a graduate equivalency diploma (GED).
d) An applicant, may not be required to be Act 120 Certified, but if not Act 120 Certified at the time of application, must achieve Act 120 Certification, after being hired, contingent upon successfully completing the Municipal Police Officers' Education and Training Commission (Act 120), (MPOETC) 53 Pa. C.S.A. §2161 et seq.
(Please note: If a candidate is hired and has not received their Act 120 training or certification, that candidate will be hired as a "Cadet," and be required to pass all of the provisions outlined in these civil service rules and regulations before attending and successfully completing Act 120 training and being fully certified as a Full-Time Police Officer for the Penn Hills Police Department. Any "Cadet" who has attended and not successfully completed Act 120 Training shall be terminated from employment
e) An applicant, if hired under the provisions of these civil service rules and regulations, and
currently is enrolled in Act 120 certification training, but has not yet successfully completed Act 120 certification training, that candidate will be hired contingent upon successfully completing Act 120 certification training. Any candidate hired under these provisions who has not successfully completed Act 120 certified/training requirements, shall be terminated from employment.
f) Be physically and mentally fit to perform the full duties of a police officer.
g) Possess a valid Pennsylvania motor vehicle operator's license or obtain a Pennsylvania motor vehicle license prior to appointment.

3.6 Public Notice.

The board shall conspicuously post in the municipal building or other locations, designated by the board, an announcement of the Full-Time 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 formal applications may be obtained for the examination, and the deadline for filing formal applications. For the position of Full-time Police Officer at least two (2) weeks prior to each examination, publication of the notice shall be placed in at least one newspaper of general circulation in Municipality of Penn Hills and a copy of the notice shall be prominently posted in the municipal office or public places, as may be appropriate.

The municipal manager, 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 municipal manager, or other designated person, shall notify the police officer 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 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 Failure to report for an examination in accordance with the instructions contained in the written notice shall disqualify the applicant, except that in the case of a physical or psychological examinations, the physician and 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.

3.7 Recording and Filing Applications.

Applications for positions of Full-Time Police Officer shall be received at the Penn Hills Municipal Building, located at 102 Duff Road, Penn Hills Pennsylvania, 15235, only after the entry level position has been properly advertised and before the deadline for receiving applications which must be set forth in the public advertisement. Applications will be received by the municipal official designated in the public advertisement or that official's designee. That person shall record the receipt of all applications and provide each applicant with notice of the time and place for the first portion of the testing procedure. Any application containing material errors or omissions may, at the discretion of the board, be returned to the applicant for correction, and if so, must be returned, by the applicant prior to the deadline for filing applications after which no new applications or amended applications will be accepted.

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 Penn Hills Police Department.

d) No person who has made a materially false application shall be permitted in the future to be an applicant for any position in the Penn Hills Police Department.

3.8 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 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 demonstrates through their conduct an inability to adhere to the policies and rules set forth by the Municipality and the Penn Hills Police Department, which policies and rules may be amended from time to time, as well as any applicant who:

a) is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which the applicant has applied;
b) is physically unfit for the performance of the duties of the position or employment for which the applicant has applied;
c) is illegally using a controlled substance as defined in (Public Law 91-513, 21 U.S.C. § 802);
d) has been found guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct;
e) has been dismissed from public service for delinquency or misconduct in office; or
f) is affiliated with any group which have policies or engage in activities that are subversive to the form of government established in Federal or State law.

3.9 Hearing for Disqualified Applicants.

a) If an applicant is aggrieved by the board's refusal to certify the applicant as eligible after an examination or an individual is aggrieved by the board's refusal to examine the individual, the board shall, at the request of the applicant or individual aggrieved, set a date, time and place for a public hearing within 10 days after the receipt of the request for a public hearing.
b) At the public hearing, the applicant or individual aggrieved may appear with or without counsel and the board shall take testimony and review the board's refusal to provide the examination or certification.
c) The deliberations of the board regarding the matter, including interim rulings on evidentiary or procedural issues, may be held in the nature of a closed executive session.
d) 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) and the board's decision on the matter shall be final.

B. EXAMINATION AND GRADING PROCEDURE

3.10 General Examination Requirements.

The examination for the initial positions of Full-Time Police Officer shall consist of a physical agility test, written examination, oral examination, polygraph examination. and background investigation. The written examination and the oral examination will be graded individually on a one hundred (100%) 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. The physical agility test and the background investigation will be graded pass/fail.

The testing process will be as follows:
Physical Agility Test: Those candidates passing the physical agility test, as outlined in *Section 3.11,* will qualify to take the written examination.

Note: At the discretion of the board, the written examination may precede the physical agility testing.

b) Written Examination: Those candidates passing the written test as outlined in *Section 3.12* will qualify for the oral examination.
c) Oral Examination: Those candidates passing the oral examination, as outlined in *Section 3.13,* will then be placed on the eligibility list as outlined in *Section 3.15.*
d) Polygraph Examination: Prior to being considered for appointment on the "Certified List of Three" an applicant will undergo a complete polygraph examination as outlined in *Section 3.17.*
e) Background Investigation: Prior to being considered for appointment on the "Certified List of Three" an applicant will also be required to undergo a complete background investigation as outlined in *Section 3.18.*

Although a requirement, only a sufficient number of top scoring candidates necessary for consideration, as determined by the board, will need to have a polygraph and background examination performed. Thus, any individual appearing on the eligibility list is subject to a polygraph examination and background examination, and no one will be certified as eligible on the "Certified List of Three" until they have successfully completed a background investigation and polygraph examination and received a written recommendation that the applicant is appropriate for consideration in accordance with *Section 3.17 and 3.18* of these rules and regulations.

3.11 Physical Agility Testing.

a) Applicants 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, candidates shall be provided with the physical agility requirements prior to the time of physical agility testing. The physical fitness examination must be job-related and consistent with business necessity and the physical agility test administered shall be designed to impose an equal burden of compliance on both male and female applicants, requiring the same level of physical fitness for each. An applicant for the position of Full-Time Police Officer shall be evaluated to determine physical fitness using the standards developed by the Cooper Institute for Aerobics Research. Each applicant shall score no lower than the 30th percentile of the Cooper Standards for the person's age and gender, which coincides with the 30th percentile of the general population, in each of the required evaluations to be eligible for employment.
b) Applicants who have either successfully passed, or failed the physical agility test will be notified by the board within thirty (30) days.

3.12 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 thirty-five (35) 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 thirty-five (35) highest scores or a lesser number who may have passed the written test, shall be rejected. Within thirty (30) days after the administration of the written examination,

all applicants shall be given written notice of their test results and passing applicants shall be scheduled for an oral examination appointment.

3.13 Oral Examination.

Every applicant who scored seventy percent 70% or higher on the written test and receives one of the top thirty-five (35) highest scores, or a lesser number, including ties in the written examination shall be given an oral examination which will be graded on a 100-point scale with a score of seventy percent (70%) or higher necessary for passing. Within thirty (30) days after the applicants' oral examination, they shall be informed of the score in their oral examination and total overall score.

3.14 Veterans' Preference Points.

Pursuant to the Veterans' Preference Act, as amended by Act 102 of 2020, any applicant for the position of police officer who qualifies as a military veteran under this Act, shall receive an additional ten (10) points on top of their final score if that applicant qualifies under *Sections 3.10, 3.11, 3.12 and 3.13,* of these rules and regulations. Applicants claiming veteran's preference shall have submitted satisfactory proof of service through the submission of discharge papers or separation documents (A DD214, DD215, or NGB-22 form), or statement of service, as that term is defined in the Act, to the board with their application form.

C. ELIGIBILITY LIST AND BACKGROUND INVESTIGATION

3.15 Creation of Eligibility List.

a) At the completion of the examination requirements set forth in *Sections 3.10, 3.11,* physical agility test, *3.12,* written examination, and *3.13,* oral examination, the board shall rank all passing candidates on the eligibility list. The applicants who have received the highest scores shall be at the top of the eligibility 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 3.14,* shall have those ten (10) points added to their final score prior to being ranked on the eligibility list.
b) 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 applicants receive identical scores, the order of listing shall be determined by the order in which they were numbered for recording purposes.
c) Any individual appearing on the eligibility list is subject to a background investigation and polygraph examination and no one will be certified in accordance with *Section 3.19,* of these rules and regulations until they have successfully completed a background investigation, polygraph examination and received a written recommendation that the applicant is appropriate for consideration in accordance with *Section 3.19,* of these rules and regulations.

3.16 Duration of Eligibility List.

The original eligibility lists for Full-Time Police Officer will be valid for a period of one (1) year from the date the board formally adopts the eligibility list. Prior to expiration of the one-year period, the board may extend the validity of the eligibility list for up to an additional twelve (12) months by a majority vote of the board, at a duly authorized board meeting. In the absence of a lawful extension by the board, the list shall expire.

3.17 Polygraph Examination

a) After the Personnel Board has formally adopted the eligibility list, the board shall appoint a polygraph examiner to conduct the polygraph examination on the top scoring eligible applicants. The polygraph examination must be consistent for each applicant and the board appointed polygraph examiner shall provide all necessary forms to conduct the polygraph examination.
b) The polygraph examiner shall provide the applicant with an initial survey and the exam questions will be based on the information provided in the survey. Prior to beginning the exam, the polygraph examiner shall ask each applicant whether there is any additional relevant information that the applicant would like to provide to the initial survey. There shall also be a post-test review. If deception is indicated, the examiner shall ask the applicant whether there is any relevant information which the applicant is withholding.
c) If the examiner deems any of the applicant's responses to be deceptive, the examiner must tell the applicant immediately and give the applicant an opportunity to explain, deny or admit the deception.
d) The report on each examination shall be submitted to the board within five (5) days after the date of the examination. The examiner's report shall state whether any of the relevant applicant's responses to questions are deceptive.
e) Within thirty (30) days after the board considers the recommendation based on the Polygraph Examiner's examination, as outlined above, each applicant shall be notified as to whether they have failed the polygraph examination or passed the polygraph examination and are eligible to be considered further for appointment.
0 If after an applicant has been notified of failing the polygraph exam, the applicant denies being deceptive, the applicant will be given the opportunity to retake the test with a second examiner. Notice of the opportunity to retest shall be given in writing to the relevant applicant. The second examiner will not have access to the results of the first test prior to re-administering the polygraph. If the second examiner finds no deception, the relevant applicant will be considered as having passed the polygraph. If the second examiner also finds the relevant applicant deceptive, the applicant will be considered as having failed the examination.
g) An applicant who has failed both tests may appeal to the Personnel Board for a third examination. The decision to give the applicant an opportunity to take a third test resides solely within the discretion of the Personnel Board. If the applicant is awarded an opportunity to take a third test and passes, then the applicant will be considered as having passed the polygraph test. If the applicant is found deceptive on a third test, the applicant will be rejected.

h) Notwithstanding any other provision in this section, an applicant who successfully passes the polygraph exam provided under this section shall not be required to subsequently submit to a second polygraph examination at any point during the life of the same eligibility List. Upon the expiration or voiding of the eligibility List, if the applicant appears on a subsequent Eligibility List, the applicant will be required to again pass the polygraph examination herein provided.

3.18 Background Investigation.

a) The board shall appoint an investigative agency to conduct a background investigation on the top scoring eligible applicants, as determined by the board after the board has formally adopted the eligibility list. This action will take place prior to the qualified candidate's passing the background investigation and inclusion on the "Certified List of Three" of those eligible as set forth in *Section 3.19,* of these rules and regulations.
b) 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.
c) After the background investigation is completed, the investigative agency, shall make a written recommendation to the board on whether the applicant is appropriate for consideration for appointment as a police officer for the Penn Hills Police Department.
d) The recommendation by the investigative agency shall be based on the criteria set forth in *Section 3.8,* 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.
e) Pennsylvania Act 57 of 2021: While the investigative agency will be responsible for the general background investigation, the Chief of Police or designee will be responsible to carry out the mandatory requirements of Act 57, enacted into law on July 14, 2021. The law requires inquiry to the MPOETC concerning prospective newly hired police officer's prior employment status and outlines the mandatory reporting requirements of the MPOETC. This process should be implemented in conjunction with the background investigation administered by the investigation agency.
f) It is important to note that Act 57, cited above, provides essential language in conjunction with amendments to the MPOETC Law that mandates that specific form's requirements to be completed and submitted to the MPOETC for each police officer given a conditional offer of employment.
   Note: All required "forms and additional necessary information is available on the MPOETC Website.
g) Within thirty (30) days after the board considers the recommendation based on the investigative agency's background investigation and the prospective newly hired police officer meeting the required criteria, of the MPOETC, as referenced above, each applicant shall be notified as to whether they have passed the background investigation and are eligible for appointment, based on the requirements of Act 57, as reference above.

D. APPOINTMENT PROCEDURE

3.19 Appointing Authority.

a) 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 5.5,* of these rules and regulations.

b) Except as provided above, and the appointment of the Chief of Police, every initial position of Full-Time Police Officer, for employment in the police department shall be filled only in the following manner:

1) The municipal manager shall notify the Personnel Board of a vacancy which is to be filled and shall request the certification of an eligibility list.
2) For each vacancy, the Personnel Board shall certify three individuals from the eligibility list, or a fewer number of individuals if three individuals are not available, who have received the highest average for the vacancy.
3) The municipal manager shall make a conditional appointment from the certified individuals by the board based solely on the merits and fitness of the certified individuals, unless the municipal manager objects to the board regarding one or more of the certified individuals for a cause specified under *Section 3.8,* of these rules and regulations.
4) If any objections are sustained by the board under paragraph (3), or if the conditional appointee is determined to be unqualified in accordance with the procedures set forth under *Section 3.8,* of these rules and regulations, the board shall strike the name of the individual from the eligibility list and certify the next highest qualified individual not stricken from the eligibility list.

c) The procedure under subsection (b) shall be used to fill each subsequent vacancy that occurs in the same or another position.

3.20 Physical and Psychological Medical Examination

a) After the municipal manager 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 conducted under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be conducted under the direction of a psychiatrist or psychologist.

b) The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by the municipal manager and shall render an opinion as to whether the conditional appointee has physical or mental condition, which calls into question the individual's ability to perform all of the essential functions of the position for which the individual was conditionally appointed.

c) 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 Chief of Police. 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. The completed forms shall be confidential and submitted to the appropriate official for disposition.

c) However, if the opinion rendered by the physician or other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of a position, the municipal manager shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position.

d) If, at the conclusion of the interactive discussion the municipal manager determines that the conditional appointee is not qualified, the municipal manager shall give written notice to the conditional appointee and the board.

e) Nothing in these rules shall be construed to authorize physical or psychological medical examinations prior to a conditional appointment.

f) The rejected candidate may appeal this decision under *Section 3.9,* 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."

3.21 Probationary Period.

a) Every successful applicant for the position of police officer shall serve a twelve (12) month probationary period. For newly hired police officers, the probationary period will begin on the first day the new officer reports for work. During this probationary period, a newly hired police officer may only be dismissed for cause for the reasons set forth in *Section 3.8,* of these rules and regulations, or because of incapacity for duty due to the use of alcohol or drugs. In addition, a probationary police officer may be dismissed, if the probationary police officer does not meet the requirement expectations of the position and documentation is accurately noted.

b) The Chief of Police, or designee 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 municipal council, immediately preceding the end of the probationary period. Each report shall be submitted in writing to the municipal manager. Within five (5) calendar days after receiving a probationary report from the Chief of Police or designee, if the conduct of the probationer has not been satisfactory to the municipal manager, the probationer shall be notified in writing by the municipal manager that the appointment will not be permanent. Following receipt of this notification by the probationer, a newly hired police officer's employment shall end.

c) Any probationer who is notified in writing by the municipal manager, prior to completion of the twelve-month probation period, that their appointment will not be made permanent shall not be subject to the hearing provisions under *Section 5.2 and 5.3* of these rules and regulations.

d) The municipal manager 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.

e) After the end of the twelve (12) month probationary period, if the probationer is not notified in accordance with this section, a probationary Full-Time Police Officer shall receive permanent status in that position.
Note: The probationary period, as outlined above, for a Cadet will begin after the Cadet has successfully completed the Act 120 certification requirements and begins being employed as a Full-Time Police Officer for the Penn Hills Police Department.

3.22 Optional Provision.

a) The municipal manager may fill a vacancy in an existing position in the police department which occurs as a result, of retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the police department who had previously complied with the rules and regulations. No examinations, except the officer's reappointment, are subject to any recertification requirements prescribed by the MPOETC, to include the provisions of Act 57, of 2020.

3.23 Provisional Appointment.

a) Whenever there are urgent reasons for the filling of a vacancy in any position in the police department and there are no names on the eligibility list, for such appointment, the municipal manager may nominate a person to the Personnel Board for a non-competitive examination. Such nominee may be certified by the board after the nominee successfully passes such non-competitive examination.
b) Prior to being subject to a non-competitive test, the provisional appointee shall be subject to any recertification requirements prescribed by the MPOETC, to include the provisions of Act 57 of 2020. He may then be appointed provisionally to fill such vacancy.
c) Within 90 days of the provisional appointment under subsection a), above, the board shall hold a competitive examination, certify an eligibility list and make a regular appointment to the position in accordance with Chapter 3, of these rules and regulations, from the names submitted by the Personnel Board.
Note: Nothing in this section shall be construed to prevent the appointment without an examination of individuals temporarily as police officers in cases of riot or other emergencies.

CHAPTER 4. PROMOTIONS (RANKING POSITIONS)

A. APPLICATION AND QUALIFICATIONS

4.1 Eligibility for Examinations.

All applicants for a promotional ranking position except the Chief of Police shall not have been suspended without pay within three (3) years prior to the deadline for submitting the application. Any suspension to which the applicant has timely appealed pursuant to a contractual grievance procedure, or these rules and regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

All applicants for a promotional ranking position, with the Penn Hills Police Department, except the Chief of Police, shall require the following:

a) Police Sergeant: An applicant for the position of Police Sergeant shall have completed at least five (5) years of continuous prior service as a Full-Time Police Officer with the Municipality of Penn Hills Police Department.
b) Police Lieutenant: An applicant for the position of Police Lieutenant shall have at least Three (3) years of continuous prior service as a Police Sergeant with the Penn Hills Police Department.
c) Assistant Chief of Police: In compliance with Penn Hills Home Rule Charter, Administrative Code, Section 234.06, (b), an applicant for the position of Assistant Police Chief shall have at least five (5) years of experience as a Police Lieutenant with the Penn Hills Police Department.

4.2 Notification.

a) 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 a "Letter of Intent," to apply for the position, shall be conspicuously posted in the police department and the municipal office. At the discretion of the board, the board may receive documentation from the municipal manager 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 notified by the municipal manager or other individuals designated by the board.
b) The municipal manager, 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.
c) Every such notice shall be mailed or otherwise delivered at least seven (7) days prior to the date fixed for the 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.

4.3 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:

a) is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which the applicant has applied;
b) is physically unfit for the performance of the duties of the position or employment for which the applicant has applied;
c) is illegally using a controlled substance as defined in (Public Law 91-513, 21 U.S.C. § 802);
d) has been found guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct;
e) has been dismissed from public service for delinquency or misconduct in office; or
f) is affiliated with any group which have policies or engage in activities that are subversive to the form of government established in Federal or State law.

4.4 Hearing for Disqualified Applicants.

a) If an applicant is aggrieved by the board's refusal to certify the applicant as eligible after an examination or an individual is aggrieved by the board's refusal to examine the individual, the board shall, at the request of the applicant or individual aggrieved, set a date, time and place for a public hearing within 10 days after the receipt of the request for a public hearing.
b) At the public hearing, the applicant or individual aggrieved may appear with or without counsel and the board shall take testimony and review the board's refusal to provide the examination or certification.
c) The deliberations of the board regarding the matter, including interim rulings on evidentiary or procedural issues, may be held in the nature of a closed executive session.
d) 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) and the board's decision on the matter shall be final.

B. EXAMINATION AND GRADING PROCEDURE

4.5 General Examination Requirements.

The examination for promotional ranking positions 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 seventy percent (70%) of the final score, the oral examination representing thirty percent (30%).

4.6 Written Examination.

The written examination for a ranking promotional position 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.

4.7 Oral Examination.

Every applicant who has satisfied all of the written examination requirements provided in *Section 4.7,* above, shall be given an 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 job related police-oriented issues, including how they would manage situations relevant to the promotional position to which they are applying. 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.

4.8 Discrimination.

The Municipality of Penn Hills is an equal opportunity employer.

a) No question in a form of application for examination or in an examination or inquiry shall be so framed as to elicit information from an applicant in violation of Federal or State antidiscrimination laws, such as the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241) or the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act. All disclosures by an applicant of information protected by anti-discrimination laws shall be ignored.
b) No discrimination shall be exercised, threatened or promised by a person against or in favor of an applicant or employee in violation of Federal or State antidiscrimination laws, such as the Civil Rights Act of 1964 or the Pennsylvania Human Relations Act, and no offer or promise of reward, favor or benefit, directly or indirectly, shall be made to or received by an individual for an act done or duty omitted or to be done under these rules and regulations.

C. CERTIFICATION OF THE LIST OF ELIGIBLES AND

APPOINTMENT 4.9 Creation of Eligibility List.

a) At the completion of the examination requirements set forth in *Sections 4.5, 4.6, and 4.7,* the board shall rank all passing applicants on a list with the applicant receiving the highest final score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list.

b) 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 seniority.

4.10 Duration of Eligibility List.

The eligibility list for a promotional ranking position will be valid for a period of two years from the date the board formally adopts the promotional eligibility list. However, the Personnel Board may, at a duly authorized Personnel Board meeting, void an eligibility list at any time at the discretion of the Personnel Board.

4.11 Appointment Procedure.

a) The promotional ranking positions shall be filled only in the following manner:

1) The board shall certify for each vacancy the names of three individuals on the eligibility list who have received the highest average in the last promotion examination held within a period of two years preceding the date of the request for the eligibility list. If three names are not available, the board shall certify the names remaining on the eligibility list. The municipal manager shall make an appointment from the names certified, based solely on the merits and fitness of the candidate.
2) The municipal manager may object to one or more of the persons certified for the reasons set forth *in Section 4.4,* of these rules and regulations. If the candidate to whom municipal manager objects fails to timely exercise the rights of appeal under *Section 4.5,* or if the board declines to uphold the appeal, the board shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three candidates for each name stricken off.

4.12 Probationary Period.

a) Every successful applicant for the promotional ranking position shall serve a twelve (12) month probationary period. The probationary period will begin on the first day of the promotion to the respective ranking position.
b) A Full-Time Police Officer promoted to the promotional ranking position, during probation, may be returned to the position from which they were promoted, for cause for the reasons set forth in *Section 5.1,* of these rules and regulations, or because of incapacity for duty due to alcohol or drugs.
c) A Full-Time Police Officer promoted to a promotional ranking position may be returned to his/her previous position, if the probationary promoted police officer does not meet the requirement expectations of the position and documentation is accurately recorded.
d) 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 meeting of the municipal council, immediately preceding the end of the probationary period. Each report shall be submitted in writing to the municipal manager. Within five (5) calendar days after receiving a probationary report from the Chief of Police, if the conduct of the probationer has not been

satisfactory to the municipal manager, the probationer shall be notified in writing by the municipal manager that the appointment will not be permanent and the promoted probationary police officer will be returned to their position of Full-time Police Officer, for the municipality.

e) Any probationer who is notified in writing by the municipal manager, prior to completion of the twelve (12) month probation period, that their appointment will not be made permanent shall not be subject to the hearing provisions under *Section 7.4,* of these rules and regulations.
f) The municipal manager 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.
g) At the end of the twelve (12) 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.

B. CHIEF OF POLICE - APPOINTMENT

4.13 Appointment of Chief of Police.

In the case of a vacancy in the position of Chief of Police, the Municipal Manager has full discretion in selecting the individual to fill the position, subject to the express advice and consent of the mayor and council at a public meeting. In the case of a vacancy in the position of Municipal Manager, the mayor and council shall have full discretion in selecting the individual to fill the Chief of Police position. In either case, only if the mayor and council nominates that person to the Personnel Board for a non-competitive civil service examination, shall the Personnel Board then subject the nominee to a non-competitive examination to determine if the police officer is qualified or not qualified for civil service purposes. If the Personnel Board certifies the nominee as qualified, as a result of a non-competitive examination, that person may then be appointed as the Chief of Police and therefore shall only be removed from the position of Chief of Police for the reasons set forth in *Section 5.1,* of these rules and regulations.

CHAPTER 5. SUSPENSIONS, REMOVALS AND DEMOTION IN RANK —FURLOUGHS

5.1 Grounds for Disciplinary Action.

a) No person appointed to a position in the police department pursuant to these rules and regulations may be suspended without pay or removed and no person promoted in rank pursuant to these rules and regulations may be reduced in rank except for the following reasons:

1) Physical or mental disability affecting the officer's ability to continue in service, in which case the officer shall receive an 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 the conduct of a political or election campaign otherwise than to exercise the individual's own right of suffrage, except that this clause shall only apply to a police officer while on duty or in uniform or while using municipal property.
7) Engaging or participating in the conduct of apolitical or election campaign for an incompatible office as provided in Section 1401, of the First Class Township Code.

b) 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 the same are filed with the board.

5.2 Notice of Suspension, Removal or Reduction in Rank.

Whenever a police officer is suspended, removed or demoted, A written statement of charges made against an individual employed shall be furnished to the individual within five days after the same statement of charges are filed with the board. The specific charges warranting such actions shall be stated in writing by the municipal council. The charges shall be stated clearly and in sufficient detail to enable the officer to understand the charges and to allow the officer an opportunity to respond to those charges. The charges shall specify the subsection of *Section 5.1,* 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. In addition, the charges shall notify the officer of the right to appeal under *Section 5.3,* of these rules and regulations.

5.3 Hearings on Suspension, Removals, and Reduction and Ranks

a) An individual suspended, removed or demoted may make written answers to charges filed against the individual not later than the day scheduled for the hearing. The board shall grant the individual a hearing which shall be held within a period of ten days from the

filing of written charges, unless continued by the board for cause at the request of the municipal manager or the accused. The failure of the board to hold a hearing within ten days of the filing of the written charges shall not result in the dismissal of the charges filed.

5.4 Hearing Procedure.

a) At a hearing, the individual against whom the charges are made may be present in person and by legal counsel. The municipal manager, or the Chief of Police, when the municipal manager is not in session, may suspend the individual without pay pending the determination of the charges against the individual, but if the board fails to uphold the charges, the individual sought to be suspended, removed or demoted shall be reinstated with full pay for the period during which the individual was suspended, removed or demoted, and no charges shall be officially recorded against the individual's record.
b) A stenographic record of all testimony taken at the hearings shall be filed with and preserved by the board, which record shall be sealed and not be available for public inspection if the charges are dismissed.
c) All parties shall have immediate right of appeal to the court of common pleas of the county, and the case shall there be determined as the court deems proper. No order of suspension made by the board shall be for a longer period than one year. The appeal shall be taken within 30 days of the date of entry by the board of its final order and shall be by petition. Upon the appeal being taken and docketed, the court of common pleas shall schedule a day for a hearing and shall proceed to hear the appeal on the original record and additional proof or testimony as the parties concerned may desire to offer in evidence. The decision of the court affirming or reversing the decision of the board shall be final and the employee shall be suspended, discharged, demoted or reinstated in accordance with the order of the court.
d) The municipal manager and the individual sought to be suspended, removed or demoted shall at all times have the right to employ legal counsel before the board and upon appeal to the court of common pleas. Unless the municipal manager or the individual sought to be suspended, removed or demoted requests that the proceedings before the board be open to the public, the proceedings before the board under this section shall be held in the nature of a closed executive session that shall not be open to the public. The request shall be presented to the board before the board hearing commences. The deliberations of the board, including interim rulings on evidentiary or procedural issues, may be held in private and shall not be subject to a request for being open to the public by the municipal manager or the individual sought to be suspended, removed or demoted. The Personnel Board's disposition of the disciplinary action shall constitute official action which shall occur at a public meeting held under 65 Pa.C.S. Ch. 7 (relating to open meetings).
e) In any case in which a police officer who is a member of a bargaining unit is subject to suspension, discharge or discipline, the police officer shall have the option of challenging the suspension, discharge or discipline imposed by using the procedures provided in this section or by a proceeding in grievance arbitration. A choice to proceed either by the procedures provided for in this section or by grievance arbitration shall foreclose the opportunity to proceed in the alternative method.

5.5 Furloughs.

If for reasons of economy or other reasons it shall be deemed necessary by the municipality to reduce the number of paid officers, the following procedure shall be followed:

1) The municipal manager shall first furlough the individual, 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 shall have been accomplished.
2) In the event that the municipal 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. Employees notified of reinstatement must accept reinstatement within thirty (30) days of receipt of such notice, otherwise such employee shall be deemed to have waived any right to reinstatement.
3) These reductions in force provisions are not applicable to the Chief of Police.

Note: Veteran's Preference: The exception to the above, in compliance with the Veteran's Preference Act, as amended, PA Act 102 of 2020, Section 7107, reads:

Whenever a reduction in force is necessary in any public position, or on public works of the Commonwealth and its political subdivisions, and personnel are discharged according to seniority, the number of years of service of any veteran shall be determined by adding the veteran's total years of service in the civil service or on public works to the veterans total years of service as a member of the armed forces of the United States, including a reserve component or National Guard, during any period of war or armed conflict in which the United States engaged other than for periods of active duty training.

5.6 Compulsory Retirement Age.

Nothing in these rules shall apply to retirement or be construed to prevent the municipal council from adopting a compulsory retirement age for the municipal employees or any class of employees or to prevent the municipality from retiring the municipal employees automatically when they attain the compulsory retirement age.

Note: 234.10
Mandatory Retirement.
[Ord. 2300, passed 8-31-1998; Ord. 2404, passed 12-3-2003]
All members of the Municipal Police Department hired on or after August 31, 1998, regardless of rank or title, shall retire after attaining the age of 60 years. In no instance shall a member of the Municipal Police Department, regardless of rank or title, be allowed to exceed the mandatory retirement age of 60 years unless service commenced prior to August 31, 1998; provided, that any member of the Municipal Police Department hired prior to August 31, 1998, regardless of rank or title, shall be allowed to continue working as a member of the Municipal Police Department after he or she has attained the mandatory retirement age, until such time as they have completed the required 15 years of service for partial vesting.

CHAPTER 6. PENALTY FOR NON-COMPLIANCE

A municipal council person who, by vote, appoints an individual to the police force contrary to the provisions of these rules and regulations, or the municipal council or members of the board who willfully refuses to comply with or conform to the provisions of these rules and regulations, commits a misdemeanor and, upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to imprisonment not exceeding ninety days, or both.

CHAPTER 7. REVOCATION/SEVERABILITY

a) Revocations/Repeal of prior rules and regulations. These rules and regulations shall become effective upon the approval of same by the municipal council, whereupon all prior rules and regulations of the board shall be revoked and repealed.
b) Validity/Severability. Should any section, clause, part or word of these rules and regulations be declared by a court of competent jurisdiction invalid, illegal or unconstitutional, such decision of the court shall not affect the validity or impair any of the remaining sections, clauses, parts or words of these rules and regulations; the provisions of these rules and regulations being thus severable, same are declared valid to the extent any section, subsection, subparagraph, clause, part or word is not specifically declared by the decision of the court invalid, illegal or unconstitutional.

CHAPTER 8. RESOLUTION FOR ADOPTION

The foregoing rules and regulations, which are in accordance with powers granted by the Penn Hills Home Rule and the First Class Township Code, Sections 625-650, as amended (Act 96 of 2020) and enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the municipal governing body of Municipality of Penn Hills, Allegheny County, Pennsylvania, are hereby adopted by the Personnel Board of the Municipality of Penn Hills.

_____ _____

Date:

_____ _____

Date:

_____ _____

Date:

Approved by the Personnel Board of the Municipality of Penn Hills, Allegheny County, Pennsylvania, this day of _____ 2026.

ATTEST: SIGNED:

Municipal Manager Mayor, Municipality of Penn Hills

_____ _____