

Chapter A164, CIVIL SERVICE COMMISSION: RULES AND REGULATIONS (Revised April 1, 2006)

[HISTORY: Adopted by the Civil Service Commission of the Township of Lower Merion 10-15-1941 and approved by the Board of Commissioners of the Township of Lower Merion 11-19-1941; amended in its entirety 7-20-1994 by Ord. No. 3368. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Police Department — See Chs. 10, Arts. I and III, and 36.

ARTICLE I, Scope; Definitions

§ A164-1. Scope.

These rules and regulations shall govern and regulate all civil service appointments, promotions, reductions in rank, suspensions without pay and removals of paid members of the police force of the Township of Lower Merion.

§ A164-2. Definitions.

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

APPLICANT — Any individual who applies in response to a legally advertised notice of examination for a sworn position in the Police Department.

APPLICATION FEE — The fee associated with obtaining an application for positions with the Police Department. [Added 2-18-1998 by Ord. No. 3478]

APPOINTING AUTHORITY — The Board of Commissioners of the Township of Lower Merion, Montgomery County, Pennsylvania.

BOARD — The Board of Commissioners of the Township of Lower Merion.

CERTIFICATION — The submission to the appointing authority pursuant to its request of three names taken from the eligible list developed by the Civil Service Commission.

CHAIRPERSON — The Chairperson of the Civil Service Commission of the Township of Lower Merion, Pennsylvania.

COMMISSION — The Civil Service Commission of the Township of Lower Merion, Pennsylvania.

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

ELIGIBLE LIST — The list of names of persons who have passed all examinations for a particular sworn position in the Police Department.

EXAMINATION — The series of tests given to candidates to determine their qualifications for a sworn position in the Police Department.

FURLOUGH LIST — The list containing the names of persons temporarily laid off from sworn positions in the Police Department because of a reduction in the number of officers.

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION REQUIREMENTS — The mandatory requirements of Act 120 for hiring and continued employment as a municipal police officer. [Added 2-18-1998 by Ord. No. 3478]

POLICE FORCE — The sworn police officers of the Township of Lower Merion Police Department.

POLICE OFFICER — For purposes of these rules and regulations, a sworn full-time position in the Lower Merion Police Department.

PROBATIONER — An officer in the Police Department who has been appointed from an eligible list, but who has not yet completed the work-test period.

REDUCTION IN RANK — A change to a different position or rank where the employee fulfilled all of the requirements of these rules 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 a police officer from the Police Department.

SECRETARY — The Secretary of the Civil Service Commission of the Township of Lower Merion, Pennsylvania. In the absence of the Chairperson, the Secretary will serve as the Vice Chair.

SUPERINTENDENT OF POLICE — The chief executive officer of the Township of Lower Merion Police Department or his/her designee. [Amended 6-18-2003 by Ord. No. 3682]

SUSPENSION — The temporary separation without pay of a police officer from the Police Department.

TOWNSHIP MANAGER — The chief executive officer of the Township of Lower Merion or his/her designee. [Amended 6-18-2003 by Ord. No. 3682]

§ A164-3. (Reserved) Editor's Note: Former § A164-3, Word usage, was repealed 6-18-2003 by Ord. No. 3682.

ARTICLE II, The Commission

§ A164-4. Civil Service Commission. [Amended 6-18-2003 by Ord. No. 3682]

- A. The Commission shall consist of three members and two alternates who shall be qualified electors of the Township and shall be appointed by the Board of Commissioners initially to serve for the terms of two, four and six years and, as terms thereafter expire, shall be appointed for terms of six years.
- B. Any vacancy occurring in the Commission for any reason whatsoever shall be filled by the Board of Commissioners for the unexpired term within the period of 60 days after such vacancy occurs.
- C. Each member of the Commission, before entering upon the discharge of the duties of his/her office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform his/her official duties with fidelity. No Civil Service Commissioner shall receive compensation.

§ A164-5. Offices incompatible with Civil Service Commissioner.

No Commissioner shall at the time hold an elective or appointed office under the United States government, the Commonwealth of Pennsylvania or any political subdivision of the commonwealth.

§ A164-6. Organization of Commission; quorum. [Amended 6-18-2003 by Ord. No. 3682]

The Commission shall organize annually by electing one of its members as its Chairperson and one as the Secretary. Three members of the Commission shall constitute a quorum, and no action of the Commission shall be valid unless it shall have the concurrence of at least two members.

§ A164-7. Duties of Chairperson. [Amended 6-18-2003 by Ord. No. 3682]

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

§ A164-8. Duties of Secretary.

The Secretary shall carry on at the direction of the Commission all official correspondence of the Commission, send out all notices required by law and these rules and regulations, keep a record of each examination or other official action of the Commission and perform all other duties required by law or these rules and regulations.

§ A164-9. Meetings. [Amended 6-18-2003 by Ord. No. 3682]

All meetings shall be held either at the call of the Chairperson or at the call of two members of the Commission. The Commission shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or these rules and regulations. The Secretary of the Commission shall give the Township Manager, the Superintendent of Police and each member of the Commission at least 72 hours' notice of each and every meeting of the Commission.

§ A164-10. Administrative assistance.

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

§ A164-11. Amendment of rules and regulations.

The Commission may amend, revise, void or replace these rules and regulations for any reason by action of a majority of the Commission at any properly convened meeting of the Commission. Before any changes to these rules and regulations become effective, those changes must be

reviewed by the Township Manager and approved by the Township Board of Commissioners. These rules and regulations and any amendments thereto shall be made available to the public for distribution or inspection.

§ A164-12. Minutes and records.

The Commission shall keep minutes of its proceedings and records of examinations and other official action for a period of at least 10 years. All recommendations of applicants for appointment to any sworn position within the Police Department received by the Commission shall be kept and preserved for a period of 10 years. The Secretary shall keep minutes of its proceedings showing the vote of each member upon each question. If the member is absent or fails to vote, the Secretary shall indicate that fact in the minutes.

§ A164-13. Investigations.

The Commission shall have the power to make investigations concerning all matters relating to the administration and enforcement of these rules and regulations. The Chairperson of the Commission is authorized to administer oaths and affirmations in connection with such investigations.

§ A164-14. Subpoenas.

- A. The Commission shall have the power to issue subpoenas over the signature of the Chairperson or his/her designee to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. [Amended 6-18-2003 by Ord. No. 3682]
- B. All officers in public service and employees of the Township shall attend and testify when required to do so by the Commission.
- C. If any person shall refuse or neglect to obey any subpoena issued by the Commission, upon conviction of such refusal or neglect in a summary proceeding, that person shall be sentenced to pay a fine not to exceed \$100 and, in default of the payment of such fine and cost, shall be imprisoned not to exceed 30 days.
- D. If any person shall refuse or neglect to obey any subpoena, the Commission may apply by petition to the Court of Common Pleas of Montgomery County for its subpoena, requiring the attendance of such persons before the Commission or the Court to testify and to produce any records and papers necessary and, in default thereof, shall be held in contempt of Court.

§ A164-15. Annual report.

The Commission shall make an annual report to the Township Manager and the Board of Commissioners containing a brief summary of its work during the year and a full accounting for any expenditures of public moneys. The annual report shall be available for public inspection.

ARTICLE III, Applications and Qualifications for Examination

§ A164-16. Appointments to be based on competitive examinations.

Except for the position of Superintendent of Police, each appointment to the police force shall be made only according to qualifications and fitness, to be ascertained by competitive examinations. Said examinations shall be given at such time or times and from time to time as the Commission shall determine.

§ A164-17. Public notice.

The Commission shall conspicuously post in the Public Safety and Township Buildings notice of the time and place of every entrance-level written examination for the police force, 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. In addition, at least two weeks prior to each examination, publication of the notice shall occur in at least one newspaper of general circulation or a newspaper circulating generally in the Township.

§ A164-18. Applications: recording, filing and fees. [Amended 2-18-1998 by Ord. No. 3478]

Applications for positions in the Police Department shall be distributed only after an examination has been properly advertised and before the deadline for receiving applications which must be set forth in the public advertisement. Individuals requesting an application will remit the current application fee, such application fee to be established by the Township Manager and set forth in the public advertisement. The person accepting the application shall record the receipt by time-stamping all such applications and provide each applicant with notice of the time and place for the first portion of the testing procedure, the written examination. Any application containing material errors or omissions may, at the direction of the Commission, be returned to the applicant for correction prior to the deadline for filing applications after which no new applications or amended applications will be accepted.

§ A164-19. Eligibility for examination. [Amended 2-18-1998 by Ord. No. 3478]

In order to be eligible for participation in any examination for any position with the Police Department, every applicant must submit a completed application form to the Commission before the deadline stated by the Commission for that specific examination. The applicant must take an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities. Omissions and/or falsifications on the application shall be considered grounds for rejection.

§ A164-20. Discrimination.

The Township is an equal opportunity employer. It is the Township's and the Commission's policy to grant equal opportunities regarding hiring, promotion and all other aspects of employment to qualified persons. Neither the Township nor the Commission shall discriminate based upon race, religion, color, national origin, gender, age, veteran's status or non-job-related

physical or mental handicap or disability or any other unlawful reason. The Township and the Commission will provide equal opportunities in employment and promotion.

§ A164-21. Veterans' preference points.

Pursuant to the Veterans' Preference Act, **Editor's Note: See 51 Pa.C.S.A. § 7101 et seq.** preferences and credits based upon veterans status shall be given as provided by law.

§ A164-22. Availability. [Amended 2-18-1998 by Ord. No. 3478]

Application forms shall be available to all interested persons through the Police Department. The Commission assumes no responsibility for missed filing deadlines due to a delay in the mail.

§ A164-23. Age and residency requirements. [Amended 2-18-1998 by Ord. No. 3478; 6-18-2003 by Ord. No. 3682; 11-16-2005 by 3761]

All applicants must have reached their 21st birthday before the deadline for submitting completed applications. Applicants must establish their permanent residence in the Commonwealth of Pennsylvania within six months following regular appointment.

§ A164-24. General qualifications. [Amended 2-18-1998 by Ord. No. 3478]

Every applicant for any sworn position in the Police Department shall possess the following:

- A. A diploma from an accredited high school or a graduate equivalency diploma and 60 credits from an accredited college or university, or, in lieu of the 60 credits, five year's full time service as a police officer with a municipal or state police force. Any applicant who possesses current Act 120 training is not required to possess an additional 60 college credits. Instead, an applicant possessing current Act 120 training need only possess the required number of college credits which, along with Act 120 training, equals a total of 60 college credits. [Amended 2-17-1999 by Ord. No. 3519; 11-16-2005 by Ord. No. 3761]
- B. United States citizenship.
- C. Physical and mental fitness to perform the full duties of a police officer, including meeting the qualifications promulgated by the Municipal Police Officers' Education and Training Commission for certification as a police officer in the Commonwealth of Pennsylvania.
- D. Good moral character. The applicant's background report, following an extensive investigation, must reveal the applicant to be of good moral character, law-abiding and possessing a reputation for honesty, personal integrity and respect for the rights of the persons and property of others.
- E. A valid motor vehicle operator's license issued by this or any other state. Upon appointment to a sworn position, any applicant who does not possess a Pennsylvania driver's license must obtain a Pennsylvania driver's license within the time limit required in the Pennsylvania Vehicle Code.

§ A164-25. Rejection of applicant. [Amended 2-18-1998 by Ord. No. 3478; 6-18-2003 by Ord. No. 3682]

The Commission may refuse to examine or, if examined, may refuse to certify as eligible after examination any applicant who is found to lack any of the general or specific qualifications prescribed in these rules and regulations for the particular position for which the applicant has applied, who fails to meet the Municipal Police Officers' Education and Training Commission requirements, or who at any point in the examination or certification process is, in the Commission's sole opinion, physically or mentally unable to be processed. In addition, to the extent permitted by law, the Commission may refuse to examine or, if examined, may refuse to certify any applicant who is physically or mentally unfit to perform the full duties of the position to which he/she seeks employment, or who is a habitual substance abuser, who is guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the constitutions and laws of the United States and the Commonwealth of Pennsylvania.

§ A164-26. Hearing for disqualified applicants.

Any applicant or other person who believes that he/she is aggrieved by the actions of the Commission in refusing to examine or to certify him/her as eligible after examination may request a hearing before the Commission. Within 10 days after such request, the Commission shall designate a time and place for the hearing, which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa.C.S.A. § 101 et seq. The applicant or aggrieved party must make his/her request for a hearing, in writing, within 10 calendar days of the date when the party knew or should have known of the Commission's action which is being challenged. The decision of the Commission following review of its refusal to make such examination or certification shall be final.

§ A164-27. Examination and grading procedure. [Amended 3-15-1995 by Ord. No. 3387; 6-18-1997 by Ord. No. 3455; 2-18-1998 by Ord. No. 3478; 6-18-2003 by Ord. No. 3682]

- A. Upon consultation with the Township Manager, the Commission may appoint a written examination administrator, an oral examination administrator, a polygraph examiner, a medical examiner and a psychological examiner to conduct the appropriate examinations required by these rules and regulations.
- B. General examination requirements.
 - (1) The examination for the positions of police officer, Sergeant and Lieutenant will consist of a written and an oral examination which will be graded on a scale of 100 points. The written examination will account for 45% of the final grade and the oral examination will account for 55% of the final grade, provided that the applicant meets the minimum passing score established herein.
 - (2) The examination for the position of Captain will be determined by a competitive examination to be prescribed by the Commission.
- C. Written examinations shall be graded on a one-hundred-point scale, and an applicant must

achieve a passing score of 70%. All applicants will be given written notice of their test results.

- (1) Prior to the administration of the written examination for the position of police officer, the Civil Service Commission shall meet, and, based on the number of applications received and the current need of the police force, a pre-selected number of applicants and all other applicants with a matching grade may be chosen to proceed to the oral examination, provided that the number selected achieved the minimum passing score and had not otherwise been rejected.
 - (a) On the date of the test of record and prior to the administration of the written test, all participating applicants will be advised of the pre-selected number, plus matching grades, that will be advanced to the oral examination.
 - (b) The identity of each applicant taking the written examination for appointment to the police force shall be concealed until after the Commission has determined the exact number of participants with matching scores.
- (2) All candidates for promotion to the rank of Sergeant and Lieutenant of Police receiving the minimum passing score on the written examination shall be scheduled for an oral examination.

D. The oral examination is a pass/fail examination and an applicant must achieve a passing score of 70% on the oral examination in order to continue in the examination process. The oral examination shall be graded on a scale of 100 points and shall involve grading the applicants on how they handle situations relevant to police work. After the oral examination, the applicant shall be informed of his/her written score and his/her oral examination results, and passing candidates will be advised of their overall score.

§ A164-28. Preoffer investigations. [Added 6-18-2003 by Ord. No. 3682]

When the Township requests the certification of a list of eligible candidates for the position of police officer:

- A. The applicants selected shall submit to a preoffer polygraph examination; and
- B. The Commission shall request the Superintendent of Police to have background investigations conducted on each applicant. The background investigation shall be in compliance with the standards mandated by the Municipal Police Officers' Education and Training Commission. The background investigation shall include interviews with the applicant's family, acquaintances, current and former employers, current and former neighbors, references and current and former teachers and school officials. In addition, the applicant's credit history and record of criminal allegations, charges and convictions will be investigated. The applicant will be interviewed directly when the information collected during the background investigation requires clarification or explanation. After the background investigation is completed, upon consultation with the Township Manager, the Superintendent, or his/her designee, shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment as a police officer. Appropriateness of the applicant shall be based on the criteria set forth in § A164-25 above. The Commission shall make the final determination on whether the information collected

during the background investigation warrants rejection of the candidate.

- C. The Township may object to the Commission as to one or more of the persons so certified for any of the reasons stated in § A164-25 above. Should such objections be sustained by the Commission and the name of the candidate be removed, the candidate shall have a right to a hearing before the Commission as is provided in § A164-26 above.

§ A164-29. Physical and psychological examinations. [Amended 2-18-1998 by Ord. No. 3478; 6-18-2003 by Ord. No. 3682]

- A. After the appointing authority selects a candidate from the eligible list for appointment to the vacant sworn position, that applicant shall submit to a physical examination, a psychological examination by the appropriate medical experts and a post-offer polygraph examination.
- B. The appointment shall be contingent upon successfully passing the physical and psychological examinations. Failure to pass either of these examinations shall result in the applicant being rejected from consideration.
- C. The Commission shall then certify another name to be included with the two previously certified names for consideration by the appointing authority pursuant to the appointment portion of these rules and regulations.
- D. If the candidate is unable to take or to pass any of these examinations due to a temporary physical disability, the candidates' name shall be returned to the eligibility list by the Commission for consideration when the next vacancy shall occur.

§ A164-30. (Reserved) Editor's Note: Former §§ A164-30, Polygraph examination, and A164-31, Background investigation, as amended 2-18-1998 by Ord. No. 3478, were repealed 6-18-2003 by Ord. No. 3682. For current provisions, see §§ A164-28 and A164-29.

§ A164-31. (Reserved) Editor's Note: Former §§ A164-30, Polygraph examination, and A164-31, Background investigation, as amended 2-18-1998 by Ord. No. 3478, were repealed 6-18-2003 by Ord. No. 3682. For current provisions, see §§ A164-28 and A164-29.

ARTICLE IV, Certification and Appointments

§ A164-32. Creation of eligibility list. [Amended 2-17-1999 by Ord. No. 3519]

At the completion of the examination requirements, the Commission shall rank all passing applicants on a list, with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list. In the case of tied scores, the tie will be broken by giving preference to the applicant who submitted a final completed application first. The Commission may, at its sole discretion, void an eligibility list at any time for any reason, including but not limited to the following:

- A. The eligibility list has existed for a period of time in excess of two years.
- B. There is an insufficient number of names on the existing list to meet the department's projected needs.

- C. A significant number of members ineligible for prior examinations are currently eligible.
- D. If there are fewer than three names on the eligibility list.

§ A164-33. Probationary period. [Amended 2-18-1998 by Ord. No. 3478; 6-18-2003 by Ord. No. 3682]

- A. Every successful applicant to the position of police officer within the Police Department shall serve a twelve-month probationary period. The probationary period shall not commence until after the police officer has completed training under Act 120 and received a certification number. A newly hired officer without Act 120 certification will be an officer in training until certified. During the probationary period, a newly hired officer may only be dismissed for cause for the reasons set forth in § A164-25 above. Any probationary police officer who fails to meet or maintain the qualifications required by the Municipal Police Officers' Education and Training Commission for certification as a police officer in the Commonwealth of Pennsylvania shall immediately cease to be a member of the Police Department and shall be entitled to no further compensation. However, at the end of the twelve-month probationary period, if the conduct or performance of the probationer has not been satisfactory, the probationer shall be notified that he/she will not receive an appointment. At that time, a newly hired officer's employment shall end. Any officer who is informed that his/her performance has been satisfactory shall receive an appointment to his/her position. Any probationer who is notified that he/she will not receive an appointment has no rights of appeal under these rules and regulations. [Amended 11-16-2005 by Ord. No. 3761]
- B. Every successful applicant to a promotional position within the Police Department shall serve a twelve-month probationary period. A promoted officer, during his/her probationary period, may be returned to his/her prior rank only for cause for the reasons set forth in § A164-25 above. However, at the end of the twelve-month probationary period, if the conduct of the probationer has not been satisfactory, the probationer shall be notified that he/she will not receive an appointment. At that time, a promoted officer shall return to his/her previous rank. Any officer who is informed that his/her performance has been satisfactory shall receive an appointment to his/her position. Any probationer who is notified that he/she will not receive an appointment has no rights of appeal under these rules and regulations.

§ A164-34. Provisional appointments. [Amended 6-18-2003 by Ord. No. 3682]

Whenever there are urgent reasons for the filling of a vacancy in any sworn position in the Police Department and there are no names on the eligible list for such appointments, the Township Board of Commissioners may nominate a person to the Commission for noncompetitive examination, and, if such nominee is certified by the Commission as qualified after such noncompetitive examination, he/she may be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the Commission, within three weeks, to hold a competitive examination and certify a list of eligible candidates. A regular appointment shall then be made from the name or names submitted by the Commission, provided that nothing within this section shall prevent the temporary appointment, without examination, of persons as police officers in cases of riot or other emergency.

§ A164-35. Appointment.

- A. The appointing authority of the Township may fill any vacancy in an existing sworn position in the Police Department which occurs as a result of expansion of the police force, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the Police Department who had been furloughed. Except for physical, psychological and background examinations, no other testing shall be required for a furloughed employee.
- B. If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, every position, except that of the Superintendent of Police, shall be filled in the following manner:
 - (1) The appointing authority of the Township shall notify the Commission of any vacancy which is to be filled and shall request the certification of three names from the list of eligibles.
 - (2) If three names are not available, then the Commission shall certify the name(s) remaining on the list.
 - (3) The Board of Commissioners shall make an appointment from one of the three names certified, with reference to the merits and fitness of the applicants.
- C. The Board of Commissioners may object to one or more of the persons certified for the reasons set forth in § A164-25 above. If the candidate to whom the Board of Commissioners objects fails to timely exercise his/her rights of appeal under § A164-26 above or if the Commission declines to uphold his/her appeal, the Commission shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three candidates for each name stricken off. [Amended 6-18-2003 by Ord. No. 3682]

ARTICLE V, Superintendent of Police

§ A164-36. Appointment of Superintendent of Police. [Amended 6-18-2003 by Ord. No. 3682]

In the case of a vacancy in the position of Superintendent of Police, upon review and consultation with the Township Manager, the Township Board of Commissioners may nominate a person for that position to the Commission, which shall thereupon subject such person to a noncompetitive examination; and if such person shall be certified as qualified by the Commission, he/she may then be appointed to such position by the Board.

ARTICLE VI, Civil Service Promotions

§ A164-37. General provisions.

Promotions to civil service positions shall be based on merits to be ascertained by examinations to be prescribed by the Commission. All questions relative to civil service promotions shall be practical in character and such as will fairly test the merit and fitness of persons seeking civil service promotion. All changes from a lower to a higher position or rank shall be considered as

civil service promotions. The Board shall have the power to determine in each instance whether an increase in salary shall constitute a civil service promotion. Unless otherwise determined by the Township:

- A. No increase in salary without change to a higher position or rank shall constitute a civil service promotion.
- B. Any change to a civil service position or rank carrying an increase in salary shall constitute a civil service promotion. All civil service promotions shall be made only in accordance with these rules and regulations.

§ A164-38. General qualifications for civil service promotion. [Amended 6-18-2003 by Ord. No. 3682; 11-16-2005 by Ord. No. 3761]

Civil service promotions to positions up to and including that of a Senior Class police officer shall be based upon knowledge of local geography, Township ordinances and municipal administrative organization; the Vehicle Code and other state laws having general and frequent application in the Township; criminal law and investigation; familiarity with police duties, liabilities, responsibilities and procedures; and upon the ability to exercise judgment and discretion in situations involving the exercise of police power, as well as compliance with all requirements as stipulated in all Police Department orders, duties and responsibilities and policies and procedures. Civil service promotion will require approval of the Superintendent of Police, based on satisfactory attainment of the above.

§ A164-39. Civil service promotion of probationary police officer. [Amended 2-17-1999 by Ord. No. 3519; 6-18-2003 by Ord. No. 3682]

- A. Every probationary police officer, after serving for a period of one year, shall be promoted to the position of Class D police officer, provided that: [Amended 2-17-1999 by Ord. No. 3519; 11-16-2005 by Ord. No. 3761]
 - (1) He/she shall have been certified by the Superintendent of Police.
 - (2) He/she shall be physically fit, as evidenced by the certificate of a physician designated by the Commission.
 - (3) He/she shall have taken such courses of instruction and training as a probationary police officer as have been prescribed by the Superintendent of Police and by these rules and regulations and shall have passed the examinations with respect to all such courses.
 - (4) He/she shall have demonstrated his/her physical agility and coordination as required during the probationary period.
- B. If any probationary police officer shall not qualify for civil service promotion in accordance with the foregoing requirements, he/she shall immediately cease to be a member of the police force and shall be entitled to no further compensation, except when his/her failure to pass a satisfactory physical examination is due to injuries received in the line of duty, in which event, in the discretion of the Board, he/she may be continued as a probationary police officer and shall thereafter be assigned to such duties as the Superintendent of Police may direct.

§ A164-39.1. Civil service promotion of Class D police officer. [Added 11-16-2005 by Ord. No. 3761]

- A. Every Class D police officer, after serving as such for one year, shall be promoted to the position of Class C police officer, provided that:
 - (1) He/she shall have been certified by the Superintendent of Police.
 - (2) He/she shall be physically fit, as evidenced by the certificate of a physician designated by the Commission.
 - (3) He/she shall have taken such courses of instruction and training as a Class D police officer as have been prescribed by the Superintendent of Police and by these rules and regulations and shall have passed all such courses which will be given by the Commission.
- B. If any Class D police officer shall fail to qualify for civil service promotion due to his/her failure to pass the courses of instruction and training prescribed for a Class D police officer, he/she shall continue to serve as a Class D police officer until such time as he/she shall successfully qualify for the position of Class C police officer, but in no event shall he/she be entitled to be promoted to the position of Class C police officer until he/she shall have served as a Class D police officer for an additional period of one year.

§ A164-40. Civil service promotion of Class C police officer. [Amended 6-18-2003 by Ord. No. 3682]

- A. Every Class C police officer, after serving as such for one year, shall be promoted to the position of Class B police officer, provided that:
 - (1) He/she shall have been certified by the Superintendent of Police.
 - (2) He/she shall be physically fit, as evidenced by the certificate of a physician designated by the Commission.
 - (3) He/she shall have taken such courses of instruction and training as a Class C police officer as have been prescribed by the Superintendent of Police and by these rules and regulations and shall have passed all such courses which will be given by the Commission.
- B. If any Class C police officer shall fail to qualify for civil service promotion due to his/her failure to pass the courses of instruction and training prescribed for a Class C police officer, he/she shall continue to serve as a Class C police officer until such time as he/she shall successfully qualify for the position of Class B police officer, but in no event shall he/she be entitled to be promoted to the position of Class B police officer until he/she shall have served as a Class C police officer for an additional period of one year.

§ A164-41. Civil service promotion of Class B police officer. [Amended 6-18-2003 by Ord. No. 3682; 11-16-2005 by Ord. No. 3761]

Every Class B police officer, after serving as such for a period of one year, shall be promoted to the position of Class A police officer, provided that the officer has been approved by the

Superintendent of Police based on satisfactory attainment of the qualifications outlined in § A164-38.

§ A164-41.1. Civil service promotion of Class A police officer. [Added 11-16-2005 by Ord. No. 3761]

Every Class A police officer, after serving as such for a period of one year, shall be promoted to the position of a Senior Class police officer, provided that the officer has been approved by the Superintendent of Police based on satisfactory attainment of the qualifications outlined in § A164-38.

§ A164-42. Higher civil service promotions. [Amended 2-17-1999 by Ord. No. 3519; 6-18-2003 by Ord. No. 3682; 11-16-2005 by Ord. No. 3761]

Civil service promotions to ranks above that of a Senior Class police officer, except to the position of Superintendent of Police, shall be restricted to members of the Police Department as hereinafter specified as to experience requirements; except that when fewer than two members of the Department have had the required experience in such specified position or grade, the requirements may be waived. For consideration for higher promotion above the rank of Senior Class police officer, the member participating in such competitive examination must have completed any probationary period in the current rank.

A. Experience requirements shall be as follows:

Promotions to	Qualifications
Captain	Lieutenant
Lieutenant	Sergeant
Sergeant	Grade A police officers

B. For any officer appointed after January 1, 1998, educational requirements for promotion shall be as follows:

Promotions to	Qualifications
Captain	Baccalaureate Degree
Lieutenant	Baccalaureate Degree
Sergeant	Associates Degree

C. Police officers employed prior to January 1, 1998, are exempt from the educational requirements listed in Subsection B.

D. For all other civil service promotions or for such positions requiring special scientific, professional, technical, clerical or mechanical skills, the Commission shall specify qualifications for such positions.

E. Civil service promotion procedure.

(1) Civil service promotions shall be determined by examinations to be prescribed by the

Commission. Upon review and recommendation of the Township Manager, the Board shall notify the Commission of any vacancy in the police force above the position of Senior Class police officer which the Board elects to fill and, except for the position of Superintendent of Police, shall request certification of a list of eligibles.

- (2) To establish an eligibility list, the Commission shall notify all eligible members of the police force of the time and place of examinations for civil service promotion, shall examine all applicants and shall establish a list of eligibles from which certification for civil service promotion may be made as above provided. Such notice of examination shall be given by letter, sent by registered mail, to each eligible member of the police force at his/her address on file in the Police Department. The Commission shall post in its office the eligible list containing the names and scores of those who have been certified as eligible, which list shall be effective only until new examinations are held.
- (3) The Commission shall thereupon certify to the Board for civil service promotion from the eligible list, for each vacancy which is to be so filled, the names of the three persons thereon who have received the highest score. If there are not three names on the eligible list, the Commission shall certify the names or name remaining on the list. If there are persons eligible to take a promotional examination, the Board may refuse to accept a certified list containing less than three names, in which event the Commission shall void the list and conduct new examinations for the vacancy to be filled.
- (4) The Board, upon review and recommendations from the Superintendent of Police and the Township Manager, with sole reference to the merits and fitness of the candidates, shall make a civil service promotion from the names or name certified. When a civil service promotion is made from the names certified, the names of the eligibles not promoted, unless stricken off for cause, shall be returned to the eligible list.

§ A164-43. Probationary period for higher civil service promotion. [Amended 6-18-2003 by Ord. No. 3682]

Civil service promotions to the rank of Sergeant, Lieutenant and Captain shall be for a probationary period of one year. If, at the close of the probationary period, the conduct and/or performance of the probationer has not been satisfactory to the Board, the probationer shall be notified, in writing, by the Township Manager that he/she will not receive a permanent appointment, and he/she will thereafter revert to his/her former rank.

ARTICLE VII, Suspension Without Pay, Removal or Reduction in Rank

§ A164-44. Grounds for disciplinary action.

No sworn officer appointed to a civil service position in the Lower Merion 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:

- A. Physical or mental disability affecting the officer's ability to continue in service, evidenced by the certificate to that effect of a medical doctor designated by the Commission, in which case the officer shall receive an honorable discharge from service.

- B. Neglect or violation of any official duty.
- C. Violation of any law of this commonwealth which provides that such violation constitutes a misdemeanor or felony.
- D. Inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming an officer.
- E. Intoxication while on duty.
- F. Engaging or participating in conducting of any political or election campaign other than the officer's exercise of his/her own right of suffrage. [Amended 6-18-2003 by Ord. No. 3682]
- G. Failure to meet or maintain the qualifications required by the Municipal Police Officers' Education and Training Commission. [Added 2-17-1999 by Ord. No. 3519]

§ A164-45. Notice of suspension without pay, removal or reduction in rank. [Amended 2-17-1999 by Ord. No. 3519; 6-18-2003 by Ord. No. 3682]

Following a hearing before a supervisor in conformity with due process requirements, whenever a sworn civil service police officer is suspended, without pay removed or reduced in rank, the specific charges warranting such actions shall be stated in writing. These charges shall be stated clearly and in sufficient detail to enable the officer to understand the charges against him/her and to allow the officer an opportunity to respond to those charges. The charges shall specify 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.

A. Whenever a sworn civil service police officer is suspended without pay, removed or reduced in rank, the specific charges warranting such actions shall be stated in writing. These charges shall be stated clearly and in sufficient detail to enable the officer to understand the charges against him and to allow the officer an opportunity to respond to those charges. The charges shall specify the basis for the disciplinary action, as well as an explanation of the factual circumstances upon which the appointing authority relied in finding a violation.

B. Within five days after the Board of Commissioners has voted to impose the disciplinary action and the charges have been filed with the Secretary of the Commission, a written statement of the charges shall be delivered to the officer, either by personal service or by certified or registered mail. In addition, the charges shall notify the officer of his/her appeal rights under the hearings on suspension without pay, removals and reductions in rank portion of these rules and regulations.

§ A164-46. Written charges; right to answer. [Amended 6-18-2003 by Ord. No. 3682]

The officer shall have 10 days from the receipt of a copy of such charges within which to demand a hearing regarding such charges. The officer shall have up until the date of the hearing to file a written answer, which shall admit or deny the charges. The original written answer shall be filed with the Secretary of the Commission, and copies shall be furnished to the Township Manager, the Superintendent of Police and the Township Solicitor.

§ A164-47. Hearings.

- A. If the person sought to be suspended without pay, removed or reduced in rank shall demand a hearing by the Commission, the Commission shall grant such person a hearing within 10 days of receipt of written request for a hearing, which shall be held on a date and at a place to be fixed by the Commission.
- B. Such hearing may be continued by the Commission for cause or at the request of the accused and may be adjourned or continued by it. At any such hearing, both the Board and the person against whom the charges are made shall at all times have the right to be present in person and represented by counsel.
- C. The Board or the Superintendent of Police, upon the approval of the Township Manager when the Board is not in session, may suspend such person without pay pending the determination of the charges against him/her; but in the event that the Commission fails to uphold the charges, then the person sought to be suspended without pay, removed or demoted shall be reinstated with full pay for the period during which he/she was suspended without pay, and no charges shall be officially recorded against his/her record. [Amended 6-18-2003 by Ord. No. 3682]
- D. A written record of all testimony taken at such hearings shall be filed with and preserved by the Commission, which record shall be sealed and not available for public inspection in the event that the charges are dismissed.
- E. In conducting the hearing, the Commission's standard of review shall be to determine whether sufficient evidence has been presented to support the statutory reason for the disciplinary action. If the Commission finds that sufficient evidence has been introduced to support the charge, the Commission shall not modify the penalty imposed by the Board of Commissioners unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Board's discretion. In considering the appropriateness of the discipline, the Commission shall not substitute its judgment for that of the Board of Commissioners. The Commission may request post-hearing briefs and shall issue a written decision containing specific findings of fact and conclusions of law within 60 days of receipt of the hearing transcript.
- F. All testimony shall be given under oath administered by the Chairperson or, in his/her absence the Vice Chairperson. The Commission shall have power to issue subpoenas as set forth in the subpoenas portion of these rules and regulations. The hearing shall be open to the public unless prior to the commencement of the hearing, a written or oral request to close the hearing is made by either the charged officer or the Township. [Amended 6-18-2003 by Ord. No. 3682]
- G. If the Commission sustains the charges, the officer who was suspended without pay, removed or reduced in rank may file an appeal with the Court of Common Pleas within 30 days from the date of entry by the Commission of its final order. No order of suspension without pay shall be made by the Commission for a period longer than 60 days. In the event that the Commission fails to uphold the charges, then the person sought to be suspended without pay, removed or demoted shall be reinstated with full pay for the period of the suspension without pay, removal or demotion, and no charges related to the suspension, removal or reduction in rank shall be officially recorded against his/her record. [Amended 6-18-2003 by Ord. No. 3682]

§ A164-48. Furloughs.

If for reasons of economy or other reasons it shall be deemed necessary by the Township to reduce the number of full-time police officers in the Department, then the Township may reduce the police force in any manner permitted by law.

ARTICLE VIII, Continuation of Provisions; When Effective

§ A164-49. Provisions continued.

These rules and regulations shall continue in force and shall not be annulled, amended or added to other than by operation of law, except by action of the Commission and approval thereof by the Township Board of Commissioners.

§ A164-50. When effective.

These rules and regulations shall become effective upon their approval by the Township Board of Commissioners.

ARTICLE IX, Departmental Rules and Regulations

§ A164-51. Publication.

The Superintendent of Police, upon review and approval by the Township Manager, shall cause to be published in the Township Document System or similar publication such general orders, duties and responsibilities, rules of conduct, code of discipline and any other policies and procedures necessary for the administration of the Department.