

CIVIL SERVICE
RULES AND REGULATIONS
FOR THE
BOROUGH OF LUZERNE

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ARTICLE I. DEFINITION OF TERMS

Section 101. 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:

Certification - The submission to the appointed authority of names taken from the eligible list.

Chairman - The Chairman of the Police Service Commission of the Borough of Luzerne, Pennsylvania.

Commission - The Police Civil Service Commission of the Borough of Luzerne, Pennsylvania.

Council - The Council of the Borough of Luzerne, Pennsylvania which is the appointing authority.

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

Eligible List - The lists of names of persons who passed any examination for a particular position in the Police Department.

Furlough List - The list of persons who were laid off from positions in the Police Department because of a reduction in the number of officers in the Police Department.

Probationer - An officer in the Police Department who has been appointed from any eligible list, but who has not yet completed his work test period.

Reduction in Rank - A change to a different position or rank which results in a decrease in salary; provided, however, that a decrease in salary without a change in a different position or rank shall not constitute a reduction in rank.

Removal - The permanent separation of a police officer from the Police Department.

Suspension - The temporary separation of a member of the Police Department from his position.

Secretary - The Secretary of the Police Civil Service Commission of the Borough of Luzerne, Pennsylvania.

Borough Secretary - The Secretary of the Borough of Luzerne, Pennsylvania.

ARTICLE II. THE COMMISSION

201. Officers. The Police Civil Service Commission of the Borough of Luzerne, Pennsylvania, on the first Monday of each even numbered year, shall elect one of its members as the Chairman, one Vice Chairman, and one as a Secretary. (If the first Monday is a legal holiday, the meeting shall be held the first day following.)

202. Duties of Chairman. The Chairman, or in his absence, the Vice Chairman, 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. In the absence of a member, temporary assignments shall be made by the Commission member presiding.

203. 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 of procedure, keep a record of each examination or other official action of the Commission, and perform all other duties required by law, by these rules and by the Commission.

204. Meetings. Except for the biennial organization meeting, all meetings shall be held either at the call of the Chairman, or at the call of two members of the Commission. At least seventy-two (72) hours written notice of each meeting shall be given each member. The Commission shall have the discretion to determine whether meetings shall be open to the public except that no rule or regulation of the Com-

mission shall be adopted at other than a public meeting, and except when otherwise provided for in these rules.

205. Quorum. A quorum shall consist of two members, and all actions of the Commission shall have the concurrence of at least two members.

206. Order of Business. The order of business of all meetings of the Commission shall be as follows:

- (a) Roll Call
- (b) Approval of minutes of previous meeting
- (c) Communications and Reports

207. Minutes. The Secretary shall keep minutes of the Commission's proceedings showing the vote of each member upon question, or, if absent or failing to vote, indicating such fact.

ARTICLE III. APPLICATIONS

301. Application Form. No person shall be admitted to an examination for a position in the Police Department of the Borough of Luzerne, Pennsylvania until after he shall have filed, on the official form prescribed by the Civil Service Commission, a sworn application giving such information as the Commission may require.

302. Availability. Application forms shall be available to all interested persons in the office of the Borough Secretary.

303. Age Qualifications. At the time of application, no applicant for any position in the Police Department shall be less than twenty-one (21) years of age, and no applicant for the position of patrolman shall be more than thirty-five (35) years of age. Each applicant shall present satisfactory evidence of his date of birth.

304. General Qualifications - All Applicants. Each applicant for any position in the Police Department shall be a male, a citizen of the United States, and shall have completed at least the tenth grade of an accredited high school or have an equivalent education. Each applicant shall be medically fit for the performance of the duties of a police officer, of good moral character, and licensed to operate a motor vehicle in the Commonwealth of Pennsylvania. In the case of a foreign-born applicant, evidence satisfactory to the Commission shall be produced showing the person to be a naturalized citizen.

305. General Qualifications - Applications for Chief.
In addition to meeting the qualifications fixed for each applicant for a

position in the Police Department, all applicants for the position of Chief of Police shall:

- (a) Have been continuously employed in the police service for at least 5 years, and
- (b) Have satisfactorily completed an in-service training program for police officers or have graduated from a recognized police academy or school, and trained at first opportunity at Borough expense, and
- (c) Have demonstrated an ability to carry out orders from superiors, and
- (d) Demonstrate a working knowledge of police science and administration, and
- (e) Demonstrate an ability to deliver and supervise the work of subordinates.

306. Investigation of Applicants. An investigation of the character and reputation of the applicant may be made by the Commission and may include credit reports and reports of investigations from recognized agencies.

307. Filing Applications. Applications for any position in the Police Department may be received at any time, during normal business hours, in the office of the Borough Secretary. The receipt of such applications shall be subject to the following conditions:

- (a) No application received after 12:00 noon on a day that is fourteen (14) calendar days prior to the date fixed for the written examination shall be considered for such examination unless otherwise provided in the notice and
- (b) An application shall become void one (1) year after the date upon which it was received.
- (c) A filing fee of \$10.00 shall be posted by the applicant. This fee is to cover costs of administering the written examination.

308. Recording Applications. The office of the Secretary shall record each application and shall date, number, and record in the order

of presentation all applications. An application, once reported, shall be a public record and shall not be returned to the applicant.

309. Disqualification of Applicant. The Commission shall not examine any applicant who lacks any of the prescribed qualifications unless, in the judgment of the Commission, it can be reasonably presumed that the applicant shall have acquired the necessary qualifications prior to the date of a possible certification from the list of eligibles produced as a result of the examination.

310. Penalty for False Statement. The Statements made by the applicant in the official application shall contain no falsification, omission or concealment of material fact. Should investigation disclose any willful mis-statement, 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 eligible list, or
- (c) If the applicant shall have been appointed, such willful mis-statement, falsification or concealment shall constitute grounds for dismissal from the Police Department.

No person who shall make willful false application shall be permitted to make any future application for any position in the Police Department of the Borough.

ARTICLE IV. ANNOUNCEMENT OF EXAMINATIONS

401. Public Notice. Public notice of the time and place of every examination, together with the information as to the position to be filled, shall be given by publication in a newspaper of general circulation in the Borough. The public notice shall be published at least three (3) weeks prior to an examination and a copy of the notice shall be posted on the bulletin board in the Borough Building. Additional public notice by publication, posting, or otherwise may be given at any time at the discretion of the Commission.

402. Notice of Examination. In addition of the public notice, the Secretary shall give written notice to each qualified applicant as follows:

- (a) By mailing or otherwise delivering to each applicant qualified for a medical examination, a notice which shall include the name of the medical examiner, and the date, time, place, and duration of the examination.
- (b) By mailing or otherwise delivering to each applicant notice which shall include the date, time, place, and duration of the written and oral examinations.

Every notice shall be mailed by certified mail at least five (5) days prior to the date fixed for examination. Only applicants receiving notices to report for any examination shall be permitted to participate in such examination, and each applicant shall present his notice to the examiner before he shall be examined. Failure to report for any examination in accordance with the instructions contained in the written notice shall disqualify the applicant, except that in the case of medical examination, the applicant, with the prior approval of the medical examiner designated in the notice, may fix another date and time for such examination; provided,

however, that any such date or time shall be within the period fixed for medical examination in Section 403 of these rules.

403. Scheduling Medical Examinations. No medical examination shall be scheduled less than twelve (12) days, nor more than twenty-one days from the date fixed in the public notice for a written examination.

ARTICLE V. MEDICAL EXAMINATION

501. Appointment of Medical Examiners. The Commission from time to time, shall appoint a medical examiner to make all medical examinations required by these rules.

502. Medical Requirements. Every applicant for appointment to any position in the Police Department shall submit, at his own expense, to a medical examination and shall meet the minimum medical requirements established by the Commission before he shall be permitted to take any written or oral examination. A statement of the medical requirements established by the Commission shall appear in the official application form and a copy of such statement of medical requirements shall be filed in the office of each medical examiner.

Every applicant for the position of patrolman shall demonstrate his ability to pass the following physical requirements:

- (a) He shall show no physical conditions or medical history which in the opinion of the physician should be cause for rejection.
- (b) He shall demonstrate at least 20/40 uncorrected vision in each eye.
- (c) His height, weight, blood pressure, and chest expansion shall fall within the following limits:

HEIGHT	MINIMUM WEIGHT	MAXIMUM WEIGHT	CHEST MEASUREMENTS	
			EXPANDED	MINIMUM MOBILITY
5' 8"	140 lbs.	180 lbs.	37-1/2 in.	2-1/2 in.
5' 9"	145 lbs.	185 lbs.	38 in.	2-1/2 in.
5' 10"	150 lbs.	190 lbs.	38-1/2 in.	2-1/2 in.
5' 11"	155 lbs.	195 lbs.	39-1/2 in.	3 in.
6'	160 lbs.	205 lbs.	40-1/2 in.	3 in.
6' 1"	165 lbs.	210 lbs.	41 in.	3 in.
6' 2"	170 lbs.	220 lbs.	42 in.	3 in.
6' 3"	175 lbs.	225 lbs.	43 in.	3-1/2 in.
6' 4"	180 lbs.	230 lbs.	44-1/2 in.	3-1/2 in.
6' 5"	185 lbs.	235 lbs.	44-1/2 in.	3-1/2 in.

BLOOD PRESSURE: Systolic Maximum 135; Diastolic 90;
Pulse Pressure: 15 to 50

Variations from the above physical schedules may be permitted at the discretion of the Civil Service Commission based on the physical examination of the applicant.

503. Report of Medical Examiner. The Commission shall furnish medical examiner with forms upon which the medical examiner shall state the bodily and mental condition of each applicant. The statement of each examination shall be submitted to the Commission within five (5) days after the date of examination. It is the responsibility of the applicant to return the report of physical examination to the Secretary of Commission.

504. Rejection of Medically Unfit Applicants. If the medical examiner shall deem any applicant medically unfit for performance of the duties of a police officer because of any bodily or mental defect, whether or not the defect shall be specifically stated as cause for rejection in the statement of medical requirements, such applicant shall be rejected and

a brief statement of the reasons for rejection shall be entered in the report of his medical examination.

505. Re-examination of Medical Fitness. Each applicant eligible for certification to the Council for appointment to any position in the Police Department shall be instructed by the Secretary of the Commission before being certified, to inform the Commission of any illness or injuries requiring the attendance of a physician or requiring hospitalization, and of any surgical operations that shall have occurred after the original medical examination. If, in the judgment of the Commission, there shall have been any change in the medical fitness of any applicant, whether or not such change shall have been reported by the applicant, the Commission may require the applicant to submit further medical examination before his name shall be certified for appointment.

ARTICLE VI. WRITTEN AND ORAL EXAMINATIONS

601. Examinations for Patrolman

(a) The examination for the position of Patrolman shall consist of the following two parts:

- (1) A written examination which shall include a general police test, an intelligence test, personality profile, and such other written tests as the Commission may, from time to time designate, and
- (2) An oral examination.

(b) Each part of the written examination and the oral examination shall be graded on the scale of one hundred (100) per cent and shall be weighted as follows:

- (1) For the written portions of the examination, a total of eighty (80) points, (aptitude 60, mental maturity 10, and personality 10), and
- (2) For the oral examination a total of twenty (20) points. The sum of the weighted scores shall not exceed one hundred (100) per cent.

(c) Each applicant shall pay the fee for the examination.

602. Examinations for Police Chief

(a) The examination for the position of Chief of Police shall consist of three parts, namely:

- (1) A written examination which shall include a test of police knowledge and performance, and intelligence test, and such other written tests as the Commission may, from time to time, designate, and
- (2) An oral examination, and
- (3) An evaluation of the performance record of the applicant by the mayor.

(b) The examination shall be graded on a scale of one hundred (100) per cent and shall be weighted as follows:

- (1) For the written portions of the examination, a total of sixty (60) points, and
- (2) For the oral examination, a total of twenty (20) points, and

(3) For the evaluation of the performance record of the applicant a total of twenty (20) points.

603. Passing Grades. The minimum passing grade for an examination for the position of patrolman shall be a score of seventy (70) per cent on every portion of the examination. The minimum passing grade for an examination for the position of Chief of Police shall be a score of seventy-five (75) per cent, and each applicant for any such position shall score at least seventy (70) per cent of each part of the examination. Every applicant for the position of patrolman who receives a score of at least seventy (70) per cent, and who is entitled by law to additional credit for service in the Armed Forces of the United States shall have his score adjusted accordingly. Applicants claiming veterans' preference shall submit satisfactory proof of service and honorable discharge whenever the Commission shall so demand.

604. Notice of Applicant's Grade. When the grading of each examination is completed, the Secretary shall give each applicant written notice of his grade.

605. Ineligibility for Future Examinations for Six Months.
If an applicant fails to obtain a passing grade in any examination, he shall not be eligible for a subsequent examination for any position in the Police Department of the Borough for a period of six months.

606. Administering Examinations. The Commission may designate the Institute of Municipal Government of Wilkes College, the State Civil Service Commission of the Commonwealth of Pennsylvania, or any

other recognized examining agency, to act as examiner for the written examinations. The Commission shall reserve the right to accept or reject, in whole or in part, the recommendations of the regularly appointed examining agency. The oral examination and the evaluation of the service or performance record of any applicant shall be the responsibility of the Commission.

607. Conduct of Written Examinations. The Commission shall prepare a statement of instructions and rules for the conduct of written examinations. The regularly appointed examiner shall carry on each such examination in accordance with the instructions of the Commission, and be responsible for enforcing the rules of conduct for written examinations.

608. Penalty for Improper Conduct. Should any applicant be found guilty of any act tending to defeat the proper conduct or the result of any examination, his name shall be removed from any eligible list resulting from the examination and the applicant shall not be permitted to make any future application for any position in the Police Department.

ARTICLE VII. ELIGIBLE LISTS

701. Preparation of Eligible List. As soon as possible, after the completion of each examination, the Secretary of the Commission shall prepare an eligible list upon which shall appear the name of each applicant who received a passing grade in the examination. The names on the eligible list shall be arranged, from the highest to the lowest, in the order of the final weighted score received by each such applicant. The eligible list shall be filed in the office of the Borough Secretary, and a copy posted on the bulletin board in the Borough Municipal Building.

702. Breaking Tie Scores. When two (2) or more qualifying applicants shall receive the same final weighted score, the order in which the names of such persons shall appear on the eligible list shall be determined by their scores on the part of the examination assigned the greatest weight. In the event that two (2) or more qualifying applicants also receive identical scores on the part of the examination assigned the greatest weight, the order of listing shall be determined by the order in which the applications were numbered for recording purposes.

703. Life of Eligible Lists. In no case shall any eligible list remain in effect for a period of more than two (2) years from the date of its preparation. Date of preparation refers here to the actual compilation of the list which is to take place no more than ninety (90) days after the receipt of the request from council calling for the establishment of same.

704. Furlough Lists. Whenever the Council causes a reduction in the number of police officers, the Commission shall prepare and maintain a list of the names of all such furloughed officers, together with the position held by each such officer at the time of furlough. The names on the furlough list shall be arranged, from the greatest to the least, in the order of the length of service of each furloughed officer in the Police Department of the Borough.

ARTICLE VIII. CERTIFICATION AND APPOINTMENTS

801. Filling Vacancies. When a vacancy is to be filled in the Police Department, the Council shall submit a written request to the Commission for certification of eligibles. In making the request, the Council shall state the title of the position to be filled and the compensation to be paid.

802. Furlough List to Fill Appointments. Upon receipt of a request from the Council, the Commission shall first certify the names of those eligibles who were furloughed because of a reduction in force. In filling a vacancy from the furlough list, the Commission shall certify the top name only. If more than one (1) vacancy is to be filled, the Commission shall certify from the top of the list that number of names equal to the number of vacancies to be filled.

803. Certification from Eligible Lists. If no furlough list exists or if the total number of vacancies cannot be filled from the available names on the furlough list, the Commission shall certify names from the eligible list. The number of available eligibles certified from the eligible list shall exceed by two (2) the number of vacancies to be filled from such eligible list. If there are less than three (3) available eligibles on the eligible list, the Council may select from such lesser number of available eligibles, or may request the Commission to hold another examination.

804. Removal of Names from Furlough and Eligible Lists. In addition to the other reasons stated as grounds for the removal in these

rules, the name of any person appearing on a furlough list or an eligible list shall be removed by the Commission if such person:

- (a) Is appointed to a position in the Police Department of the Borough, or
- (b) Declines an appointment to a permanent position in the Police Department of the Borough, or
- (c) Fails to make written reply to the Commission within seven (7) calendar days from the date of mailing of a notice of certification, or
- (d) Indicates availability for appointment and is appointed to fill a vacancy but fails to report for duty at the time prescribed by the Council, unless, in the opinion of the Council, such person can show good and sufficient reasons for failing to report.

805. Appointment Procedures. Whenever the name of any person is certified to the Council from either the furlough list or the eligible list, the person shall be immediately notified of his certification by either certified or registered mail. The notice shall include the title of the position and the compensation to be paid, and shall also state the person certified to make a written reply within seven (7) days from the date of mailing such notice.

806. Probationary Period. All original appointments to any position in the Police Department of the Borough shall be for a probationary period of six months. The Chief of Police shall make a report on the performance and conduct of each probationer at the end of the sixth month of the probationary period. Final probationary report shall include the recommendation of the Chief of Police either to retain or to reject the probationer. Report shall be submitted in writing to the Council. Within five calendar days after the regular meeting of the

Council immediately preceding the end of the probationary period, the Council shall notify the Commission, in writing, of its decision to retain or reject the probationer. The Commission, in turn, shall notify the probationer of the decision of the Council on or before the date of the close of the probationary period.

ARTICLE IX. SUSPENSIONS, REMOVALS, AND REDUCTIONS IN RANK

901. Procedure. Whenever any police officer in the Borough is suspended, removed, or reduced in rank, the specific charges warranting each such action shall be stated in writing by the appointing authority. The charges shall be stated clearly and in sufficient detail to enable the person accused to understand the charges made against him and to answer them. As soon as practicable, the statement of charges shall be filed in duplicate with the Commission, and within five (5) calendar days of such filing, the original copy of the statement of charges shall be delivered to the person accused either by personal service or by certified or registered mail.

902. Demand for Hearing. Any police officer suspended, removed or reduced in rank may file with the Commission a written demand for a hearing. Such written demand and any statement of written answers to the charges made against the person accused shall be filed no later than seven (7) days from the date upon which the statement of charges made were personally served or mailed. Within the period fixed by the law, the Commission shall grant a hearing to any person accused who complies with the provision of this section. Each such hearing shall be open to the public unless the person accused, when making his written demand for a hearing, requests that such hearing be closed.

903. Notice of Hearing. Notice of the date, time and place for each hearing shall be given in the following manner:

(a) By either personal service or by certified or registered mail to each person making charges and to the person accused, and

(b) By mailing a notice to all other parties who have stated an interest in the hearing; provided, however, that any failure to give the notice required by this subsection shall not invalidate any action taken by the Commission.

904. Oaths. All testimony shall be taken under oath. The Chairman, or in his absence the Vice Chairman, shall administer the oaths.

905. Subpoenas. The Chairman, or in his absence the Vice Chairman, may compel the attendance of witnesses and the production of records and papers pertaining to any hearing. However, upon the written request of the person accused or of any person making charges, the Chairman or in his absence the Vice Chairman, shall order the attendance of any witness or the production of any pertinent document; provided that such written request is filed with the Secretary within five (5) calendar days from the date appearing on the notice of the hearing.

906. Hearing Procedure. Each hearing shall be conducted in the following manner:

(a) The Chairman shall state the general purpose of the hearing, and

(b) The Secretary, upon direction of the Chairman shall read the written charges against the person accused together with the record of action taken against such officer, and next

(c) The Secretary shall read any written reply of the person accused, and next

(d) The Chairman shall afford each person making charges, or his counsel, an opportunity to make any further state-

ment in support of the charges and to produce any witness, and next

(e) The Chairman shall afford the person accused, or his counsel, an opportunity to question or cross examine any person making charges, and to question or cross examine any witness produced by such person, and next

(f) The Chairman shall afford each person making charges an opportunity to examine the person accused, and next

(g) The Chairman shall permit each person making charges, or his counsel, to make a summation, and next

(h) The Chairman shall afford the person accused, or his counsel, an opportunity to produce any witness and to sum up the defense.

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

907. Decision of the Commission. Within thirty (30) calendar days after the hearing, the Commission shall issue its decision in the form of a written order approved by at least two (2) members of the Commission. The findings and decision of the Commission shall be certified to any person making charges, to the accused officer, and to the Council.

908. Right of Appeal. The person suspended, removed, or reduced in rank shall have immediate right of appeal to the Court of Common Pleas of Luzerne County in the manner provided by law.

ARTICLE X. INSPECTION OF RECORDS

1001. Inspection in General. Except as otherwise provided in this Article, all of the records of the Commission shall be open to the public and available for inspection during normal business hours. A member of the Commission or any person who may, from time to time, be designated by the Commission, shall be present at all times during any inspection of any record of the Commission.

1002. Character and Reputation Reports. All reports of investigations and inquiries into the character and reputation of applicants shall be kept in the strictest confidence, and shall not be open to inspection.

1003. Inspection of Examination Materials. All examination materials shall be confidential and shall not be open to general public inspection. Any examined applicant may inspect his examination papers, provided that:

- (a) He makes a written request to the Commission within seven (7) calendar days from the date of mailing of the written notice of his grade, and
- (b) He receives the written consent of the Commission to inspect his examination papers, and
- (c) He makes his inspection within five (5) calendar days from the date of the mailing of the consent of the Commission.

Before any member of the Commission or any person designated by the Commission, permits any inspection of examination papers, he shall require the examined applicant to produce the letter indicating the consent of the Commission and he shall limit the inspec-

tion by the examined applicant to only those examination papers indicated on the letter of consent. No examined applicant shall be permitted to inspect any examination papers other than his own, nor shall he be permitted to make any written notes while he is inspecting any examination paper.

The power granted by the Civil Service Section in the Borough Code of 1922, 1925-26, passed by the Council of the Borough of Lawrence, Pennsylvania, and in accordance with the authority granted by the Council of the Borough of Lawrence, Pennsylvania, are hereby adopted by the Civil Service Commission of the Borough of Lawrence, Pennsylvania, on December 11, 1922.

[Faint signature]
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Approved by the Council of the Borough of Lawrence, Pennsylvania on January 2, 1923.

[Faint signature]
President of the Council
[Faint signature]
Borough Secretary

ARTICLE XI. AMENDMENTS

1101. Amendments. The Commission, with the approval of the Council, may, from time to time, amend any part of these rules and regulations. The foregoing rules and regulations, which are in accordance with the powers granted by the Civil Service Sections in "The Borough Code," Secs. 1165-90, enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the Council of the Borough of Luzerne, Pennsylvania, are hereby adopted by the Civil Service Commission of the Borough of Luzerne, Pennsylvania on December 11, 1962.

Arthur Craze (signed)
Chairman

John Connolly, Jr. (signed)
Vice Chairman

Peter J. Bendick (signed)
Secretary

Approved by the Council of the Borough of
Luzerne, Pennsylvania on January 2, 1963.

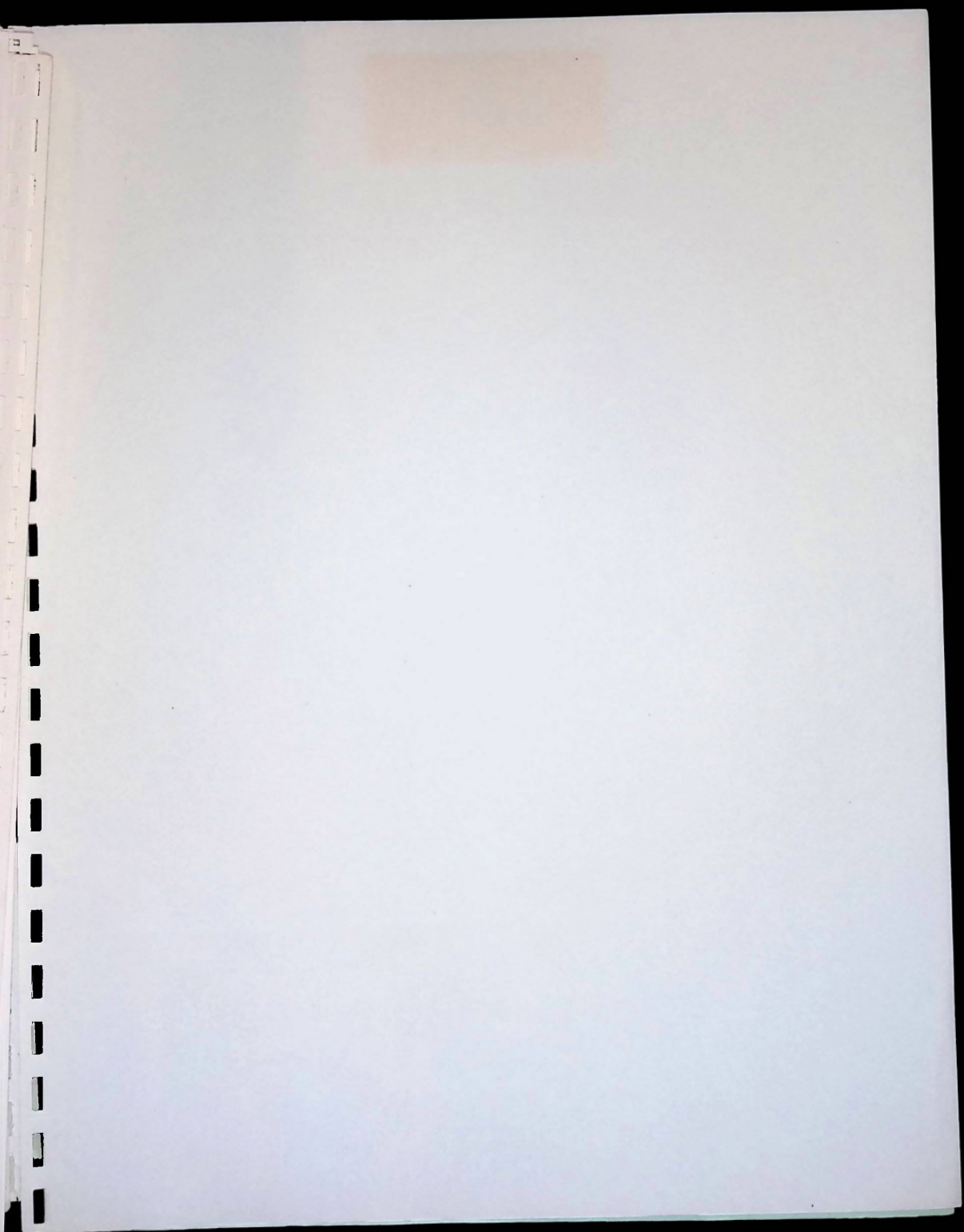
Nevin L. Gorki
President of the Council

ATTEST:

William Pacalavich
Borough Secretary

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