

POLICE CIVIL SERVICE

RULES AND REGULATIONS

**POLICE CIVIL SERVICE BOARD
BETHLEHEM, PENNSLVANIA**

SECTION I

STATE AND CITY LAW:
RELEVANT PROVISIONS

STATEMENT OF PURPOSE

The Police Civil Service Board considers itself bound to the ideal that the citizens of the City of Bethlehem desire and deserve a Police Department staffed through the twin principles of applicant merit and Board impartiality.

The Board sees as its main function the provision and maintenance of lists of eligible candidates for each standard full-time position in the Department of Police, except Commissioner and Deputy Commissioner.

The Board believes that the rules and regulations enclosed in this manual both aid the further State and City legislative interest in regard to the methods of attaining the goal of qualified staffing.

PENNSYLVANIA STATUTES

Article XX

Section 2001. – The Council shall fix, by ordinance, the number, grades and compensation of the members of the City police force, who shall be appointed in accordance with the Civil Service provisions of this Act.

Article XLIV

Section 4401. – No person or persons may be appointed to any position whatever in the Police Department... without having first passed all examination hereinafter provided for, and having been appointed in the manner and according to the terms and provisions and conditions of this Article.

Section 4402. – There shall be the following Civil Service Boards in each City: a) A Board for the examination of applicants for appointment to any position in the Police Department.

Each of said Boards shall consist of three citizens... Any person may be appointed to one or more of said Boards... No City officer, Official or employee shall be eligible for appointment to any Civil Service Board.

(Because of Bethlehem's adoption of the Mayor-Council form of government, the following substitutions, in parentheses, should be noted.)

Section 4403.- At the first election in newly created cities, council shall elect to each of said boards one person to serve for two years, one person to serve for three years, and one person to serve for four years. Upon the expiration of the term of any member of any of said boards, in any city, one person shall be elected by the City Council (Mayor with

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Councilmanic approval) to serve upon said Board for the term of four years. If any vacancies occur they shall be filled by the City Council (Mayor with Councilmanic approval) for the unexpired term. Each of said members, before entering upon the duties of his/her office, shall take and subscribe to the oath of office prescribed by this Act and file the same, duly certified by the officer administering it, with the Controller of the City. No salary or other compensation shall be paid to any member of the said boards. Two members of the board shall constitute a quorum necessary for the transaction of business of that board. Said boards shall organize for the purpose of transaction of business immediately after their first appointment and, from time to time, thereafter as new appointments to such board are made.

Section 4404. – Each of said boards shall prepare and adopt such rules and regulations to cover the selection and appointment of all persons as hereinbefore provided, to be hereafter employed or appointed in said cities, as in the judgment of said boards shall be best adapted to securing the best service for the public. Such rules and regulations shall provide for ascertaining and determining, so far as possible, the physical qualifications, habits, reputation, standing, experience and education of all applicants for such positions, respectively; and they shall provide for examinations upon any and all subjects deemed proper or necessary by said boards for the purpose of determining their qualifications for the position sought and applied for.

Section 4405. – When any person who was engaged in the military service of the United States during any military engagement in which the united States participated, and has an honorable discharge therefrom, shall take any examination for appointment,

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his/her examination shall be marked or graded in the same manner as provided for all other examinations. When the examination of any such person is completed and graded, if the grade is passing, then such grading or percentage as the examination merits shall be increased by ten per centum, and such total mark or grade shall represent the final grade or classification of such person and shall determine his or her order of standing on the eligible list. For the purpose of this article, the military service means the Army, Navy, Marines, Air Force, Coast Guard and any branch or unit thereof; and servicemen means the member thereof, including women; and military engagement includes, land, naval and air engagements.

Section 4406. – Said boards shall make and keep, in numerical order, a list containing the names of all applicants for civil service positions in said city who may pass the required mental and physical examination. Where more than one person takes examinations for any of said positions at the same time, the names of all those successfully passing such examination shall be entered upon the list of eligible names in the order of their respective percentages, the highest coming first. The board shall furnish to Council (Mayor), in writing, the three names on the list of applicants for such position having the highest percentage, where there are three or more eligible names on the list, but if there be less than three eligible names on such list, the board shall certify such name or names. Thereupon the director of the department in which such appointment is to be made shall nominate to the City Council (Mayor), a person from the list submitted to fill such vacancy. If the City Council (Mayor) approves such nomination, the person nominated shall be appointed by Council (Mayor) to fill such vacancy, and shall be assigned for

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service in the department. If the Council (Mayor) does not approve such nomination, then the director of the department in which such appointment is to be made shall submit another nomination for such position from the remaining names, if any, and if such nomination is not approved by the council (Mayor), he shall submit the third name if any. The person whose nomination by the director is approved by the City Council (Mayor) shall be appointed to fill such a position in the department. In all cases, the boards may recommend those in the employ of a department for promotion in case the person recommended is competent for the higher position. The name of the person so appointed shall be immediately stricken from the list of said board and the names of the rejected persons shall immediately be restored to their proper place in said list; provided, however, that if the name of any applicant has been submitted to the said Council (Mayor) and been rejected three times, then such name shall be stricken from the eligible list, except in cases where the candidate is passed over due to the Veterans' Preference Act being applicable.

Section 4407. – All appointments made pursuant to the provisions of this article shall be for and during good behavior, and no employee shall be removed or transferred for any political reasons whatever. Among those persons possessing qualifications and eligibility for appointment, preference in appointment shall be given to honorably discharged servicemen/women and their spouses and surviving spouses as provided by law.

All persons holding appointments in said several departments of said cities, at the time this act goes into effect, shall retain their positions without being required to pass examination and be removed only in accordance with the provisions of this article.

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In case of riot or emergency, temporary appointments to positions in the civil service may be made without complying with the provisions of this article.

Section 4408. – All employees subject to civil service shall be subject to suspension by the director of the department for misconduct, or violation or any law of this Commonwealth, any ordinance of the city, or regulation of the department, pending action by the City Council upon the charges made against any such employees. On hearing before City Council, where they may be represented by counsel, they may be fined or suspended for a period of not exceeding thirty days with or without pay, or they may be discharged by City Council, if found guilty of the charges made against them. The director of each such department may, for misconduct or violation as aforesaid, suspend any employee of such department for a period of ten days, with or without pay, without preferring charges and without a hearing of Council; but no employee shall be suspended more than one time for the identical or same violation or act of misconduct. If it should become necessary to reduce the number of employees in said department for purposes of economy, seniority rights shall prevail, and any and all removals for such cause or causes shall be from the members last appointed, and the member or members serving the shortest time shall be removed first; but members with longer times of service may be discharged for cause.

Any civil service employee aggrieved by the action of Council in fining, suspending or discharging him/her shall have the right to appeal by petition to the Court of Common Pleas within ninety days after the suspension or after receipt of written notice of such action by Council, which it shall be the duty of the council to give, and the Court

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shall hear the charges made against him/her *de novo*. The issue before the Court shall be whether the action of the Council shall be affirmed or whether the suspension made by the director shall be affirmed or rescinded. Where any such employee has been suspended and the charges are dismissed or the suspension rescinded on appeal, he/she shall receive full compensation for the entire period of suspension.

Section 4409. – Each of said civil service boards may appoint a secretary and prescribe his/her duties. He/she shall be subject to removal at any time by the board appointing him/her, and such board shall have power to change his/her duties. The compensation to be paid said secretaries and all necessary stationery and supplies for said boards shall be such as Council shall by ordinance direct.

Section 4410. – The lists of eligible names kept by each civil service board shall be annually examined by the board for the purpose of deleting therefrom persons who are permanently unavailable for or disqualified for the position or positions involved, either by death, permanent removal from the area, written desire to be removed therefrom, or by other permanent cause.

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CITY OF BETHLEHEM ORDINANCES

157.01 POLICE CIVIL SERVICE BOARD

(A) Establishment; Membership; Term. Pursuant to the provisions of the Act of June 28, 1951 (P.L.662), its supplements and amendments, there is created a Civil Service Board for the examination of applicants for appointment to any position in the Department of Police. The Board shall consist of three citizens, one of whom shall be an educator and one a physician, who shall be appointed by the Mayor with the consent of Council. Upon the expiration of the term of any member of the Civil Service Board, one person shall be elected by Council to serve upon the Board for the term of four years and until his/her successor is elected. If any vacancies occur, they shall be filled by Council for the unexpired term. Each of the members, before entering upon the duties of his/her office, shall take and subscribe to the oath of office prescribed by the Constitution of Pennsylvania and the Act of Assembly above-mentioned, and file the same, duly certified by the officer administering it, with the City Controller. No salary or other compensation shall be paid to any member of the Board.

(B) Appointments and Promotions. All appointments of employees to, and promotions in, the Department of Police, shall be made according to qualifications and fitness, to be ascertained by examinations, which, so

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far as practicable, shall be competitive in accordance with the provisions of the Act of Assembly approved June 28, 1951 (P.L.662), and any supplement to amendment thereto.

(C) Rules and Regulations. The Civil Service Board shall prepare and adopt such rules and regulations providing for examinations for positions in the Department of Police, and for appointments to the promotions therein, and for such other matters as are necessary to carry out the purposes of the Act of Assembly relating thereto. The Civil Service Board shall also prescribe, amend, and enforce rules and regulations for the promotion, reduction, removal and reinstatement of all employees so appointed in the Department of Police. The rules and regulations so prepared may, from time to time, be added to, amended or rescinded. All rules shall be approved by the Mayor and Council before they go into effect. When so approved, such rules shall not be annulled or changed except by the Board with the approval of the Mayor and Council. If the Mayor or Council take no action on a rule or amendment submitted to them within a period of twenty days from the date of its submission, then the rule or amendment shall become effective as through approved by the Mayor and Council.

(D) Reports and Recommendations. The Police Civil Service Boards shall make an annual report to the Mayor showing its own actions and rules and regulations, and all exceptions thereto, in force and the practical

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effect thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of the Act of Assembly relating to appointments to the positions referred to herein.

(E) Secretary and Examiners. The Board shall have power, with the consent and approval of Council, to appoint a secretary and civil service examiners who shall receive such compensation, as Council shall by ordinance prescribe.

SECTION II

GENERAL PROCEDURES

GENERAL PROCEDURES

Meetings

Meetings shall be called at the direction of the Chairperson or at the direction of any two members. The Secretary is responsible to bring to the Board Members' attention causes for meetings.

Meetings shall be held in the government office(s) of the Secretary.

All Board Members shall be consulted by the Secretary at the direction of the Chairperson in the choosing of an acceptable time for each meeting.

The Board Chairperson with Board approval, will advise the Secretary as to the information which may be released through the Secretary's normal press release channels. A representative of the Fraternal Order of Police shall be invited to meetings by the Board, when items of business directly or indirectly affect the F.O.P. Items of business will normally involve promotional regulations and maintenance of lists of eligible candidates for each standard full-time position.

Agenda

The Secretary shall have an agenda prepared for the Board at the inception of each meeting.

The agenda shall include a copy of the previous meeting's minutes.

The agenda shall include a copy of all correspondence mailed directly to the Secretary or Board prior to that meeting.

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General Procedures

Scope of Authority

Pursuant to the Statutes of Pennsylvania and the intent thereof, with intent to be further defined by the City of Bethlehem Solicitor in any specific instance, the Police Civil Service Board of the City of Bethlehem shall be responsible to:

- (a) Provide the lists of qualified applicants for position of police officer, in the Department of Police;
- (b) Provide lists of qualified candidates for internal promotion to all positions except Commissioner and Deputy Commissioner;
- (c) Provide such lists in all good conscience in conformance with such rules and regulations as may have been promulgated in practice in addition to those contained herein.

SECTION III
APPOINTMENT TO THE POLICE DEPARTMENT
PROCEDURE

APPOINTMENT TO THE POLICE

DEPARTMENT PROCEDURE

Recruitment

The Secretary of the Board shall see that an advertisement which includes the approximate time of the examination, position, salary range, other major benefit items, and method of application, including the application period, is published at least twenty (20) calendar days prior to the examination in a daily newspaper of general circulation published in the City of Bethlehem.

Copies of this advertisement are to be sent, whenever possible, to the Bureau of Employment Security, the Bethlehem Area Public Library, all Post Offices, and other related public places for posting.

The Secretary and Board members shall endeavor to fulfill all speaking and other public requests, which might aid in the promotion of applicants for the Police Department.

Applications

No person shall be admitted to the examination for position in the Police Department of the City of Bethlehem until sworn application giving such evidence in regard to age, U.S. citizenship, character, previous employment, training and other data, which the Board may require.

The Board will not examine a person who is wanting in the qualifications prescribed by the preceding clause, in the sworn form, unless, in the judgment of the Secretary there is reasonable probability that the applicant will have acquired such

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qualifications prior to the date of a possible certification from a list of eligibles produced as a result of such examination.

At the time of application, a candidate must have been a resident of the United States for at least five years and a foreign-born applicant must exhibit a proper certificate of naturalization or equivalent proof of citizenship, before his or her application may be received.

Applicants must have an Associate Degree or sixty (60) credits from not more than two (2) colleges or have fulfilled the requirements of the Pennsylvania Municipal Training Act and have four thousand (4,000) active hours of experience as a police officer. Applicants must also have a valid driver's license. The sixty (60) credit requirement will be waived if the applicant has two (2) years active military service and has an honorable discharge from such service.

All applicants will be charged a twenty-five dollar registration fee at the time of application.

Any willful misstatement, falsification, or concealment in respect to an application, shall render the same null and void. Subject to discretion of the Board, a person making such false application shall be prohibited from making any future application.

Applicant shall have arrived at the age of twenty-one (21) years. Applicant must furnish to the Board at the time of his/her examination, documentary evidence of his/her exact date of birth.

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Appointment Procedure

Applications cannot be accepted from former police officers removed for cause or from persons who have been convicted or served a sentence for crime.

Applicants must be of good reputation, moral character and habits.

Applications for a given position shall be received either continuously or between fixed dates as the Board may by resolution require, but no such fixed period shall be of less than ten (10) calendar days duration.

The Secretary of the Board shall notify by letter, a minimum of seven (7) days prior to the examination date, each candidate who is ineligible. In cases where the applicant questions such a decision prior to the examination in question, a Board meeting shall be called, to which the applicant shall be invited.

The Secretary of the Board shall notify by letter, a minimum of seven (7) days prior to the examination, each applicant who satisfies the qualifications. This letter shall include the time and place of the examination, as well as the relevant information.

Examinations

Any applicant failing to appear when called for examination, will be dropped from the list of applicants.

The Civil Service Board shall at least once in every two (2) years, cancel the eligible list of all applicants and provide for an entirely new examination to be held not later than forty-five (45) days after each such cancellation. The Board may, in the interest of the welfare of the department and the promotion of the public good, in its discretion, at any other time, cancel the eligible list of applicants for the position in the department and

