

**OFFICE OF THE CITY SOLICITOR
CITY OF BETHLEHEM, PENNSYLVANIA**

SUBJECT: Civil Service Board Rules and Regulations
TO: J. William Reynolds, Council President
FROM: Matthew J. Deschler, Esq., Assistant City Solicitor
DATE: October 10, 2017

Attached to this memorandum is a proposed resolution for Council's consideration. If adopted by Council, the resolution would approve rules and regulations for the City's civil service that were adopted by the Civil Service Board on October 3, 2017. Council's approval is necessary for the rules and regulations to take effect. The rules and regulations adopted by the Civil Service Board are attached as Exhibit A to the proposed resolution. I would request that Council adopt the proposed resolution, thereby approving the civil service rules and regulations previously adopted by the Board. Please do not hesitate to contact me with any questions or concerns.

/s/ Matthew J. Deschler
Matthew J. Deschler, Esq.
Assistant Solicitor

Cc: Michelle Cichocki
Mark Diluzio
Warren Achey

RESOLUTION NO. _____

A Resolution approving Rules and Regulations for the Civil Service of the City of Bethlehem.

WHEREAS, at a duly authorized meeting of the Civil Service Board of the City of Bethlehem on October 3, 2017, the Civil Service Board adopted the rules and regulations attached to this Resolution as Exhibit A; and

WHEREAS, the Council of the City of Bethlehem believes that the rules and regulations adopted by the Civil Service Board and attached to this Resolution as Exhibit A provide for ascertaining and determining, so far as possible, the knowledge, skills, aptitude, mental and physical abilities, experience, education and character of all applicants for the civil service as these criteria would reasonably apply to the respective positions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bethlehem that the said Council hereby approves the rules and regulations adopted by the Civil Service Board of the City of Bethlehem on October 3, 2017, which are attached to this Resolution as Exhibit A and which shall take immediate effect; and that the said Council hereby repeals, with immediate effect, so far as authorized by law, any and all prior versions of rules and regulations governing the City's civil service.

Sponsored by _____

ADOPTED by Council this day of , 2017

ATTEST:

President of Council

City Clerk

Exhibit A

CIVIL SERVICE BOARD OF THE CITY OF BETHLEHEM
GENERAL RULES & REGULATIONS

Introduction

The Civil Service Board shall have the power and its duty shall be to prepare and adopt rules and regulations, subject to approval by City Council, which, in the Board's discretion, secure and maintain the best service for the public for the selection, appointment and promotion of individuals who are qualified to perform the work which is the subject of the civil service examination as provided in these Rules and Regulations and who are to be employed, appointed or promoted by the City. The rules and regulations adopted by the board shall provide for ascertaining and determining, so far as possible, the knowledge, skills, aptitude, mental and physical abilities, experience, education and character of all applicants as these criteria would reasonably apply to the respective positions. The rules and regulations shall also provide for examinations upon any and all subjects deemed proper or necessary by the board for the purpose of determining the qualifications of applicants for the respective positions sought and for which application is made.

Section 1. Appointment of Civil Service Board

(a) There shall be a Civil Service Board (the "Board") in the City of Bethlehem (the "City") that shall provide for and oversee the examination of applicants for appointment to and promotion to any uniformed position in the City's police department ("Police Department") or fire department ("Fire Department"), except for the positions of police chief and fire chief, as well as all nonuniformed employees in City positions that were subject to civil service regulation immediately prior to May 19, 2014. The Board shall consist of three citizens who shall be

appointed by the Mayor, with the advice and consent of the City Council for terms of four years or until their successors are appointed and qualified except for the initial appointment of Board members as set forth in Article 157 of the City's Codified Ordinances. Any person who is a registered elector of the City may be appointed to the Board. No city officer, official or employee shall be eligible for appointment to the Board.

Section 2. Terms of Board Members; Filling Vacancies; Compensation; Quorum

(a) Upon the establishment of the Board, the Mayor, with the advice and consent of City Council, shall initially appoint to the Board 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 a successor shall be appointed by the Mayor, with the advice and consent of the City Council to serve upon the Board for a term of four years. If any vacancies occur, they shall be filled by the Mayor, with the advice and consent of the City Council, for the unexpired term.

(b) Each of the members, before entering upon the duties of office, shall take and subscribe to the oath of office prescribed by 53 Pa.C.S. § 1141 (relating to form of oaths of office) and file the same, duly certified by the officer administering it, with the City Clerk.

(c) No salary or other compensation shall be paid to any member of the Board.

(d) Two members of the Board shall constitute a quorum necessary for the transaction of business of that Board.

(e) The Board shall organize for the purpose of transacting all business immediately after the first appointments and thereafter as new appointments to the Board are made. After organizing, the Board shall elect one of its members as chairperson (the "Chair") and one as secretary (the "Secretary"). The Secretary may delegate his/her duties to the City's director of human resources.

Section 3. Alternate Board Members

(a) The Mayor, with the advice and consent of the City Council, may appoint no more than three qualified electors of the City to serve as alternate members of the Board. The term of office of the alternate members shall be four years.

(b) If, by reason of absence or disqualification of a member, a quorum is not reached, the chairperson shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. When seated pursuant to this section, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the Civil Service Act and as otherwise provided by law. Any alternate member of the board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially designated until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. Alternates shall hold no other office in the city. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to this subsection.

Section 4. Board Meetings

(a) Meetings of the Board shall be held at least once a year. Additional meetings shall be called at the direction of Chair or at the direction of any two members. The Secretary or his/her designee is responsible for bringing to the Board members' attention causes for meetings, for

notifying Board members of meetings, and for publishing notice of meetings in accordance with the Sunshine Act, 65 Pa.C.S. § 701 et. seq.

(b) Unless otherwise authorized by the Sunshine Act, the Board's meetings shall be open to the public.

(c) The Secretary or his/her designee shall have an agenda prepared for the Board at the inception of each meeting.

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

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

(f) The Secretary or his/her designee shall record in writing the minutes of all public meetings of the Board. The minutes of the Board shall include: (1) the date, time and place of the meeting; (2) the names of all members present; (3) the substance of all official actions and a record by individual member of the roll call votes taken; and (4) the names of all citizens who appeared officially and the subject of their testimony. The approved minutes of the Board shall be maintained in the office of the City Clerk.

Section 5. Annual Report to the Mayor

By January 15 of each year, the Chair, with the approval of the Board, shall submit to the Mayor and City Council a report concerning the Board's actions and Rules and Regulations in force and the practical effect thereof and any suggestions for the more effectual accomplishments of the Civil Service Act.

Section 6. Notice of Any Changes to the Board's Rules and Regulations

The Rules and Regulations of the Board, as well as any amendments or repeals thereto, shall be approved at a meeting of the Board, with notice of such meeting provided in accordance with Pennsylvania's Sunshine Act. Upon approval by the Board, the City Solicitor shall prepare a resolution for submission to City Council to approve the Rules and Regulations, and any amendments or repeals thereto. Such Rules and Regulations, and any amendments or repeals thereto, shall become effective upon approval by City Council.

Section 7. Application Forms

The directors of any City department with at least one employee subject to the Civil Service Act shall prepare employment applications for all positions subject to civil service, which shall be submitted to the Board for review within ninety (90) days from the approval of these Rules and Regulations by City Council. The employment applications, and any revisions thereto, shall be approved by the Board. The Board shall conduct an annual review of all employment applications for positions subject to civil service and shall solicit input from the respective department directors for the purpose of making any necessary or advisable revisions to the employment applications.

Section 8. Required Examinations

No person or persons may be appointed to any uniformed position in the police or fire departments, excluding chiefs, without having first passed all the examinations provided for in these Rules and Regulations and without having been appointed in the manner and according to the terms and provisions and conditions of these Rules and Regulations.

Section 9. Eligibility List Cancellation and Examination Advertisement

(a) At least once every two (2) years, the Board shall cancel the list of all eligible applicants and schedule a new examination to be held no later than forty-five (45) days after such cancellation. The Board may, in the interest of promoting the public good, cancel the list of eligible applicants at any time and provide for a new examination to be held no later than forty-five (45) days after such cancellation. A prior eligibility list, whether for initial hires or promotions, shall be automatically cancelled following the certification of a new eligibility list.

(b) Within thirty (30) days of the cancellation of the list of eligible applicants pursuant to subsection (a), the director of every department subject to civil service shall submit to the Board a proposed examination which may include, without limitation, a written component, an oral component, a physical fitness and agility component, and a physical and/or psychological medical examination component.

(c) The Board shall approve, reject or amend the proposed examination.

(d) Examinations may consist of progressive stages, where an applicant's successful completion of the previous stage is a prerequisite to progressing to a subsequent stage.

(e) The initial or, where the examination consists of only one stage, sole stage of the examination shall consist of a written examination, an oral examination, or a combination of both.

(f) Written and oral examinations used to establish an eligibility list shall offer the opportunity to achieve one hundred points.

(g) If both written and oral examination methods are used in conjunction with each other, the Board, prior to initiating testing, shall establish what constitutes a passing score on each portion of the examination. If only a written examination method is used, the Board shall establish the passing score before the examination is conducted.

(h) Where any physical fitness and agility examination is to be conducted, it shall be job related and consistent with business necessity and shall be conducted following the initial written and/or oral examination. All applicants who pass the initial examination shall be subject to the physical fitness and agility examination, which shall be graded on a pass-fail basis.

Section 10. Advertisement of Examination

(a) Whenever a new examination is to be conducted, the Secretary or his/her designee shall ensure 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 Bethlehem Area Public Library, all Post Offices within the City, and other related public places for posting. A copy is to be posted in the City Clerk's display facilities.

(b) The Board members shall endeavor to fulfill all speaking and other public requests which might aid in the promotion of applicants for any civil service position subject to these Rules and Regulations.

Section 11. General Eligibility Requirements

(a) Except as provided in subsection (b), no person shall be admitted to the written examination for a civil service position unless the person complies with the respective departmental eligibility requirements as set forth in Appendix A and Appendix B.

(b) Where an applicant does not satisfy the qualifications set forth in subsection (a) but there is a reasonable probability, in the judgment of the Chair, that the applicant will have acquired such qualifications prior to the date of a possible certification from a list of eligible applicants produced as a result of such examination, the Chair may admit the applicant to the examination.

(c) 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.

(d) Any willful misstatement, falsification, or concealment in connection with an application to the Board shall render the application null and void. Subject to the discretion of the Board, an applicant making false representations in an application shall be prohibited from submitting any future applications.

Section 12. Notification of Examination

(a) At least seven (7) days prior to the initial examination date, the Secretary or his/her designee shall notify by letter each applicant who is ineligible to take the examination.

(b) At least seven (7) days prior to the date of the initial examination, the Secretary or his/her designee shall notify by letter each applicant who satisfies the qualifications. This letter shall include the time and place of the initial examination and shall indicate whether the initial examination includes a written component, an oral component, or both. The letter shall state the minimum passing score for any written or oral examination or, in the event that the examination consists of a written and oral component, the passing score for each component. The letter shall also state whether the examination consists of any subsequent stages, such as a physical fitness

and agility component and/or physical and/or psychological medical examinations for conditional appointees, that an applicant must undergo if he/she passes the initial examination.

Section 13. Conduct of Examinations

(a) Any applicant failing to appear when called for an examination, at any stage of the examination process, will be eliminated from the list of applicants.

(b) Any applicant who, in the opinion of the Board, engages in fraudulent or other misconduct in connection with an examination shall be disqualified from participation in the examination, and, in the discretion of the Board, may be excluded from any future examination.

(c) Before proceeding to answer any questions in the initial examination, each applicant shall be required to complete and sign a declaration form, giving his/her full name, address and such other information as the Board may require. The applicant shall seal the completed and signed declaration form in an unmarked official envelope and the papers of the applicant shall be marked with an identical number, which shall be kept confidential from the examiners until after the scoring of the examination, at which time the envelope shall be opened and each applicant's name shall be matched with his/her scored examination. Specific announcements of this provision shall be made at the commencement of every initial examination.

(d) Upon completion of scoring, each applicant shall be given written notice of the score attained by the applicant and whether the applicant's score constituted a passing score. An applicant who did not receive passing scores shall be notified that he/she is ineligible for further participation in the examination process and that his/her name will not appear on the civil service eligibility list.

(e) Where a physical agility and fitness examination is a component of the overall examination, it shall be conducted reasonably promptly following the initial examination. All applicants who received passing scores on the initial examination shall be notified of the date, time and place of the physical agility and fitness component and shall be notified that the physical fitness and agility component is graded on a pass-fail basis. Following the physical fitness and agility component, the applicant shall be promptly notified whether he/she passed or failed, and, if he/she passed, the applicant will be notified as to any additional steps in the examination procedures specifically pertaining to the Fire Department and Police Department as set forth in Appendix A and Appendix B, respectively.

Section 14. Selection From Certified List of Applicants

(a) The Board shall make and keep, in numerical order, a list containing the names of all applicants for civil service positions in the City who pass the examination, including all requisite components thereof, including any required physical fitness or agility examinations that are job-related and consistent with business necessity.

(b) When more than one person takes an examination for any position at the same time, the names of all those successfully passing the examination shall be entered upon the eligibility list in the order of their respective point totals, the highest coming first.

(c) When two or more eligible applicants have received the same average rating, priority in listing shall be alphabetical by last name first.

(d) The Board shall furnish to the Mayor a certified copy of all lists so prepared and kept. Such lists shall be maintained for a period of two years or until a new list is certified to the Mayor, whichever occurs first, and are public records.

(e) Whenever the Mayor shall determine an initial appointment is to be made to a civil service position in the City, the director of the department in which the appointment is to be made shall make written application to the Chair of the Board, who shall forthwith certify to the Mayor, in writing, the three names on the eligibility list of applicants for the position having the highest number of points, unless there are less than three eligible names on the list, in which event the Board shall certify the names on the list. In the event that more than one position must be filled at the same time from the same eligibility list, the Board shall certify, from the list of applicants having the highest number of points, two more names than the number of positions to be filled, e.g., the five names with the highest number of points on the eligibility list for three open positions. The director of the department in which the appointment is to be made shall nominate to the Mayor a person or persons from the eligibility list submitted to fill the vacancy.

(f) If the Mayor approves the nomination, the person nominated shall be conditionally appointed by the Mayor to fill the vacancy, and shall be assigned for service in the department, subject to any physical or psychological medical examinations that may be required by the Board as a condition of permanent appointment in accordance with Section 15 of these Rules and Regulations.

(g) If the Mayor does not approve the nomination, or if the appointee is determined by the medical examination process to be unqualified, then the director of the department in which the appointment is to be made shall submit another nomination for the position from the remaining names, if any. If the second nomination is not approved by the Mayor, or if the appointee is determined by the medical examination process to be unqualified, the director shall submit the third name, if any.

(h) The person whose nomination by the director is approved by the Mayor shall be appointed to fill the civil service position under consideration.

(i) The name of the person so appointed shall be immediately stricken from the certified list of the Board, and, except as otherwise provided in this subsection, the names of the nonappointed persons shall immediately be restored to their proper place on the certified list. If the name of any applicant has been submitted to the Mayor and been rejected three times or the conditional applicant has not been appointed for three such times or the conditional applicant has been determined by the medical examination process to be unqualified, then the name shall be stricken from the certified list.

Section 15. Physical or Psychological Medical Examinations

(a) Where the Board has required that a conditionally appointed applicant must undergo a physical or psychological medical examination as a condition of permanent appointment, the examination shall be scheduled reasonably promptly following the conditional appointment and the conditional appointee shall be notified. Physical medical examinations, if required, shall be under the direction of a physician or other qualified medical professional. Psychological medical examinations, if required, shall be under the direction of a psychiatrist or psychologist.

(b) All physical or psychological medical examinations will be by interview and may include diagnostic and/or clinical testing when, in the judgment of the examining physician, other qualified medical professional, psychiatrist or psychologist, such tests are necessary.

(c) A physician, other qualified medical professional, psychiatrist or psychologist shall be appointed by the Mayor and shall render an opinion as to whether the conditional appointee has

a physical or mental condition which calls into question the individual's ability to perform all the essential functions of the position for which the individual was conditionally appointed. The opinion shall be in writing and shall be submitted to the Mayor, the Board, and the director of the department within which the position is to be filled.

(d) If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of a position, the director of the department within which the position is to be filled shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position.

(e) If, at the conclusion of the interactive discussion under subsection (d), the director of the department determines that the conditional appointee is not qualified, the director shall give written notice to the conditional appointee and to the Mayor and the Board. The director shall submit a nomination to the Mayor from the remaining names on the certified eligibility list pursuant to Section 14(f).

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

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

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

Section 16. Veterans’ preference

(a) For initial appointments to uniformed civil service positions only, a veteran who meets the qualifications for and conditions of the position under uniform eligibility rules, which include successful passage of the initial written and/or oral examination, shall receive an additional ten (10) points on the examination.

(b) If, after the additional ten (10) points are granted, a veteran is on the list of three eligible applicants, the veteran shall receive a preference in hiring over nonveterans on that list.

(c) The preference provided by this section shall constitute the only preference with regard to a uniformed civil service position to which a veteran is entitled under these Rules and Regulations.

Section 17. Promotions

(a) The Mayor shall notify the Board of a civil service vacancy in the City which is to be filled by promotion and shall request the certification of an eligibility list as provided in Section

14 of these Rules and Regulations. The Board shall certify for each vacancy the names of three persons on the eligibility list who have received the highest average in the last preceding promotional examination held within the period of two years preceding the date of the request for the eligibility list. If three names are not available, the Board shall certify the names remaining on the list. The Mayor shall make an appointment from the names certified, based solely on the merits and fitness of the candidates, unless the Mayor makes objections to the Board regarding one or more of the persons on the eligibility list. The Mayor shall have power to determine in each instance whether an increase in salary shall constitute a promotion.

(b) The provisions of this section shall not apply to the Mayor's designation or appointment of the chief of police pursuant or the Mayor's designation or appointment of a fire chief.

Section 18. Tenure; Temporary Appointments

(a) All appointments made pursuant to the provisions of these Rules and Regulations shall be for and during good behavior, and no employee hired pursuant to the provisions of these Rules and Regulations shall be removed or transferred for any political reasons whatever.

(b) In case of riot or emergency, temporary appointments to positions in the civil service may be made without complying with the provisions of these Rules and Regulations.

Section 19. Suspension, Discharge and Discipline; Reduction of Employees; Appeals

(a) All employees subject to civil service shall be subject to suspension, discharge and discipline by the director of the department in which the employee works for misconduct or violation of any law of this Commonwealth, ordinance of the City or regulation of the department.

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 employee aggrieved by the suspension, discharge or discipline imposed by a department director more serious than a suspension of three days without pay may request a hearing before City Council within ten (10) days of the employee's receipt of notice of the suspension, discharge or discipline. The request shall be in writing and may be mailed to "Bethlehem Civil Service Board, 10 East Church Street, Bethlehem, PA 18018" or personally delivered to the City Clerk's Office on the second floor of Bethlehem City Hall, 10 East Church Street, Bethlehem, PA 18018. If the request for a hearing is delivered by mail, the date of submission shall be the date of postmark. At the hearing, the employee may be represented by counsel. The hearing shall be conducted as would a hearing under the Local Agency Law. The Board shall deliberate and render a decision either affirming, modifying or rescinding the employee's suspension, discharge or discipline. A copy of the Board's written decision shall be promptly mailed to the employee.

(b) Any civil service employee aggrieved by a decision of City Council pursuant to subsection (a) shall have the right to appeal to the Court of Common Pleas in accordance with 2 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local agency action) within thirty (30) days from the date on which the written decision was mailed to the employee. This review shall be exclusive. Where no such appeal is taken within the time prescribed by law, the decision by City Council shall become final in accordance with the law. The issue before the Court shall be whether the action of City Council shall be affirmed or be modified in any respect or whether the charges should be dismissed or whether the suspension or demotion made by the director shall be affirmed

or rescinded. Where any employee has been suspended and the charges are dismissed or the suspension rescinded on appeal, the employee shall receive full compensation for the entire period of suspension.

(c) In any case in which a police officer or firefighter who is a member of a bargaining unit is subject to suspension, discharge or discipline, the police officer or firefighter shall have the option of challenging the suspension, discharge or discipline imposed by using the procedures provided in subsections (a) and (b) or by a proceeding in grievance arbitration. A choice to proceed either by subsections (a) and (b) or by grievance arbitration shall foreclose the opportunity to proceed in the alternative method.

Section 20. Investigations and subpoenas

(a) The Board shall have the power to make investigations concerning all matters relating to the administration and enforcement of its Rules and Regulations. The Chair shall be authorized to administer oaths and affirmations for witnesses testifying in matters before the Board.

(b) The Board shall have the power to issue subpoenas over the signature of the Chair or designee and to require the attendance of witnesses and the production of records and papers pertaining to matters before the Board, including any background investigation conducted pursuant to any applicable Rules and Regulations.

Section 21. Review of Eligibility Lists

(a) The lists of eligible names kept by the Board shall be annually examined by the Board for the purpose of deleting individuals from the list who are permanently unavailable for or disqualified for the position or positions involved, either by death, permanent removal from the

area or written desire to be removed from the list or by other permanent cause in conformity with the Board's Rules and Regulations.

(b) The Board shall conduct the annual review referenced in subsection (a) on or before June 30 of each year.

Section 22. Specific Rules Governing Fire and Police Civil Service Employees

These Rules and Regulations are generally applicable to civil service employees in both the police and fire departments. In the event that distinct rules and regulations are approved by this Board and City Council which are specifically applicable to either the police department or fire department, such specific rules shall be read, whenever possible, as consistent with these Rules and Regulations but, in the event that such a consistent reading is not reasonably possible, the specific rules and regulations of the Fire Department (as set forth below in Appendix A) and the Police Department (as set forth below in Appendix B) shall control over these Rules and Regulations.

APPENDIX A -- CIVIL SERVICE BOARD OF THE CITY OF BETHLEHEM
RULES & REGULATIONS FOR THE FIRE DEPARTMENT

Section 1: General Eligibility Qualifications

- (a) **Citizenship:** Applicant must be a U.S. citizen. If the applicant is foreign born, naturalization papers must be provided.
- (b) **Age:** Applicants must have arrived at eighteen (18) years of age and not be more than thirty-five (35) years of age at the time of the application deadline. A copy of the applicant's birth certificate is required at the time of application.
- (c) **Education:** Applicants must have a high school diploma or GED.
- (d) **Character:** Must be of a good reputation, moral character and habits.
- (e) **Application:** All applicants will be charged a \$50.00 registration fee at the time of application. This application fee is non-refundable. Any willful misstatement, falsification or concealment in respect to an application shall render the same null and void. Subject to the discretion of the Board, a person making such false application shall be prohibited from making any future application. Applications cannot be accepted from persons who have been convicted of a misdemeanor crime or greater, or from former firefighters removed for cause.
- (f) **Vouchers:** Applicant must secure one (1) person to vouch for his/her character. The person may not be a relative of the applicant. The voucher should be well acquainted with the applicant and have known him/her for at least one (1) year. The voucher must be notarized before it is submitted with the employment application.
- (g) **Driver's License:** All applicants must possess a valid Driver's License at the time of application and appointment.

Section 2: Initial Applicants for Employment

- (a) **Written Examination.** Applicants to the Fire Department shall submit to a written examination. A passing score on the written examination shall be seventy (70) points out of a potential maximum score of one hundred (100) points.
- (b) **Background Investigation.** Applicants to the Fire Department shall submit to a background investigation for the purpose of ascertaining and determining their knowledge, skills, aptitude, mental and physical abilities, experience, education and character for the position for which they applied.
- (c) **Physical Agility and Fitness Examination.** Applicants who pass the written examination and background investigation shall submit to a pass/fail physical agility and fitness examination, which shall be more fully explained in the employment application.
- (d) **Certification.** Applicants who pass the written examination and background investigation shall be certified and may be conditionally appointed pursuant to Section 14 of the General Civil Service Rules *supra*.
- (e) **Physical Medical Examination.** New hires to the Fire Department shall be conditionally appointed and, prior to obtaining regular appointment, shall submit to a physical medical examination pursuant to Section 15 of the General Civil Services Rules *supra* to determine their physical condition and capability for fire department work.
- (f) **Psychological Medical Examination.** New hires to the Fire Department shall be conditionally appointed and, prior to obtaining regular appointment, shall submit to a psychological medical examination pursuant to Section 15 of the General Civil

Service Rules *supra* to evaluate their mental health and emotional maturity and stability to determine that the candidate has the necessary level of mental health and emotional ability and stability for competent performance as a firefighter.

- (g) **Administrative Interview.** Applicants will be interviewed by the Fire Chief and Deputy Fire Chief. Applicants will be questioned about information gathered throughout the application process.

Section 3: Examination Prerequisites for Promotional Examinations

(a) To be eligible to undergo any written examination for appointment to the position of lieutenant inspector in the Fire Department, an individual must be employed as an incumbent firefighter in the Fire Department for a minimum of seven (7) years at the time of the scheduled examination date.

(b) To be eligible to undergo any written examination for appointment to the position of lieutenant in the Fire Department, an individual must be employed as an incumbent firefighter in the Fire Department for a minimum of seven (7) years at the time of the scheduled examination date.

(c) To be eligible to undergo any written examination for appointment to the position of captain in the Fire Department, an individual must be an incumbent lieutenant employed in the Fire Department for a minimum of two (2) years at the time of the scheduled examination date.

(d) To be eligible to undergo any written examination for appointment to the position of captain in charge of inspections (Chief Fire Inspector), an individual must be employed as an incumbent lieutenant inspector in the Fire Department for a minimum of two (2) years at the time of the scheduled examination date.

(e) To be eligible to undergo any examination for appointment to the position of assistant chief in the Fire Department, an individual must be employed as an incumbent captain or incumbent captain in charge of inspections in the Fire Department for a minimum of two (2) years at the time of the scheduled examination date.

(f) To be eligible to undergo any written examination for appointment to the position of deputy chief in the Fire Department, an individual must be employed as an assistant chief in the Fire Department for a minimum of two (2) years at the time of the scheduled examination date.

(g) If no applicants are eligible to test for a vacant position, the test process will be opened to additional candidates as recommended by the Board.

Section 4: Promotional Examinations

(a) Those candidates seeking promotion to the positions of fire inspector and lieutenant shall be examined for the position as follows: (1) submission to a written examination; (2) comparative seniority; and (3) submission to a departmental evaluation, the format of which shall be agreed to by both Local 735 and the Fire Chief and the results of which shall be graded, scored and averaged by all platoon officers. A passing score on the written examination shall be 70 points out of 100 points. An individual who fails the written test may not be promoted to the position sought. Comparative seniority for individuals passing the written test shall be calculated on the basis of length of service in the candidate's present position with the candidate having the most seniority receiving fifteen (15) points and each other candidate receive the direct proportion of fifteen (15) points that his/her seniority, measured in months, is to the months of the candidate having the most seniority. The maximum potential score on the departmental evaluation shall be fifteen (15) points. The written examination score shall be 70% of the total examination score; the

comparative seniority of the candidate shall be 15% of the total examination score; and the score of the departmental evaluation agreed to by both the Fire Chief and Local 735 shall consist be 15% of the total examination score.

(b) Those candidates seeking promotion to the position of captain shall be examined for the position as follows: (1) submission to a written examination; (2) submission to an oral examination; and (3) comparative seniority. A passing score on the written examination shall be 70 points out of 100 points. A passing score on the oral examination shall be 70 points out of 100 points.

The oral examination shall be conducted by a group, selected by the Board, of fire chiefs or deputy fire chiefs from third class cities, second class A cities, second class cities, and first class cities. The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations, and standard operating procedures and guidelines. The written examination shall be conducted prior to the oral examination, and a candidate must pass the written examination to be eligible for the oral examination. A candidate must achieve passing scores on both the written and oral examinations to be eligible for promotion to the position. The written examination score shall be 70% of the total examination score; the oral examination score shall be 15% of the total examination score; and (3) the comparative seniority of the candidate shall be 15% of the total examination score.

(c) Those candidates seeking promotion to the position of captain in charge of inspections (Chief Fire Inspector) shall be examined for the position as follows: (1) submission to a written examination; (2) submission to an oral examination; and (3) comparative seniority. The written examination will be comprised of questions relating to fire investigation practices, investigation practices, and supervisory and managerial practices. A passing score on the written

examination shall be 70 points out of 100 points. A passing score on the oral examination shall be 70 points out of 100 points.

The oral examination shall be conducted by a group, selected by the Board, of fire chiefs or deputy fire chiefs from third class cities, second class A cities, second class cities, and first class cities. The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations, and standard operating procedures and guidelines. The written examination shall be conducted prior to the oral examination, and a candidate must pass the written examination to be eligible for the oral examination. A candidate must achieve passing scores on both the written and oral examinations to be eligible for promotion to the position. The written examination score shall be 70% of the total examination score; the oral examination score shall be 15% of the total examination score; and (3) the comparative seniority of the candidate shall be 15% of the total examination score.

(d) Those candidates seeking promotion to the position of assistant chief shall be examined for the position as follows: (1) submission to a written examination; (2) submission to an oral examination; and (3) comparative seniority. A passing score on the written examination shall be 70 points out of 100 points. A passing score on the oral examination shall be 70 points out of 100 points. The oral examination shall be conducted by a group, selected by the Board, of fire chiefs or deputy fire chiefs from third class cities, second class A cities, second class cities, and first class cities. The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations, and standard operating procedures and guidelines. The written examination shall be conducted prior to the oral examination, and a candidate must pass the written examination to be eligible for the oral examination. A candidate must achieve passing scores on both the written and oral examinations to be eligible for promotion to the

position. The written examination score shall be 45% of the total examination score; the oral examination score shall be 45% of the total examination score; and (3) the comparative seniority of the candidate shall be 10% of the total examination score.

(e) Those candidates seeking promotion to the position of deputy chief shall be examined for the position as follows: (1) submission to an oral examination. A passing score on the oral examination shall be 70 points out of 100 points. The oral examination shall be conducted by a group, selected by the Board, of fire chiefs or deputy fire chiefs from third class cities, second class A cities, second class cities, and first class cities. The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations, and standard operating procedures and guidelines.

Section 5: Probationary Periods

(a) The probationary period for a newly hired firefighter shall be one (1) year. A probationary firefighter will not be deemed to be a regular, non-probationary employee until he/she successfully completes his/her one (1) year probationary period. All newly hired firefighters must successfully complete all areas of Fire Academy Training. Failure to complete Fire Academy Training will result in termination of employment. A failure to successfully complete the one (1) year probationary period shall result in the probationary employee's discharge from the Fire Department. A probationary firefighter shall submit to an evaluation by the applicable department/platoon supervisor prior to the end of the one year probationary period.

(b) The probationary period for an individual promoted to the position of lieutenant inspector in the Fire Department shall be one (1) year. A probationary lieutenant inspector shall submit to an evaluation by the applicable department/platoon supervisor after six (6) months of

probationary status and shall submit to a second such evaluation at the conclusion of the probationary period. Both evaluations shall be reviewed by the Fire Chief at the conclusion of the probationary period. A probationary lieutenant inspector will not be deemed to be a regular, non-probationary employee until both (a) one year has elapsed since his/her probationary appointment and (b) the Fire Chief has determined, upon review of the six-month and one-year evaluations, that the probationary lieutenant inspector has successfully completed the probationary period.

(c) The probationary period for an individual promoted to the positions of lieutenant, captain or assistant chief in the Fire Department shall be one (1) year. A probationary lieutenant, captain or assistant chief shall submit to an evaluation by the applicable department/platoon supervisor after six (6) months of probationary status and shall submit to a second such evaluation at the conclusion of the probationary period. Both evaluations shall be reviewed by the Fire Chief at the conclusion of the probationary period. A probationary lieutenant, captain or assistant chief will not be deemed to be a regular, non-probationary employee until both (a) one year has elapsed since his/her probationary appointment and (b) the Fire Chief has determined, upon review of the six-month and one-year evaluations, that the probationary lieutenant, captain or assistant chief has successfully completed the probationary period.

(d) Unless otherwise provided by law, applicable collective bargaining agreement, or these Civil Service Rules, the privileges and obligations of civil service status shall not apply during an employee's probationary status except in that no appointee shall be removed or transferred for any political reason whatever.

(e) The Mayor shall put in writing the reason for the dismissal of any probationary employee, and a copy of thereof shall be entered in the Civil Service Minute Book.

(f) An employee promoted to the rank of lieutenant shall have two (2) years from the date of promotion to pass Fire Officer 1 Training and all associated prerequisite classes required to achieve the Fire Officer 1 Pro Board Certification. Failure to complete all requirements of this subsection (f) shall result in the employee returning to his/her previous position. The Fire Department shall ensure that an employee is afforded sufficient time to attend prerequisite classes in their entirety and, while attending such classes, the employee shall be compensated for his/her normal work shift. No overtime shall be paid to an employee for attending classes. Backfilling of personnel shall follow existing overtime policies.

(g) An employee promoted to the rank of lieutenant inspector shall have one (1) year from the date of promotion to pass Fire Inspector 1 Training and all associated prerequisite classes required to achieve the Fire Inspector 1 Pro Board Certification. Additionally, such an employee shall have one (1) year from the date of promotion to obtain his/her Pennsylvania Labor & Industry certification. Failure to complete all requirements of this subsection (g) shall result in the employee returning to his/her previous position. The Fire Department shall ensure that an employee is afforded sufficient time to attend prerequisite classes in their entirety and, while attending such classes, the employee shall be compensated for his/her normal work shift. No overtime shall be paid to an employee for attending classes. Backfilling of personnel shall follow existing overtime policies.

(h) An employee promoted to the rank of chief fire inspector (captain) shall have one (1) year from the date of promotion to pass Fire Inspector 2 Training and all associated prerequisite classes required to achieve the Fire Inspector 2 Pro Board Certification. Additionally, such an employee shall have one (1) year from the date of promotion to obtain his/her Pennsylvania Labor & Industry certification. Further, such an employee shall obtain his/her Plans Examiner

certification within two (2) years from the date of promotion. Failure to complete all the requirements of this subsection (h) shall result in the employee returning to his/her previous position. The Fire Department shall ensure that an employee is afforded sufficient time to attend prerequisite classes in their entirety and, while attending such classes, the employee shall be compensated for his/her normal work shift. No overtime shall be paid to an employee for attending classes. Backfilling of personnel shall follow existing overtime policies.

(i) An employee promoted to the rank of captain shall have two (2) years from the date of promotion to pass Fire Officer 2 Training and all associated prerequisite classes required to achieve the Fire Officer 2 Pro Board Certification. Failure to complete all requirements of this subsection (i) shall result in the employee returning to his/her previous position. The Fire Department shall ensure that an employee is afforded sufficient time to attend prerequisite classes in their entirety and, while attending such classes, the employee shall be compensated for his/her normal work shift. No overtime shall be paid to an employee for attending classes. Backfilling of personnel shall follow existing overtime policies.

Section 6: Demotions

In the case of a demotion, time in grade shall commence on the day on which the demoted employee is assigned to the lower rank.

Section 7: Residency Requirement

Beginning January 1, 2017 all new hires of the Fire Department shall have one (1) year from date of hire to establish residency within fifteen (15) miles as the crow flies of City Hall, 10 E. Church Street, Bethlehem, PA 18018.

APPENDIX B – CIVIL SERVICE BOARD OF THE CITY OF BETHLEHEM
RULES & REGULATIONS FOR THE POLICE DEPARTMENT

Section 1: Eligibility Qualifications

- (a) **Citizenship:** Applicant must be a U.S. citizen and resident of the U.S. for at least five (5) years. If the applicant is foreign born, naturalization papers must be provided.
- (b) **Age:** Applicants must have arrived at twenty-one (21) years of age at the time of the application deadline. A copy of the applicant's birth certificate is required at the time of application.
- (c) **Education:** Applicants must have an Associate's degree or a minimum of sixty (60) credits from not more than two (2) accredited institutions, colleges or universities. A diploma is required for all degrees received. A transcript is required for all college/university programs. The sixty (60) credit requirement may be waived if the applicant has fulfilled the requirements of the Pennsylvania Municipal Police Officers' Training Act and has four thousand (4,000) active hours of experience as a police officer. 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. A "DD-214" is required for all military service.
- (d) **Character:** Must be of a good reputation, moral character and habits.
- (e) **Application:** All applicants will be charged a \$50.00 registration fee at the time of application. This application fee is non-refundable. Any willful misstatement, falsification or concealment in respect to an application shall render the same null and void. Subject to the discretion of the Board, a person making such false application shall be prohibited from making any future application. Applications cannot be accepted from persons who have

been convicted of a misdemeanor crime or greater, or from former police officers removed for cause.

(f) **Vouchers:** Applicant must secure two (2) persons to vouch for his/her character. The persons may not be relatives of the applicant. The vouchers should be well acquainted with the applicant and have known him/her for at least one (1) year. The voucher must be notarized before submission to the Board.

(g) **Driver's License:** All applicants must possess a valid Driver's License at the time of application and appointment.

Section 2: Initial Employment

(a) **Written Examination.** Applicants seeking to be hired by the Police Department shall submit to a written examination, which shall consist of 100 questions relating to general knowledge, observation abilities, reading comprehension and legal knowledge. A passing score on the written examination is 70 points out of 100 points.

(b) **Physical Fitness Examination.** Applicants who pass the written examination shall submit to a pass/fail physical fitness test conducted by the City, which shall be more fully described in the employment application. Applicants who are not Act 120 Certified (or similarly certified as a Municipal Police Officer in another state) will also be required to attend an approved Pennsylvania Municipal Police Officer's Police Academy ("Police Academy"). In order to be accepted into the Police Academy, applicants will need to satisfy the physical fitness standards for Police Academy entrance, which shall be more fully described in the employment application.

(c) **Background Investigation.** Applicants who pass the written examination and the physical fitness examination(s) shall submit to a background investigation. The background investigation consists of an investigation conducted by the Criminal Investigations Division of the Police Department. Applicants shall complete a background questionnaire which will cover the following topics:

- i. Personal information
- ii. Marital and family information
- iii. Financial information
- iv. Motor vehicle information
- v. Driving record
- vi. Military service
- vii. Education history
- viii. Criminal history
- ix. Employment history
- x. General information
- xi. Law enforcement experience
- xii. Polygraph questions

(d) **Administrative Interview.** Applicants will be interviewed by the Police Department command staff. Applicants will be questioned about information gathered throughout the application process.

(e) **Polygraph Examination.** Following the background investigation and administrative interview, applicants shall submit to a polygraph examination reviewing all information gathered during the application process and background investigation.

(f) **Psychological Medical Examination.** New hires to the Police Department shall be conditionally appointed and, prior to obtaining regular appointment, shall submit to a psychological medical examination pursuant to Section 15 of the General Civil Service Rules *supra* to evaluate their capability for police work.

(g) **Physical Medical Examination**

i. New hires to the Police Department shall be conditionally appointed and, prior to obtaining regular appointment, shall submit to a physical medical examination pursuant to Section 15 of the General Civil Services Rules *supra* to determine their physical condition and capability for police work. The examination shall be governed by the medical standards of the Commonwealth of Pennsylvania Municipal Police Officers' Education and Training Commission.

ii. In regard to the physical condition of conditional appointees:

(1) Applicants must be free from the addictive or excessive use of alcohol, drugs or illegal controlled substances which will be determined using current laboratory testing procedures.

(2) Applicants must be able to withstand significant cardiovascular stress.

(3) Applicants must be free from any debilitating conditions such as tremor, incoordination, convulsion, fainting episodes, or other neurological conditions which may affect the applicant's ability to perform as a police officer.

(4) Applicants must be free from any other significant physical limitations or disabilities which would, in the physician's opinion, impair the applicant's ability to perform the duties of a police officer or complete the required minimum training requirements.

- (5) Applicants cannot be missing any extremities, including digits, which would prevent performance of required police duties or meeting minimum training requirements.
 - (6) Blood pressure, heart condition and lung capacity and performance must fall in the normal range.
- (h) With regard to the hearing/audio capabilities of conditional appointees, the applicant must be able to distinguish a normal whisper at a distance of 15 feet. The test will be independently conducted for each ear, while the tested ear is facing away from the speaker and the other ear is firmly covered with the palm of the hand. The applicant is prohibited from using a hearing aid during the testing. If the applicant fails the whisper test, a decibel audio test is required.
- (i) With regard to the visual capabilities of conditional appointees:
- i. The applicant must have distant vision of at least 20/70, uncorrected, in the stronger eye, correctable to 20/20; and at least 20/200, uncorrected, in the weaker eye, correctable to at least 20/40; and must be free of any significant visual abnormality.
 - ii. The applicant must also have normal depth perception and normal color perception.

Section 3: Promotional Examinations

- (a) **Eligibility.** All applicants for promotions for civil service positions in the Police Department shall submit to an examination.
- i. All incumbent police officers with a minimum of five years' experience as Police Department officers as of the examination date shall be considered eligible to take the sergeant promotional examination.

- ii. All incumbent sergeants in the Police Department who have a minimum of two years' experience in their respective grade as of the examination date shall be considered eligible to take a lieutenant promotional examination.
- iii. All incumbent lieutenants in the Police Department shall be eligible to take the captain promotional examination.
- iv. All incumbent captains in the Police Department shall be eligible to take the deputy chief promotional examination.

(b) Conduct of Examination.

- i. A candidate for promotion to the position of sergeant or lieutenant shall be examined for the position as follows: (1) submit to a written examination; and (2) comparative seniority. The written examination for promotions to the position for sergeant or lieutenant shall be conducted within 45 days of the expiration of the previous examination list. A candidate's seniority shall be calculated on the basis of length of service in the Police Department at the candidate's present grade as of the time of the written examination.

- 1. A passing score on the written examination shall be 70 points out of 100. A candidate must achieve a passing score on the written examination to be eligible for promotion to the position. The written examination score shall be added to the final score for comparative seniority when determining the final total score.

- a. For computation of seniority, length of service shall be a maximum of twenty (20) years or two hundred forty (240) months. The eligible candidate(s) having the most

seniority up to twenty (20) years of service shall receive seniority points compiled on a monthly value with a maximum of twenty points. Each month of service is equal to 0.0833 points. A full month of service shall be allowed for those appointed to the designated rank on or before the 15th of the month, with those appointed after the 15th having their computation commence the following month. The total amount of seniority points earned will be added to the final scores for the written examination when determining the final score.

- ii. A candidate for promotion to the position of captain shall be examined for the position as follows: submit to an oral examination conducted by a promotional review board supplied by a professional consulting firm. The passing score on the oral examination shall be 70 points out of 100 points. A candidate must achieve a passing score on the oral examination to be eligible for promotion to the position.
- iii. A candidate for promotion to the position of deputy chief shall be examined for the position as follows: submit to an oral examination conducted by a promotional review board supplied by a professional consulting firm. The passing score on the oral examination shall be 70 points out of 100 points. A candidate must achieve a passing score on the oral examination to be eligible for promotion to the position.

- (c) When two or more candidates for a position receive the same total examination score, priority in the promotional listing shall be given by badge number.

Section 4. Probationary Periods

- (a) **Newly hired employees.** All newly hired police officers who must attend the Police Academy for Act 120 certification shall serve a probationary period from the start of their attendance at the Police Academy plus one (1) year following Act 120 certification. If the newly hired police officer is Act 120 certified at the time of his or her appointment, the probationary period shall be one (1) year from the date of his or her appointment. During the probationary period, the newly-hired officer shall not be considered a regular, non-probationary employee and, unless otherwise provided by law, applicable collective bargaining agreement, or these Civil Service Rules shall not enjoy the protections afforded by these Civil Service Rules. A failure to successfully complete the one (1) year probationary period shall result in the probationary employee's discharge from the Police Department.
- (b) **Promoted employees.** A probationary period of one (1) year shall apply to all promotions in the Police Department. During the probationary period, the employee shall enjoy the full privileges of the position to which he or shall is appointed. During the probationary period, the promoted employee shall not be considered a regular, non-probationary employee and, unless otherwise provided by law, applicable collective bargaining agreement, or these Civil Service Rules, shall not enjoy the protections afforded by these Civil Service Rules. A failure to successfully complete the one (1) year probationary period shall result in the employee returning to his/her previous position.

Section 5: Disqualifying factors for initial employment

No person shall be eligible for employment in the Police Department if the individual has engaged in any of the following conduct:

- (a) Failure to meet the general requirements of the position.
- (b) Dishonorable discharge from any branch of military service.
- (c) Lying or omission of information to a background investigator, polygraph operator or other Police Department employee, representative or agent.
- (d) Intentional falsification or omission of information on the employment application, polygraph screening booklet, or any other document used in the selection process.
- (e) Cheating on any portion of any selection examination, or in any phase of the selection process.
- (f) Criminal conviction of a second degree misdemeanor or more serious criminal offense.
- (g) Criminal behavior, regardless of whether detected or prosecuted, as admitted by the applicant or established by competent evidence, of any felony (no time limit) or any first degree misdemeanor or more serious criminal offense (within five years of date of application).
- (h) Driving under the influence where the person has:
 - (1) DUI conviction within five years of date of application.
 - (2) Two or more DUIs (convictions or pending charges)

Note – “Conviction” includes a guilty plea, nolo contendere plea, verdict, acceptance of ARD or similar diversion disposition, negotiated plea to a lesser offense where chemical test result was .08% or greater and/or any chemical test refusal.
- (i) Manufacture, sale, delivery or distribution of any controlled substance.

(j) Controlled substance use.

(1) Marijuana/ synthetic marijuana (K-2, Spice, etc.), or any medication prescribed to applicant and used for non-therapeutic purposes except where all of the following apply:

- i. No more than 25 uses under age 25.
- ii. No use in three years preceding date of application.
- iii. No use at age 25 or older.

(2) Schedule I, II, or III controlled substances (excluding those listed above), anabolic steroids (regardless of source or knowledge of legality), or huffing or intentional use of any chemical or substance (including glue, cleaning products, bath salts, etc.) for any purpose for which it was not intended except where all of the following apply:

- i. No more than 3 uses under age 25.
- ii. No use in five years preceding date of application.
- iii. No use at age 25 or older.

(3) Heroin, methamphetamine, LSD, or any injected controlled substance (excluding anabolic steroids).