

**AMENDED AND RESTATED
RULES AND REGULATIONS**

of the

CIVIL SERVICE COMMISSION

for the

BOROUGH OF WEST CHESTER

Pennsylvania

APPROVED: November 7, 2024

Section 1. Definition of Terms

1.1 Definitions

Unless otherwise expressly stated, the following words and phrases, whenever used in these Rules and Regulations, shall be construed to have the meaning indicated herein:

Administrative Code – The code required by the Home Rule Charter, adopted by ordinance, providing for the administrative organization of the Borough government and assignment of duties and responsibilities to officers and employees.

Alternate Commissioner – An individual appointed by the Borough Council of the Borough of West Chester to serve as an “Alternate Civil Service Commissioner.” When seated, properly appointed alternate commissioners shall exercise the same powers, and shall fulfill the same duties, as properly appointed Civil Service Commissioners as set forth in the Home Rule Charter of the Borough of West Chester.

Applicant – Any individual who applies in writing to the Civil Service Commission in response to a legally advertised notice of vacancy and/or examination for any position as Police Officer in the West Chester Police Department.

Certification – The Civil Service Commission’s act of providing to the Mayor of West Chester the names of Applicants contained in the final Eligibility List for the applicable position consisting of the names of Applicants to fill the number of open positions, plus two (2) names, if applicable.

Chairperson – The chairperson of the Civil Service Commission of the Borough of West Chester, Chester County, Pennsylvania. In the absence of the Chairperson, the Vice-Chairperson or the Secretary shall assume the duties of the Chairperson.

Commission – The Civil Service Commission (“the Commission”) of the Borough of West Chester, Chester County, Pennsylvania.

Eligible – A person whose name is recorded on a current Eligibility List or Furlough List.

Eligibility List – The list of names of persons who have satisfied all of the requirements for a position in the Police Department covered by these Rules and Regulations but who have not yet been administered a background investigation or polygraph examination.

Examination – Any test or investigation administered by the Commission to candidates to determine their merit and fitness for a position in the Police Department.

Furlough List – The list containing the names of persons temporarily separated from positions in the Police Department because of reduction in the number of officers.

Home Rule Charter – The written charter of West Chester Borough adopted by voter referendum and effective January 1, 1994 establishing West Chester as a “Home Rule Municipality” and setting forth the general powers and provisions for the governance of the Borough.

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

Physician – The term shall have the meaning given to it under 1 Pa.C.S.A. § 1991.

Police Officer – For purposes of these Rules and Regulations, any uniformed police officer employed by the West Chester Police Department who has been appointed or promoted under these Rules and Regulations regardless of rank.

Police Department – The West Chester Borough Police Department.

Probationer – A Police Officer who has been appointed or promoted but who has not yet completed the probationary period.

Probationary Period – The period of time prescribed under these Rules and Regulations during which a Police Officer’s conduct and fitness in a civil service position is assessed and during which time the appointment or promotion remains temporary and not protected by these Rules and Regulations.

Psychological Examination – Any examination, procedure, inquiry, or test designed to obtain information about medical history or psychological condition which might disqualify an applicant if it would prevent the applicant from performing, with or without a reasonable accommodation, all of the essential functions of the position from a mental or psychological perspective.

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, known as the “Medical Practice Act of 1985” or the Act of October 5, 1978, known as the “Osteopathic Medical Practice Act”, or (2) as a certified registered nurse practitioner pursuant to the Act of May 22, 1951, known as “The Professional Nursing Law.”

Recording Secretary. The recording secretary of the Civil Service Commission of the Borough of West Chester, Chester County, Pennsylvania.

Reduction in Rank – A change from one civil service rank to a lower civil service rank covered by these Rules and Regulations, where the Police Officer fulfilled all of the requirements for both civil service ranks. However, a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank, nor does this term include

discontinuance of a duty assignment or temporary assignment of rank made outside the scope of these Rules and Regulations.

Removal – The permanent separation of a Police Officer from the Police Department.

Secretary – The secretary of the Civil Service Commission of the Borough of West Chester, Chester County, Pennsylvania.

Suspension – The temporary, unpaid removal of a Police Officer from the Police Department.

Written Notice – Unless otherwise specified, where written notice is required in these Rules and Regulations, written notice shall include a tangible or electronic record of a communication, handwriting, typewriting, printing, and electronic communications.

Section 2. The Commission

2.1 Civil Service Commission

(a) The Commission shall consist of three (3) commissioners who shall be qualified electors of the Borough of West Chester and shall be appointed by the Borough Council initially to serve for the terms of two (2), four (4) and six (6) years, and as terms expire shall be appointed for terms of six (6) years. Unless a vacancy occurs, the Borough Council shall appoint not more than one (1) member of the Civil Service Commission in any calendar year. Any vacancy occurring in the Commission for any reason whatsoever shall be filled by the Borough Council for the unexpired term within the period of sixty (60) days after such vacancy occurs.

Each member of the Commission, before entering upon the discharge of the duties of their office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform their official duties with fidelity. No civil service commissioner shall receive compensation.

(b) Alternate Commissioners.

- 1) The Borough Council may appoint no more than three (3) qualified electors of the Borough of West Chester to serve as alternate members of the Commission. The term of office of the alternate members shall be six (6) years.
- 2) An alternate may participate in any proceeding of discussion of the Commission but may not vote as a member of the Commission unless designated as a voting alternate member pursuant to Section 1147 of the Borough Code.

2.2 Offices Incompatible With Civil Service Commission

Members of the Civil Service Commission, shall not, at the same time, hold an elective or appointed office under the Federal Government, the Commonwealth of Pennsylvania or any

political subdivision of the Commonwealth, except that one member of the Commission may be a member of the Borough Council and one may be a member of the teaching profession.

2.3 Organization of Commission; Quorum

(a) The Commission first appointed shall organize within ten (10) days of its appointment and shall elect one of its members as its Chairperson and one as its Secretary. The Commission shall thereafter meet and organize on the first Monday of February of each even-numbered year.

(b) Quorum. Three (3) members of the Commission shall constitute a quorum. If, by reason of absence or disqualification of a member, a quorum is not reached, the chair shall designate as many Alternate Members of the Commission to sit on the Commission as may be needed to provide a quorum.

(c) Alternate Members.

1) An Alternate Member of the Commission made so pursuant to Section 1174 of the Borough Code shall continue to serve on the Commission and all proceedings involving the matter or case for which the alternate was initially designated until the Commission has made a final determination of the matter or case.

2) Designation of Alternate Members shall be made on a case-by-case basis in rotation according to declining seniority among the alternates.

(d) Validity of Commission Action. No action of the Commission may be valid unless it shall have the concurrence of at least two (2) members.

2.4 Duties of Chairperson

The Chairperson, or in his or her absence, the Vice-Chair, shall preside at all meetings and hearings of the Commission, decide all points of order or procedure and perform any duties required by law, these Rules and Regulations, or the Administrative Code.

2.5 Duties of Secretary

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

2.6 Duties of Recording Secretary

The Recording Secretary shall carry on at the direction of the Commission all such duties as follows: scheduling meetings of the Commission, preparing and submitting all required advertisements or arranging for such utilizing an on-line service provider, prepare meeting

agendas and take minutes of meetings consistent with these Rules and Regulations and the law, manage new hire testing process from initial application, to administering the written and physical examinations, and to final conditional offer of employment, maintain all files for applicants according to the Municipal Records Retention rules, prepare all communications for the Commission, and manage all such other duties as directed by the Chairperson or his/her designee.

2.7 Meetings

Except for the biennial organization meeting, all meetings shall be held either at the call of the Chairperson or at the call of two (2) members of the Commission. The Commission shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or these Rules and Regulations. The Secretary of the Commission shall give each commissioner twenty-four (24) hours' notice in writing of each and every meeting of the Commission. Written notice shall include electronic communication.

2.8 Clerks and Supplies

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

2.9 Amendment of Rules and Regulations

The Commission may amend, revise, void, or replace these Rules and Regulations for any reason by action of a majority of the Commission at any properly convened meeting of the Commission. Before any changes to these Rules and Regulations become effective, those changes must be approved by the Borough Council. These Rules and Regulations, and any amendments thereto, shall be made available to the public for distribution or inspection.

2.10 Minutes and Records

The Commission shall maintain minutes of its proceedings and records of examinations and other official actions. All records of the Commission shall be preserved and disposed of according to the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued by the Local Government Records Committee under the authority of the Municipal Records Act, 53 P.A. C.S.A. § 1381 *et seq.* Notwithstanding the above, all recommendations of applicants for appointment received by the Commission shall be kept preserved for a minimum period of five (5) years, and all records and all written causes of removal filed with the Commission, except as otherwise provided in Section 1191 of the Borough Code (relating to hearings on dismissals and reductions) and these Rules and Regulations, shall be open to public inspection and subject to reasonable regulation.

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 records of the Commission. The Secretary shall keep minutes of its proceedings showing the vote of each member on each question. If the member is absent or fails to vote, the Secretary shall indicate that fact in the minutes.

Regarding the inspection of records involving Character and Reputation Reports, and the inspection of examination materials, the following procedure shall apply:

(a) Character and Reputation Reports. The initial application and all reports of investigation and inquiries into the character and reputation of applicants shall be kept in the strictest confidence and shall not be open to public inspection.

(b) Inspection of Examination Materials. All examination material shall be confidential and shall not be open to general public inspection. Any examined applicant may inspect all of his or her examination papers, provided that:

1. He or she makes a written request to the Commission within ten (10) calendar days from the date of mailing of the written notice of his or her grade;
2. He or she receives the written consent of the Commission to inspect his or her examination papers; and
3. He or she makes inspection within ten (10) calendar days from the date of mailing of the consent of the Commission.

Further, the Commission shall not consent to the request of any examined applicant to inspect any written examination paper, which may be used in a subsequent written examination that may be scheduled within ninety (90) calendar days following the receipt of the written request. If the Commission consents to an inspection of any of the written examination papers by a previously examined applicant, it shall state in its letter of consent all examination papers that may be inspected. Before any member of the Commission, or any person designated by the Commission, permits any inspection of examination papers, he or she shall require the examined applicant to produce the letter indicating the consent of the Commission and he or she shall allow the inspection by the examined applicant of all those examination papers indicated in the letter of consent. No examined applicant shall be permitted to inspect any examination papers other than his or her own, nor shall he or she be permitted to make any written notes, or make any photocopies, while inspecting any examination paper.

2.11 Investigations

The Commission shall have the power to make investigations concerning all matters relating to the administration and enforcement of these Rules and Regulations. The Chairperson of the Commission, or his or her designee, is authorized to administer oaths and affirmations in connection with such investigations.

2.12 Subpoenas

The Commission shall have the power to issue subpoenas over the signature of the Chairperson, or designee, to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for the incidental expenses of the Commission.

All officers in public service and employees of the Borough shall attend and testify if required to do so by the Commission.

If any person shall refuse or neglect to obey a subpoena issued by the Commission, the person shall, upon conviction, be sentenced to pay a fine not to exceed one hundred dollars (\$100), and in default of the payment of the fine and costs, shall be imprisoned for a term not to exceed thirty (30) days.

If any person shall refuse or neglect to obey a subpoena issued by the Commission, the Commission may apply by petition to the Court of Common Pleas of Chester County for its subpoena requiring the attendance of the person before the Commission or the Court to testify and to produce any records and papers necessary, and, if the person defaults, the person shall be held in contempt of court.

2.13 Annual Report

The Commission shall make an annual report to the Borough Council within the first quarter of the next calendar year containing a brief summary of its work during the year and a full accounting for any expenditures of public monies. The annual report shall be available for public inspection.

Section 3. Applications and Qualifications

3.1 Eligibility and Examination

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

In addition, the application shall require, at a minimum, the following information: (1) full name and residence or post office address; (2) citizenship and place and date of birth; (3) the applicant's business or employment and his or her residence for the past five (5) years.

3.2 Non-Discrimination

The Borough of West Chester is an equal opportunity employer. It is both Borough and Commission policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, gender identity or expression, sexual orientation, age, veteran status, marital status, ancestry, or non-job related physical or mental disability. All Police Officers and applicants for employment with the West Chester Police Department will be recruited, hired, promoted, transferred, demoted, laid off, terminated, suspended, evaluated, or otherwise dealt with in a fair and equitable manner based solely upon merit, fitness, and such bona fide occupational qualifications as each individual might possess.

3.3 Availability

Application forms shall be available to all interested persons in the office of the Chief of Police, and from such other offices and officers that the Commission, from time to time, may choose to designate. Application forms may be mailed upon written or telephone request. However, the Commission assumes no responsibility for missed filing deadlines due to a delay in the mail.

3.4 Electronic Applications

Notwithstanding anything to the contrary contained in these Rules and Regulations, if the Commission elects to utilize an on-line application process, applications and all related communications shall be made exclusively pursuant to the terms and conditions of the on-line platform selected by the Commission. Information identifying the on-line application process shall be available consistent with this Section.

3.5 Age and Residency Requirements

All applicants must have reached their twenty-first (21st) birthday before the deadline for submitting completed applications. There is no residency requirement.

3.6 General Qualifications – All Applicants

Every applicant for a position in the Police Department (a) shall have graduated from an accredited high school or have an equivalent degree acceptable to the Commission; (b) shall be, with or without reasonable accommodation, physically and psychologically fit for the performance of the duties of a Police Officer; (c) shall be of good moral character; (d) shall possess a valid license to operate a motor vehicle; (e) shall be a natural born citizen of the United States, or, in the case of a foreign born applicant, shall produce evidence satisfactorily showing himself or herself to be a naturalized citizen; (f) shall be able to perform the duties and essential functions of the position sought as defined in the Borough of West Chester Job Description Manual.

3.7 General Qualifications – Applicants for Corporal, Sergeant, and Lieutenant

The following qualifications apply to the positions of Corporal, Sergeant, and Lieutenant:

(a) In addition to meeting the qualifications contained in sections 3.6, all applicants for a promotional position, except Chief of Police, shall have not be under active discipline prior to the deadline for submitting applications, and have not been suspended without pay at any time three (3) years prior to the deadline for submitting applications. Any formal written reprimand or suspension to which the applicant has timely appealed pursuant to a grievance procedure or these Rules and Regulations shall be disregarded unless the appeal is resolved prior to the creation of the Eligibility List.

(b) All applicants shall have continuous prior service with the West Chester Police Department, and shall have met the educational requirements as follows:

(1) An applicant for the position of Corporal shall have at least three (3) years of service with the West Chester Police Department, and shall have successfully attained at least thirty (30) college credits from an accredited institution;

(2) An applicant for the position of Sergeant shall have at least five (5) years of service as a Police Officer with the West Chester Police Department, and shall have at least two (2) years of experience as a Corporal with the department, and shall have successfully attained at least sixty (60) college credits from an accredited institution;

(3) An applicant for the position of Lieutenant shall have at least eight (8) years of service as a Police Officer with the West Chester Police Department, shall have at least three (3) years of experience as a Sergeant with the department, and shall have successfully attained at least ninety (90) college credits from an accredited institution.

(c) Regarding applicants for promotion to the positions of Corporal, Sergeant, and Lieutenant, any period of service or other qualification which must be attained to qualify the applicant must be attained no later than the date on which the initial written test for promotion to a particular position is to be administered.

3.8 Recording and Filing Applications

Applications for positions in the Police Department shall be received at the Borough Building at 401 East Gay Street, or via electronic submission, only after an examination has been properly advertised and before the deadline for receiving applications which must be set forth in the public advertisement. Applications will be received by the municipal officer designated in the public advertisement or that officer's designee. That person shall record the receipt of all applications and provide each applicant with notice of the time and place for the first portion of the testing procedure, the written examination. Any application containing material errors or omissions may, at the discretion of the Commission, be returned to the applicant for correction prior to the deadline for filing applications after which no new applications or amended applications will be accepted.

3.9 Rejection of Applicant

The Commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these Rules and Regulations for the particular position for which the applicant has applied; is physically or mentally unfit for the performance of the full duties of the position for which the applicant seeks employment, is illegally using a controlled substance, as defined in Section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. § 802), or who has been found guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct, or has been dismissed from public service for delinquency or misconduct of office, or who is affiliated with any group whose policies or activities are subversive to the form of government enumerated in the Constitutions and laws of the United States and the Commonwealth of Pennsylvania.

If any applicant is to be rejected for the reasons set forth in this Section, then the Commission will, upon request of the applicant, within ten (10) days, hold a hearing pursuant to Section 3.9 of these Rules and Regulations. The decision of the Commission to remove any applicant from further consideration in the hiring process shall be final.

3.10 Hearing for Disqualified Applicants

Any applicants or other persons who believe that they are aggrieved by the actions of the Commission, in refusing to examine or to certify them as eligible after examination, may request a hearing before the Commission. Within ten (10) days after such request, the Commission shall designate a time and place for the hearing which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. C.S. § 101 *et seq.* The applicant or aggrieved party must make their request for a hearing in writing within ten (10) calendar days of the date when the party knew or should have known of the Commission's action, which is being challenged. At the hearing, the applicant or person aggrieved may appear with or without counsel, and the Commission shall take testimony and review its refusal to provide examination or certification. The deliberations of the Commission, including interim rulings on evidentiary or procedural issues, may be held in the nature of a closed executive session. The Commission's disposition of the matter shall constitute official action which shall occur at a public meeting held pursuant to 65 Pa. C.S. Ch. 7 (relating to open meetings). The Commission's decision to sustain the rejection of the applicant or to overturn it shall be final.

3.11 Public Notice

The Commission shall conspicuously post in the Borough Building notice of the time and place of every examination, together with the information as to the type of position to be filled, the requirements for that position, where applications may be obtained for the examination, and the deadline for filing those applications. In addition, at least two (2) weeks prior to the scheduled date for the commencement of the process, publication of the notice shall occur in at least one (1) newspaper in the Borough.

3.12 Offices Incompatible with Police Officer

A Police Officer may not hold an elected office of the Borough that employs the Police Officer. A Police Officer who is employed by a regional department, council of government, or other cooperative venture may not hold an elected office of the municipality that participates in the regional department, council of government or other cooperative venture. Applicants who hold elected office which is incompatible with an office identified in this Section shall be deemed not to possess the minimum requirements for appointment set forth in these Rules and Regulations.

Section 4. Examination and Grading Procedure

4.1 General Examination Requirements for the Position of Police Officer

The examination for Police Officer will consist of a written and oral examination which will be graded on a one hundred (100) point scale with the written examination representing fifty percent (50%) of the final score and the oral examination representing fifty percent (50%) of the final score. In addition, each applicant will undergo a physical agility examination and a background investigation, including a polygraph examination, which will be graded on a pass/fail basis for every applicant. After an applicant has been extended a conditional offer of employment, final appointment shall be contingent upon the applicant passing a medical and psychological examination.

The Commission or its designee shall have the sole discretion to select all examinations to be used, provided that such examinations are practical in character and relate to such matters and include such inquiries as will fairly test the merit and fitness of the persons examined to discharge the duties of Police Officer. All examinations shall be open to all applicants who have the minimum qualifications required by these Rules and Regulations.

4.2 General Examination Requirements for the Positions of Corporal, Sergeant, and Lieutenant

The examination for the positions of Corporal, Sergeant, and Lieutenant shall include a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing fifty percent (50%) of the final score and the oral examination representing fifty percent (50%) of the final score.

4.3 Appointment of Examiners

The Commission shall appoint a written examination administrator, an oral examination administrator, a physical agility examiner, a medical examiner, a polygraph examiner, and a psychological examiner to conduct the appropriate examination required by these Rules and Regulations. The Commission shall have the authority to contract for examination services.

4.4 Written Examinations

The written examination shall be graded on a one hundred (100) point scale, and an applicant must score at least seventy percent (70%) or higher in order to continue in the application process. The Commission may exercise the option of selecting a pre-determined number of applicants for further consideration that represent a group that are the highest scorers scoring over seventy percent (70%) in the written examination. Applicants scoring less than seventy percent (70%), or who are not among the highest scorers in the group pre-determined by the Commission, shall be rejected. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their test results and passing applicants shall be scheduled for an oral examination appointment.

4.5 Physical Agility Testing

An applicant for the position of Police Officer must successfully complete the physical agility test using the standards required by the Municipal Police Officers' Education and Training Commission for Pennsylvania Act 120 certification. The MPOTEC standards can be found at <https://www.pa.gov/en/agencies/mpoetc/programs/training/basic-police-officer-training/physical-fitness.html>. The test shall be job-related, consistent with business necessity, and designed to test physical agility components applicable to performing the essential duties of a Police Officer. If an applicant does not meet the 30th percentile listed for the applicant's age and gender on an event, he or she will be dismissed and will be deemed rejected and not eligible to proceed in the testing process.

4.6 Oral Examination

Every applicant determined by the Commission to remain eligible to continue in the examination process, and who passed the physical agility test, shall be given an oral examination which will be graded on a one hundred (100) point scale with a score of seventy percent (70%) or higher necessary for passing. The oral examination shall involve questioning applicants on how they would handle situations relevant to police work. Within thirty (30) days after the applicants' oral examination, they shall be informed of the score in their oral examination and their overall total score.

4.7 Veterans' Preference Points

Pursuant to the Veterans' Preference Act, any applicant for the position of Police Officer who qualifies as a "soldier" under that Act shall receive an additional ten (10) points on top of the combined, weighted written and oral examination scores provided, however, that the applicant received minimum scores necessary for passing the written and oral examinations as provided in these Rules and Regulations and the applicant has received a successful background investigation. Any applicant claiming veterans' preference is responsible for providing any and all relevant documents to the Commission, which shall, at a minimum, including form DD-214, no later than two (2) business days immediately prior to the date of the written examination.

4.8 Background Investigation

The Commission shall request that the Chief of Police or the Chief's designee conduct background investigations consisting first of an initial background investigation, then, if an Applicant is eligible for the next step, a complete background investigation.

The complete background investigation shall include a polygraph examination, interviews with the applicant's family, acquaintances, current and former employers, current and former neighbors, references, current and former teachers, and school officials. In addition, the applicant's credit history and record of criminal convictions shall be investigated. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

After the background investigation is completed, the Chief or Chief's designee, shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment as a Police Officer.

Appropriateness of the applicant shall be based on the criteria set forth in Section 3.7 of these Rules and Regulations. This recommendation shall be in writing and if the recommendation is to disqualify, then a detailed written explanation of the reasons for disqualification must be included. The Commission shall make the final determination on whether the information collected during the examination warrants rejection of the candidate. Within thirty (30) days after the Commission considers the recommendation of the Chief of Police or his or her designee, each individual shall be informed of whether he or she has passed the background investigation.

4.9 Polygraph Examination

(a) The polygraph examination shall be administered to applicants as part of the background examination immediately prior to the Eligibility List being created and prior to the Commission certifying to the Mayor the names of individuals eligible for appointment. All Applicants shall fill out a Personal Data Questionnaire and undergo a polygraph examination. The Commission shall provide each polygraph examiner with forms upon which the examiner shall state whether any of the selected applicant's responses to questions from the applicant's Personal Data Questionnaire are deceptive. The report on each examination shall be submitted to the Commission within five (5) days after the date of the examination.

(b) The examiner shall ask questions based on the information contained in the Personal Data Questionnaire. Before administering the test, the examiner shall ask each relevant applicant whether there is any more information related to the Personal Data Questionnaire which the relevant applicant would like to provide. There shall also be a post-test review, during which the examiner shall again ask the relevant applicant if deception is indicated, whether there is any information which the relevant applicant is withholding.

(c) In the event that the examiner deems any of the relevant applicant's responses are deceptive, the examiner shall immediately inform the applicant of the deception and give the applicant an opportunity to explain, deny, or admit the deception. If the applicant denies being

deceptive or if the explanation provided by the applicant is found to be unsatisfactory by the examiner, the applicant will be granted the opportunity to retake the examination with a second examiner. Notice of the opportunity to retest shall be given in writing to the relevant applicant. The second examiner will not have access to the results of the first polygraph examination prior to the re-administration of the second polygraph examination. If no deception is found by the examiner during the second polygraph examination, the applicant will be considered as having passed the polygraph examination. In the event that the relevant applicant is found deceptive by the second examiner, the applicant will be considered as having failed the examination. Failure of a polygraph examination or of a second polygraph examination, if elected, by an Applicant disqualifies the Applicant from any further consideration and he or she shall be removed as an Applicant.

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

Section 5. The Eligibility List and Manner of Filling Appointments and Promotions

5.1 Creation of Eligibility List

(a) Ranking of Candidates.

(1) At the completion of the examination requirements set forth in Section 4, specifically the written examination, oral examination, and physical agility test, with the exception of a background investigation to be conducted after the establishment of an Eligibility List and physical and psychological medical examination, the Commission shall rank the candidates who have satisfied the minimum requirements for appointment on the Eligibility List.

(2) The Eligibility List shall contain the names of individuals eligible for appointment listed from highest to lowest based on their scores on the examinations administered by the Commission and any points for which an applicant is entitled to relating to veterans' preference.

(3) The Eligibility List will be valid for one (1) year from the date the Commission formally adopts the Eligibility List.

(4) Prior to the expiration of the one (1) year period, the Commission may extend the validity of the Eligibility List for up to an additional twelve (12) months by a majority vote of the Commission at a duly authorized Commission meeting.

(5) In the absence of a lawful extension by the Commission under paragraph (4), the list shall expire.

(b) Procedure for filling positions. Except as provided in subsection (c), every original position for employment in the Police Department, except that of Chief of Police, or equivalent, shall be filled only in the following manner:

(1) The Borough Council shall notify the Commission of any vacancy which is to be filled and shall request certification of an Eligibility List.

(2) The Commission shall create a certified list for each existing vacancy from the Eligibility List the names of persons for the number of open positions, plus two (2) persons or a lesser number, if not available, who have received the highest average.

(3) The Mayor shall make a conditional appointment from the names certified, based solely on the merits and fitness of the candidates, unless the Mayor makes objections to the Commission regarding one (1) or more of the certified persons for any of the reasons set forth in Section 1183 of the Borough Code.

(4) If the objections are sustained by the Commission as provided for in Section 1183 of the Borough Code or the conditional appointee is determined to be unqualified in accordance with the procedures of these Rules and Regulations, the Commission shall strike the name of the person from the Eligibility List and certify the next highest name for each name stricken from the Eligibility List.

(5) As each subsequent vacancy occurs in the same or another position, the same procedure shall be followed.

(6) If the applicant declines appointment to a position, his or her name will be removed from the Eligibility List.

(c) Vacancies in existing positions.

(1) In the event that no Furlough List exists or a Furlough List exists and the individuals on that list decline the opportunity for recall, the Borough Council, may, in its sole discretion, fill any vacancy in an existing position in the Police Department which occurs as a result of expansion of the police force, retirement, resignation, disability, termination, or death by the reappointment or reinstatement of a former employee of the Police Department who had previously been appointed in compliance with the existing civil service procedures as a Police Officer with the Borough and, thereafter, separated in good standing and who previously complied with the provisions of the civil service requirements.

(2) Except for medical and psychological examinations, no other testing examination, as directed by the Commission, shall be required in any case of reappointment, or reinstatement, subject to any recertification requirements prescribed by the Municipal Police Officers' Education and Training Commission.

5.2 Medical and Psychological Examinations

(a) An Applicant selected from the certified list shall receive a written conditional offer of employment. The offer of employment shall be conditioned upon the candidate successfully completing both a medical and psychological examination administered by medical experts to determine whether or not the candidate is capable of performing all of the essential functions of the position. The physical medical examinations shall be under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be under the direction of a psychiatrist or psychologist.

(b) All medical experts who provide services under this Section shall be appointed by Borough Council and shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question the person's ability to perform all of the essential functions of the position for which the person was conditionally appointed.

(c) If the opinion rendered by the physician, or qualified medical professional, psychiatrist, or psychologist calls into question the conditional appointee's ability to perform all of the essential functions of a position, the person designated by Council 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 of the essential functions of the position. In the event that the conditional appointee either fails or refuses to identify an accommodation, the Commission shall consider the conditional appointee as having withdrawn from further consideration in the hiring process. If the conditional appointee identifies an accommodation, the Commission shall consider whether or not such requested accommodation is reasonable as the term is utilized under federal, state, and local law. In making such a determination, the Commission may require the candidate to undergo further medical and/or psychological examination to determine the need for accommodation, the appropriateness of the accommodation requested, as well as the existence of any alternative accommodations that would permit the conditional appointee to perform all of the essential functions of a police officer.

(d) If, at the conclusion of the interactive discussion conducted under Subsection (c), the Borough Council determines that the conditional appointee is not qualified, the Borough Council shall give written notice to the conditional appointee and the Commission.

(e) Nothing in this Section shall be construed to authorize physical or psychological medical examinations prior to conditional appointment.

5.3 Provisional Appointments

Whenever there are urgent reasons for the filling of a vacancy in any position in the Police Department and there are no names on the Eligibility List for such appointment, the Borough Council may nominate a person to the Commission for noncompetitive examination. If such nominee is certified by the Commission as qualified after such noncompetitive examination, the Borough Council may appoint the nominee provisionally to fill such vacancy. Within three (3) weeks of the provisional appointment, the Commission shall hold a competitive examination and

certify an Eligibility List and a regular appointment shall then be made from the name or names submitted by the Commission. Nothing within this Section shall prevent the appointment, without examination, of persons temporarily as Police Officers in cases of riots or other emergencies.

5.4 Promotional Appointments

(a) A promotion shall be based on merit to be ascertained by an examination to be prescribed by the Commission. All questions relative to a promotion shall be practical in character and fairly test the merit and fitness of the persons seeking promotion.

(b) The Borough Council Authority shall notify the Commission of a vacancy in the police force which is to be filled by promotion and shall request certification of an Eligibility List.

(c) Certification required.

(1) The Commission shall certify for each vacancy for the Mayor's consideration the names of three (3) persons on the Eligibility List who have received the highest average in the last preceding promotional examination held within a period of two (2) years preceding the date of the request for the Eligibility List.

(2) If three (3) names are not available, the Commission shall certify for the Mayor's consideration the names remaining on the Eligibility List.

(3) The Borough Council shall approve the nominee presented by the Mayor to Borough Council for appointment from the names certified, based solely on the merits and fitness of the candidate, unless Council makes objections to the Commission regarding one or more of the persons so certified for any reason provided under these Rules and Regulations.

(d) Notwithstanding anything to the contrary in this Section 5, candidates for promotional appointment shall not be subject to the physical agility, medical, and psychological examination requirements of these Rules and Regulations.

5.5 Appointment of the Chief of Police

(a) In the case of a vacancy in the office of Chief of Police, the Mayor has full discretion in selecting the individual to fill the position of Chief of Police and in selecting and nominating to Borough Council for approval the individual to fill the position of Chief of Police. If the Mayor requests that the Commission subject the nominated person to a noncompetitive examination, and, if the person successfully passes the noncompetitive examination, then the Commission shall notify the Mayor of the results of the examination. If, after receiving notice from the Commission that the candidate for Chief is qualified, the Borough Council votes to bestow civil service status on that person, he or

she may only be removed from the position of Chief of Police for the reasons set forth in Article 6.1 of these Rules and Regulations.

- (b) The Mayor may request that the Commission advertise the position of Chief of Police and subject responding applicants to a competitive examination, certifying the top three (3) candidates to the Mayor for his or her nomination of one of the certified candidates to Borough Council for approval. Once approved by Borough Council following nomination by the Mayor, that person may only be removed from the position of Chief of Police for the reasons set forth in Article 6.1 of these Rules and Regulations.

Notwithstanding anything to the contrary in this Section 5, candidates for appointment of Chief of Police shall not be subject to the physical agility, medical, and psychological examination requirements of these Rules and Regulations.

5.6 Probationary Period

(a) Every successful applicant to the position of Police Officer or to a promotional position with the Police Department shall serve a six (6) month probationary period, except that the probationary period may be extended for up to an additional six (6) months upon recommendation by the Chief of Police and approval by the Mayor. In such cases where a probationary period is extended, the probationer shall be notified in writing of the extension prior to the expiration of the initial probationary period with copies of the notice sent to Borough Council, the Commission and the Borough Manager. During the probationary period, an appointee may be dismissed only for a cause specified in Sections 3.7 and 6.1 of these Rules and Regulations.

(b) For newly hired appointees, the probationary period shall not commence until after the appointee has completed training and achieved certification under the Municipal Police Officers Education and Training Act, 53 Pa.C.S. § 2161 *et seq.*, informally known as “Act 120”.

(c) Notice denying permanent appointment.

(1) If, at the close of a probationary period, the conduct or fitness of the probationer has not been satisfactory to the Borough Council, the probationer shall be notified in writing that the probationer will not receive a permanent appointment and the appointment shall cease.

(2) If the probationer is not notified or dismissed in accordance with this Section, the probationer’s retention shall be equivalent to a permanent appointment.

(d) The decision to suspend or discharge a probationer shall be final and shall not be subject to the hearing provisions of these Rules and Regulations.

Section 6. Suspensions, Removals, and Reductions in Rank

6.1 Grounds for Disciplinary Action

(a) No person appointed to a position in the Police Department pursuant to these Rules and Regulations may be suspended without pay or removed or demoted from a rank governed by these Rules except for the following reasons:

- (1) Physical or mental disability affecting the person's ability to continue in service, in which case the person shall receive an honorable discharge from service.
- (2) Neglect or violation of any official duty.
- (3) Violation of any law if the violation constitutes a misdemeanor or felony.
- (4) Inefficiency, neglect, intemperance, immorality, disobedience of orders or conduct unbecoming of an officer.
- (5) Intoxication while on duty.
- (6) Engaging or participating in the conduct of a political or election campaign while on duty or in uniform or while using Borough property otherwise than to exercise the person's own right to suffrage.
- (7) Engaging or participating in the conduct of a political or election campaign for an incompatible office as set forth in these Rules and Regulations.

(b) No Police Officer shall be removed for religious, racial, or political reasons.

6.2 Furloughs

If for reasons of economy or other reasons, it shall be deemed necessary by the Borough to reduce the number of paid employees of the Police Department, the Borough shall furlough the person, including a probationer, last appointed to the Police Department. The removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until the reduction shall have been accomplished. In the event the police force shall again be increased, the employees furloughed shall be reinstated in the order of their seniority to service if the officer accepts reinstatement in writing within thirty (30) days of receiving notice of the opening. This Section as to reductions in force is not applicable to the Chief of Police.

6.3 Notice of Suspension, Removal, or Reduction in Rank

Whenever a Police Officer is suspended without pay, removed, or reduced in rank, a written statement of the specific charges made against a person warranting such action shall be furnished to the person within five (5) days after the statement of charges is filed. The charges shall specify the subsection of Section 6.1 which provides the basis for the disciplinary action as well as an

explanation of the factual circumstances upon which the Mayor relied in finding a violation of Section 6.1. Notwithstanding anything to the contrary in these Rules and Regulations, the written statement of specific charges shall be delivered to the officer either by personal service or by certified and registered mail. A copy of the written statement of charges, including the disciplinary action taken by the Mayor, shall be served upon the members of Borough Council, the Commission, and the Borough Manager.

Any suspension action by the Mayor that exceeds ten (10) days in length, or any removal or reduction in rank, shall require the approval of Borough Council with Council's action occurring not later than at least the next regularly scheduled meeting following the Mayor's disciplinary action.

The person shall have ten (10) days from the date of receiving the notice to submit a written request for a hearing to the Commission under these Rules and Regulations.

6.4 Hearings on Suspension, Removals, and Reduction in Rank

(a) The officer who has been suspended, removed, or reduced in rank may appeal the decision by written notice to the Secretary of the Commission at the West Chester Borough Building, 401 East Gay Street, West Chester, PA 19380 requesting a hearing. This request shall be received by the Commission within ten (10) days from the date the officer received notice of the discipline. The officer may make written answers to any charges filed not later than the date fixed for the hearing. Failure of the officer to provide written answers to any of the charges shall not be deemed an admission by the officer.

(b) The Commission shall grant the officer a hearing that shall be held within a period of ten (10) days from the filing of written charges, unless continued by the Commission for cause at the request of the Council or the officer. The failure of the Commission to hold a hearing within ten (10) days from the filing of the written charges shall not result in the dismissal of the charges.

(c) At any such hearing, the officer against whom the charges have been made may be present and represented by legal counsel, may call witnesses, and present testimony and documentation in defense. The Borough may also be represented by counsel, call witnesses, and present evidence as is necessary to support the charges. A stenographic record of all testimony shall be taken at every hearing and preserved by the Commission. In the event the charges are dismissed, the record shall be sealed and not be available for public inspection.

(d) In conducting the hearing, the Commission's standard of review shall be to determine whether sufficient evidence has been presented to support the statutory reason for the disciplinary action. If the Commission finds that sufficient evidence has been introduced to support the charge, the Commission shall not modify the discipline imposed unless it finds that the penalty imposed was arbitrary, discriminatory, or an abuse of discretion. In considering the appropriateness of the discipline, the Commission shall not substitute its judgment for the Borough Council or for that of the Mayor. The Commission may request post-hearing briefs and shall issue a written decision containing specific findings of fact and conclusions of law within

sixty (60) days from receipt of the hearing transcript. The Commission's decision shall be approved by at least two (2) members of the Commission. The findings of the Commission shall be mailed by certified mail to the accused officer, and by ordinary mail to (1) his or her counsel; (2) the Mayor; (3) the president of Borough Council; and (4) the Borough Manager.

6.5 Hearing Procedure

(a) All testimony shall be given under oath administered by the Chairperson, or his or her designee. The Commission shall have the power to issue subpoenas as set forth in these Rules and Regulations. Unless the Borough or the person sought to be suspended, removed, or reduced in rank requests that the proceedings before the Commission be open to the public, the proceedings before the Commission under this Section shall be held in the nature of a closed executive session that shall not be open to the public. The request shall be presented to the Commission before the civil service hearing commences. The deliberations of the Commission, including interim rulings on evidentiary or procedural issues, may be held in private and shall not be subject to a request for being open to the public, the Council or the person sought to be suspended, removed, or reduced in rank. The Commission's disposition of the disciplinary action shall constitute official action which shall occur at a public meeting held pursuant to 65 Pa.C.S. Ch 7 (relating to open meetings).

(b) Each hearing shall be conducted in the following manner:

(1) The Chairperson shall call the hearing to order, state the general purpose of the hearing and make note of the parties present.

(2) The Secretary, or legal counsel upon direction of the Chairperson, shall read the charges against the accused officer together with the record of action taken against such officer.

(3) The Secretary or legal counsel shall read any written reply submitted by the accused.

(4) The Chairperson shall afford each person making charges, or his or her legal counsel, an opportunity to make further statement in support of the charges and to produce any witnesses.

(5) The Chairperson shall afford the accused, or his or her legal counsel, an opportunity to question or cross-examine any witness produced by such person.

(6) The Chairperson shall afford each person making charges an opportunity to produce any witnesses and to make a summation.

(7) The Chairperson shall afford the accused, or his or her legal counsel, an opportunity to produce any witnesses and to make a summation.

(8) The Commission shall be the judge of admissible evidence and procedure and shall not be bound by technical rules of evidence.

(9) The Commission, at any time during the course of the hearing, may question or cross-examine the person making the charges, the accused, or any witnesses.

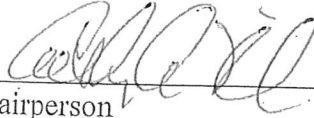
(c) If the Commission sustains the charges, the officer who was suspended, removed, or reduced in rank may file an appeal with the Court of Common Pleas within thirty (30) days from the date of entry by the Commission of its final order. No order of suspension without pay shall be made by the Commission for a period longer than one (1) year. In the event the Commission fails to uphold the charges, the person sought to be suspended, removed, or reduced in rank shall be reinstated with full pay for the period during which the person was suspended, removed, or reduced in rank, and no charges shall be officially recorded against the person's record.

Section 7. Resolution for Adoption

The foregoing Rules and Regulations, which are in accordance with the powers granted by the Home Rule Charter of the Borough of West Chester, the Borough Administrative Code, and applicable state law, and in accordance with the authority granted by the municipal governing body of the Borough of West Chester, Chester County, Pennsylvania, are hereby adopted by the Civil Service Commission of the Borough of West Chester, Chester County, Pennsylvania on [DATE].

[SIGNATURE PAGE TO FOLLOW]

CIVIL SERVICE COMMISSION
WEST CHESTER BOROUGH



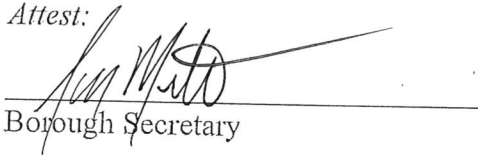
Chairperson



Secretary

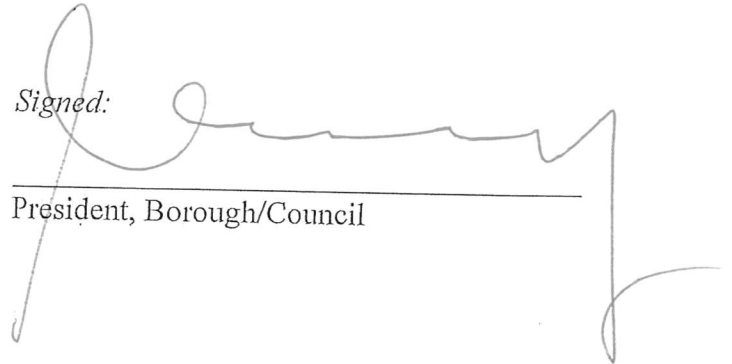
Approved by the Borough Council of the Borough of West Chester, Chester County,
Pennsylvania on 11/7/25

Attest:



Borough Secretary

Signed:



President, Borough/Council