

SECTION 5
CERTIFICATION OF THE LIST OF ELIGIBLES AND APPOINTMENT

§ 5.1	Creation of Eligibility List	§ 5.4	Physical and Psychological Medical Examinations
§ 5.2	Appointment	§ 5.5	Probationary Period
§ 5.3	Appointment of Chief of Police	§ 5.6	Provisional Appointments

**SECTION 5 - CERTIFICATION OF THE LIST OF ELIGIBLES
AND APPOINTMENT**

§ 5.1 Creation of Eligibility List.

At the completion of the testing process set forth in Section 4, including any written examination, physical agility test and oral examination, but with the exception of physical and psychological medical examinations, polygraph and background investigations which are to be conducted after the establishment of an Eligibility List, the Commission shall rank the candidates who have satisfied the minimum requirements for appointment on an Eligibility List. The Eligibility List shall contain the names of individuals eligible for appointment listed from the highest to lowest based on their scores on the examinations administered by the Commission and any points for which the applicant was entitled by virtue of 51 Pa.C.S. Ch. 71 (relating to veterans' preference) and the Commission shall post in its office the Eligibility List containing the names and grades of those who have passed the examination. [Amended February 8, 2011]. [Re-amended February 14, 2012]. [Re-amended February 18, 2014]

The Eligibility List will be valid for one year from the date the Commission formally adopts the Eligibility List. Prior to the expiration of the one-year period, the Commission may extend the validity of the Eligibility List for up to an additional twelve months by a majority vote of the Commission at a duly authorized Commission meeting. In the absence of a lawful extension by the commission, the list shall expire. [Added February 8, 2011].

For promotional positions, fulfilling the requirements as set forth in Section 4.5, 4.7, 4.8 and 4.9 are not required. [Amended February 18, 2014]

In the case of tied scores, the tie will be broken by giving preference to the applicant who submitted a final completed application first. If both tied applicants submitted their complete applications on the same day, then the applicants shall be ranked in alphabetical order by surname.

The Commission may, at its sole discretion, void an eligibility list at any time for any reason, but in no case shall any eligibility list remain in effect for a period of time of more than two (2) years from the date of its preparation.

§ 5.2 Appointment.**a. Vacancy in an Existing Position.**

The Board of Commissioners of the Township may 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 or death by the reappointment or reinstatement of a former employee of the police department who had been previously complied with the provisions of this section. Except for physical and psychological examinations, no other testing shall be required in a case of reappointment or reinstatement to the force or department with which the employee previously served except at the discretion of the Township Commissioners or otherwise required by law and subject to any certification requirements prescribed by the Municipal Police Officers' Education and Training Commission. [Amended April 23, 2007]. [Re-amended February 8, 2011].

In addition to the other reasons stated as grounds for removal in these rules, the name of any person appearing on a furlough list or an Eligibility List shall be removed by the Commission if such person:

1. Indicates his unavailability for immediate appointment if contacted by the Chief of Police or his designee when the Board of Commissioners requests the Commission to present to the Board the top candidates on the Eligibility List for possible permanent appointment. [Added January 8, 2013].
2. Is appointed to a position in the Police Department of the Township, or
3. Declines an appointment to a permanent position in the Police Department of the Township, or
4. Fails to make written reply to the Commission within seven (7) calendar days from the date of mailing of a notice of certification, or
5. Indicates availability for appointment and is appointed to fill a vacancy, but fails to report for duty at the time prescribed by the Board of Township Commissioners, unless, in the opinion of the Board, such person can show good and sufficient reasons for failing to report.

Nothing in this Section, however, shall be construed as authorizing the removal of the name of any person on any furlough list or eligible list who refuses or accepts a position of a lower rank than that for which he/she has qualified.

b. Manner of Filling Positions.

If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered re-employment, every position or employment, except that of Chief of Police, shall be filled only in the following manner:

1. The Board of Commissioners of the Township shall notify the Commission of any vacancy which is to be filled and shall request the certification of an Eligibility List. The Commission shall certify for each existing vacancy from the Eligibility List the names of the three (3) names who have received the highest average. In making this request the Board shall state the title of the position to be filled and the compensation to be paid;
2. If three (3) names are not available, then the Commission shall certify the name(s) remaining on the list;
3. The Board of Commissioners shall make a conditional appointment from the three names certified based solely on the merits and fitness of the candidates, unless the Township Commissioners make objections to the Commission regarding one or more of the certified persons for any of the reasons stated in Section 3.7 of the Rules. However, for initial appointment to the position of police officer, when one of the three applicants on the certified list is a veteran, that applicant shall be selected.

c. Objections by Board of Commissioners.

The Board of Commissioners may object to one or more of the persons certified for the reasons set forth in Section 3.7 of these Rules and Regulations. Should such objections be sustained by the Commission, as provided in Section 3.7, or if the conditional appointee is determined to be unqualified in accordance with the procedures set forth in Section 3.7 of the Rules, 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. As each subsequent vacancy occurs in the same or another position, precisely the same procedures shall be followed. If the candidate to whom the Board of Commissioners objects fails to timely exercise his rights of appeal under Section 3.9 or if the Commission declines to uphold his appeal, the Commission shall strike the name of that candidate from the Eligibility List and certify the next highest name for inclusion on the list of three (3) candidates for each name stricken off. [Amended February 8, 2011].

§ 5.3 Appointment of Chief of Police.

In the case of a vacancy in the Office of Chief of Police, the Board of Commissioners has full discretion in selecting the individual to fill the position of Chief of Police. When the Board of Commissioners request the Commission to subject that person to a noncompetitive examination, as required by Section 3.6, and if that person successfully passes the noncompetitive examination, then the Commission shall notify the Board of Commissioners of the results of the examination and that person may only be removed from the position of Chief of Police for the reasons set forth in Section 6.1.

§ 5.4 Physical and Psychological Medical Examinations.**a. Conditional offer of employment.**

An applicant selected from the Eligibility List shall receive a conditional offer of employment. The offer of employment shall be conditioned upon the conditional employee undergoing a physical and psychological medical examination and a determination that the conditional employee is capable of performing all of the essential functions of the position. 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. [Added February 8, 2011].

b. Opinion of physical or mental condition.

The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by the Township Commissioners 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. [Added February 8, 2011].

c. Interactive discussion required when opinion questions conditional appointee's ability.

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, a person designated by the Township Commissioners 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. [Added February 8, 2011].

d. When conditional appointee not qualified.

If, at the conclusion of the interactive discussion under subsection (c), the Township Commissioners determine that the conditional appointee is not qualified, the Township Commissioners shall give written notice to the conditional appointee and the Civil Service Commission. The rejected candidate may appeal this decision under Section 3.9. [Added February 8, 2011].

A model letter of notice of medical examination is attached as Appendix A-13. If the candidate successfully passes the physical and psychological medical examinations, then that employee shall be appointed to the vacant position in the police department for which he had applied. [Amended February 8, 2011].

Model letters informing a candidate of passing the physical examination, failing the physical examination, passing the psychological medical examination and failing the psychological medical examination, respectfully, are attached hereto as Appendix A-14 to A-17 and are incorporated into these Rules and Regulations. The Commission shall then certify another name to be included with the two previously certified names for consideration by the appointing authority pursuant to Section 5.2. [Amended February 8, 2011].

§ 5.5 Probationary Period.

Every successful applicant to the position of patrol officer with the Police Department shall serve a twelve (12) month probationary period and shall successfully complete police training at a certified Police Academy in Pennsylvania approved by the Municipal Police Officers' Education and Training Commission under Act 120.

During the probationary period, a newly hired officer may only be dismissed for cause for the reasons set forth in Section 3.7 or because of incapacity for duty due to the use of alcohol or drugs. The Chief of Police shall make a report on the performance and conduct of each probationer not less than ten (10) calendar days before the regular meeting of the Board of Commissioners immediately before the end of the probationary period. Each final probationary report shall include the recommendation of the Chief of Police either to retain or to reject the probationer. Each report shall be submitted, in writing, to the Board of Commissioners. [Amended February 8, 2011].

At the end of the twelve (12) month probationary period, if the conduct of the probationer has not been satisfactory to the Board of Commissioners, the probationer shall be notified in writing that he will not receive a permanent appointment. At that time, a newly hired officer's employment shall end. If the probationer is not informed in writing that his performance has been unsatisfactory or who was not dismissed in accordance with Section 640 of the First Class Civil Service Code, his retention shall be equivalent to a permanent appointment. Any probationer who is notified in writing that he will not receive a permanent appointment has no rights of appeal under these Rules and Regulations because a probationary officer has no expectation of continued employment until he or she successfully completes the work test period. [Amended April 23, 2007].

§ 5.6 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 eligible list for such appointment, the Township Board of Commissioners may nominate a person to the Commission for noncompetitive examination. Such nominee may be certified by the Commission as qualified after such noncompetitive examination and he may be appointed provisionally to fill such vacancy.

It shall thereupon become the duty of the Commission within three (3) weeks to hold a competitive examination and certify a list of eligibles and then a regular appointment shall then be made from the name or names submitted by the Commission: provided, that nothing within this Section shall prevent the appointment, without examination, of persons temporarily as police officers in cases of riot or other emergency.