

Within thirty (30) days after the Commission considers the recommendation of the Chief of Police or his designee, the applicant will be informed of whether he has passed the background investigation.

ARTICLE V

CERTIFICATION OF THE LIST OF ELIGIBLE AND APPOINTMENT

5.1 Creation of Eligibility List.

a. At the completion of the examination requirements set forth in Section 4, written examination, oral examination, background investigation, and physical fitness test, the Commission shall rank all passing applicants on a list with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list. Applicants who qualify for veterans' preference points shall have those points added to their passing score prior to being ranked on the eligibility list. For promotional positions, fulfilling the performance requirement set forth in Section 3.6 is also required. 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.

b. The eligible list shall be effective for one (1) year from the date of its preparation, unless extended by the Commission for up to one (1) additional year. The Commission may, at its sole discretion, void an eligibility list at any time for any reason.

5.2 Appointment.

a. The appointing authority of the Borough 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 employe of the police department who had been furloughed. Except for physical and psychological examinations, no other testing shall be required for a furloughed employee.

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

1. The appointing authority of the Borough shall notify the Commission of any vacancy which is to be filled and shall request the certification of three (3) names from the list of eligible;
2. if three (3) names are not available, then the Commission shall certify the name(s) remaining on the list;
3. the Borough Council shall make an appointment from one of the three names certified with reference to the merits and fitness of the candidates. 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. The Borough Council may object to one or more of the persons certified for the reasons set forth in Section 3.7 of these Rules and Regulations. If the candidate to whom the Borough Council 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 candidates from each name stricken off.

5.3 Appointment of Chief of Police.

In the case of vacancy in the office of Chief of Police, the appointing authority has full discretion in selecting the individual to fill the position of Chief of Police. If the appointing authority requests the Commission to subject that person to a noncompetitive examination, and if that person successfully passes the noncompetitive examination, then the Commission shall notify the appointing authority 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 Probationary Period.

Every successful applicant to the position of patrol officer or a new promotional position with the Police Department shall serve a twelve (12) month probationary period. For newly hire police officers, the one (1) year probationary period shall not commence until after the officer has completed training 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. A promoted officer, during his probationary period, may be returned to his prior rank only for cause for the reasons set forth in Section 3.7. However, at the end of the twelve (12) month probationary period, if the conduct of the probationer has not been

satisfactory to the Borough Council, 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. And a promoted officer shall return to his previous rank. Any officer who is informed in writing that he will not receive a permanent appointment has no rights of appeal under these Rules and Regulations.

5.5 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 Borough Council may nominate a person to the Commission for noncompetitive examination, and such nominee may be certified by the Commission as qualified after such noncompetitive examination, he may be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the Commission within three weeks to hold a competitive examination and certify a list of eligible 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.

ARTICLE VI

SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK

6.1 General Provisions.

The Council shall have power to determine in each instance whether a decrease in salary shall constitute a reduction in rank. All suspensions, removals and reductions in rank shall be made only in accordance with these Rules and Regulations.

6.2 Restrictions.

Persons employed in the Police Department of the Borough shall not be suspended, removed or reduced in rank for religious, racial or political reasons. No order of suspensions shall be for a longer period than one year, nor shall any fine exceed two months pay.

6.3 Reason For.

No persons employed in the police department of the Borough shall be removed from employment, suspended, or reduced in rank except for the following reasons:

a. Physical or mental disability affecting his or her ability to continue in service, evidenced by the certification to that effect by a medical doctor and/or psychologist designated by the Commission, in which cases the persons shall receive an honorable discharge from service.

b. Neglect or violation of any official duty.

c. Violation of any law of the Commonwealth which provides that such violations constitute a misdemeanor or felony.

d. Inefficiency, neglect, intemperance, disobedience or orders, or conduct unbecoming an officer.

e. Intoxication while on duty.

f. Engaging or participating in the conducting of any political or election campaign otherwise than to exercise his or her own right of suffrage.

6.4 Punishment.

An offense against discipline, good conduct and efficiency, (Section 1203, b, c, d, e, f.), may be punished by:

a. Removal from service.

b. Being required to resign forthwith, if at such date as may be ordered (as an alternative to dismissal).

c. Reduction in rank.

d. Reduction in rate of pay.

e. Suspension without pay for a period not in excess of one year.

f. Fine.

g. Reprimand.

h. Caution.

6.5 Procedure.

Whenever any police officer is suspended, removed from service or reduced in rank by Council, the Mayor or the Chief of Police, the specific charges warranting each action shall be stated in writing. The charge(s) shall be filed in writing (in triplicate) with the Secretary. Any charges shall be made under oath, and such charges as filed shall be supported by affidavit of one or more persons having actual and first hand knowledge, citing the facts supporting any such charges.

Any charges shall include a specific statement of the charge made and shall specify the time, place and occurrence on which the charge is based. The charges shall be stated clearly and in sufficient detail to enable the accused to understand the charges made against him or her and to be able to answer them, and shall include the section of the law or regulation as well as the factual basis for the violation of that law or regulation.

Within five (5) days of the receipt of any charges, the Commission shall deliver to the accused, either by personal service or by certified or registered mail, a copy of the charges filed against him or her.

6.6 Hearing on Removal, Suspension or Reduction in Rank.

If the person sought to be suspended, removed, fined or reduced in rank shall demand a hearing by the Commission, the demand shall be made by the person in writing and delivered to the Secretary of the Commission. Such written demand for hearing must be made and delivered not more than four (4) days following the receipt by such person of a written statement of the charges, or reasons assigned for such suspension, removal or reduction in rank.

In such written demand for hearing they shall state whether or not they have filed written answers to the charges or whether they intend to do so. If written answers to any charges filed against the officer were made, such answers must be filed with both the Mayor and the Secretary of the Commission within five (5) days following the receipt of written statement of said charges.

The Commission shall grant such persons hearing, which shall be held within a period of ten (10) days from either: (1) the filing of the charges in writing against the officer and notice thereof, or from (2) the filing of his or her written answers to such charges, whichever is the later.

If any member shall demand a hearing before the Civil Service Commission of the Borough of Gettysburg on any removal, suspension or reduction in rank, and if written answers to the charges are filed with the Mayor, it shall be the duty of the Mayor promptly to file such answers with the Commission Secretary.

6.7 Notice of Hearing.

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

a. Either by personal service or by certified or registered mail to each of the principals involved in the case, and

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

6.8 Hearing Procedure.

Each hearing shall be conducted in the following manner:

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

b. The Secretary, upon direction of the Chairperson, shall read the charges against the accused together with the record of action taken against such officer, and

c. The Secretary shall read any written reply of the accused.

d. The Chairperson shall afford each person making charges, or his or her counsel, an opportunity to make further statement in support of the charges and to produce any witness, and

e. The Chairperson shall afford the accused, or his or her counsel, an opportunity to question or cross-examine the person making charges, and to question or cross-examine any witness produced by such person, and

f. The Chairperson shall afford each person making charges an opportunity to produce any witness and to make a summation, and

g. The Chairperson shall afford the accused, or his or her counsel, an opportunity to produce any witness and to sum up the defense.

h. The Commission shall be the judge of admissible evidence and procedure, and shall not be bound by technical rules of evidence.

i. A stenographic record of all testimony taken at such hearings shall be filed with and preserved by the Commission, which record shall be sealed and not be available for public inspection in the event the charges are dismissed.

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

6.9 Oaths.

All testimony shall be given under oath. The Chairperson, or in her or her absence the Vice-Chairperson, shall administer all oaths.

6.10 Decision of the Commission.

Within ten (10) calendar days after the hearing the Commission shall issue its decision in the form of a written order approved by at least two (2) members of the Commission. The written order shall include all findings of fact. If, during the hearing, opposing facts are presented, the Commission shall include in its written order a decision as to what it considers to be the correct facts. The findings and decision of the Commission shall be delivered personally or by certified or registered mail to the person making charges, to the accused officer, and to the Municipal Governing Body.

6.11 Appeal to Court.

In the event the Commission sustains the charges and orders the suspension, removal or reduction in rank, the person so suspended, removed or reduced in rank shall have immediate right to appeal to the Court of Common Pleas of Adams County, such appeal to be taken by petition to said court within sixty (60) days from the date of entry by the Commission of its final order.

6.12 All Commission findings, decisions and punishments shall be entered in the officer's personnel file.

6.13 Furloughs

a. If for reasons of economy or other reasons, it shall be deemed necessary by the Borough to reduce the number of full-time police officers in the department, then the Borough shall apply the following procedure:

(1) if there are any employees eligible for retirement under the terms of any retirement or pension law, then such reductions in numbers shall be made by retirement of such employees starting with the oldest employee and following in order of age respectively;

(2) if the number of full-time police officers eligible for retirement is insufficient to effect the necessary reductions in numbers, or if there are no persons eligible for retirement, or if no retirement or pension fund exists, then the reductions shall be effected by furloughing the person or persons including probationers, last appointed to the respective force.

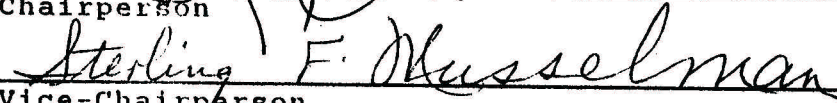
b. Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have been accomplished. In the event that the appointing authority decides to increase the Police Department, the furloughed officers shall be reinstated in order of their seniority in the department if the furloughed officer accepts reinstatement in writing within thirty (30) days of receiving notice of the opening. These reduction in force provisions are not applicable to the Chief of Police.


ARTICLE VII

RESOLUTION

The foregoing rules and regulations, which are in accordance with the powers granted by the Civil Service section Sections , enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the Gettysburg Borough Council of the Borough of Gettysburg, Pennsylvania, are hereby adopted by the Civil Service Commission of the Borough of Gettysburg, Pennsylvania, on


Chairperson


Vice-Chairperson


Secretary

Approved by the Municipal Governing Body of the Borough of Gettysburg, Pennsylvania, on AUGUST 8, 1994


ATTEST:


Municipal Secretary

PENNSYLVANIA FEDERAL SURPLUS PROPERTY PROGRAM
REPRESENTATIVE CERTIFICATION

Organization Name Gettysburg Borough Police Dept. Federal ID No: 236002866

IF YOU HAVE A GOVERNING BOARD, COMPLETE SECTIONS 'A' and 'B'. IF YOU DO NOT HAVE GOVERNING BOARD, COMPLETE SECTIONS 'A' and 'C' and mail to:

Pennsylvania Department of General Services
Federal Surplus Property Program
2221 Forster Street, P.O. Box 1365
Harrisburg, Pennsylvania 17105

BE IT RESOLVED by the Governing Board, or by the Chief Administrative Officer of those organizations which do not have a governing board, and hereby ordered that the official(s) and/or employee(s) whose name(s), title(s), and signature(s), listed below shall be and is (are) hereby authorized as our representative(s) to acquire Federal surplus property from the Pennsylvania Federal Surplus Property Program and to be obligated to Certifications and Agreements of the transfer and donation of said property and payment of all service charge(s) imposed and/or any subsequent certifications and agreements required incident to said property donation(s).

	NAME	TITLE	SIGNATURE
A.	<u>Frederick A. Gantz</u>	<u>Chief of Police</u>	<u>Frederick A. Gantz</u>
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B. PASSED AND ADOPTED this 8 day of AUGUST, 19 94, by the Governing Board of Gettysburg Borough Council
I, Jean E. Simpson Council President
Name Title

do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Board at a Borough Council meeting thereof held at its regular place of meeting at the date and by the vote above stated, which resolution is on file in the office of the Board

Gettysburg Borough Police Dept.

Name of Organization

59 E. High Street, Gettysburg, Pa. 17325

Mailing Address

Gettysburg, Pa. 17325

City County Zip Code

(Signed)

Jean E. Simpson (Seal)
Title

C. AUTHORIZED this _____ day of _____, 19_____, by:

Name of Chief Administrative Officer

Title

Name of Organization

Mailing Address

(Signed)

City County Zip Code