

Chapter 2. The Civil Service Commission

2.1 Officers

The Commission shall consist of three commissioners who shall be qualified electors of the Borough of Gettysburg and shall be appointed by the Gettysburg Borough Council initially to serve for the terms of two (2), four (4) and six (6) years and as terms thereafter expire shall be appointed for terms of six (6) years.

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 thirty (30) 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, administered by the Mayor or other appropriate official, 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.

2.2 Offices Incompatible with Civil Service Commissioner

No commissioner shall at the same time hold an elective or appointed office under the United States 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 Gettysburg Borough Council and one may be a member of the teaching profession.

2.3 Organization of Commission

The Commission first appointed shall organize within ten days of its appointment and shall elect one of its members as its chairperson, vice-chairperson and one as its secretary. The Commission shall thereafter meet and organize on the first Monday of February of each even numbered year. Two members of the Commission shall constitute a quorum and no action of the Commission shall be valid unless it shall have the concurrence of at least two members. Unless prevented by facts which constitute a conflict of interest as defined by Pennsylvania statutory or case law, a Commissioner must vote "yea" or "nay" on every motion, decision or adjudication which comes before the Commission.

For purposes of hiring and promoting police officers under these rules, each step of the hiring or promotional process requiring official action by the Commission shall be considered a separate "matter or case" and each step of the hiring or promotional process need not be voted upon or approved by the same composition of commissioners, as the case may be, provided that the quorum requirement has been satisfied.

2.4 Duties of Chairperson

The chairperson, or in his absence, the vice chairperson, shall preside at all meetings and hearings of the Commission, decide all points of order or procedure and perform any duties required by law or these Rules. He may be aided in these duties by a solicitor to the Commission. Any such solicitor or legal counsel must have an active license to practice law in Pennsylvania and cannot also function as the Borough Solicitor or be affiliated with the law firm of the Borough Solicitor.

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, keep a record of each examination or other official action of the Commission, and perform all other duties required by law, by these Rules and by the Commission.

2.6 Meetings

Except for the biennial organization meeting, all non-judicial meetings shall be held either at the call of the chairperson or at the call of two members of the Commission. Unless all members shall waive the requirement, the Secretary of the Commission shall give each commissioner twenty-four (24) hours notice in writing of each and every meeting of the

Commission. When the Commission is functioning in a non-judicial capacity, any official actions and any deliberations by a quorum of the Commission shall take place in a meeting open to the public unless closed pursuant to 65 Pa. C.S.A. Section 708. The judicial deliberations of the Commission shall always be conducted in private. However, official actions of the Commission, when it is performing in its judicial capacity, shall take place in a meeting open to the public. If the individual who has invoked the judicial authority of the Commission has requested an open hearing, then the entire decision of the Commission shall be rendered publicly. If that individual has demanded a closed hearing, then only the final order of the Commission shall be rendered in public.

2.7 Quorum

Two members of the Commission shall constitute a quorum and no action of the commission shall be valid unless it shall have the concurrence of at least two members. Unless prevented by a conflict of interest, as that phrase is defined in Pennsylvania statutory or case law, a Commissioner must vote "yea" or "nay" on every motion, decision or adjudication which comes before the Commission.

2.8 Order of Business

The order of business of all non-judicial meetings of the Commission shall be as follows:

- A. Roll Call;
- B. Approval/disapproval of the minutes of the previous meeting;
- C. Unfinished business;
- D. New business;
- E. Communications and reports.

2.9 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 are necessary. The elected and appointed officials of the Borough of Gettysburg shall assist the Commission with all reasonable and appropriate efforts including compensation for any counsel or experts retained by the Commission.

2.10 Rules and Regulations; Amendment

The Commission shall have the power to prescribe, enforce and amend the rules and regulations governing the conduct of its activities by a majority of the Commission at any properly convened meeting of the Commission. Before any changes to these rules or regulations become effective, those changes must be approved by Borough Council. These rules and regulations and any modifications or amendments thereto, shall be made available to the public for distribution or inspection.

2.11 Minutes and Records

The Commission Secretary shall keep minutes showing the vote of each member upon each question and records of examinations and other official actions. If a member is absent, cannot vote due to a conflict of interest or fails to vote, the Secretary shall indicate that fact in the minutes. 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 Pa. C.S.A. § 1381 et seq.

Commission records pertaining to all aspects of its business (except minutes) shall be maintained for five (5) years after which they shall be destroyed. A record of Commission minutes shall be permanently maintained. Records relating to litigation or probable litigation shall, in no case, be destroyed until such time as the litigation or litigation threat has been resolved. Documents and information qualifying as public records will be available to the public. The Commission adopts the procedures employed by the Borough, as they may from time-to-time be modified, relative to responding to requests for public records.

Any and all records relating to any disciplinary action filed with the Commission shall be open to public inspection (which public inspection shall be subject to reasonable regulation) only in

those cases where the employee who is subject to the discipline has requested an open hearing before the Commission challenging the discipline.

2.12 Investigations

The commission shall have the power to make investigations concerning all matters relating to the administration and enforcement of these Rules. The Chairperson of the Commission is authorized to administer oaths and affirmations for witnesses testifying in connection with such investigations.

2.13 Subpoenas

The Commission shall have the power to issue subpoenas over the signature of the Chairperson, or his/her designee, to acquire the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry, including any background investigation conducted pursuant to Section 4.9 of these Rules. The fees of such 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 of Gettysburg shall attend and testify when required to do so by the Commission.

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

If any person shall refuse or neglect to obey any subpoena, the Commission may apply by petition to the Court of Common Pleas of Adams County to enforce that subpoena, requiring the attendance of such persons before the Commission or the court to testify and to produce any records and papers necessary, and in default thereof shall be held in contempt of court.

2.14 Annual Report

The Commission shall make an annual report to the Gettysburg Borough Council containing a brief summary of its work during the year and a full accounting for any expenditure of public monies. The annual report shall be available for public inspection.