

ORDINANCE NO. 2020-04
AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY,
PENNSYLVANIA, AMENDING SECTION 5-70, CIVIL SERVICE PROVISIONS, OF
CHAPTER 8 OF THE RADNOR TOWNSHIP RULES AND REGULATIONS

Section 1. Chapter 8, Section 5-70, Civil Service Provisions, is hereby amended to read as follows:

Section 5-70. Civil Service Provisions.

A. Definition of terms; word usage.

- 1) Definitions. Unless otherwise expressly stated, the following words and phrases, whenever used in this section, shall be construed to have the meanings indicated herein:
 - a. Alternate Commissioner – An individual appointed by the Appointing Authority in a First-Class Township to serve as an “Alternate Civil Service Commissioner.”
 - b. Applicant - Any individual who applies in writing to the Commission in response to a legally advertised notice of vacancy and/or examination for any position full time in the Police Department.
 - c. Appointing Authority – The Board of Commissioners of the Township of Radnor, County of Delaware, Pennsylvania.
 - d. Certification - The submission to the Appointing Authority pursuant to its request of the top three (3) names taken from the Eligibility List created by the Civil Service Commission.
 - e. Chairperson - The Chairperson of the Civil Service Commission of the Township of Radnor, County of Delaware, Pennsylvania,
 - f. Commission - The Civil Service Commission of the Township of Radnor, County of Delaware, Pennsylvania.
 - g. Eligibility List – The document created by the Commission after completion of the examination requirements set forth in Subsection D(1) through (6) for Patrol Officer and Subsection E(1) through (4) for higher Ranks.
 - h. Examination - The series of examinations given to applicants to determine their qualifications for a position in the Police Department.
 - i. Furlough List - The list containing the names of persons temporarily laid off from positions in the Police Department because of a reduction in the number of police officers.

- j. Patrol Officer - For purposes of this section, an entry level sworn full-time position in the Police Department.
 - k. Police Department – The Police Department of the Township of Radnor.
 - l. Police Officer – A person employed by the Police Department as an Act 120 certified law enforcement officer, including a Patrol Officer, Corporal, Sergeant, Lieutenant, Captain, Deputy Superintendent and Superintendent.
 - m. Probationer – A police officer in the Police Department who has been appointed or promoted, but who has not yet completed the one-year probationary period specified in Subsection D(14).
 - n. Rank - Recognized ranks in the Police Department are: (1) Patrol Officer; (2) Corporal; (3) Sergeant; (4) Lieutenant; (5) Captain; (6) Deputy Superintendent; and (7) Superintendent.
 - o. Reduction in Rank - A change to a different rank where the employee fulfilled all of the requirements of this section for both the prior and current rank. However, a decrease in salary without a change to a different rank shall not necessarily constitute a reduction in rank.
 - p. Removal - The permanent separation of a police officer from the Police Department.
 - q. Secretary - The Secretary of the Civil Service Commission of Radnor.
 - r. Suspension - The temporary separation without pay of a police officer from the Police Department.
 - s. Vice Chairperson - A Commissioner of the Civil Service Commission elected by the Commissioners to preside over meetings in the Chairperson's disability, absence or recusal.
- 2) Gender. The words he, his, him, and men when used in this Ordinance represent both the masculine and feminine genders.

B. THE COMMISSION

- 1) Civil Service Commission
 - a. The Commission shall consist of three (3) Commissioners who shall be qualified electors of the Township of Radnor and shall be appointed by the Appointing Authority for an initial term of six (6) years and with only one reappointment, not to exceed 12 years. Any vacancy occurring in the Commission for any reason whatsoever shall be filled by the Appointing Authority for the unexpired term within the period of thirty (30) days after such vacancy occurs.

- b. Each member of the Commission, before entering upon the discharge of the duties of his office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform his official duties with fidelity. No Civil Service Commissioner shall receive compensation.
- c. The Board of Commissioners may appoint no more than three qualified electors of the Township to serve as alternate members of the Commission. The term of office shall be six (6) years with only one (1) reappointment. When serving in the stead of a Commissioner, an Alternate Commissioner shall be entitled to participate in all proceedings and discussions of the Commission to the full extent as provided by law for Commission members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the First Class Township Code and as otherwise provided by law. Any Alternate Commissioner not serving in the stead of a Commissioner may participate in any proceeding or discussion of the Commission but shall not be entitled to vote as a member of the Commission unless designated as a voting alternate member pursuant to Section 628 of the First Class Township Code.

2) Offices Incompatible with Civil Service Commissioner

No Commissioner or Alternate Commissioner shall at the same time hold an elective or appointed office under the United States government, the Commonwealth of Pennsylvania, the Township of Radnor, or any political subdivision of the Commonwealth of Pennsylvania, except that one member of the Commission may be a member of the Board of Township Commissioners.

3) Organization of Commission; Quorum

- a. The Commission first appointed shall organize within 10 days of its appointment and shall elect one of its members as its Chairperson, one as its Vice Chairperson and one as its Secretary. The Commission shall thereafter meet and organize on the first Monday of January year. Three (3) 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.
- b. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairperson shall designate as many Alternate Commissioners to sit on the Commission as may be needed to provide a quorum. Any Alternate Commissioner shall continue to serve on the Commission in all proceedings involving the matter or case for which the Alternate Commissioner was initially designated until the Commission has made a final determination of the matter or case. Designation of an

Alternate Commissioner shall be made on a case-by-case basis in rotation according to declining seniority among all Alternate Commissioners.

- c. For purposes of hiring and promoting police officers under this section, each step of the hiring or promotional process requiring official action by the Commission shall be considered a separate "matter or case" under Subsection B(3)(b), above, and each step of the hiring or promotional process need not be voted upon or approved by the same composition of Commissioners or Alternate Commissioners, as the case may be, provided that the quorum requirement has been satisfied.

4) Duties of Chairperson and Secretary

The Chairperson, or in his or her 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 this section. The Chairperson shall carry on at the direction of the Commission all official correspondence of the Commission, send out all notices required by law and this section, keep a record of each examination or other official action of the Commission, and perform all other duties required by law or this section. 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 or these Rules.

5) Meetings

Except for the annual organizational 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 this section. The Chairman of the Commission shall give each Commissioner and Alternate Commissioner forty-eight (48) hours written notice of each and every meeting of the Commission.

6) Clerks and Supplies

The Appointing Authority 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 as are necessary. The elected and appointed officials of the Township of Radnor shall assist the Commission with all reasonable and appropriate efforts including compensation for any counsel or experts retained by the Commission. Physicians, psychiatrists, psychologists and other qualified medical professionals shall be appointed by the Appointing Authority.

7) Amendment of Ordinance

The Commission may recommend to the Appointing Authority that this section be amended, revised, voided or replaced for any reason by action of a majority of the Commission at any properly convened meeting of the Commission. Before any changes to this section may become effective, those changes after adoption by the Commission must be approved by the Appointing Authority.

8) Minutes and Records

The Commission shall keep 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, 1968 P.L. 961, Number 428, 53 P.S. § 9001. Any and all records related to any disciplinary action filed with the Commission shall be open to public inspection subject to reasonable regulation. The Chairperson shall keep minutes of its proceedings showing the vote of each member upon each question. If the member is absent or fails to vote, the Chairperson shall indicate that fact in the minutes.

9) Investigations

The Commission shall have the power to make investigations concerning all matters relating to the administration and enforcement of this section. The Chairperson of the Commission is authorized to administer oaths and affirmations in connection with such investigations.

10) Subpoenas

a. The Commission shall have the power to issue subpoenas over the signature of the Chairperson, or designee, to acquire the attendance of witnesses and the production of records and papers pertaining to any hearing, investigation or inquiry. The fees of such witnesses for attendance and travel shall be the same as for witnesses appearing in the Court of Common Pleas, County of Delaware, Pennsylvania, and shall be paid from appropriations for the incidental expense of the Commission. All elected and appointed officials, police officers, and employees of the Township of Radnor shall attend and testify when required to do so by the Commission without additional compensation.

b. 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 (\$100.00), and in default of the payment of such fine and cost shall be imprisoned not to exceed thirty (30) days.

- c. If any person shall refuse or neglect to obey any subpoena, the Commission may apply by petition to the Court of Common Pleas, County of Delaware, Pennsylvania for its 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.

11) Annual Report

The Commission shall make an annual report to the Township Commissioners containing a brief summary of its work during the year which shall be available for public inspection.

C. APPLICATIONS TO THE POLICE DEPARTMENT

1) Eligibility for Examination

In order to be eligible for participation in any examination for a 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 to authorities.

2) Non-discrimination in Employment

The Township of Radnor is an equal opportunity employer. It is the policy of the Township of Radnor and the Commission to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, age, veteran's status, marital status or non-job-related physical or mental handicap or disability. The Township of Radnor and the Commission will provide equal opportunities in employment and promotion. No disciplinary or other adverse action by the Appointing Authority or Commission taken against a Police Officer covered by this section shall be based on race, religion, color, national origin, gender, age, veteran's status, marital status or non-job-related physical or mental handicap or disability.

3) Availability

Application forms shall be available to all interested persons in the Office of the Township of Radnor Secretary and from such other offices and officers that the Commission, from time to time, may choose to designate.

4) Age

All applicants for the position of Patrol Officer must have reached their twenty-first (21st) birthday on or before the deadline for submitting completed applications.

5) General Qualifications for Patrol Officer

a. Every applicant for the position of Patrol Officer in the Police Department shall possess at the time of filling the application a high school diploma or equivalent, have successfully completed Commonwealth of Pennsylvania Municipal Police Officers' Education and Training Commission Act 120 training and thereby be eligible for certification by the Commonwealth of Pennsylvania Municipal Police Officers' Education and Training Commission. Every applicant for the position of Patrol Officer shall be a United States citizen, be physically and mentally fit to perform the full duties of a Police Officer, and possess a valid motor vehicle operator's license at the time of appointment.

b. Veterans' Preference Points

Pursuant to the Veterans' Preference Act, 51 Pa. C.S. § 7104(a), any applicant for the position of Patrol Officer, whether lateral or nonlateral, who qualifies as a "soldier" under this Act, shall have ten (10) points added to his total score if he had received passing scores in all other areas of testing and qualification. Any applicant claiming veterans' preference shall be responsible for providing any and all relevant documents to the Commission.

6) General Qualifications – Deputy Superintendent, Captain, Lieutenant, Sergeant and Corporal [Amended 1-5-2015 by Ord. No. 2014-16]

a. All applicants for a promotional position shall currently be Radnor Police Officers and have continuous prior service with the Police Department of the Township of Radnor as follows:

1. An applicant for the position of Corporal shall have at least three (3) years of experience as a Patrol Officer in the Police Department of the Township of Radnor.
2. An applicant for the position of Sergeant shall have at least four (4) years of experience as a Patrol Officer or higher rank in the Police Department of the Township of Radnor.
3. An applicant for the position of Lieutenant shall have at least six (6) years of experience as a Patrol Officer or higher rank with the Police Department of the Township of Radnor and two (2) years of experience as a Sergeant or higher rank with the Police Department of the Township of Radnor.
4. An applicant for the position of Captain or Deputy Superintendent shall have at least ten (10) years of experience as a Patrol Officer or higher rank with the Police Department of the Township of Radnor and two (2) years of experience as a

Lieutenant or higher with the Police Department of the Township of Radnor.

7) 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 this section for the particular position for which the applicant has applied. In addition, the Commission may refuse to examine, or if examined, may refuse to certify as eligible any applicant who is incapable of performing all the essential functions of the position or who has a physical or mental condition which restricts the person's ability to perform all of the essential functions of the position applied for, or who is a habitual substance abuser, who is guilty of any crime involving moral turpitude, or who has been dismissed from public service for delinquency or misconduct in office.

8) Public Notice

The Commission shall conspicuously post, at least three (3) weeks prior to the deadline for accepting applications, in the Township of Radnor Municipal Building Administration Office and the Township of Radnor Police Department notice of the time and place of the initial 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 applications. In addition, at least three (3) weeks prior to the deadline for accepting applications, publication of the notice shall occur in at least one (1) newspaper of general circulation or a newspaper circulating generally in the Township of Radnor.

9) Recording and Filing Applications

Applications for the position in the Police Department to be filled shall be received at the Township of Radnor Municipal Building Administration Office 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 and required documents will be received by the Township of Radnor Secretary or his/her designee in full and no portion thereof shall be accepted. That person shall record the receipt of the application. Applicants for the position of Patrol Officer shall submit the following documents with the application: a photocopy of his driver's license; a photocopy of documentation certifying receipt of his high school diploma or equivalent; a photocopy of documentation certifying completion of Commonwealth of Pennsylvania Municipal Police Officers' Education and Training Commission Act 120 training; proof of citizenship; and if Veterans' Preference is being sought, a photocopy of his/her Honorable Discharge or DD-214 from the United States Armed Forces. Any application containing material errors or omissions may, at the discretion of the

Commission, be returned to the applicant for correction, provided that such action by the Commission shall not serve to extend the applicant's filing deadline.

10) Hearing for Disqualified Applicants

If any applicant or person is aggrieved by the refusal of the Commission to examine or to certify the applicant as eligible after examination, the Commission shall at the written request of the applicant, within ten (10) days appoint a time and place for a public hearing, at which time the Commission shall take testimony and review its refusal to provide examination or certification. The hearing shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa.C.S.A. § 101 et seq. The applicant or aggrieved party must make his request for a hearing in writing within ten (10) calendar days of the date when he knew or should have known of the Commission's action which is being challenged. The decision of the Commission shall be final.

11) Fees

Radnor Township may set a reasonable fee to be charged in connection with the filing of an application for Patrol Officer. The fee shall be identified in the public notice required by Subsection C(8). There shall be no fee assessed in connection with any application for promotion.

D. FOR THE EXAMINATION OF APPLICANTS FOR THE POSITION OF PATROL OFFICER

1) Hiring Procedures for the Position of Patrol Officer. The Commission shall have two separate procedures for screening and ranking applicants for Patrol Officer. One, for lateral transfers, will limit applicants to current Act 120 Certified Pennsylvania municipal Police Officers and current Pennsylvania State Troopers, in each case with at least two years of full time service as of the application filing deadline. The other, for non-lateral transfers, will be open to anyone who meets the requirements of Subsections C(4) and (5). At the time a testing cycle for a Patrol Officer is announced, the Commission shall specify whether the testing cycle is open to lateral transfers or to non-lateral transfers.

2) The lateral transfer examination for a Patrol Officer shall consist of two oral examinations which will be graded on a one-hundred (100) point scale with each exam representing fifty percent (50%) of the final score. Both oral examinations shall include questioning applicants regarding how they would respond to relevant law enforcement situations and other matters which reasonably test the applicants' ability to perform police work as a Patrol Officer. One oral examination shall be conducted by a panel designated by the Commission. The other examination shall be conducted by a panel designated by the Superintendent. In addition, each applicant will undergo a physical fitness test. This physical fitness test will be graded on a pass/fail basis for every applicant. After an applicant has been extended an offer of employment, final appointment shall be contingent upon the

applicant passing a medical and psychological examination as well as passing a background investigation.

- 3) The non-lateral examination procedure for Patrol Officer shall consist of 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. In addition, each applicant will undergo a physical fitness test. This physical fitness test will be graded on a pass/fail basis for every applicant. After an applicant has been extended an offer of employment, final appointment shall be contingent upon the applicant passing a medical and psychological examination as well as passing a background investigation.

- 4) Written Examination for Non-Lateral Patrol Officer

The written examination for applicants for non-lateral Patrol Officer shall be graded on a one-hundred (100) point scale. Only the applicants receiving a grade of seventy-five percent (75%) or higher will continue in the application process and participate in the oral examination. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their test results and the passing applicants shall be scheduled for an oral examination appointment.

- 5) Oral Examination for Non-Lateral Patrol Officer

The applicants for Patrol Officer who scored seventy-five percent (75%) or higher in the written examination shall be given an oral examination which will be graded on a one hundred (100) point scale with a score of seventy-five percent (75%) or higher necessary for passing. The oral examination shall include questioning applicants regarding how they would respond to relevant law enforcement situations and other matters which reasonably test the applicants' ability to perform police work as a Patrol Officer. Within thirty (30) days after the applicants' oral examination, they shall be informed of the score in their oral examination and total overall score, and each passing applicant shall be informed of the date for physical fitness testing.

- 6) Physical Fitness Testing for Patrol Officer

All applicants for the position of Patrol Officer must pass four (4) fitness regimens: a 300 Meter Run; a series of Push Ups; a series of Sit Ups; and, a 1.5 Mile Run. Written criteria for performing and passing each regimen will be approved by the Commission when it announces the submission date for Patrol Officer applications. Moreover, this written criteria will be included with each application.

- 7) Background Investigation

- a. The Commission shall request the Superintendent to arrange for a background investigation for applicants on the eligibility list. An investigation will be conducted on the top applicants to ensure a sufficient certified eligibility list for each opening. The background investigation shall include interviews with the applicant's family, acquaintances, current and former employers, current and former neighbors, references and current and former teachers and school officials. In addition, the applicant's record of criminal history shall be investigated. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.
 - b. All applicants shall execute an appropriate authorization for release of personal information, and cooperate fully in providing information upon request to ensure a thorough and complete investigation. After completion of the background investigation, the Superintendent shall make a recommendation to the Commission as to whether or not the applicant is an appropriate candidate for consideration for appointment as a Patrol Officer.
 - c. As part of the background investigation, all applicable applicants shall undergo a polygraph test(s) based upon a personal data questionnaire that an applicant shall be required to complete and submit to the polygraph examiner. The polygraph examination will adhere to the professional standards of the American Polygraph Association. If the examiner shall deem any of the applicant's responses to be deceptive, the examiner shall inform the applicant and give the applicant the opportunity to explain, deny, or admit the deception. If the applicant denies being deceptive or if the examiner finds an explanation to be unsatisfactory, the applicant shall be given the opportunity to reanswer the question or, if determined by the examiner to be necessary, to retake the test.
 - d. Eligibility of the applicant shall be based upon the criteria set forth in Subsection C(7) of this section and on passing the polygraph examination. The Commission's 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 as to whether the information collected during the background investigation warrants rejection of the candidate.
 - e. Within thirty (30) days after the Commission considers the recommendation of the Superintendent or his/her designee, each applicant will be informed whether he has passed the background investigation. Disqualified applicants may appeal pursuant to Subsection C(10).
- 8) Certification of the List of Eligible Candidates and Appointment

- a. At the completion of the examination requirements set forth in Subsection D(1) through (7), the Commission shall rank all passing applicants receiving the highest score at the top of the Eligibility List and the applicant receiving the lowest passing score at the bottom of the Eligibility 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. In the case of tied scores, the tie shall be broken in favor of the earliest time/date stamp on the application.
- b. The Eligibility List shall be valid for one (1) year from the date the Commission ranks all passing applicants, assigns veterans points and formally adopts the eligibility list. The Commission may, at its sole discretion, by a vote of the majority of the Commission at a duly authorized Commission meeting, extend the Eligibility List up to an additional twelve (12) months. In the absence of a lawful extension by the Commission, the Eligibility List shall expire. The Commission may, at its sole discretion, void an Eligibility List at any time for any reason.

9) Vacancy

The Appointing Authority may fill any vacancy in an existing position of Patrol Officer in the Police Department which occurs as a result of expansion of the Police Department, retirement, resignation, disability or death, by the reappointment or reinstatement of a former employee who has been furloughed. Any officer, who has been furloughed for more than one year, will be required to undergo a medical examination, a psychological examination and a full background investigation, inclusive of criminal conviction search.

10) Vacancy Appointment

If no Furlough List exists or if positions remain to be filled after all names on the Furlough List have been offered re-employment, every vacant position, except that of Superintendent, shall be filled only in the following manner:

- a. The Appointing Authority shall notify the Commission of any vacancy which is to be filled and shall request the certification of three (3) names from the Eligibility List;
- b. If three (3) names are not available, then the Commission shall certify the name(s) remaining on the Eligibility List.

11) Conditional Appointment

When the Appointing Authority deems it appropriate to make an appointment to fill a Patrol Officer vacancy, it shall make a conditional appointment from any of the three (3) names certified as eligible, subject to that person passing the medical and psychological examinations. When one or more of the three (3) applicants on the certified list is a veteran, then the veteran shall be selected.

12) Procedures After Conditional Appointment

After the Appointing Authority selects an applicant from the certified list of three (3) for appointment to fill a vacancy, the candidate shall submit to a medical examination and a psychological examination by the appropriate medical experts. The applicant shall be notified of his conditional appointment contingent upon passing these two components. The medical and psychological examinations shall be as specified in Subsection D(15).

13) Disqualification

Should the applicant be disqualified based upon failure of any of the following components: written examination, oral examination, physical agility test, medical examination, psychological examination or background investigation, the Commission shall then certify another name to be included with the two (2) previously certified names for consideration by the Appointing Authority.

14) Probationary Period

Every successful applicant appointed to the position of Patrol Officer with the Police Department shall serve a one (1) year probationary period. During the probationary period, the Probationer may be dismissed only for cause for the reasons set forth in Subsection C(7). However, at the end of the one (1) year probationary period, if the conduct of the Probationer has not been satisfactory to the Appointing Authority, the Probationer shall be notified in writing that the appointment will not be permanent. At that time, the Probationer's employment shall end. Any Probationer, who is not informed in writing that his performance has been unsatisfactory, shall receive a permanent appointment. Any Probationer who is notified in writing that his appointment will not be made permanent has no rights of appeal under this section.

15) Medical and Psychological Examinations.

Physical 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.

- a. The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by the Appointing Authority and shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question his ability to perform all of the essential functions of the position for which he was conditionally appointed.
- b. If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform any essential functions of a position, a person designated by the Appointing Authority 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.

c. If, at the conclusion of the interactive discussion under subsection D(15)(b), the Appointing Authority determines that the conditional appointee is not qualified, the Appointing Authority shall give written notice to the conditional appointee and the Civil Service Commission.

d. As used in this section, the following definitions shall apply:

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

2. "Physician" shall have the meaning given to it in 1 Pa.C.S. § 1991 (relating to definitions).

3. "Qualified medical professional" shall mean an individual, in collaboration with or under the supervision or direction of a physician, as may be required by law, who is licensed:

a) As a physician assistant pursuant to the Act of December 20, 1985 (P.L. 457, No. 112), known as the "Medical Practice Act of 1985," or the Act of October 5, 1978 (P.L. 1109, No. 261), known as the "Osteopathic Medical Practice Act"; or

b) As a certified nurse practitioner pursuant to the Act of May 22, 1951 (P.L. 317, No. 69), known as "The Professional Nursing Law."

E. PROCEDURE FOR THE EXAMINATION OF CANDIDATES FOR THE POSITIONS OF CORPORAL, SERGEANT, LIEUTENANT, CAPTAIN AND DEPUTY SUPERINTENDENT

1) General Examination Requirements for Promotions.

a. Corporal and Sergeant.

The examination for the positions of Corporal and Sergeant shall be 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. After a candidate has been extended an offer of promotion, the promotion shall be final.

b. Lieutenant.

The examination for the position of Lieutenant shall be 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. After a candidate has been extended an offer of promotion, the promotion shall be final.

c. Captain.

The examination for the position of Captain shall be an oral examination which will be graded on a one hundred (100) point scale. After a candidate has been extended an offer of promotion, the promotion shall be final.

d. Deputy Superintendent.

The examination for the position of Deputy Superintendent shall be an oral examination which will be graded on a one hundred (100) point scale. After a candidate has been extended an offer of promotion, the promotion shall be final.

2) Oral Examinations.

a. All applicants for the positions of Corporal, Sergeant, Lieutenant, Captain and Deputy Superintendent shall be given an oral exam which will be graded on a one hundred (100) point scale. The oral examination process designated by the Commission shall, in addition to any other issues deemed appropriate by the Commission or its designee(s), include questioning applicants regarding how they would respond to relevant law enforcement situations and other matters which reasonably test the officer's ability to perform police work in that particular Rank.

b. The manner in which the oral examination process is conducted, as well as the identity of the individuals who will actually administer the oral examinations, shall be determined by the Commission.

3) Certification of the List of Eligible Candidates for Promotion

a. At the completion of the promotional examination requirements set forth in Subsections E(1) and (2), the Commission shall, for each promotion test, rank all passing applicants receiving the highest score at the top of the Eligibility List and the applicant receiving the lowest passing score at the bottom of the list. In the case of tied scores, the tie shall be broken in favor of the earliest time/date stamp on the candidate's letter of intent to be examined.

- b. The Eligibility List shall be valid for one (1) year from the date the Commission ranks all passing applicants and formally adopts the Eligibility List. The Commission may, at its sole discretion, by a vote of the majority of the Commission at a duly authorized Commission meeting, extend the Eligibility List up to an additional twelve (12) months. In the absence of a lawful extension by the Commission, the list shall expire. The Commission may, at its sole discretion, void an Eligibility List at any time for any reason.

4) Probationary Period

Every successful applicant appointed to a promotional position with the Police Department shall serve a one (1) year probationary period. A promoted officer, during probation, may be returned to a prior Rank only for cause for the reasons set forth in Subsection C(7). However, at the end of the one (1) year probationary period, if the conduct of the Probationer has not been satisfactory to the Appointing Authority, the Probationer shall be notified in writing that the appointment will not be permanent. At that time, a promoted officer shall return to his previous Rank. Any Probationer who is not informed in writing that his performance has been unsatisfactory shall receive a permanent appointment to the new position. Any Probationer who is notified in writing that his appointment will not be made permanent has no rights of appeal under this Ordinance.

F. SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK

1) Grounds for Disciplinary Action

- a. No person appointed to a position in the Police Department pursuant to this Ordinance may be suspended without pay or removed and no person promoted in Rank pursuant to this Ordinance may be reduced in Rank except for the following reasons:
 - 1. Physical or mental disability affecting his ability to continue in service, in which cases the person shall receive an honorable discharge from service;
 - 2. neglect or violation of any official duty;
 - 3. violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony;
 - 4. inefficiency, neglect, intemperance, disobedience of order, or conduct unbecoming an officer
 - 5. intoxication while on duty;

6. engaging or participating in conducting of any political or election campaign otherwise than to exercise his own right of suffrage, except that this clause shall only apply to a police officer while on duty or in uniform or while using any township property.
 7. engaging or participating in the conduct of any political or election campaign for an incompatible office pursuant to section 1401 of the First Class Township Code.
- b. No Police Officer shall be removed for religious, racial, color, national origin, gender, age, veteran's status, marital status or non-job-related physical or mental handicap or disability, or political reasons.

2) Furloughs

If for reasons of economy or other valid reasons, it shall be deemed necessary by the Appointing Authority to reduce the number of Police Officers in the Police Department, then the Appointing Authority shall furlough the person or persons, including probationers, last appointed to the respective force.

- a. Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have been accomplished.
- b. In the event that the Appointing Authority decides to increase the number of Police Officers in the Police Department, the furloughed Police Officers shall be reinstated in order of their seniority in the Police Department if the furloughed Police Officer accepts reinstatement in writing within thirty (30) days of receiving notice of the opening.
- c. Any furloughed Police Officer must accept reinstatement in writing within thirty (30) days of receiving notice of the opening or shall forego the reinstatement.

3) Notice of Suspension, Removal or Reduction in Rank

- a. Whenever a Police Officer is suspended, removed or reduced in Rank, the specific charges warranting such actions shall be stated in writing by the Appointing Authority clearly and in sufficient detail to enable the Police Officer to understand the nature of the charges against him and to allow him an opportunity to respond to those charges. The charges shall specify the subsection of Subsection F(1) which provides the basis for the disciplinary action as well as an explanation of the factual circumstances upon which the appointing authority relied in finding a violation of Subsection F(1).
- b. Hearings shall be before the Commission. Within five (5) days after the imposition of disciplinary action, a written statement of the charges shall

be delivered to the officer either by personal service or by certified mail. In addition, the charges shall notify the officer of the right to appeal under Subsection F(4) of this section. A copy of the statement of charges shall also be served upon the members of the Civil Service Commission.

- 4) Hearings on Suspension, Removals and Reductions in Rank
 - a. The Police Officer who has been suspended, removed or reduced in Rank may appeal such decision by written notice to the Chairperson, Township of Radnor Civil Service Commission, 301 Iven Avenue, Wayne, PA 19087, requesting a hearing. The notice must be received by the Commission no later than ten (10) days of the Police Officer's receipt of the notice under Subsection F(3)(b). 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. Hearings shall be conducted by the Commission. The Commission shall schedule a hearing within ten (10) days from receipt of the Police Officer's written request for a hearing. At any such hearing, the officer against whom the charges have been made may be present and represented by counsel, may call witnesses and present testimony and documentation in defense. The Township of Radnor 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.
 - c. All testimony shall be given under oath administered by the chairperson, or in the absence of the chair, the vice-chairperson. The Commission shall have the power to issue subpoenas as set forth in Subsection B(10). The hearing shall be open to the public unless, prior to the commencement of the hearing, a written or oral request to close the hearing is made by either the charged officer or the Township of Radnor.
 - d. In conducting a hearing under this Ordinance, the Commission's standard of review shall be to determine whether a preponderance of evidence has been presented to support the reason for the disciplinary action. The Commission may request post-hearing briefs, and shall issue a written decision containing specific findings of facts and conclusions of law within 60 days of receipt of the hearing transcript.
 - e. In the event the charges are dismissed, the record shall be sealed and not be available for public inspection. Additionally, the Police Officer sought to be suspended, removed or demoted shall be reinstated with full pay for the period of the suspension, removal or demotion, and no charges relating to the suspension, removal or reduction in Rank shall be officially recorded in the officer's record.

REPEALER

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SEVERABILITY

If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

EFFECTIVE DATE

This Ordinance shall become effective upon adoption.

ENACTED and ORDAINED by the Board of Commissioners this 10 day of February, 2020.

TOWNSHIP OF RADNOR

BY: _____

Jack Larkin

ATTEST: _____

Robert A. Zienkowski, Township Manager/Secretary

William White Acting