

RESOLUTION NO. 2026-CSC-01

**A RESOLUTION OF THE
CIVIL SERVICE COMMISSION OF SOUDERTON BOROUGH
RECOMMENDING THAT THE SOUDERTON BOROUGH COUNCIL
APPROVE AMENDMENTS TO THE CIVIL SERVICE RULES AND
REGULATIONS AND RECOMMENDING AN IMMEDIATE EFFECTIVE
DATE FOR SAID AMENDMENTS**

WHEREAS, the Borough Code calls for the creation of rules and regulations to effectuate the civil service requirements for police (8 Pa.C.S. § 1176); and

WHEREAS, the Borough Code additionally allows for the amendment, from time to time, of rules and regulations upon approval by Borough Council; and

WHEREAS, the Civil Service Commission of Souderton Borough has prepared proposed amendments to the existing civil service rules and regulations and recommend their adoption; and

WHEREAS, the civil service rules and regulations, as proposed to be amended, are attached hereto and incorporated herein as "**Exhibit A.**"

NOW THEREFORE, BE IT RESOLVED by the Civil Service Commission of Souderton Borough, Montgomery County, Commonwealth of Pennsylvania that:

1. The Civil Service Commission of Souderton Borough recommends to the Souderton Borough Council that it adopt at its next regular public meeting the civil service commission rules and regulations as amended, attached hereto and incorporated herein as "**Exhibit A.**"
2. The Civil Service Commission of Souderton Borough requests that any approval by Borough Council of the amended civil service commission rules and regulations take effect immediately upon adoption.

RESOLVED, this 16th day of APRIL, 2026 at a regular public meeting of the Civil Service Commission of Souderton Borough.

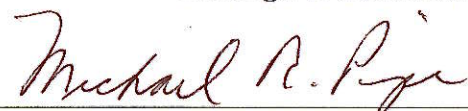
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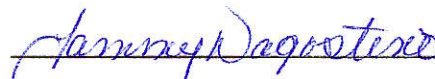
**Civil Service Commission of the
Borough of Souderton**



Michael R. Pipe, Chair



Richard W. Gruss, Vice-Chair



Tammy Dagostino, Secretary

Date: 4-16-2026

EXHIBIT A

Borough of Souderton, Montgomery County Pennsylvania

**Rules and Regulations
of the
Civil Service Commission**

Version: April 16, 2026

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Article 1. Definitions of Terms Used in These Rules

As used in both the "Definitions" Section as well as the body of these Rules, the use of the pronouns "he," "his," and "him," and the term "men," shall not be construed to be gender-specific and shall include any gender.

Unless otherwise expressly stated, the following words and phrases, wherever used in these Rules, shall be construed to have the meaning indicated in this Article.

Applicant: Any individual who applies in writing and on a form prescribed by the Civil Service Commission in response to a legally advertised notice of vacancy and/or examination for any position in the Police Department.

Alternate Commissioner: An individual appointed by the Borough Council to serve on the Commission 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 Borough Code.

Appointing Authority: This term is synonymous and interchangeable with the Borough Council of the Borough of Souderton, Montgomery County, Pennsylvania, which is the duly elected governing body of the Borough and possesses the legal authority to exercise executive control over the appointment, suspension, promotion, and discipline of an employee covered by these Rules.

Borough: The Borough of Souderton, Montgomery County, Pennsylvania.

Borough Building: Souderton Borough Hall.

Borough Code: Title 8, Part I of the Pennsylvania Consolidated Statutes.

Borough Council: The Council of Souderton Borough, Montgomery County, Pennsylvania.

Certification: The Commission's act of providing to the Appointing Authority the top three names taken from the eligibility list developed by the Commission at the request of the Appointing Authority.

Chair: The Chair of the Commission.

Civil Service Rank (or "Rank"): Any position of employment within the Souderton Borough Police Department that has been obtained in strict compliance with the procedures set forth in these Rules and with respect to which there exists civil service protection.

Commission: The Civil Service Commission of Souderton Borough, Montgomery County, Pennsylvania.

Commission Secretary: The Secretary of the Commission.

Commissioner: An individual duly appointed by the Appointing Authority to serve as a member of the Commission.

Eligibility List: The list of names of persons who have satisfied the minimum requirements for a particular position in the Police Department covered by these Rules and who have passed the written, oral, and physical agility examinations.

Examination: Any test or investigation administered by the Commission or its designee as part of the process for assessing the merit and fitness of an Applicant for an initial or promotional appointment covered by these Rules.

Furlough List: The list containing the names of persons separated from employment with the Police Department because of a reduction in the number of officers in the Department.

Medical Examination: Any examination, procedure, inquiry or test designed to obtain information about the medical history or a physical 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.

Paid Administrative Leave: A period of time where a Police Officer is directed by the Borough Council not to perform his regular duties or regularly report for work, with continuing regular base pay and benefits, for any reason.

Patrol Officer: As utilized in these Rules, an entry-level, sworn full-time or part-time position in the Police Department. The Appointing Authority shall retain full discretion in determining which part-time patrol officer receives an offer of full-time employment. The number of hours worked on a daily, weekly, monthly or annual basis shall have no impact on an officer's civil service classification as a full or part-time police officer.

Physician: Any individual satisfying the definition of "physician" contained in 1 Pa.C.S. § 1991 (relating to definitions).

Police Officer: Any natural person properly employed by the Police Department as a regular full-time or part-time police officer who has been appointed or promoted under these Rules, regardless of rank.

Police Department: The Souderton Borough Police Department.

Probationary Period: The period of time prescribed under these Rules during which the Borough assesses whether a newly-appointed Police Officer's conduct and fitness in a civil service position has been satisfactory and during which time the appointment or promotion remains temporary and not protected by these Rules.

Psychological Examination: Any examination, procedure, inquiry, or test designed to obtain information about the 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" (63 P.S. §§ 401 – 422.51a) or the Act of October 5, 1978, known as the "Osteopathic Medical Practice Act" (63 P.S. §§ 271.1 – 271.18); or (2) as a certified registered nurse practitioner pursuant to the Act of May 22, 1951, known as "The Professional Nursing Law" (63 P.S. §§ 211 – 226).

Reduction in Rank: A change from one civil service rank to a lower civil service rank resulting in a decrease of salary, where the Police Officer fulfilled all of the requirements for both 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.

Removal: The permanent removal of a Police Officer, hired in strict compliance with these Rules, from the Police Department pursuant to Section 1190 of the Borough Code, 8 Pa.C.S. § 1190.

Rules: The Rules and Regulations of the Civil Service Commission of the Borough of Souderton.

Suspension: The temporary, unpaid removal of a Police Officer hired in strict compliance with these Rules from the Police Department pursuant to Section 1190 of the Borough Code, 8 Pa.C.S. § 1190.

Veteran: Any individual who meets any definition of "veteran" as defined in Section 7101.2 of the Veteran's Preference Act, 51 Pa.C.S. § 7101.2. The term shall not include an individual who was a cadet at a military academy but never obligated himself/herself to perform, or otherwise undertook, any subsequent military service.

Article 2. Commission Members & Operation

2.1 The Civil Service Commission

(a) **Commissioners.** The Commission shall consist of three (3) Commissioners who shall be qualified electors of the Borough and shall be appointed by Borough Council initially to serve for the terms of two, four and six years, and as terms thereafter expire shall be appointed for terms of six 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.

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, in the form prescribed by 53 Pa.C.S. § 1141. No Civil Service Commissioner shall receive compensation.

(b) **Alternate Commissioners.** The Borough Council may appoint no more than three (3) qualified electors of the Borough to serve as alternate members of the Commission. The term of office shall be six (6) years. Designation of an alternate member pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among the alternates.

When seated pursuant to Section 1174 of the Borough Code, an Alternate Commissioner shall be entitled to participate in all proceedings and discussions of the Commission to the same and 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 Borough Code and as otherwise provided by law. Alternates shall hold no other office in the Borough. Any Alternate 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 1174 of the Borough Code.

2.2 Offices Incompatible with Civil Service Commissioner

No Commissioner shall at the same time hold an elective or appointed office under the government of the United States, 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 shall meet and organize on the second Monday of January of each even-numbered year at a time and place to be advertised by the Commission and/or Borough. Each Commissioner shall be notified in writing of each and every Commission meeting. Three (3) members of the Commission shall constitute a quorum and no action of the Commission shall be valid unless it has the concurrence of at least two members.

(b) 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. An alternate member of the Commission shall continue to serve on the Commission in 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. No action of the Commission may be valid unless it has the concurrence of at least two members.

(c) 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" under Subsection 2.3(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.

2.4 Duties of the Chair

The Chair, or in his 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 or these Rules.

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 or these Rules. In addition, the secretary shall have charge of and be responsible for the safekeeping of the books, papers, and other property of the Commission.

2.6 Meetings

Except for the biennial organization meeting, all meetings shall be held either at the call of the Chair or at the call of two 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. The Secretary of the Commission shall give each Commissioner twenty-four (24) hours advance notice, in writing, of each and every meeting of the Commission.

2.7 Clerks, Supplies, and Solicitor

The Borough Council 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 shall assist the Commission with all reasonable and appropriate efforts including compensation for any counsel or experts retained by the Commission.

The Borough shall also provide the services of a solicitor for the Commission to be appointed by the Commission and paid by the Borough. The Borough shall have the authority to place a reasonable limit on the amount allowed each year for the services of the Commission solicitor.

2.8 Amendment of Rules

The Commission may, by Resolution adopted by a majority of the Commission at any properly convened meeting of the Commission, recommend to Borough Council to amend, revise, void, or replace these Rules for any reason. Any amendment, revision, rescission, or replacement to these Rules must first be approved by Resolution by the Borough Council before it becomes effective, and if approved, shall become effective immediately upon adoption unless a different date is prescribed by Borough Council. If Borough Council declines to approve any particular amendment, revision, rescission, or replacement recommended by the Commission, it shall not take effect. These Rules, and any amendments thereto, shall be made available to the public for distribution or inspection; provided, however, that any draft amendments to the Rules shall not be subject to distribution or inspection unless and until they are placed on an agenda for consideration by the Commission at any regular or special meeting.

2.9 Minutes and Records

The Commission shall keep minutes of its proceedings and records of examinations and other official action. 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. Notwithstanding the above, all recommendations of Applicants for appointment received by the Commission shall be kept and preserved for a period of five (5) years.

With the exception of documents identified in Section 6.4(b) of these rules (relating to the sealing of the record where the Commission does not uphold disciplinary charges against an officer), any and all records related to any disciplinary action filed with the Commission shall be open to public inspection subject to reasonable regulation. The Secretary shall keep minutes of the Commission's proceedings showing the vote of each member upon each question. If the member is absent or fails to vote, the Secretary shall indicate that fact in the minutes.

2.10 Investigations

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

2.11 Subpoenas

The Commission shall have the power to issue subpoenas over the signature of the Chair, 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 or polygraph examination conducted pursuant to Sections 5.7 and 5.8 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 expense of the Commission.

All Officers in public service and employees of the Borough 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 for a term not to exceed thirty (30) days. If the General Assembly enacts an amendment to state law which provides for a greater penalty upon conviction of contempt, such state law provision shall apply and supersede this paragraph.

If any person shall refuse or neglect to obey any subpoena, the Commission may apply by petition to the Court of Common Pleas of Montgomery County 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.

2.12 Annual Report

The Commission shall, at its first meeting of each calendar year, make an annual report to Borough Council containing a brief summary of its work during the immediately preceding year and a full accounting for any expenditures of public monies. The Commission shall decide which Commissioner(s) and/or staff member and/or consultant of the Commission shall prepare the annual report. The annual report, once adopted by the Commission by Resolution, shall be available for public inspection.

2.13 Conflict of Interest

Should any Commission member be of relationship to or have knowledge of any facts of or about any persons and/or cases which may potentially cause him or her to be unable to act fairly and impartially regarding the matter at hand, disclosure of the relationship or the possession of such knowledge shall be made to all other members of the Commission prior to the commencement of the hearing or meeting. At that time:

- The member in question may elect to refrain from participation in the hearing or meeting process; or
- The other Commission members may vote upon whether or not the biasing value of the knowledge is such to warrant the exclusion of the member's vote.

If a conflict of interest does occur, and the member elects to refrain from participation or the member's vote is disqualified, then for the duration of the meeting or the hearing process, one of the Commission's alternate members shall replace the member in question. If an alternate member of the Commission is not available, then the Commission will no longer have a Quorum.

Article 3. Procedures for Appointment and Promotion

3.1 Application for 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 to Authorities. In addition, the application shall require, at a minimum, the following information: (1) the Applicant's full name and residence or post office address, (2) the Applicant's citizenship, place and date of birth, (3) the Applicant's condition of health and physical capacity for public service, (4) the Applicant's business or employment and residence for the past five years, and (5) any other information as may be required by these Rules.

In the event the Commission chooses to participate in a consortium for the hiring of an entry level Patrol Officer, the location of the submitted application may be adjusted to be in compliance with the requirements set forth by the consortium as approved by the Commission.

3.2 Non-Discrimination in Employment Decisions

The Borough of Souderton is an equal opportunity employer. It is the policy of both the Borough and the Commission to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, biological sex, gender identity, sexual orientation, age, veteran status, marital status, or non-job related physical or mental condition. The Borough and the Commission will provide equal opportunities in employment and promotion.

3.3 Availability of Applications

Application forms shall be available to all interested persons in the office of the Police Department, 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 Minimum Age For Application

All Applicants must have reached their twenty-first (21st) birthday before the deadline for submitting completed applications.

3.5 General Qualifications For All Applicants

Every Applicant for any position in the Police Department shall possess a diploma indicating successful graduation from any publicly-funded high school, any private high school licensed by the Department of Education of this Commonwealth or another state's equivalent licensing agency, or any parochial high school, or must possess credentials indicating a passing score on the General Educational Development Test ("GED"). In addition, every Applicant must be a United States citizen, must be physically and mentally fit to perform the full duties of a Police Officer, must be able to legally possess a firearm as that term is defined under 18 Pa.C.S. 6105, and, prior to appointment, must possess a valid, unexpired motor vehicle operator's license issued or recognized by the Commonwealth of Pennsylvania.

Every Applicant for any position must also meet the standards set forth by the Policies and Procedures of the Souderton Borough Police Department as it pertains to appearance; to include hair, piercings, and tattoos.

3.6 Offices Incompatible With Police Officer

A Police Officer may not hold an elective office in the Borough.

A law enforcement officer who is employed by a regional department, council of government, or other cooperative venture may not hold an elective office of any municipality that participates in the regional department, council of government or other cooperative venture.

In the event that the Police Department enters into a contract to provide police services to another municipality or other municipalities, no Police Officer may hold elective office in any other such municipality.

Applicants who hold elected office which is incompatible with an office identified in this Section shall be deemed to not possess the minimum requirements for appointment set forth in these rules.

3.7 General Qualifications For Promotional Appointments

(a) In addition to satisfying the requirements for entry level appointment contained in Section 3.5 of these rules, any Applicants for a promotional position, except the position of Chief of Police, is ineligible for promotion if he/she has been suspended without pay in the one year period immediately preceding the deadline for submitting applications. Any suspension which the applicant has timely appealed pursuant to a contractual grievance procedure or these Rules shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

(b) An Applicant for the position of Sergeant or Corporal shall have a minimum of five (5) years of service with the Police Department. An Applicant for the position of Lieutenant shall have at least two (2) years of service as a Sergeant or Corporal in the Police Department.

(c) Ineligibility for Future Examinations for Six Months: If an Applicant for any position or promotion fails to obtain a passing grade in any examination, such Applicant shall not be eligible for a subsequent examination for any position in the Police Department for a period of six (6) months.

3.8 Rejection and/or Removal of Applicant

(a) The Commission may refuse to examine or, if examined, may refuse to certify after examination as eligible, any Applicant who is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which he has applied, or who is physically unfit for the performance of the duties of the position to which he seeks employment, or who is illegally using a controlled substance as defined in the federal Controlled Substances Act, 21 U.S.C. §§ 801 & 812, or who has been guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the forms of government set forth in the Constitution and laws of the United States and the Commonwealth of Pennsylvania, or any other reason under Section 1183(a) of the Borough Code which may be enacted subsequently to these Rules.

(b) If a recommendation is made to the Commission that any Applicant is to be rejected for any reason set forth in subsection (a), then the Commission will, upon the request of the Applicant, within ten (10) days of such request hold a hearing pursuant to Section 3.11 of these Rules. The decision of the Commission to remove any applicant from further consideration in the hiring process shall be final.

(c) In the event that the Borough utilizes the services of a consortium to administer its written examination, the time for filing a challenge to the score which the Applicant receives on a written examination begins when the Applicant receives the written score test result or notice of the results of the testing are posted by the Consortium, regardless of whether or not the person or Applicant has an application for employment pending with the Borough. In the event that such an Applicant or person requests a hearing regarding his written examination score, any previous decision of another municipal Civil Service Commission addressing the propriety of the same written examination shall be persuasive, but not binding on the Borough's Civil Service Commission.

3.9 Recording and Filing Applications

Applications for positions in the Police Department shall be received at the Borough Administrative Offices, or at a properly identified location or any other place properly provided to the Applicant or advertised; only after a hiring or promotional test 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. An application shall become invalid one (1) year after the date upon which it was received.

3.10 Penalty for False Statement

The statements made by the applicant in the official application shall contain no falsification, omission, misrepresentation, or concealment of any fact. Should investigation disclose any intentional, knowing, or reckless falsification, omission, misrepresentation, or concealment with respect to an application, then:

- (a) The application shall be invalid and the applicant shall be disqualified from examination; or
- (b) If the applicant shall have been examined, the name of such applicant shall be removed from the eligible list; or
- (c) If the applicant shall have been appointed, such misstatement, falsification, or concealment shall result in immediate dismissal from the Police Department.

3.11 Hearing for Disqualified Applicants

Any applicants or other persons who believe that they are aggrieved by a refusal to examine or to certify them as eligible after examination, may request a hearing before the Commission. Within ten days after such request, the Commission shall designate a time and place for the public hearing which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa.C.S. § 101 et seq. Both the rejected Applicant and the Borough may be represented by counsel of their choosing, testimony will come from witnesses under oath or affirmation, and the proceedings shall be stenographically transcribed. If a stenographer is not present for the hearing, the audio of the hearing shall be recorded and then later transcribed. 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.

3.12 Public Notice

The Commission shall conspicuously post in the Borough Building an announcement of the hiring or promotional testing and set forth 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, and the deadline for filing those applications. In addition, at least two weeks prior to the close of the application period, publication of the notice shall occur in at least one newspaper of general circulation or a newspaper circulating generally in the Borough.

The criteria established in Section 3.11 is the minimum standard required for Public Notice. The Commission may, at its sole discretion, advertise and announce the hiring procedure in any additional manner or format that it deems appropriate.

Article 4. Examination Procedure and Scoring

4.1 General Examination Requirements for the Position of Patrol Officer

The examination for Patrol Officer will consist of a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing forty percent (40%) of the final score and the oral examination representing sixty percent (60%) of the final score. In addition, each Applicant shall undergo a physical agility examination and a background investigation (which may include a polygraph examination) which shall 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 undergoing a medical and psychological examination and receiving a determination that he/she is capable of performing all the essential functions of the position, consistent with Section 1189 of the Borough Code.

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 Patrol Officer.

The sequence for the above exams/investigation shall be as follows: (1) written examination; (2) physical agility test; (3) oral examination; (4) polygraph examination; and (5) background examination.

Prior to the start of a new hiring process which will culminate in a new eligibility list, the Commission, or its designee, may change the sequence for the examinations.

Section 5.2 of these Rules shall govern exceptions that may apply to the examination requirement in situations where a former employee of the Police Department, who has previously complied with all examination requirements and these Rules, seeks reappointment or reinstatement to the Police Department to fill a vacancy which occurs as a result of retirement, resignation, disability, or death.

4.2 General Examination Requirements for Promotions

The examination for the positions of Corporal, Sergeant, or 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 (50%) of the final score and the oral examination representing fifty percent (50%) of the final score.

The examination process for the position of Corporal, Sergeant or Lieutenant may include a physical agility test, psychological examination, and physical examination. The Commission, or its designee, will have the sole discretion in determining if any additional examinations other than a written and oral examination will be required.

4.3 Appointment of Examiners

The Commission, or its designee, shall appoint a qualified consultant(s), agency(ies), and/or individual(s) to act as examiner(s) for the written examination, oral examination, physical agility test, and any polygraph examination. In the case of a physical medical examination or psychological medical examination under Section 1189 of the Borough Code, the physician, other qualified medical professional, psychiatrist, and/or psychologist must be appointed by Borough Council.

Upon conclusion of any examination, the person(s) conducting the examination shall with reasonable promptness submit to the Commission a brief statement confirming the examination occurred by providing (1) the name(s) and contact information of the examiner(s), (2) the name and signature of the examinee, (3) the type of examination conducted, and (4) the date(s) on which the examination was conducted.

4.4 Written Examination

The written examination shall be graded on a 100-point scale, and an applicant must score seventy percent (70%) or higher and receive one of the top 15 scores in order to continue in the application process. Applicants scoring less than seventy percent (70%) shall be rejected. The remaining Applicants not receiving one of the top 15 (fifteen) scores, including ties, may 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 each passing applicant shall be informed of the next step in the examination process.

For entry level Police Officer testing, if more than fifteen (15) Applicants have scored seventy percent (70%) or better, then the Commission, or its designee, at their sole discretion, may increase the number of Applicants to continue on with the application process.

4.5 Oral Examination

Every Applicant who scored seventy percent (70%) or higher on the written examination and who receives one of the top 15 (fifteen) scores, or the higher number that may have been established by the Commission or its designee for entry level Police Officer testing, including ties, shall be given an oral examination which will be graded on a 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 their oral examination and total overall scores, and each passing Applicant shall be informed of the next step in the examination process.

The Commission, at its sole discretion, will determine the number of candidates who proceed to the background and polygraph examinations; provided they pass the written, physical agility and oral examinations as provided in this section. At no time will any candidate's name appear on a list of three for potential hiring unless all of the required testing has been successfully completed.

4.6 Physical Agility Testing

An Applicant for the position of Patrol Officer must successfully complete a physical agility test which is approved by the Commission utilizing, among other things, any recommendation of the Borough's Chief of Police. Such test shall be job-related, consistent with business necessity and designed to test physical agility components applicable to performing the essential duties of a Borough Police Officer. The physical agility test will be graded on a pass/fail basis.

The physical agility test will be constructed in a manner that is consistent with the guidance from the Municipal Police Officers' Education and Training Commission ("MPOETC"). It is generally accepted that the test may include a 300-meter run, bench press, sit ups, and a 1.5-mile run. Individual standards will also be established based on an Applicant's age and gender. All Applicants will be made aware of the physical agility testing standards prior to the date of the testing.

4.7 Veterans' Preference Points

Pursuant to the Veterans' Preference Act, 51 Pa.C.S. §§ 7101 – 7111, any Applicant for the position of Patrol Officer who qualifies as a Veteran under Section 7101.2 thereof and has received a passing score on each of the written, oral, and physical agility examinations shall receive an additional ten (10) points on top of the combined weighted written and oral examinations scores as prescribed under these Rules. The ten (10) additional Veterans' preference points may not be used to raise an otherwise non-passing score to a passing score on the written or oral examination. Any Applicant claiming Veterans' preference is responsible for providing any and all relevant documents to the Commission, which shall, at a minimum, include a form DD-214, no later than two business days immediately prior to the date of the written examination.

Article 5. Creation and Certification of the List of Candidates Eligible for Appointment

5.1 Creation of The Eligibility List

At the completion of the examination requirements set forth in Article 4, the Commission shall rank all passing applicants on a list in descending order, 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 (the "Eligibility List"). Applicants for Patrol Officer who qualify for Veterans' preference points and who have provided the documentation specified in Section 4.7 of these rules shall have those points added to their passing score prior to being ranked on the Eligibility List.

The Commission shall post in its office the Eligibility List containing the names and grades of those who have passed the examination.

For an entry-level Police Officer position, if any tie scores are recorded, the Applicant who submitted his/her properly completed initial application earliest in time among those who tied will be ranked in the higher position and therefore be considered for employment before any other Applicants who received the same score.

For promotional positions (i.e. Corporal, Sergeant, or Lieutenant), fulfilling the performance requirement set forth in Article 3.6 is also required. In the case of tied scores, the tie will be broken by giving preference to the Applicant who has been employed by the Souderton Borough as a full-time police officer for the longer period of time. Part-time employment will not be considered as it applies to this specific Section.

The eligibility list will be valid for one year from the date the Commission ranks all passing Applicants, assigns Veterans' preference points, and formally adopts the Eligibility List. The Commission may, at its sole discretion, before the original expiration date, by a vote of the majority

of the Commission at a duly authorized Commission meeting, extend the list for up to an additional twelve (12) months. The Commission may, at its sole discretion, void an eligibility list at any time for any reason.

5.2 Appointment of Previously Employed Officers in Certain Cases

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 that occurs as a result of retirement, resignation, disability 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 previously complied with the provisions of the civil service requirements. Except for a physical examination, no other testing shall be required for a furloughed, rehired, or reappointed employee, subject to any recertification requirements prescribed by the Municipal Police Officers' Education and Training Commission.

Section 5.4 of these Rules addresses vacancies which are to be filled by promotion.

5.3 Original Appointments From A Valid Eligibility List

(a) If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, and the Borough does not choose to fill any existing eligible vacancy pursuant to Article 5.2 of these Rules, then the open position, except in the case of the position of Chief of Police, 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 the certification of three (3) names from the eligibility list;

(2) If three (3) names are not available, then the Commission shall certify the name(s) remaining on the list; and Borough Council may appoint from the remaining names or request the Commission to hold a new testing to create a new Eligibility List.

(3) After undertaking interviews with the certified Applicants, Borough Council may make a conditional appointment only from one of the three names certified with reference to the merits and fitness of the candidates. However, for initial appointment to Patrol Officer, when any of the Applicants on the certified list are Veterans, any Veterans shall be given preference over non-Veterans.

(b) The Borough Council may object to one or more of the persons certified for the reasons set forth in Section 3.8 of these Rules. If the candidate to whom the Borough Council objects fails to

timely exercise the rights of appeal under Section 3.11 of these Rules, or if the Commission declines to uphold the 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 for each name stricken off.

(c) Whenever the name of an eligible candidate is certified to the Borough Council, he/she shall be notified at the address provided on the application for employment of such certification. The notice shall state that, unless the eligible candidate, within five (5) days after receipt of such notice, notifies the secretary of the Commission that he is available for appointment, he shall be considered as having withdrawn himself from consideration for appointment to the vacant position. In the event that a person shall fail to notify the secretary of the Commission that he is available for appointment within five (5) days after receipt of such notice, and shall fail to give satisfactory reasons for his failure to report, his name shall be removed from the eligibility list.

5.4 Promotional Appointments

Borough Council shall notify the Commission of a vacancy in the Police Department which is to be filled by promotion, and shall request that the Commission certify a list which contains the names of three persons on a promotional eligibility list who have received the highest average in the last preceding promotional examination held within a period of two years preceding the date of the request for the eligibility list (the "Promotional Eligibility List"). If three names are not available, the Commission shall certify the names remaining on the Promotional Eligibility List. A promotion shall be based on merit to be ascertained by the promotional examinations and procedures described in Sections 3.7 and 4.2 of these Rules.

Borough Council shall make an appointment from the names certified on the Promotional Eligibility List, based solely on the merits and fitness of the candidate, unless Borough Council makes objections to the Commission regarding one or more of the persons certified for any reason provided under Sections 1183 or 1190 of the Borough Code and/or Section 3.8 of these Rules.

Borough Council may determine in each instance whether an increase in salary constitutes a promotion, regardless of whether there is a change in rank.

5.5 Appointment of Chief of Police

In the case of a vacancy in the office of Chief of Police, Borough Council has full discretion in selecting the individual to fill the position of Chief of Police and may submit to the Commission a nomination of a person to fill the office of Chief of Police. The Commission may subject the nominated person to a noncompetitive examination, the form of which may be designed by the Commission or a consortium.

If the nominee is certified by the Commission as qualified, the nominee may then be appointed by Borough Council as Chief of Police. Once appointed, if the Borough Council also votes to bestow civil service status on the Chief of Police, the Chief of Police shall thereafter be subject to the civil service provisions of the Borough Code where applicable and may only be removed from the position of Chief of Police for the reasons set forth in Section 1190 of the Borough Code and/or Section 6.1 of these Rules.

5.6 Medical and Psychological Examinations

(a) After the Borough Council selects a candidate from the certified list for appointment to a vacant position, the candidate 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 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. All medical experts who provide services under this Section shall be appointed by Borough Council or its designee.

The medical experts so appointed shall render an opinion as to whether or not the candidate has a physical or mental condition which calls into question the candidate's ability to perform all of the essential functions of the position for which the person was conditionally appointed.

(b) If, in the opinion of the medical experts appointed pursuant to this Section, the candidate has no physical or mental condition which calls into question the candidate's ability to perform all the essential duties of the position, then the candidate shall have successfully passed the medical and psychological examinations, and no other conditions shall exist which shall bar the candidate from accepting the offer of employment. However, no candidate will be considered eligible for employment if they cannot pass the minimum standards set forth by the Municipal Police Officers Education and Training Commission.

(c) If, in the opinion of the medical experts appointed pursuant to this Section, the candidate has a physical or mental condition which calls into question the candidate's ability to perform all the essential duties of the position, then the candidate shall not have satisfied the conditions for appointment. In such case, a representative or agent of the Borough Council shall contact the candidate in writing at the address on file with the Commission to determine if the candidate can identify an accommodation which would enable the Applicant to perform the essential duties of a Police Officer. The Applicant shall have fourteen (14) days from the date on which the notice requesting the candidate to identify an accommodation(s) is sent to the candidate in which to reply in writing identifying any such accommodation(s). In the event that the candidate either fails or refuses to identify such an accommodation, the Borough shall consider the candidate as having

withdrawn from further consideration in the hiring process. If the candidate responds within the time allotted under this Section and identifies an accommodation, the Borough shall consider whether or not such requested accommodation is reasonable as the term is utilized by the Americans With Disabilities Act.

In making such a determination, the Borough may require the candidate to undergo a further medical and/or psychological examination to determine the existence of a need for accommodation, the appropriateness of the accommodation requested, as well as the existence of any alternative accommodations which would permit the candidate to perform the essential duties of a Police Officer. If, at the conclusion of the interactive process set forth in the Section, the Borough Council determines that the conditional appointee is not qualified, council shall give written notice to the conditional appointee and the Commission. The written notice from Borough Council shall be treated as a rejection of the conditional appointee pursuant to Section 3.8.

In the event that the candidate's requested accommodation is determined to not be reasonable, then the municipality shall withdraw the conditional offer of employment and shall proceed in accordance with subsection (d) of this Section.

(d) In such an event, if an additional name exists at the top of the eligibility list the Commission shall, after the additional candidate successfully completes the background and polygraph examination set forth in Sections 5.7 and 5.8 of these Rules, include the additional name to the list of top three names for Borough Council to consider. Borough Council shall proceed to offer a conditional offer of employment to an individual on the list certified by the Commission and proceed in accordance with this Section until a candidate who receives a conditional offer of employment is determined to be capable of performing the essential duties of a police officer, with or without a reasonable accommodation.

5.7 Background Investigation

(a) Any individual whose name appears on the Eligibility List and who successfully passes the polygraph examination as described in Section 5.8 herein shall thereafter be required to pass a background examination. The Commission shall request that the Chief of Police or the Chief's designee conduct a background investigation. At the Commission's discretion, background investigations may be restricted to those candidates on the Eligibility List or those to be certified to Borough Council for appointment. The Commission, or its designee, will have sole discretion on which candidates on the eligibility list are required to participate in the polygraph or background investigation.

(b) The background investigation shall include a polygraph examination, interviews with the individual's family, acquaintances, current and former employers, current and former neighbors, references, current and former teachers, and school officials. At a minimum, personal interviews

shall be conducted with at least three (3) people that have personal knowledge of the individual but who are not related to the applicant and also with the individual's employer(s) for the past five (5) years. The background investigation shall also include a criminal history check, including the submission of fingerprints to the Central Repository for the Commonwealth of Pennsylvania and the Federal Bureau of Investigation. The individual's credit history and record of criminal convictions shall also be investigated, as well as the individual's driving record for verification that he/she possesses a valid driver's license which has been free from suspension for the ten (10) years preceding the date on which the individual applied for employment with the Borough. The individual may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

(c) If necessary to complete a thorough background investigation on any individual, the Commission may, upon the request of the Chief of Police or his designee, subpoena the personnel records maintained by any other Police Department(s) by which the individual was previously employed or has applied pursuant to the provisions of Section 1179 of the Borough Code.

(d) After the background investigation is completed, the Chief of Police, or his designee, shall make a written recommendation to the Commission on whether the individual is appropriate for consideration for appointment as a Police Officer.

(e) Appropriateness of the Applicant for the applied-for position after conclusion of the background check shall be determined based on the criteria set forth in Sections 3.5 and 3.7 of these Rules. This recommendation shall be in writing and, if the recommendation is to disqualify, then a written explanation of the reasons for disqualification must be included. The Commission shall make the final determination on whether the information collected during the background investigation warrants rejection of the individual. Within thirty (30) days after the Commission considers the recommendation of the Chief of Police or designee, each individual will be informed of whether he/she has passed the background investigation.

5.8 Polygraph Examination

(a) The Polygraph examination shall be administered as part of the background examination after the creation of an Eligibility List; provided, however, that when practical, the Polygraph examination may be conducted prior to the creation of an Eligibility List and prior to the Commission certifying to the Borough Council the names of the individuals eligible for appointment. When an entry level vacancy occurs, the top three individuals appearing on the Eligibility List for the position shall fill out a Personal Data Questionnaire on a form prescribed or designated by the Commission and undergo a polygraph examination. The Commission shall furnish or approve each polygraph examiner and forms upon which the examiner shall state whether any of the relevant 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, or its designee, 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 Applicant whether there is any more information related to the Personal Data Questionnaire which the Applicant would like to provide. There shall also be a post-test review, during which the examiner shall, if deception is indicated, again ask the Applicant whether there is any information which the Applicant has withheld.

(c) If the examiner shall deem any of the Applicant's responses to be deceptive, the examiner must tell the Applicant immediately and give the Applicant an opportunity to explain, deny, or admit deception. The Commission, or its designee, has the sole discretion in determining if a second polygraph examination is appropriate. If a second polygraph examination is authorized, it will be conducted by a second, independent examiner who does not have access to the results of the first examination. If the second examiner finds no deception, the Applicant will be considered as having passed the polygraph. If the second examiner also finds the Applicant deceptive, the Applicant will be considered as having failed the examination. The polygraph examination shall be graded on a pass/fail basis.

(d) Notwithstanding any other provision in this Article, an Applicant who successfully passes the polygraph examination 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.

5.9 Probationary Period

An original appointment or a promotion to a position in the Police Department shall be for a probationary period of twelve (12) months. The twelve (12) month probationary period will begin on the date that the Candidate is a certified Police Officer in the Commonwealth of Pennsylvania and they have begun their employment with the Police Department. During the probationary period, a newly hired officer shall be considered to be an at-will employee and shall not have the protections of civil service status nor a right of appeal under these rules in the event of suspension or termination during the probationary period. A promoted officer, during probation, shall not have the protections of the civil service status of his new rank during the probationary period and may be returned to a prior rank at any time during the probationary period, for any reason or no reason at all. If at the end of the twelve (12) month probationary period the conduct of the probationer has not been satisfactory to Borough Council, the probationer shall be notified in writing that the appointment will not be permanent. At that time, a newly hired officer's employment shall end. Any officer who is not informed in writing that his performance has been unsatisfactory prior to

the end of the probationary period shall receive a permanent appointment to the new position. The decision of a borough to suspend or discharge a probationer shall be final and shall not be subject to the hearing provisions contained in Article 6 of these Rules.

5.10 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 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 riot or other emergencies.

Article 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 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 officer's ability to continue in service, in which case the officer 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 orders or conduct unbecoming an officer;
- (5) intoxication while on duty;
- (6) engaging or participating in or conducting of any political or election campaign while on duty or while in uniform or while using Borough property, other than to exercise of the person's own right of suffrage; or

(7) engaging or participating in the conduct of a political or election campaign for an incompatible office as provided in Article 3.6 of these Rules and/or Section 1190 of the Borough Code.

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

(c) A written statement of any charges made against any officer so employed shall be furnished to the officer within five (5) days after those charges have been adopted by Borough Council. The person shall then have ten (10) days from the date of receiving such notice to submit to the Commission a written request for a hearing under Section 1191 of the Borough Code and Section 6.4 of these Rules. The conduct of any such hearing shall be governed by Section 6.5 of these Rules and by 2 Pa.C.S. §§ 101 et seq. (the "Local Agency Law").

6.2 Furloughs

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 furlough the person or persons including probationers, last appointed to the force until the appropriate reduction is accomplished. In the event that the appointing authority decides to increase the size of the Police Department, the furloughed officers shall be reinstated in order of their seniority in the department. The furloughed officer may accept reinstatement by notifying the Commission in writing within thirty (30) days of receiving notice of the opening. If no written acceptance is received by the Commission by the above deadline, the furloughed officer shall be deemed to have declined the offer for reinstatement.

These reduction in force provisions are not applicable to the Chief of Police.

6.3 Notice of Suspensions, Removals or Reductions in Rank

Whenever a Police Officer is suspended without pay, removed, or reduced in rank, the specific charges warranting such actions shall be stated in writing by Borough Council. The charges shall be stated clearly and in sufficient detail to enable the officer to understand the charges and to allow the officer an opportunity to respond to those charges. The charges shall specify the subsection(s) of Section 6.1 which provides the basis/bases for the disciplinary action as well as an explanation of the factual circumstances upon which the Borough Council relied in finding a violation of Section 6.1.

Within five days after Borough Council has voted to impose the 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 Article 6.4 of these

Rules. A copy of the statement of charges shall also be served upon the members of the Civil Service Commission.

6.4 Request for hearing on Suspensions, Removals and Reductions in Rank

(a) The officer who has been suspended, removed, or reduced in rank may appeal the decision of the Borough Council by written notice to the Secretary of the Commission at 31 West Summit Street Souderton PA 18964, requesting a hearing. Such written notice shall be made by personal service, certified mail, or facsimile to the Commission, and such request shall be received by the Commission within ten (10) days after 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 will schedule a hearing within ten days of the officer's written request for a hearing, unless continued by the Commission for cause at the request of the Commission, the Borough Council, or the officer. The failure of the Commission to hold a hearing within ten days from the date on which the charges are received by the officer shall not result in the dismissal or modification of the charges and/or penalty filed against or imposed upon the officer. At any such hearing, the officer against whom the charges have been made may be present and represented by legal counsel, and may call witnesses and present testimony and documentation in his defense. The Borough may also be represented by legal 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. If a stenographer is not present for the hearing, the audio of the hearing shall be recorded and preserved, and shall be transcribed in due course. In the event the charges are dismissed, the record shall be sealed and not be available for public inspection.

(c) 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 penalty imposed by the Borough Council unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Council's discretion. In considering the appropriateness of the discipline, the Commission shall not substitute its judgment for that of Borough Council. 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 of receipt of the hearing transcript.

6.5 Hearing Procedure

(a) All testimony shall be given under oath administered by the Chair, or in absence of the Chair, the Vice Chair. The Commission shall have the power to issue subpoenas as set forth in Section 2.11. Unless the Borough Council 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 pursuant to this Section shall be held in the nature of a closed executive session that shall not be open to the public. Any such request shall be presented to the Commission before the civil service hearing commences. The deliberations of the Commission, including interim rulings on evidentiary rulings or procedural issues may be held in private and shall not be subject to a request to be open to the public by the Borough Council, the person sought to be suspended, removed, or reduced in rank, or any other party. The Commission's disposition of the disciplinary action shall constitute official action which shall be held at a public meeting unless, prior to the commencement of the hearing, a written or oral request to close the hearing is agreed to by the charged officer at his request or at the request of the Borough Council, and the Commission decides to honor that request.

(b) 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 in accordance with Section 1191(c) of the Borough Code. No order of suspension without pay shall be made by the Commission for a period longer than one year. In the event that the Commission fails to uphold the charges, then the person sought to be suspended, removed, or demoted shall be reinstated with full pay for the period of the suspension without pay, removal or demotion, and no charges related to the suspension, removal or reduction in rank shall be officially recorded in the officer's record.

Article 7. Amendments

The Commission, with the approval of Borough Council, may, from time to time, amend any part of these rules and regulations in accordance with Section 1176 of the Borough Code.