

Police Civil Service Commission

of

Souderton Borough

2023 Annual Report

February 13, 2024

Summary of Activities and Actions in 2023

1. May 15, 2023

Resignation of Commission Member Michael Moffitt announced at Borough Council Work Session

2. July 10, 2023

Borough Council appointments to the Commission:

Michael Pipe (Member)

Tammy Dagostino (Alternate Member)

3. July 14, 2023

Receipt of email from Chief Newhall

Subject: Civil Service Commission notification of suspension

4. October 19, 2023

Meeting in Large Conference Room in Borough Hall (5 pm)

Meeting Agenda and Meeting Minutes are in Attachment 1

5. December 14, 2023

Meeting in Large Conference Room in Borough Hall (5 pm)

Meeting Agenda and Meeting Minutes are in Attachment 2

Updated Commission Rules and Regulations are in Attachment 3

Attachment 1
Agenda and Minutes
of
October 19, 2023 Meeting



31 West Summit Street
Sonderton, PA 18964
Phone: (215) 723-4371
Fax: (215) 723-5569

www.sondertonborough.org

Borough Council

Tracy W. Burke, President
Edward M. Huber, Vice President
Matthew J. DiNenna
Stephanie Hall
Daryl W. Littlefield
Julie A. Munden
Donna M. Rogers
Matthew R. Sholly
Richard M. Walczak

Mayor
Daniel L. Yocum

Borough Manager
Stacy E. Crandell

Code Enforcement Officer
Steven J. Toy

AGENDA
CIVIL SERVICE COMMISSION
Thursday, October 19, 2023 (5:00 pm)

1. Oath of Office for each Member – Administered by the Mayor
2. Reorganization
 - a. Election of Chair
 - b. Election of Vice-Chair
 - c. Election of Secretary
3. Review of Proposed Changes for Civil Service Rules
4. Other Business
5. Adjournment



Civil Service Commission
October 19, 2023

A meeting of the Souderton Civil Service Commission was called to order at 5:03PM on the above date by Borough Manager Stacy Crandell. The Commission Members in attendance included the following Eric Boynton, Richard Gruss, Michael Pipe, and Tammy Dagostino, Alternate Member. Also in attendance was Council President Tracy Burke, Mayor Daniel Yocum, Borough Manager Stacy E. Crandell, and Police Chief Brian A. Newhall.

Mayor Daniel Yocum administered the Oath of Office to each of the members of the Commission.

Since the Commission had not met in a while and with new members that were appointed, the Commission reorganized. The following members were elected to the following positions:

- Chair Richard Gruss
- Vice-Chair Michael Pipe
- Secretary Eric Boynton

Chief Brian Newhall went over the proposed changes to the Rules and Regulations for Civil Service. The Commission Members discussed the changes. Vice-Chair Michael Pipe volunteered to draft the changes with track changes and send them to the Borough. The next steps are for the Solicitor to review the proposed changes.

Chief Brian Newhall also explained that in the upcoming weeks an additional meeting would be needed for the Commission to certify the new list of police applicants.

Council President Tracy Burke explained that there are trainings available for Civil Service Members and if anyone is interested that the Borough would take care of the training costs.

There being no further business, the meeting was adjourned at 5:58PM.

Respectfully submitted,

Stacy E. Crandell

Stacy E. Crandell, Borough Manager/Secretary

Attachment 2
Agenda and Minutes
of
December 14, 2023 Meeting



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Souderton, PA 18964
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Borough Council

Tracy W. Burke, President
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Mayor
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Borough Manager
Stacy E. Crandell

Code Enforcement Officer
Steven J. Toy

AGENDA
CIVIL SERVICE COMMISSION
Thursday, December 14, 2023 (5:00 pm)

1. Opening of the Meeting
2. Approval of Minutes- October 19, 2023
3. Review of Proposed Changes for Civil Service Rules
4. Other Business
5. Adjournment



**Civil Service Commission
December 14, 2023**

A meeting of the Souderton Civil Service Commission was called to order at 5:07PM on the above date by Chair Richard Gruss. The Commission Members in attendance included the following Eric Boynton, Richard Gruss, Michael Pipe, and Tammy Dagostino, Alternate Member. Also in attendance was Borough Manager Stacy E. Crandell, and Police Chief Brian A. Newhall.

Chair Richard Gruss asked for motion for the approval of the October 19, 2023 Minutes. A motion by Vice-Chair Michael Pipe and seconded by Tammy Dagostino was made. The motion was passed unanimously.

Chief Brian Newhall went over the proposed changes to the Rules and Regulations for Civil Service that were discussed along with a few minor changes. All the rules and requirements were reviewed by the solicitor. The Commission Members discussed the changes and were ok with the changes proposed. A motion by Vice-Chair Michael Pipe and seconded by Secretary Eric Boynton to approve and sign the updated rules and regulations for the Civil Service Commission.

There being no further business, the meeting was adjourned at 5:18PM.

Respectfully submitted,

Stacy E. Crandell

Stacy E. Crandell, Borough Manager/Secretary

Attachment 3

Updated Commission Rules and Regulations

RULES AND REGULATIONS OF THE
CIVIL SERVICE COMMISSION
BOROUGH OF SOUDERTON, PENNSYLVANIA

ARTICLE I
DEFINITION OF TERMS

101. Definitions. Unless otherwise expressly stated, the following words and phrases, wherever used in these rules and regulations, shall be construed to have the meaning indicated herein:

Certification: The submission to the Borough Council of names taken from the eligible list.

Chairman: The Chairman of the Civil Service Commission of the Borough of Souderton.

Commission: The Civil Service Commission of the Borough of Souderton.

Council: The Borough Council of the Borough of Souderton.

Eligible: A person whose name is recorded on a current eligible list or furlough list.

Eligible List: The list of names of persons who passed all examinations for a particular position in the Police Department.

Furlough List: The list of names of persons who were laid off from positions in the Police Department because of a reduction in the number of officers in the Police Department.

Probationer: An officer in the Police Department who has been appointed from any eligible list, but who has not yet completed their work test period.

Reduction in Rank: A change to a different position or rank which results in a decrease in salary; provided, however, that a decrease in salary without a change to a different position or rank shall not constitute a reduction in rank.

Removal: The permanent separation of a police officer from the Police Department.

Suspension: The temporary separation of a member of the Police Department from their position.

Secretary: The Secretary of the Civil Service Commission of the Borough of Souderton.

Borough Secretary: The Secretary of the Borough of Souderton.

All nouns and pronouns in these regulations in the masculine gender are deemed to include the feminine gender as well.

**ARTICLE II
THE COMMISSION**

201. Officers: The Civil Service Commission of the Borough of Souderton, on the first Monday in February of each even numbered year, shall elect one of its members as the Chairman, one Vice Chairman, and one as Secretary. If the first Monday in February is a legal holiday, the meeting shall be held the first day following.

202. Duties of Chairman: The Chairman, or in his/her absence, the Vice Chairman, 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.

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

204. Meetings: Except for the biennial organization meeting, all meetings shall be held either at the call of the Chairman or at the call of two members of the Commission. At least twenty-four (24) hours written notice of each meeting shall be given each member. All meetings of the Commission shall be open to the public.

205. Quorum: A quorum shall consist of two members, and all actions of the Commission shall have the concurrence of at least two members.

206. Order of Business: The order of business of all meetings of the Commission shall be as follows:

- (a) Roll Call.
- (b) Approval of minutes of previous meeting.
- (c) Communications and reports.
- (d) Unfinished business.
- (e) Hearing of cases
- (f) New business.

207. Minutes: The Secretary shall keep minutes of the Commission's proceedings showing the vote of each member upon each question, or, if a member is absent or fails to vote, indicating such fact.

208. Annual Report: The Commission shall submit an annual report to the Borough Council which is also available for public inspection.

209. Conflict of Interest: Should any Commission member be of relationship to or possess information of any facts of persons and/or cases which may prejudice their vote, full disclosure of such knowledge shall be made to all other members of the Commission prior to the commencement of any hearing or meeting. At that time:

- the member in question may elect to refrain from participation in the hearing 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's vote is disqualified, then for the duration of the hearing process, one of the Commission's alternate members shall replace the member whose vote is disqualified. If an alternate member of the Commission is not available, then it is imperative that the votes of the two (2) remaining Commission members be in agreement or else the issue being heard remains unresolved. If a conflict of interest has occurred, has not been reported and is then discovered at a later date, the biased vote will be disqualified, and the decision will rest upon the votes of the remaining two (2) Commission members.

ARTICLE III APPLICATIONS

301. Application Form: Persons interested in applying for employment as a police officer with the Souderton Borough Police Department will first register for and pass the written and physical agility tests administered by the Montgomery County Consortium of Communities, when given. The Souderton Borough Police Department utilizes these tests. Candidates who successfully pass the most recent tests and express interest will be sent an application via email by the Chief of Police.

302. Availability: The police test registration applications can be found by visiting www.montcopolicetest.com.

303. Age Qualifications: At the time of application, no applicant for any position in the Police Department shall be less than twenty-one (21) years of age. Each applicant shall present satisfactory evidence of their date of birth by submitting a certified copy of their birth certificate.

304. General Qualifications – All Applicants: Each applicant for any position in the Police Department shall be a citizen of the United States and shall have graduated from high school or have a GED equivalency diploma. At the time of appointment, each applicant shall be medically fit for the performance of the duties of a police officer, of good moral character, and licensed to operate a motor vehicle in the Commonwealth of Pennsylvania. No applicant shall have any facial tattoo, or any visible tattoos that could be considered racist, vulgar, obscene, or indicate affiliation with any political party or recognized criminal organization. The Chief of Police and Mayor will have the final say on the appropriateness of any tattoo, piercing, or gauge. In the case of a foreign-born applicant, evidence satisfactory to the Commission shall be produced showing the person to be a naturalized citizen. Applicants are not required to possess a MPOETC number when hired, and may be sent to the first available MPOETC certification class (police academy) at the expense of the Borough. Applicants who are sponsored by the Borough will attend and pass all classes. If an applicant fails to complete the academy, they will be required to reimburse the Borough for its expenses, or a portion of its expenses.

305. General Qualifications – Applications for Sergeant, Lieutenant and Corporal: In addition to meeting the qualifications fixed for each applicant for a position in the Police Department, all applicants for the position of sergeant, lieutenant and corporal shall have continuous prior service with the Police Department of the Borough of Souderton, as follows:

(a) An applicant for the position of sergeant or corporal shall have at least five (5) years of service with the Souderton Borough Police Department.

(b) An applicant for the position of lieutenant shall have at least two (2) years of service as a sergeant in the Souderton Borough Police Department.

All applicants for promotion shall also possess the following qualifications:

(a) Have demonstrated an ability to carry out orders from superiors, and

(b) Demonstrate a working knowledge of police science and administration as ascertained by an appropriate promotional examination, and

(c) Demonstrate an ability to supervise the work of subordinates, and

(d) Have received at least a grade of “satisfactory” on their latest service rating; provided that an evaluation of the experience, training, general background, and such other records of performance of the applicant, at the discretion of the Commission, may be substituted for the service rating.

306. Investigations of Applicant: An investigation of the character and reputation of the applicant shall be conducted by the Chief of Police or designee and may include credit reports and reports of investigations from recognized agencies.

307. Filing Applications: Applications sent to eligible candidates will be returned by the date and time specified by the Chief of Police, which will be stated in the email sent to the candidate which includes the application. The receipt of such applications shall be subject to the following conditions:

(a) An application shall become invalid one (1) year after the date upon which it was received.

308. Recording Applications: The Chief of Police or their designee shall review each application, upon receipt, for the purpose of determining that such application contains no minor errors or omissions. Any application containing minor errors or omissions shall be returned to the applicant for correction. The Chief of Police or designee shall mark the date and time of receipt of all applications free of minor errors or omissions. An application, once dated and accepted, shall be a public record and shall not be returned to the applicant.

309. Penalty for False Statement: The statements made by the applicant in the official application shall contain no falsification, omission or concealment of material fact. Should investigation disclose any willful misstatement, falsification or concealment with respect to an application:

(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 willful misstatement, falsification or concealment shall result in immediate dismissal from the Police Department.

ARTICLE IV

ANNOUNCEMENT OF EXAMINATIONS

401. Public Notice: Public notice of the time and place of every examination, together with the information as to the position to be filled, shall be given by publication in a newspaper of general circulation in the Borough and by other means as prescribed by the Montgomery County Consortium of Communities. The public notice shall be published at least two (2) weeks prior to an examination and a copy of the notice shall be posted in the Souderton Borough Municipal Building.

402. Notice of Examination: In addition to the public notice, the Secretary shall give written notice to each qualified applicant as follows:

(a) By sending a notice by first class mail or Email to each applicant who shall meet the prescribed qualifications for the duties of a police officer which notice shall include the date, time, place, and duration of the written and/or oral examination, and

(b) By sending a notice by first class mail or Email to each applicant qualified for a medical examination, which notice a notice which shall include the name of the medical examiner, and the date, time and place the applicant shall report for medical examination.

Every such notice shall be sent by first class mail or Email at least seven (7) days prior to the date fixed for examination. Only applicants receiving notices to report for any examination shall be permitted to participate in such an examination, and each applicant shall present their notice to the examiner before they shall be examined. Failure to report for any examination in accordance with the instructions contained in the written notice shall disqualify the applicant except that in the case of a medical examination, the applicant, with the prior approval of the medical examiner designated in the notice, may fix another date and time for such examination.

ARTICLE V
EXAMINATION AND GRADING PROCEDURE

501. General Examination Requirements for the Position of Police Officer: The examination for police officer (initial hire) shall consist of a written examination and an oral examination, both of 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. The Commission shall identify the five (5) highest scoring applicants for each vacancy to undergo a polygraph test and a background investigation. The polygraph test and background investigation shall be graded on a pass/fail basis. After an applicant has been extended a conditional offer of employment, final appointment shall be contingent upon the applicant passing a medical and psychological examination.

502. Examinations for Corporal, Sergeant and Lieutenant. The examination for the positions of Corporal, Sergeant and Lieutenant shall include a written examination and an oral examination both of 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.

The weight assigned to the test of police knowledge, managerial knowledge and administrative abilities which indicate development beyond basic police work shall be greater in an examination for a Lieutenant than in an examination for Sergeant or Corporal.

503. Examinations for Chief of Police: The Borough Council may nominate a person to the Commission or may request the Commission to certify applicants on the basis of a competitive evaluation process.

(a) In the case of a nomination, it shall thereupon become the duty of the Commission to subject such person to a non-competitive examination as follows:

- 1) A written examination which shall include a test of police knowledge and performance, a test of managerial and leadership abilities and/or other written tests as the Commission may from time to time designate, and
- 2) An oral examination of standardized questions, and

3) An evaluation of the service ratings or performance records of the applicant.

If such person shall be certified by the Commission as qualified, they may then be appointed to such position.

(a) In the case of a certification request, the three-part competitive examination will be as follows:

1) A written examination which shall include a test of police knowledge and performance, a test of managerial and leadership abilities and/or other written tests as the Commission may from time to time designate, and

2) An oral examination of standardized questions, and

3) An evaluation of the service ratings or performance records of the applicant.

Both the noncompetitive and competitive examinations shall be graded on a scale of one hundred (100%) percent and shall be weighted as follows:

-For the written portions of the examination, a total of forty (40%); and

-For the oral examination, a total of sixty percent (60%).

504. Written Examination: The written examination shall be graded on a one hundred (100) point scale, and an applicant must score seventy percent (70%) or higher in order to continue the application process. Applicants scoring less than seventy percent (70%) shall be rejected. Within thirty (30) days after administration of the written examination, all applicants shall be given written notice of their test results, and each passing applicant will be informed of the next step in the examination process.

505. Oral Examination: The top 20 applicants scoring seventy percent (70%) or higher in the written examination shall be given an oral examination that will be graded on a one hundred (100) point scale with a score of seventy percent (70%) necessary for a passing grade. The oral examination shall be practical in nature and shall involve questioning applicants on how they would handle situations relevant to police work. Within thirty (30) days after the oral examination, applicants shall be informed of their oral examination and overall score, and each passing applicant shall be informed of the next step in the examination process. The applicants

who have passed the examinations shall have their scores sent to them via email. A list of names and scores will also be kept at the Souderton Borough Police Department for public Right to Know requests.

506. Ineligibility for Future Examinations for Six Months: If an applicant 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 of the Borough for a period of six (6) months.

507. Veterans' Preference Points: Pursuant to the Veterans' Preference Act, any application for the position of police officer (initial hire) shall receive such veterans' preference points as prescribed by law. Any applicant claiming veterans' preference is responsible for providing proof of eligibility to the Commission.

508. Polygraph Examination: The five (5) applicants having the highest combined score on the written and oral examinations for each vacancy to be filled to undergo a polygraph examination conducted by a qualified polygraph examiner using standard testing procedures and in accordance with the instructions of the Commission. The Borough shall pay for the cost of the polygraph examinations. If an applicant fails the examination, the applicant shall be given the opportunity to retake the test with a different examiner who shall not have access to the results of the first test. If the applicant passes the second test, the applicant shall be considered as having passed the test. If the applicant fails the second test, the applicant shall be considered as having failed the examination and will be rejected.

An applicant who has failed both the test and the retest may appeal to the Commission for the opportunity to take a third test. The Commission, in its sole discretion, may authorize a third test. If the Commission authorizes a third test, and the applicant passes the third test, the applicant shall be considered as having passed the polygraph test. If the applicant fails the third test, the applicant shall be considered as having failed the polygraph test and shall be rejected. Within thirty (30) days after the administration of a polygraph test, each applicant shall be informed whether he/she has passed the polygraph test.

509. Background Investigation: The Chief of Police or designee shall conduct a background investigation of the five (5) highest scoring applicants for each vacancy to be filled

as identified by the Commission. The background investigation shall include interviews of the applicant's family, acquaintances, current and former employers, current and former neighbors, references, and current and former teachers and school officials. At a minimum, personal interviews shall be conducted with at least three (3) persons who have personal knowledge, and who are not related to the applicant, as well as the applicant's employers for the preceding 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 applicant's credit history and record of criminal convictions shall be investigated, as well as the applicant's driving record to verify possession of a valid driver's license. The applicant shall be personally interviewed when the information collected requires clarification or explanation.

If necessary to conduct a thorough background investigation, the Commission may, upon the request of the Chief of Police or their designee, subpoena the personnel records maintained by any other police department by which the applicant was previously employed.

Upon completion of the background investigations, the Chief of Police or their designee shall make a written recommendation to the Commission as to whether the applicant is appropriate for consideration for appointment as a police officer. The Commission shall make the final determination as to whether the results of the background investigation warrant rejection of the applicant. Within thirty (30) days after the Commission considers the recommendation of the Chief of Police or designee, each applicant shall be informed as to the Commission's decision with regard to the background investigation.

ARTICLE VI

ELIGIBLE LISTS

601. Preparation of Eligible List: As soon as possible, after the completion of each examination, the Chief of Police shall prepare an eligible list upon which shall appear the name of each applicant who received a passing grade in the examination. The names on the eligible list shall be arranged, from the highest to the lowest, in the order of the final weighted score received by each such applicant. The eligible list shall be filed in the office of the Borough Secretary, and a copy posted on the bulletin board in the Borough Municipal Building and a copy will also be kept at the Souderton Police Department for public Right to Know Requests.

602. Breaking Tie Scores: When two (2) or more qualifying applicants receive the same final weighted score, the order in which the names of such persons shall appear on the eligible list shall be ranked in alphabetical order by surname.

603. Life of Eligible Lists: In no case shall any eligible list remain in effect for a period of more than two (2) years from the date of its preparation.

604. Furlough Lists: Whenever the Council causes a reduction in the number of existing police officers; the Commission shall prepare and maintain a list of the names of all such furloughed officers, together with the position held by each such officer at the time of furlough. The names on the furlough list shall be arranged, from the greatest to the least, in order of the length of service of each furloughed officer in the Police Department of the Borough.

ARTICLE VII

CERTIFICATIONS AND APPOINTMENTS

701. Filling Vacancies: When a vacancy is to be filled in the Police Department, the Borough Council shall submit a nomination or a written request to the Commission for certification of eligible applicants, as applicable. In making the request, the Council shall state the title of the position to be filled and the compensation to be paid.

702. Furlough List to Fill Appointments: Upon receipt of a request from Borough Council, the Commission shall first certify the names of those eligible candidates who were furloughed because of a reduction in force. A furloughed officer shall only be certified for the same or lower rank held at the time of the furlough. In filling a vacancy from the furlough list, the Commission shall certify the top name only. If more than one (1) vacancy is to be filled, the Commission shall certify from the top of the list that the number of names is equal to the number of vacancies to be filled.

703. Certification from Eligible Lists: If no furlough list exists for a given position or if the total number of vacancies cannot be filled from the available names on the furlough list, the Commission shall certify the nominee or shall provide certified names from the eligibility list, as applicable. In the case of a competitive examination, the number of applicants the Commission certifies shall be three (3) for each vacancy to be filled. Certified applicants shall be those who

have received the highest examination score, who have subsequently passed the required polygraph and physical tests, and who have satisfactory background investigation reports and references.

704. Removal of Names from Furlough and Eligible Lists: In addition to the other reasons stated as grounds for removal in these rules, the name of any nominee certified or the name of any person appearing on a furlough list, or an eligible list shall be removed by the Commission if such person:

- (a) Is appointed to a position in the Police Department of the Borough, or
- (b) Declines an appointment to a permanent position in the Police Department of the Borough, or
- (c) Fails to make written reply to the Commission within seven (7) calendar days from the date of mailing of a notice of certifications, or
- (d) Indicates availability for appointment and is appointed to fill a vacancy but fails to report for duty at the time prescribed by the Council, unless, in the opinion of the Council, such person can show good and sufficient reasons for failing to report.

The name of any nominee certified or the name of any person on any eligible list also may be removed by the Commission if he/she is three (3) times certified for consideration for appointment as the top name and is not appointed. Nothing in this section, however, shall be construed as authorizing the removal of the name of any nominee or any person on any furlough list or eligible list who refuses to accept a position of a lower rank than that for which he/she has qualified.

705. Appointment Procedures:

(a) The Borough Council of the Borough of Souderton may fill any vacancy in the Police Department that occurs as a result of expansion of the Police Department, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the Police Department who has been furloughed and who previously complied with civil service requirements for said position. Except for medical and psychological examinations, no other testing shall be required for a furloughed employee or a rehired or reappointed employee, subject

to any recertification requirements prescribed by the Municipal Police Officers' Education and Training Commission.

(b) If there are no eligible candidates on the furlough list or if positions remain to be filled after all of the eligible candidates on the furlough list have been offered reemployment, every position, except for Chief of Police, shall be filled by Borough Council from the list of three (3) names certified by the Commission by appointment with reference to the fitness and merits of the candidates, provided, however that in the case of appointment to the position of police officer (initial hire), Council shall give preference to a candidate that qualifies for such preference under the Veterans' Preference Act.

706. Medical and Psychological Examination: After Borough Council selects a candidate from the certified list of three (3) for appointment to the vacant position, the candidate shall submit to a medical examination and psychological examination by examiners appointed by Police Chief or designee, the cost of which shall be borne by the Borough. If the candidate successfully passes the medical and psychological examinations, then the individual shall be appointed to the vacant position for which the application was submitted. The failure to pass either the medical or the psychological examination shall disqualify the candidate for the appointment. The Commission, in such case, shall then certify another name to be included with the two (2) previously certified names for consideration by the appointing authority.

The Commission may waive the requirement for the medical examination and/or the psychological examination when the appointment is for the position of Corporal, Sergeant or Lieutenant. However, the Commission may require a medical examination of a candidate for promotion to document any pre-existing condition and to provide the candidate and the Commission with a medical opinion as to the impact the promotion may have on such a pre-existing condition.

707. Probationary Period: All original appointments to a position in the Police Department of the Borough of Souderton, shall be for a probationary period of one (1) year, provided, however, that for newly hired police officers, the one (1) year probationary period shall not commence until after the police officer has completed training under the Municipal Police Officer's Education and Training Program (Act 120) and has received a certification number. The Chief of Police shall investigate the adjustment, performance, and general acceptability of each

probationer under their supervision to determine whether such probationer is fully qualified for permanent appointment. The Chief of Police shall make a report on the performance and conduct of each probationer at the end of the second month of the probationary period, at the end of the fourth month of the probationary period, and finally not less than ten (10) calendar days nor more than fifteen (15) calendar days before the next regular meeting of the Council immediately preceding the end of the probationary period. Each final probationary report shall include the recommendation of the Chief of Police either to retain or to reject the probationer. Each report shall be submitted in writing to the Council. Within five (5) calendar days after the regular meeting of the Council immediately preceding the end of the probationary period, the Council shall notify the Commission, in writing, of its decision to retain or reject the probationer. The Commission, in turn, shall notify the probationer of the decision of the Council on or before the date of the close of their probationary period. In the event that the person named to the position of Chief of Police is a probationary appointment, the Council shall designate one (1) person to evaluate the performance and conduct of the Chief in the same manner, and subject to the same procedures, as that established for all other positions in the Police Department of the Borough.

ARTICLE VIII

SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK

801. Procedure: Whenever any police officer in the Borough is suspended, removed or reduced in rank, the specific charges warranting each such action shall be stated in writing by the appointing authority. The charges shall be stated clearly and in sufficient detail to enable the person accused to understand the charges made against him/her and to answer them. As soon as practicable, the statement of charges shall be filed in duplicate with the Commission and within five (5) calendar days of such filing, the original copy of the statement of charges shall be delivered to the person accused either by personal service or by certified or registered mail.

802. Demand for Hearing: Any police officer suspended, removed, or reduced in rank may file with the Commission a written demand for a hearing. Such person may make written answers to any charges filed against them not later than the date fixed for the hearing. The Commission shall grant a hearing, within the period fixed by law, to any person accused who complies with the provisions of this section. Each such hearing shall be open to the public unless

the person accused, when making their written demand for a hearing, requests that such hearing be closed.

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

(a) By either personal service or by certified or registered mail to each person making charges and to the person accused, and

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

(c) For all public hearings, the notice of the hearing must be advertised in a newspaper of general circulation prior to the hearing.

804. Oaths: All testimony shall be taken under oath. The Chairman, or in their absence the Vice Chairman, shall administer all oaths.

805. Subpoenas: The Chairman, or in his/her absence the Vice Chairman, may compel the attendance of witnesses and the production of records and papers pertaining to any hearing. However, upon the written request of the person accused or of any person making charges, the Chairman, or in his/her absence the Vice Chairman, shall order the attendance of any witness or the production of any pertinent document provided that such a written request is filed with the Secretary within five (5) calendar days from the date appearing on the notice of the hearing.

806. Hearing Procedure: Each hearing shall be conducted in the following manner:

(a) The Chairman shall state the general purpose of the hearing, and next

(b) The Secretary, upon direction of the Chairman, shall read the written charges against the person accused together with the record of action taken against such officer, and next

(c) The Secretary shall read any written reply of the person accused, and next

(d) The Chairman shall afford each person making charges, or their counsel, an opportunity to make any further statement in support of the charges and to produce any witness, and next

(e) The Chairman shall afford the person accused, or their counsel, an opportunity to question or cross-examine any person making charges, and to question or cross-examine any witness produced by such person, and next

(f) The Chairman shall afford each person making charges an opportunity to examine the person accused, and next

(g) The Chairman shall permit each person making charges, or their counsel, to make a summation, and next

(h) The Chairman shall afford the person accused, or their counsel, an opportunity to produce any witness and to sum up the defense.

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

807. Decision of the Commission: Within fifteen (15) calendar days after the hearing, the Commission shall issue its decision in the form of a written order approved by at least two (2) members of the Commission. The written order shall include all findings of fact. If, during the public hearing, opposing facts are presented, the Commission shall include in its written order its decision as to the correct facts. The findings and decision of the Commission shall be certified to any person making charges, to the accused officer, and to the Council.

ARTICLE IX INSPECTIONS

901. Inspection in General: Except as otherwise provided in this Article, all of the records of the Commission shall be open to the public and available for inspection during normal business hours. A member of the Commission, or any person who may, from time to time, be designated by the Commission, shall be present at all times during any inspection of any record of the Commission.

902. Inspection of Character, Credit and/or Reputation Reports and Examination

Materials: All examination materials, character, credit and/or reputation reports shall be confidential and shall not be open to general public inspection. Any examined applicant may inspect their examination papers, credit, character and/or reputation reports provided that:

- (a) They make a written request to the Commission within seven (7) calendar days from the date of mailing of the written notice of their grade, and
- (b) They receive the written consent of the Commission to inspect their examination papers, and
- (c) They make their inspection within five (5) calendar days from the date of the mailing of the consent of the Commission.

The Commission shall not consent to the request of any examined applicant to inspect any written examination paper which may be used in any subsequent written examination that may be scheduled within ninety (90) calendar days following the date of receipt of the written request. If the Commission consents to an inspection of any of the written examination papers by any examined applicant, it shall state in its letter of consent the specific examination papers that may be inspected. Before any member of the Commission, or any person designated by the Commission, permits any inspection of examination papers, he/she shall require the examined applicant to produce the letter indicating the consent of the Commission and he/she shall limit the inspection by the examined applicant to only those examination papers indicated in the letter consent. No examined applicant shall be permitted to inspect any examination papers other than their own, nor shall they be permitted to make any written notes while they are inspecting any examination paper.

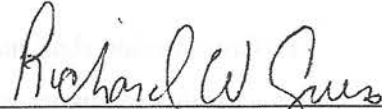
ARTICLE X

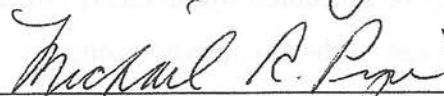
AMENDMENTS

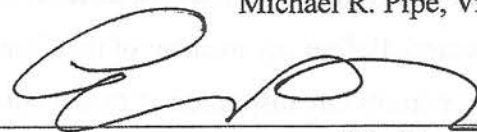
1001. Amendments: The Commission, with the approval of the Council, may, from time to time, amend any part of these rules and regulations.

The foregoing rules and regulations, which are in accordance with the powers granted by the Civil Service sections of "The Borough Code", §§ 1171-1195 enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the Council of the Borough of Souderton, are hereby adopted by the Civil Service Commission of the Borough of Souderton on December 14, 2023.

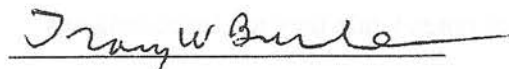
CIVIL SERVICE COMMISSION of the
BOROUGH OF SOUDERTON


Richard W. Gruss, Chairman


Michael R. Pipe, Vice Chairman


Eric Boynton, Secretary

Approved by the Council of the
Borough of Souderton on January 2, 2024


Tracy W. Burke, President

ATTEST:


Stacy E. Crandell, Borough Manager/Secretary