

**TOWN OF BLOOMSBURG  
COLUMBIA COUNTY, PENNSYLVANIA**

**RULES AND REGULATIONS**

**FOR THE**

**CIVIL SERVICE COMMISSION OF**

**TOWN OF BLOOMSBURG, PENNSYLVANIA**

**SECTION 1. DEFINITION OF TERMS**

**1.1 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:

- a. **Administrative Leave** - The temporary separation, with pay, of a police officer from the Police Department
- b. **Appointing Authority** – The Town Council of the Town of Bloomsburg, Columbia County, Pennsylvania.
- c. **Applicant** - Any individual who applies in writing to the Commission in response to a legally advertised notice of vacancy and/or examination for any position in the Police Department.
- d. **Certification** – The submission to the Appointing Authority pursuant to their request of three names taken from the eligible list developed by the Civil Service Commission.

- e. **Chairperson** – The Chairperson of the Civil Service Commission of the Town of Bloomsburg, Pennsylvania.
- f. **Commission** – The Civil Service Commission of the Town of Bloomsburg, Pennsylvania.
- g. **Eligible** – A person whose name is recorded on a current eligible list or furlough list.
- h. **Eligibility List** – The list of names of persons who have passed all examinations for a particular position in the Police Department.
- i. **Examination** – The series of tests given to candidates to determine their qualifications for a position in the Police Department.
- j. **Final Score** – The combined total of the written and oral examination of those Applicants who received a minimum score as set forth in these Regulations in both the written and oral examinations, plus the addition of 10 points under Section 4.4, if applicable.
- k. **Furlough List** – The list containing the names of persons temporarily laid off from positions in the Police Department because of a reduction in the number of officers.
- l. **Oral Examination Score** – The score achieved by each Applicant on the oral examination as administered, graded, and calculated as set forth in Section 4.3, Police Officer, 6.3(a) Corporal, 7.3 Sergeant.

- m. **Public Safety Committee** – Committee composed of members of the Town Council and appointed by the Mayor to review examination results, interview candidates and make a recommendation to Town Council.
- n. **Police Officer** – For purposes of these Rules and Regulations, an entry level, sworn full-time position in a Police Department.
- o. **Probationer** – An officer in the Police Department who has been appointed from an Eligibility List, but who has not yet completed the probationary period.
- p. **Reduction in Rank** – A change to a lower position or rank where employees fulfilled all of the requirements of these Rules and Regulations for both the prior and current position or rank.
- q. **Removal** – The permanent separation of a police officer from the Police Department.
- r. **Suspension** – The temporary separation without pay of a police officer from the Police Department.
- s. **Secretary** – The Secretary of the Civil Service Commission of the Town of Bloomsburg, Pennsylvania.
- t. **Town Council** – The Town council of the Town of Bloomsburg, Pennsylvania.
- u. **Total Score** – For initial appointments, Total Score shall be the combined total of the written and oral examination with the calculation to be made as set for the in section 4.3.

**For promotion to Sergeant**, the Total Score shall be the combined total of the written examination, oral examination, and the calculation shall be made as set for the in section 7.3.

**For promotion to Corporal**, the Total Score shall be the total of the oral examination and shall be calculated as set for the in section 6.4.

- v. **Written Examination Score** - The score achieved by each Applicant on the written examination as administered, graded, and calculated as set forth in Section 4.2 police Officer, 7.3 Sergeant.

**1.2 Interchangeability of Language** – Words used in the singular may be read to include the plural or the plural may be read as the singular. Similarly, the masculine form may be read to include the feminine and neuter; the feminine may be read to include the masculine and neuter; and the neuter may be read to include the masculine and feminine.

## **SECTION 2. THE COMMISSION**

### **2.1 Civil Service Commission**

The Commission shall consist of three Commissioners who shall be qualified electors of the Town of Bloomsburg and shall be appointed by the Town Council initially to serve for the terms of one, two and three years, and as terms thereafter expire shall be appointed for terms of three years.

Any vacancy occurring in the Commission for any reason whatsoever shall be filled by the Town Council for the unexpired term.

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. No civil service commissioner shall receive compensation.

**2.2 Offices Incompatible with Civil Service Commissioner**

No commissioner shall at the same time hold an elective or appointed office under the United States government, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth, except that one member of the Commission may be a member of the teaching profession.

**2.3 Organization of Commission Quorum**

The Commission first appointed shall organize within ten days of its appointment and shall elect one of its members as its Chairperson, one as Vice-Chairperson, and one as the Secretary. The Commission shall thereafter meet and organize on the first Monday of February of each even-numbered year. Two members of the Commission shall constitute a quorum and no action of the Commission shall be valid unless it shall have the concurrence of at least two members.

**2.4 Duties of Chairperson**

The Chairperson, or in their absence, the Vice-Chairperson, shall preside at all meetings and hearings of the Commission, decide all points of order or procedure and perform any duties required by law or these Rules and Regulations.

**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 and

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

## **2.6 Meetings**

Except for the biennial organization meeting, all meetings shall be held either at the call of the Chairperson or at the call of two members of the Commission. The Commission shall have the discretion to determine whether a meeting shall be open to the public when not specifically regulated by law or these Rules and Regulations. The Secretary of the Commission shall give each Commissioner 48 hours notice, in writing, of each and every meeting of the Commission. An email constitutes a notice in writing.

## **2.7 Clerks and Supplies**

The governing body shall furnish the Commission with such supplies and clerical assistance as may be necessary for the Commission to fulfill its duties. In addition, the Commission may retain counsel, and any other consultants or experts, including physicians and psychologists, as are necessary. The elected and appointed officials of the Town of Bloomsburg shall assist the Commission with all reasonable and appropriate efforts, including compensation for any counsel or experts retained by the Commission.

## **2.8 Amendment of Rules and Regulations**

The Commission may amend, revise, void, or replace these Rules and Regulations for any reason by action of a majority of the Commission at any properly convened meeting of the Commission. Before any changes to these Rules and Regulations become effective, those changes must be approved by the Town Council of the Town of Bloomsburg. These Rules and

Regulations, and any amendments thereto, shall be made available to the public for distribution or inspection.

**2.9 Minutes and Records**

The Commission shall keep minutes of its proceedings and records of examinations and other official action for a period of at least ten (10) years. All recommendations of applications for appointment to any position within the Police Department received by the Commission shall be kept and preserved for a period of ten (10) years.

Any and all records related to any disciplinary action filed with the Commission may, in the discretion of the Commission and with the concurrence of the Council, 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 a 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 and Regulations. The Chairman of the Commission is authorized to administer Oaths and affirmations in connection with such investigations.

**2.11 Subpoenas**

Under the signature of the Chairperson or their designee, the Commission shall have the power to issue subpoenas requiring the attendance of witnesses and/or the production of records

and papers pertaining to any investigation or inquiry. The fees of such witnesses for attendance and travel shall be the same as for appropriations for the incidental expenses of the Commission.

All officers in public service and employees of the Town of Bloomsburg 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 (\$100.00), and in default of the payment of such fine and cost shall be imprisoned not to exceed thirty (30) days.

If any person shall refuse or neglect to obey any subpoena, the Commission may apply to the Court of Common Pleas of Columbia County to enforce compliance with its subpoena, requiring the attendance of such persons before the Commission or the Court to testify and to produce any records as appears necessary, and in default thereof to be held in contempt of Court.

## **2.12 Annual Report**

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

## **SECTION 3. APPLICATIONS AND QUALIFICATIONS OF NEW APPLICANTS**

### **3.1 General Qualifications – All Applicants**

Every Applicant for any position in the Police Department shall possess a diploma from an accredited high school or a graduate equivalency diploma. 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, and must possess a valid motor vehicle operator's license issued by the Commonwealth of Pennsylvania at the time of appointment to the position.

Also, Applicants subject to any of the following shall be disqualified.

- (a) Criminal conviction of Misdemeanor 2 or higher. Accelerated Rehabilitative Disposition Program ("ARD") for driving under the influence shall not be considered a criminal conviction for purposes of this subsection.
- (b) Criminal behavior admitted by the Applicant that would be graded as a Misdemeanor 2 or higher, regardless of whether the behavior resulted in arrest or conviction, and excluding DUI.
- (c) Any violation of the Uniform Firearms Act, Brady Law, or any other federal or state law prohibiting possession of a firearm which is admitted by the Applicant, regardless of whether the violation resulted in arrest or conviction.
- (d) Sale, delivery, manufacturing, or possession of a controlled substance graded as a Misdemeanor 2 or higher which is admitted by the Applicant, regardless of whether such act resulted in arrest or conviction.
- (e) Use of the following drugs admitted by the Applicant:
  - (i) Use of Schedule I drugs, excluding marijuana, and non-prescribed Schedule II drugs as listed in the C.S.D.D.C.A. (Act 64) within a period of five years prior to filing an application. (Example,

cocaine, heroin, LSD, methamphetamine, MDMA (ecstasy),  
oxycontin, gamma hydroxybutyric acid (GHB)).

- (ii) Illicit use of anabolic agents for use other than medical necessity as prescribed by a licensed physician.
- (iii) Use of marijuana twenty-five times or more over an Applicant's lifetime, or any marijuana use within one year prior to filing an application.
- (f) Dishonorable or other than honorable discharge from the military.
- (g) Intentional falsification or omission of information on the Formal Application for Employment and/or The Polygraph Screening Booklet.
- (h) Any domestic violence resulting in a judicial determination of guilt of domestic violence against spouse, significant other, or child. Stipulation with no admission shall not be considered judicial determination of guilt.
- (i) Shoplifting/stealing items exceeding more than \$150.00 (first offense) in value within one year of filing application.
- (j) Discussing or attempting to discuss the administration or result of the oral or written examination with the examination administrators or members of the Civil Service Commission.
- (k) Cheating or attempting to cheat on the oral or written examination.
- (l) Influencing or attempting to influence any examination administrator or any member of the Civil Service Commission.

- (m) Failure to appear for any portion of the testing process, if the failure to appear is not excused by the Commission by reason of an excused event.

### **3.2 Age and Residency Requirements**

All Applicants must have reached their twenty-first (21<sup>st</sup>) birthday before their first day working. Within six (6) months of completing their probationary period, Applicants must reside in Columbia County, Pennsylvania or a neighboring county of Columbia County as shown on the map attached as Attachment A..

### **3.3 Eligibility for Examination**

In order to be eligible for participation in any examination for any position with the Police Department, an Applicant must submit a completed application form to the Commission before the deadline stated by the Commission for that specific examination. The Commission may require the Applicant to possess Act 120 certification prior to the written exam. 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. Cons. Stat. §4904 relating to unsworn falsification to authorities. At the time of the submission of the Application, the Applicant may be assessed a fee anywhere from \$25- \$100. Any Application submitted without the testing fee listed in the advertisement shall be deemed incomplete and that Applicant shall not be allowed to take the written test.

### **3.4 Availability**

Application forms shall be available to all interested persons at the office of the Town of Bloomsburg Police Department between the hours of 8:00 A.M. and 4:00 P.M. Monday through Friday, and from such other offices that the Commission, from time to time, may choose to

designate. Applications may be obtained in person or under the employment tab on the Town of Bloomsburg website. The Civil Service Commission is not responsible for delays or loss of mail.

### **3.5 Discrimination**

The Town of Bloomsburg is an equal opportunity employer. It is the policy of the Town of Bloomsburg and the Commission to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, sex, age, veteran's status, marital status, gender identity, or non-job related physical or mental handicap or disability. The Town of Bloomsburg and the Commission will provide equal opportunities in employment and promotion.

### **3.6 Rejection of Applicant**

The Commission may refuse to examine, or, if examined, may refuse to certify as eligible, any Applicant who is found to lack any of the minimum qualifications for examination prescribed in these Rules and Regulations for the particular position for which the Applicant has applied. In addition, the Commission may refuse to examine, or if examined, may refuse to certify any Applicant: (1) who is physically or mentally unfit to perform the full duties of the position to which they seek employment; (2) who is a substance abuser; (3) who is convicted of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct that would impact the reputation or credibility of the department in a negative way; (4) who has been dismissed from public service for delinquency or misconduct in the office; (5) who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the constitutions and law of the United States and the Commonwealth of Pennsylvania; (6) who

neglected or violated any official duty while employed as a police officer by another municipality; (7) whose inefficiency, neglect, intemperance, disobedience of orders, or conduct in a prior position would be considered unbecoming a police officer; (8) who is disqualified under Section 3.1 of the Rules and Regulations; or (9) who is precluded from employment in a law enforcement capacity by the Confidence in Law Enforcement Act (CLEA).

### **3.7 Recording and Processing Applications**

Applications for positions in the Police Department shall be received at Town Hall or the Bloomsburg Police Department, Town of Bloomsburg only after an examination has been properly advertised and before the deadline for receiving applications, which must be set forth in the public advertisement. Applications will be received by the municipal officer designated in the public advertisement or their 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 shall be rejected, and the Applicant shall be notified in writing of said rejection. The Commission assumes no responsibility for missed filing deadlines due to delays in the mail or delays in the notification of rejected applications.

### **3.8 Hearing for Disqualified Applicants**

Any Applicant or other person who believes that they are aggrieved by the actions of the Commission, in refusing to examine or refusing to certify the individual 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 hearing which shall be conducted

pursuant to the procedures set forth in the Local Agency Law, 2 Pa. Cons. Stat. §101, et seq.

The Applicant or aggrieved party must make their request for a hearing in writing, to the Chief of Police and the Commission, within ten calendar days of the date when the Applicant or aggrieved party knew or should have known of the Commission's action which is being challenged.

### **3.9 Public Notice**

The Commission shall conspicuously post at Town Hall and the Bloomsburg Police Department. The post will include 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 for the examination, and the deadline for filing those applications. In addition, at least two weeks prior to each examination, publication of the notice shall occur in at least one newspaper of general circulation or a newspaper circulating generally in the Town of Bloomsburg.

## **SECTION 4. EXAMINATION AND GRADING PROCEDURE**

### **A. For Initial Appointment**

#### **4.1 Appointment of Examination Administrators**

The Commission shall appoint a written examination administrator, an oral examination administrator, a physical agility examiner, a medical fitness examiner, a psychological examiner, polygraph examiner, and a background check investigator to conduct the appropriate examinations and investigations required by these Rules and Regulations.

#### **4.2 Written Examination**

The written examination shall be graded on a 100-point scale with each question being of equal weight, 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 the administration of the written examination, all Applicants shall be given notice of their test result only, with the highest fifteen (15) scorers scheduled for one or more oral examination appointment(s). Notice to the passing Applicants who have scored in the top fifteen may be given by e-mail, telephone, or certified mail to the address provided by the Applicant on the application. Notice to Applicants who did not score in the top fifteen and/or who failed Applicant may be given by e-mail, telephone, or regular mail to the address provided by the Applicant on the application. An Applicant shall have no right to receive a copy of the graded written test and shall not discuss or attempt to discuss the administration or results of the written test with the test administrator. Such a discussion or attempted discussion shall result in the automatic disqualification of the Applicant.

#### **4.3 Oral Examination**

The highest fifteen (15) scorers who have passed the written examination shall be given an oral examination which will be graded on a one hundred (100) point scale and will consist of five (5) questions worth twenty (20) points each. 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. The oral examination shall involve questioning by three (3) oral examination administrators (carried out by one "rank" above the position being sought) asking the Applicant how they would handle situations relevant to police work. The scores of the three (3) oral examination administrators for each question shall be averaged to arrive at the

Applicant's score for each question. The score for each question shall be added together to arrive at the Applicant's oral examination score.

The written examination shall represent fifty (50%) of the Applicant's Total Score and the oral examination shall represent fifty (50%) of the Total Score. The calculations for the combined total of the written examination and oral examination shall be made by multiplying the written examination score by fifty (50%) percent, multiplying the oral examination score by fifty (50%) percent, and adding those products to reach the Applicant's Total Score.

An Applicant shall not discuss or attempt to discuss the results or administration of the oral examination with the oral examination administrators, either before or after the oral examination. Such discussion or attempted discussion shall result in the automatic disqualification of the Applicant.

#### **4.4 Veteran's Preference Points**

Pursuant to the Veteran's Preference Act, any Applicant for the position of patrol officer who qualifies as a "soldier" under this Act, and who (1) is one of the highest 15 scorers on the written examination; and (2) receives a minimum of 70% on the written examination, and 70% on the oral examination shall receive an additional ten (10) points on top of their Total Score. An Applicant for the position of Sergeant or Corporal shall not be entitled to Veteran's Preference Points in accordance with the Veteran's Preference Act.

##### **4.4.1 Final Score**

The Applicant's Total Score, which may include the additional ten (10) points the Applicant may receive under Section 4.4, shall represent the Applicant's Final Score. Within



thirty (30) days of the Applicant's oral examination, the Applicant may be informed by e-mail, telephone or regular mail of their score in their oral examination and their Final Score.

#### **4.5 Physical Agility Examination**

The highest ten (10) Final Scorers shall be eligible to take the Physical Agility Examination. All Applicants for the position of police officer must pass the standardized physical agility test adopted by the Civil Service Commission for their age and sex. Applicants who cannot pass one or more of the following requirements shall be deemed to have failed the Physical Agility Examination and shall be rejected. The test may include the following.

- (a) Body Drag.
- (b) 300 Meter Run
- (c) Audio Recording of Miranda rights following 300 Meter Run
- (d) 30-Second trigger pull.

#### **4.6 Polygraph Examination**

Each of the highest three (3) Final Scores who have passed the Physical Agility Examination shall submit to a Polygraph Examination. The Applicants shall fill out a Polygraph Screening Booklet, as amended, at the Town of Bloomsburg Police Department. The results of each Applicant's examination shall be submitted to the Commission.

The examiner shall ask questions based on the information contained in the Polygraph Screening Booklet. Before administering the test, the examiner shall ask each Applicant whether there is any more information related to the Polygraph Screening Booklet which the Applicant would like to provide. There shall also be a post-test review, during which the examiner shall

again ask the participant, if deception is indicated, whether there is any information which the Applicant is withholding.

If the examiner deems 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 the deception.

#### **4.7 Background Investigation**

The Commission shall request a background check investigator (who may be the Chief of Police or their designee) to conduct a background investigation on each of the highest three (3) final scorers who have passed the Physical Agility Examination and the Polygraph Examination. The background investigation shall include interviews with the Applicant's family, acquaintances, current and former employers, current and former neighbors, references, and current and former teachers, school officials and any other person(s) the investigator deems necessary. In addition, the Applicant's credit history and criminal history shall be investigated. The Applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

After the background investigation is completed, the investigator shall make a written recommendation to the Commission on whether the Applicant has passed the background check and is appropriate for consideration for appointment as a police officer. Appropriateness of the Applicant shall be based on the criteria set forth in Section 3.6 of these Rules and Regulations. This recommendation shall be in writing, and if the Applicant has failed the background investigation, a detailed 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 candidate. If the Commission rejects an Applicant as a result of information collected in the background investigation, the next highest final scorer who has passed the Physical Agility Examination and Polygraph Examination shall be included among those subject to the background investigation.

Within thirty (30) days after the Commission considers the recommendation of the background check investigator or their designee, the Applicant will be informed whether they Applicant have passed the background investigation.

## **SECTION 5. CERTIFICATION OF THE LIST OF NEW ELIGIBLES AND APPOINTMENT OF NEW APPLICANTS**

### **5.1 Creation of Eligibility List**

At the completion of the background check, the Commission shall rank the passing Applicants on a list with the Applicant receiving the highest Final Score at the top of the list. The Commission shall certify from this list the names of three (3) persons for each vacancy who have received the highest average in the last examination held within a period of one year preceding the date of the request for such list of eligibles. Where more than one (1) vacancy is to be filled from an Eligibility List, an Applicant who is not selected to fill a vacancy shall remain on the Eligibility List for purposes of consideration for the additional vacancy positions and the Applicant receiving the next highest Final Score shall be added to the certified list of eligibles such that there are always three (3) persons for each vacancy. This shall constitute the Eligibility List. In the case of tied scores, the oral exam panelists will administer a final review. At its sole discretion, the Commission may void an Eligibility List at any time for any reason, by a majority

vote. The Commission shall post in its office the Eligibility List containing the names and grades of those persons named on the Eligibility List. The Eligibility List shall automatically expire one (1) year after being certified by the Civil Service Commission unless prior to expiration of the one-year period, the Civil Service Commission extends the validity of the Eligibility List for up to an additional 12 months by a majority vote of the Commission at a duly authorized Commission meeting.

## **5.2 Appointment**

(a) The Appointing Authority of the Town of Bloomsburg may fill any vacancy in an existing position in the Police Department which occurs as a result of expansion of the police force, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the police department who had been furloughed. Except for physical and psychological examinations, no further testing shall be required for a furloughed employee.

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

(1) The Appointing Authority of the Town of Bloomsburg shall notify the Commission of any vacancy which is to be filled and shall request the certification of the top 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 Eligibility List;

(3) The Town Council of the Town of Bloomsburg shall make an appointment from one of the three names certified. However, for initial appointment to the

position of police officer, when one of the three Applicants on the certified list is a veteran, that Applicant shall be selected;

(4) An offer of employment shall be made to the selected Applicant contingent on the Applicant satisfactorily passing the Medical Examination and Psychological Examination.

(c) The Town Council may object to one or more of the persons certified for the reasons set forth in Section 3.6 of these Rules and Regulations. If the Applicant to whom the Town Council objects fails to timely exercise their rights of appeal under Section 3.8 or if the Commission declines to uphold their appeal, the Commission shall strike the name of that Applicant from the eligibility list and certify the next highest name for inclusion on the list of three Applicants for each name stricken off.

### **5.3 Medical and Psychological Examinations**

After the Appointing Authority selects an Applicant from the certified list of three for appointment to the vacant position, that Applicant shall submit to a medical and psychological examination conducted by persons appointed by the Commission, in accordance with the Municipal Police Officers' Education and Training Commission (MPOETC) Physical Examination standards. If the Applicant successfully passes these examinations, they shall be appointed to the vacant position in the police department for which they had applied. Failure to pass either examination shall result in the Applicant being rejected from consideration. The rejected Applicant may appeal this decision under Section 3.8. The Commission shall then

certify another Applicant to be included with the two previously certified Applicants for consideration by the Appointing Authority pursuant to Section 5.2.

#### **5.4 Probationary Period**

Every successful Applicant for the position of patrol officer with the Police Department shall serve a one (1) year probationary period. For newly hired police officers, the one (1) year probationary period shall not commence until after the officer has completed training under Act 120. During the probationary period, a probationary officer may be dismissed or suspended for any reason set forth in Section 11.1. If at the conclusion of the probationary period an officer is deemed unsatisfactory to a level that termination is required. The officer shall be placed on “restricted duty” or on “paid time off” until the termination would occur within a two-week period or however long management would need to officially take care of the matter at hand. The Chief of Police by majority vote on Civil Service and Council has the right to properly document and terminate an officer prior to the one year probationary period.

### **SECTION 6. APPLICATION FOR THE POSITION OF CORPORAL**

#### **6.1 Qualifications**

(a) In addition to meeting the qualification(s) in Section 3.1, all Applicants for the position of Corporal must not have received a formal reprimand for one year after any reckoning period prior to the deadline for submitting applications, and must not have been suspended

without pay at any time for six (6) or more days within two (2) years of the deadline for submitting applications. Any formal written reprimand or suspension to which the Applicant has timely appealed pursuant to a grievance procedure or these Rules and Regulations shall be disregarded unless the appeal is resolved prior to the creation of the Eligibility List.

(b) All Applicants for the position of Corporal shall have at least (2) two years of continuous full-time prior service within the Police Department of the Town of Bloomsburg.

## **6.2 Rejection of Applicant**

The Commission may refuse to examine, or, if examined, may refuse to certify as eligible, any Applicant who is found to lack any of the minimum qualifications for examination prescribed in these Rules and Regulations for the particular position for which the Applicant has applied. In addition, the Commission may refuse to examine, or if examined, may refuse to certify any Applicant: (1) who is physically or mentally unfit to perform the full duties of the position to which they seek employment; (2) who is a substance abuser; (3) who is convicted of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct that would impact the reputation or credibility of the department in a negative way; (4) who has been dismissed from public service for delinquency or misconduct in the office; (5) who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the constitutions and law of the United States and the Commonwealth of Pennsylvania; (6) who neglected or violated any official duty while employed as a police officer by another municipality; (7) whose inefficiency, neglect, intemperance, disobedience of orders, or conduct in a prior position would be considered unbecoming a police officer; (8) who is disqualified under Section 3.1 of the Rules and Regulations; or (9) who is precluded from employment in a

law enforcement capacity by the Confidence in Law Enforcement Act (CLEA)6.3

**Examinations Not Required:**

Applicants for the position of Corporal shall not be required to submit to a Written Examination (4.2), Physical Agility Examination (4.5), Background Investigation (4.7), Polygraph Examination (4.6) or Medical and Psychological Examination (5.3), provided the Applicant successfully completed substantially similar examinations upon their initial appointment to a police officer position and documentation thereof is submitted to the Civil Service Commission upon its request.

(a) Oral Examination

Notwithstanding anything herein to the contrary, an Applicant for Corporal must score seventy (70%) percent or higher on the oral examination. Any Applicant who scores less than seventy (70%) percent on the oral examination shall be rejected.

**6.4 Calculation of Total Score for Position of Corporal**

The oral examination shall represent eighty (80%) percent of the Applicant's Total Score, and the officer's current calendar year evaluation preceding the examination shall represent twenty (20%) of the Total Score. If there is no evaluation for the Applicant, the oral exam will equal 100% of the Total Score.

**6.5 Certification of Eligibility List and Appointment**

At the completion of the background check, the Commission shall rank the passing Applicants on a list with the Applicant receiving the highest Final Score at the top of the list. The Commission shall certify from this list the names of three (3) persons for each vacancy who have received the highest average in the last examination held within a period of one (1) year



preceding the date of the request for such list of eligibles. Where more than one (1) vacancy is to be filled from an Eligibility List, an Applicant who is not selected to fill a vacancy shall remain on the Eligibility List for purposes of consideration for the additional vacancy positions and the Applicant receiving the next highest Final Score shall be added to the certified list of eligibles such that there are always three (3) persons for each vacancy. This shall constitute the Eligibility List. For promotional positions, fulfilling the performance requirement set forth in Section 6.1 is also required. In the case of tied scores, the tie will be broken by giving preference to the Applicant with the most seniority. The Commission may, at its sole discretion, void an Eligibility List at any time for any reason, by a majority vote. The Commission shall post in its office the Eligibility List containing the names and grades of those persons named on the Eligibility List. The eligibility list shall automatically expire one (1) year after being certified by the Civil Service Commission.

### **Appointment**

(a) The Appointing Authority of the Town of Bloomsburg may fill any vacancy for the position of Corporal in the Police Department which occurs as a result of expansion of the police force, retirement, resignation, disability, or death by the reappointment or reinstatement of a former employee with the rank of Corporal of the police department who had been furloughed. Except for physical and psychological examinations, no further testing shall be required for a furloughed employee.

(b) If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, the position shall be filled only in the following manner:

(1) The Appointing Authority of the Town of Bloomsburg shall notify the Commission of the vacancy which is to be filled and shall request the certification of the top 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 Eligibility List; and

(3) The Town Council of the Town of Bloomsburg shall make an appointment from one of the three names certified.

(c) The Town Council may object to one or more of the Applicants certified for the reasons set forth in Section 6.2 of these Rules and Regulations. If the Applicant to whom the Town Council objects fails to timely exercise their rights of appeal under Section 11.4 or if the Commission declines to uphold their appeal, the Commission shall strike the name of that Applicant from the Eligibility List and certify the next highest name for inclusion on the list of three Applicants for each name stricken off.

## **6.6 Probationary Period**

A newly promoted officer shall have a probationary period of six (6) months. During or following a newly promoted officer's probationary period, the newly promoted officer may be returned to their prior rank only for cause for the reasons set forth in Section 11.1. However, at the conclusion of the probationary period, if the conduct of the officer has not been satisfactory to the Town Council of the Town of Bloomsburg, the officer shall be notified in writing that they will not receive a permanent appointment, within a reasonable amount of time following the conclusion of the officer's probationary period. At that time, the officer shall return to their

previous rank. Any officer who is not informed in writing that their performance has been unsatisfactory, shall receive a permanent appointment to their position. Any officer who is notified in writing that they will not receive a permanent appointment has no right of appeal under these Rules and Regulations.

## **SECTION 7. APPLICANTS FOR THE POSITION OF SERGEANT**

### **7.1 Qualification**

(a) In addition to meeting the qualification in Section 3.1 above, all Applicants for position of Sergeant must not have received a formal written reprimand for one (1) year after any reckoning period prior to the deadline for submitting applications, and must not have been suspended without pay at any time for two (2) years prior to the deadline for submitting applications. Any formal written reprimand or suspension to which the Applicant has timely appealed pursuant to a grievance procedure or these Rules and Regulations shall be disregarded unless the appeal is resolved prior to the creation of the Eligibility List.

(b) All Applicants for the position of Sergeant shall have at least five (5) years of continuous full-time prior service within the Police Department of the Town of Bloomsburg.

### **7.2 Rejection of Applicant**

The Commission may refuse to examine, or, if examined, may refuse to certify as eligible, any Applicant who is found to lack any of the minimum qualifications for examination prescribed in these Rules and Regulations for the particular position for which the Applicant has

applied. In addition, the Commission may refuse to examine, or if examined, may refuse to certify any Applicant: (1) who is physically or mentally unfit to perform the full duties of the position to which they seek employment; (2) who is a substance abuser; (3) who is convicted of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct that would impact the reputation or credibility of the department in a negative way; (4) who has been dismissed from public service for delinquency or misconduct in the office; (5) who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the constitutions and law of the United States and the Commonwealth of Pennsylvania; (6) who neglected or violated any official duty while employed as a police officer by another municipality; (7) whose inefficiency, neglect, intemperance, disobedience of orders, or conduct in a prior position would be considered unbecoming a police officer; (8) who is disqualified under Section 3.1 of the Rules and Regulations; or (9) who is precluded from employment in a law enforcement capacity by the Confidence in Law Enforcement Act (CLEA)

### **7.3 Written Examination and Oral Examination**

Notwithstanding anything herein to the contrary, an Applicant for Sergeant must score Seventy (70%) percent or higher on the written examination to proceed to the oral examination. An Applicant must score seventy (70%) percent or higher on the oral examination to proceed with the application process. Any Applicant who scores less than seventy (70%) percent on either the written or oral examination shall be rejected.

### **7.4 Calculation of Total Score for Position of Sergeant**

The written examination shall represent fifty (50%) percent of the Applicant's Total

Score, the oral examination shall represent forty (50%) percent of the Total Score, the calculations for the combined total of the written examination and oral examination shall be made by multiplying the written examination score by fifty (50%) percent and by multiplying the oral examination score by fifty (50%) percent and then adding those products for a Total Score.

#### **7.5 Certification of Eligibility List and Appointment**

The Commission shall rank the passing Applicants on a list with the Applicant receiving the highest Final Score at the top of the list. The Commission shall certify from this list the names of three (3) Applicants for each vacancy who have received the highest average in the last examination held within a period of one (1) year preceding the date of the request for such list of eligibles. Where more than one (1) vacancy is to be filled from an Eligibility List, an Applicant who is not selected to fill a vacancy shall remain on the Eligibility List for purposes of consideration for the additional vacancy positions and the Applicant receiving the next highest Final Score shall be added to the certified list of eligibles such that there are always three (3) persons for each vacancy. This shall constitute the Eligibility List. For promotional positions, fulfilling the performance requirement set forth in Section 7.1 is also required. In the case of tied scores, the tie will be broken by giving preference to the Applicant with the most seniority. The Commission may, at its sole discretion, void an Eligibility List at any time for any reason, by a majority vote. The Commission shall post in its office the Eligibility List containing the names and grades of those persons named on the Eligibility List. The Eligibility List shall automatically expire one (1) year after being certified by the Civil Service Commission. The

Eligibility List may be renewed for an addition one (1) year period, or for the period allowed per State Section 1184, Part 4, by a majority vote of the Commission.

**Appointment**

(a) The Appointing Authority of the Town of Bloomsburg may fill any vacancy in an existing position of Sergeant in the Police Department which occurs as a result of expansion of the police force, retirement, resignation, disability, or death by the reappointment or reinstatement of a former employee with the rank of Sergeant of the police department who had been furloughed. Except for physical and psychological examinations, no further testing shall be required for a furloughed employee.

(b) If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, the position shall be filled only in the following manner:

(1) The Appointing Authority of the Town of Bloomsburg shall notify the Commission of any vacancy which is to be filled and shall request the certification of the top 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 Eligibility List;

(3) The Town Council of the Town of Bloomsburg shall make an appointment from one of the three names certified.

(c) The Town Council may object to one or more of the persons certified for the reasons set forth in Section 7.2 of these Rules and Regulations. If the Applicant to whom the Town Council objects fails to timely exercise their rights of appeal under Section 11.4 or if the

Commission declines to uphold their appeal, the Commission shall strike the name of that Applicant from the eligibility list and certify the next highest name for inclusion on the list of three Applicants for each name stricken off.

#### **7.6 Probationary Period**

A promoted officer shall be subject to a six (6) month probationary period. During their probationary period, an officer may be returned to their prior rank only for cause for the reasons set forth in Section 11.1 At the conclusion of the probationary period, if the conduct of the officer has not been satisfactory to the Town Council of the Town of Bloomsburg, the officer shall be notified in writing that the officer will not receive a permanent appointment, within a reasonable amount of time following the conclusion of the officer's probationary period. At that time, a promoted officer shall return to their previous rank. Any officer who is not informed in writing that their performance has been unsatisfactory, shall receive a permanent appointment to their position. Any probationer who is notified in writing that they will not receive a permanent appointment has no right of appeal under these Rules and Regulations.

### **SECTION 8. APPOINTMENT OF LIEUTENANT**

The position of Lieutenant is defined as a non-union, non-exempt position—eligible for overtime. This position is an appointed position where the appointment is made by the Town Council and Mayor. This position requires at least ten (10) years of continuous service with the Town of Bloomsburg as a uniformed officer and five (5) years as a Sergeant with an exemplary

service record. The Town may administer a written promotional examination, an oral promotional examination, or a combination of both oral and written exams to determine the appointment.

### **8.1 Qualification – Applicants for Lieutenant**

(a) In addition to meeting the qualification in Section 3.1 above, all

Applicants

for position of Lieutenant must not have not received a formal written reprimand for one (1) year after any reckoning period prior to the deadline for submitting applications, and must not have been suspended without pay at any time for two (2) years prior to the deadline for submitting applications. Any formal written reprimand or suspension to which the Applicant has timely appealed pursuant to a grievance procedure or these Rules and Regulations shall be disregarded unless the appeal is resolved prior to the creation of the Eligibility List.

## **SECTION 9. APPOINTMENT OF CHIEF OF POLICE**

In the case of a vacancy in the office of Chief of Police, the Appointing Authority has full discretion in selecting the individual to fill the position of Chief of Police. If the Appointing Authority requests the Commission to subject that person to a noncompetitive examination, and if that person successfully passes the noncompetitive examination, then the Commission shall notify the Appointing Authority of the results of the examination and that person may only be removed from the position of Chief of Police for the same reasons set forth in Section 11.1.

## **SECTION 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 Town Council of the Town of Bloomsburg may nominate a person to the Commission for noncompetitive examination. If a nominee is certified by the Commission as qualified after such noncompetitive examination, they may be appointed provisionally to fill the vacancy. It shall thereupon become the duty of the Commission, within three weeks, to begin the Civil Service Hiring Process of competitive examination and to certify a list of those eligible. Then, a regular appointment shall be made from the name or names submitted by the Commission, provided that nothing within this Section shall prevent the appointment, without examination, of persons temporarily as police officers in cases of riot or other emergencies.

## **SECTION 11. SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK**

### **11.1 Grounds for Disciplinary Action**

(a) No person appointed to a position in the Police Department pursuant to these Rules and Regulations may be suspended without pay or removed, and no person promoted in rank pursuant to these Rules and Regulations may be reduced in rank 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 constitutes a misdemeanor or felony;

(4) Inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming an officer;

(5) Intoxication while on duty; or

(6) Engaging or participating in conducting of any political or election campaign other than the officer's exercise of their own right of suffrage.

(b) No officer shall be removed for religious, racial, or political reasons. A 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 the Town Council of the Town of Bloomsburg.

## **11.2 Furloughs**

(a) If the Town of Bloomsburg deems it necessary to reduce the number of full-time police officers for economy or other legitimate reasons then the Town of Bloomsburg shall apply the following procedure: (1) if there are any employees eligible for retirement under the terms of any retirement or pension law, then such reductions in numbers shall be made by retirement of such employees starting with the oldest employee and following in order of age respectively; (2) if the number of full-time police officers eligible for retirement is insufficient to effect the necessary reductions in numbers, or if there are no persons eligible for retirement, or if no retirement or pension funds exists, then the reduction shall be effected by furloughing the person or persons including probationers, last appointed to the respective force.

(b) Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have been accomplished. In the event that the Appointing Authority decides to increase the Police Department, the

furloughed officers shall be reinstated in order of their seniority in the department, if the furloughed officer accepts reinstatement, in writing, within thirty (30) days of receiving notice of the opening, by sending the acceptance to the Chief of Police. These reductions in force provisions are not applicable to the Chief of Police.

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### **11.3 Notice of Suspension, Removal or Reduction in Rank**

Whenever a police officer is suspended, removed, or reduced in rank, the specific charges warranting such actions shall be stated in writing by the Town council of the Town of Bloomsburg (the “written statement”). The written statement shall clearly indicate the provide sufficient detail to enable the officer to understand the charges against the officer and to allow the officer an opportunity to respond to those charges. The written statement shall specify the subsection of Section 11.1 which provides the basis for the disciplinary action as well as the explanation of the factual circumstances upon which the Appointing Authority relied in finding a violation of Section 11.1.

Within five (5) days after the Chief of Police or their designee has imposed disciplinary action in the form of a suspension, the written statement shall be delivered to the officer either by personal service, certified, or registered mail. In addition, the written statement shall notify the officer of their appeal rights under Section 11.4 of these Rules and Regulations. A copy of the written statement shall also be served upon the members of the Civil Service Commission.

### **11.4 Hearings on Suspension, Removals and Reductions in Rank**

- (a) An officer who has been suspended, removed, or reduced in rank may

appeal the decision of the Appointing Authority by written notice to the Secretary of the Commission at Town Hall, 301 East Second Street, Bloomsburg, PA 17815-1870 by requesting a hearing. A hearing request must be received by the Commission within ten (10) days after the officer received written notice of the discipline. The officer may make written answers to any charges filed against the individual no later than the date fixed for the hearing. An officer's failure to provide written answers to any of the charges shall not be deemed an admission by the officer.

(b) The Commission shall schedule a hearing within ten (10) days from the officer's written request for a hearing unless continued by the Commission for cause at the request of the Commission, the Town Council of the Town of Bloomsburg, or the officer. At any such hearing, the officer against whom the charges have been made may be present and may be represented by counsel. The officer or the officer's counsel may call witnesses and present testimony and documentation on their behalf. The Town of Bloomsburg may also be represented by counsel, and may call witnesses and present evidence as is necessary to support the charges. A stenographic record of all testimony shall be taken at each hearing and shall be preserved by the Commission. In the event the charges are dismissed, the record shall be sealed and will 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 Town Council of the Town of Bloomsburg 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 the Town Council of the Town of Bloomsburg. The Commission may request posthearing 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.

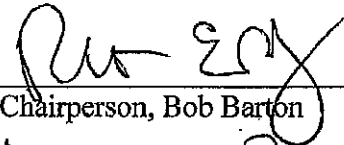
#### **11.5 Hearing Procedure**

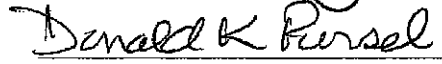
(a) All testimony shall be given under oath administered by the Chairperson, or in their absence, the Vice-Chairperson. The Commission shall have power to issue subpoenas as set forth in Section 2.11. The hearing shall be open to the public unless, prior to the commencement of the hearing, a written or oral request to close the hearing is made by either the charged officer or the Town of Bloomsburg.

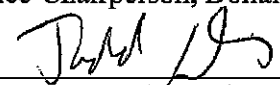
(b) If the Commission sustains the charges, the officer who was suspended, Removed, or reduced in rank may file an appeal with the Court of Common Pleas within thirty (30) days from the date of entry of the final order by the Commission. The Commission shall not order a suspension for a period longer than one (1) year. In the event that the Commission fails to uphold the charges, the officer shall be reinstated with full pay for the period of the suspension, removal or demotion, and the charges will not be officially recorded against their record.

**SECTION 12. RESOLUTION FOR ADOPTION**

The foregoing Rules and Regulations, which are in accordance with powers granted by the Civil Service section of the Incorporated Towns Code, enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the Municipal Governing Body of the Town of Bloomsburg, Pennsylvania are hereby adopted by the Civil Service Commission of the Town of Bloomsburg, Pennsylvania on March 22, 2023.

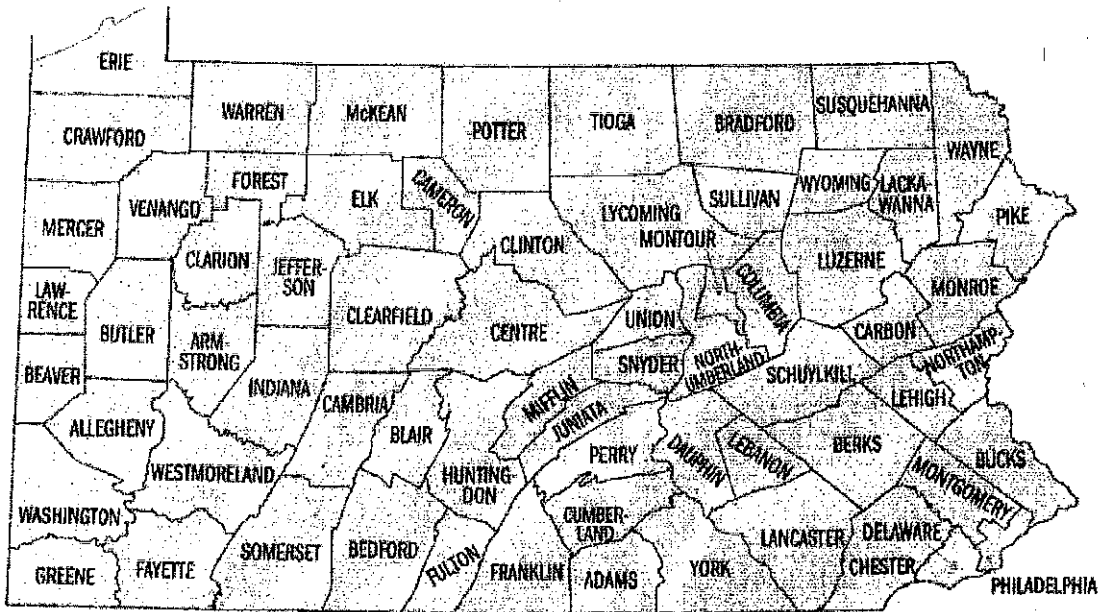
  
\_\_\_\_\_  
Chairperson, Bob Barton

  
\_\_\_\_\_  
Vice-Chairperson, Donald Pursel

  
\_\_\_\_\_  
Secretary, Todd Davis

Approved by the Town Council of the Town of Bloomsburg, Pennsylvania on March 27, 2023.

Attachment A



Counties:

Columbia County

Sullivan County (north)

Luzerne County (east)

Schuylkill County (southeast)

Northumberland County (southwest)

Montour County (west)

Lycoming County (northwest)