

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 581

(Duly Adopted August 30, 2023)

AN ORDINANCE APPROVING AMENDMENTS TO THE CIVIL SERVICE RULES AND REGULATIONS OF THE BOROUGH OF ALBURTIS, AS RECENTLY ADOPTED BY THE ALBURTIS CIVIL SERVICE COMMISSION, PROVIDING THAT ALL APPLICATIONS AND EXAMINATIONS FOR POSITIONS IN THE POLICE DEPARTMENT SHALL BE PROCESSED BY THE ALBURTIS CIVIL SERVICE COMMISSION (DISCONTINUING USE OF THE LEHIGH COUNTY CHIEFS OF POLICE ASSOCIATION CONSORTIUM) AND REQUIRING THAT EACH APPLICANT HAVE A MINIMUM OF THREE YEARS OF RELEVANT LAW ENFORCEMENT EXPERIENCE PRIOR TO SUBMITTING AN APPLICATION.

WHEREAS, Section 1170 *et seq.*, of the Borough Code, 8 PA. CONS. STAT. § 1170 *et seq.*, establishes civil service requirements for certain police officers in Boroughs which has three or more regular police officers who devote their normal working hours to police duty; and

WHEREAS, the Borough employs more than three regular police officers who devote their normal working hours to police duty, and has established a Civil Service Commission under Section 1172 of the Borough Code, 8 PA. CONS. STAT. § 1172; and

WHEREAS, Section 1176 of the Borough Code, 8 PA. CONS. STAT. § 1176, authorizes the Civil Service Commission to prescribe, amend, and enforce civil service rules and regulations, provided they are approved by Borough Council; and

WHEREAS, the Civil Service Commission adopted Civil Service Rules and Regulations on February 26, 1996, which were approved by Borough Council by Ordinance No. 329, adopted March 27, 1996; and

WHEREAS, the Civil Service Rules and Regulations have been amended from time to time thereafter and codified to Chapter 13 of the Alburdis Codified Ordinances; and

WHEREAS, by Resolution 2023-1 on August 15, 2023, the Civil Service Commission adopted amendments to the Civil Service Rules and Regulations, subject to the approval of Borough Council; and

WHEREAS, Borough Council approves of the amendments to the Civil Service Rules and Regulations adopted by the Civil Service Commission, as set forth in this Ordinance;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Chapter 13 of the Codified Ordinances (relating to Police Civil Service) is amended by amending sections 13-202, 13-501, 13-503, 13-505(b)(12), 13-508, 13-510, 13-603, and 13-605, and deleting section 13-208.1, as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

Chapter 13 — Police Civil Service

* * *

Article II — Definitions

* * *

§ 13-202 Applicant.

The term “Applicant” shall mean any individual who applies in writing to the Commission, ~~or through the Consortium in accordance with the~~

~~procedures established by the Consortium,~~ in response to a legally advertised notice of vacancy and/or examination for any position in the Police Department.

* * *

§ 13-208.1 Consortium.

~~The term "Consortium" shall mean the Lehigh County Chiefs of Police Association Consortium.~~

* * *

* * *

Article V — Applications & Qualifications

§ 13-501 Applications.

(a) **Timely Application Required.** ~~In order to be eligible for participation in any competitive examination for an entry-level patrol officer position, an Applicant must submit a completed application through the Consortium in accordance with its procedures before its annual deadline.~~ In order to be eligible for participation in any other competitive examination for any a position with the Police Department, an Applicant must submit a completed application to the Commission before the deadline stated by the Commission for that specific examination.

(b) **Form of Application.** ~~An application submitted through the Consortium shall be in the form specified by the Consortium.~~ An The application submitted directly to the Commission shall be in the form prescribed by the Commission for that specific examination, and shall include information relating to:

* * *

(6) whether the Applicant satisfies the general qualifications for the position, including a summary of all relevant law enforcement experience by organization(s) served, dates of employment, and hours of employment sufficient to satisfy the qualifications;

* * *

(c) **Notarization Under Penalty of Perjury.** ~~An~~ The application submitted directly to the Commission must be supported by Applicant's statement ~~under oath or affirmation before a Notary Public~~ that the responses provided in the application are true, correct, and complete, and are made under penalty of perjury under the law of the Commonwealth of Pennsylvania. (Cf., 8 PA. CONS. STAT. § 1182; 18 PA. CONS. STAT. § 4904; 42 PA. CONS. STAT. §§ 6202, 6204, 6206.)

* * *

* * *

§ 13-503 Availability.

(a) ~~Applications Through the Consortium.~~ In the case of an application to be submitted through the Consortium, the manner of submitting an application and any materials necessary in connection with the application shall be as prescribed and made available by the Consortium.

(b) ~~Applications Directly to the Commission.~~ In the case of an application to be submitted directly to the Commission: Application forms shall be available to all interested persons in the office of the Borough Manager, on the Borough's internet web site, and from such other offices and officers that the Commission, from time to time, may choose to designate. Application forms may be mailed upon written or telephone request. However, the Commission assumes no responsibility for missed filing deadlines due to a delay in the mail.

* * *

§ 13-505 General Qualifications for All Applicants.

(a) **In General.** Every Applicant for any position in the Police Department shall possess a diploma from an accredited high school or a graduate equivalency diploma and shall have at least three (3) years of relevant law enforcement experience at the time the application is submitted. In addition, every applicant must be a United States citizen, be physically and mentally able to perform the essential functions of the position with or without reasonable accommodation, be certified by the Municipal Police Officers' Education and Training Commission under the Act of June 18, 1974, Pa. Laws 359, No. 120, as amended, codified at 53 PA. CONS. STAT. § 2161 *et seq.*, and, prior to appointment, possess a valid motor vehicle operators commercial or non-commercial driver's license issued by the Commonwealth of Pennsylvania.

(b) **Relevant Law Enforcement Experience.** For purposes of subsection (a), a person has three (3) years of relevant law enforcement experience if he/she has—

(1) worked on-duty as a police officer with criminal law enforcement duties for at least two hundred (200) hours in each of at least twelve (12) calendar quarters during the eight (8) year period ending on the application submission date, for one or more of the following:

(A) a police department of a Pennsylvania political subdivision having general police powers (such as cities, boroughs, townships, home rule municipalities, and the Allegheny County Sheriff's Office) or a regional association of such political subdivisions;

(B) the Pennsylvania State Police;

(C) a Pennsylvania campus police or university police department certified by the Office of Attorney General as a criminal justice agency;

(D) a Pennsylvania school entity or nonpublic school, as a "school police officer";

(E) a Pennsylvania airport authority police department;

(F) a police organization of another U.S. state, territory, or the District of Columbia which is similar to the Pennsylvania organizations in subparagraphs (A) through (E) above;

(G) a military police unit of the United States Armed Forces (such as the Army Military Police Corps, the Navy Masters at Arms, the Air Force Security Forces, the Marine Corps Military Police, and the military police units of the National Guard); and

(2) the service under paragraph (1) above includes work on-duty as a police officer with criminal law enforcement duties for at least two hundred (200) hours in each of at least four (4) calendar quarters during the five (5) year period ending on the application submission date, for one or more of the organizations described in subparagraphs (A), (B), or (C) of paragraph (1).

~~(b)~~ (c) Essential Job Functions. Each of the following are essential functions of a Police Officer:

* * *

* * *

§ 13-508 Recording & Filing Applications.

~~(a) Applications Through the Consortium.~~ In the case of an application to be submitted through the Consortium, the manner of submitting, correcting, recording, and filing an application shall be as prescribed by the Consortium.

~~(b) Applications Directly to the Commission.~~ In the case of an application to be submitted directly to the Commission: Applications for positions in the Police Department shall be received at the Borough offices 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 Borough Manager. The Borough Manager will record the receipt of all applications and provide each Applicant with notice of the time and place for the first portion of the testing procedure, the written examination. Any application containing material errors or omissions may, at the discretion of the Commission, be returned to the Applicant for correction prior to the deadline for filing applications, after which no new applications or amended applications will be accepted.

* * *

§ 13-510 Public Notice.

~~(a) Applications Through the Consortium.~~ In the case of an application to be submitted through the Consortium, the Consortium shall provide public notice as required by law. The Borough or the Commission may provide additional public notice by posting or other means at any time.

~~(b) Applications Directly to the Commission.~~ In the case of an application to be submitted directly to the Commission: At least two weeks prior to the close of the application period, the Commission shall post in a conspicuous location in the Borough offices notice of ~~the time and place of every~~ competitive examination for a position in the Police Department, together with the including information as to the type of position to be filled, the requirements for that position, where applications may be obtained for the examination, where applications must be submitted for the examination, and the deadline for filing those applications. In addition, at least two weeks prior to each such examination, the Commission shall publish the notice in at least one newspaper of general circulation in the Borough. (Separate public notices for the times and places of the parts of the examination, i.e., the written examination, the oral examination, the physical fitness test, and the physical and psychological examinations, need not be given.) Additional public notice by publication, posting, or other means may be given at any time at the discretion of the Commission.

Article VI — Examination & Grading Procedure

* * *

§ 13-603 Administering Examinations.

(a) **Written Examinations.** ~~The Consortium shall conduct the written examination for all applicants for the entry-level position of patrol officer.~~ The Commission may designate the Department of Community Affairs, Municipal Consulting Services Division, the State Civil Service Commission of the Commonwealth of Pennsylvania, or any other recognized examining agency to act as examiner for ~~other~~ the ~~written examinations~~ examination. The Commission shall reserve the right to accept or reject, in whole or in part, the recommendations of the regularly appointed examining agency.

* * *

(c) **Physical Fitness Test.** ~~The Consortium shall conduct the physical fitness test for all applicants for the entry-level position of patrol officer.~~ The Commission may designate agents to administer ~~other~~ the ~~physical fitness tests~~ test.

* * *

* * *

§ 13-605 Oral Examinations.

(a) **Entry-Level Patrol Officer Positions.** Whenever the Commission desires to proceed with oral examinations for the position of entry-level patrol officer, the Commission shall request the Consortium to provide a list of the ten (10) persons who applied for a position with the Borough's Police Department through the Consortium and remain available for appointment, passed the written examination and physical fitness test, and have the highest written examination scores for the current examination cycle, *provided*

that the number of persons on the list shall be increased as necessary to insure that either—

(1) there are at least three (3) persons on the list who qualify for veterans' preference points under § 13-607, or

(2) all applicants for a position in the Borough Police Department who remain available for appointment, qualify for veterans' preference points under § 13-607, and passed the written examination and physical fitness test for the current examination cycle, are on the list provided by the Consortium.

Of course, if there are fewer than ten (10) persons who applied for a position in the Borough Police Department, passed the written examination and physical fitness test for the current examination cycle, and remain available for appointment, the Commission need only provide a list of all such persons. After receiving the list from the Consortium, the Commission shall schedule an oral examination for each person on the list.

(b) Other Positions. For all positions other than entry-level patrol officer, the Commission shall schedule an oral examination for each applicant who passed the written examination and the physical fitness test.

(c) The Examination. Every Applicant who scored seventy percent (70%) or higher in the written examination and passed the physical fitness test shall be given an oral examination. The oral examination will be graded on a 100 point scale, with a score of seventy percent (70%) or higher necessary for passing. Applicants scoring less than seventy percent (70%) shall be rejected. The Chief of Police, or his representative, shall develop a set of questions, which may be included, in whole or in part, in the oral examination. Applicants will not be graded by the Chief of Police or his representative. The oral examination shall involve questioning applicants on how they would handle situations relevant to police work, and, in the case of promotional examinations, how they handled similar situations in the past. Within thirty (30) days after an Applicant's oral examination, the Commission shall inform the Applicant of his/her score in the oral examination and the total overall score in the written and oral examinations (*see* § 13-606).

SECTION 2. This ordinance shall also be considered a resolution of Borough Council under 8 PA. CONS. STAT. § 3301.1(c)(4).

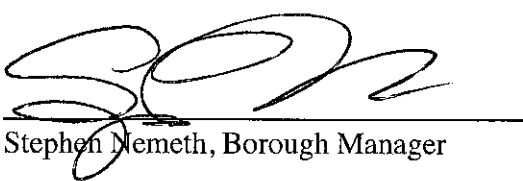
DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Alburtis, this 30th day of August, 2023, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURTIS



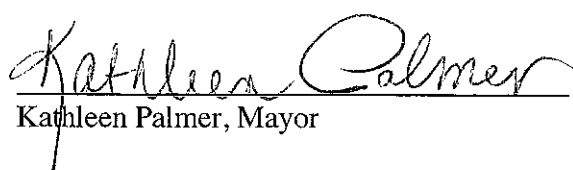
Ronald J. DeIaco, President

Attest:



Stephen Nemeth, Borough Manager

AND NOW, this 30th day of August, 2023, the above Ordinance is hereby **APPROVED**.



Kathleen Palmer, Mayor