

**ORDINANCE 2025-02
CITY OF LOCK HAVEN CIVIL SERVICE COMMISSION
RULES & REGULATIONS**

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ARTICLE I. CIVIL SERVICE COMMISSION

§ 14401. Examinations required of all appointees.

No individual may be appointed to any uniformed position in the police, excluding the chief, unless all of the following apply:

- (1) The individual passed all examinations as provided for under these Rules and Regulations.
- (2) The individual was appointed in the manner and according to the terms, provisions and conditions of these Rules and Regulations.

§ 14402. Appointment of Civil Service Commission.

In Chapter 30 of the City Code, Article III, the City has established a Civil Service Commission that shall provide for and oversee the examination of applicants for appointment and promotion to any position in the police department. Council shall appoint three city residents to the Commission who shall serve four-year terms or until their successors are appointed and qualified. Any individual who is a registered elector of the City may be appointed to the Commission. No City officer, official or employee shall be eligible for appointment to the Civil Service Commission.

§ 14403. Organization of Civil Service Commission and quorum.

(a) Terms. – Terms of members of the Commission shall be staggered. Council shall initially appoint to the Commission one individual to serve for two years, one individual to serve for three years and one individual to serve for four years.

(b) Vacancies. – Upon the expiration of the term of any member, a successor shall be appointed by Council to serve on the Civil Service Commission for a term of four years. If any vacancies occur, they shall be filled by Council for the unexpired term. Before entering upon the duties of office, each member shall take and subscribe to the oath of office prescribed by 53 Pa.C.S. § 1141 (relating to form of oaths of office) and file the oath, duly certified by the officer administering it, with the City clerk.

(c) Compensation. – No salary or other compensation shall be paid to any member of the Civil Service Commission.

(d) Quorum. – Two members of the Civil Service Commission shall constitute a quorum necessary for the transaction of business of the Commission.

(e) Organization. – The Civil Service Commission shall organize for the purpose of transacting all business immediately after new appointments to the Commission are made and on the second Monday in February of even numbered years. After organizing, the

Commission shall elect one of its members as Chairperson and one member as Secretary.

(f) Meetings. – Except for the biennial organization meeting in § 14403(e), all meetings shall be held either at the call of the chairperson or at the call of two members of the Commission, with public notice at least 24 hours in advance pursuant to the Pennsylvania Sunshine Act, 65 Pa.C.S. § 709. All meetings shall take place in a meeting open to the public unless otherwise closed pursuant to the Pennsylvania Sunshine Act, 65 Pa.C.S. § 701 *et seq.*

(g) Solicitor and consultants. – The Commission may retain legal counsel, and any other consultants or experts, including physicians and psychiatrists, as are necessary.

(h) Minutes. – The Commission shall keep minutes of its proceedings pursuant to the Pennsylvania Sunshine Act, 65 Pa.C.S. § 706. All records of the Commission shall be preserved and disposed of according to the Municipal Records Manual of the Pennsylvania Historical and Museum Commission as directed by the Municipal Records Act of 1968 P.L. 961, No. 428.

(i) Clerk and compensation. – The Civil Service Commission shall appoint the City Manager as a clerk and prescribe the clerk's duties and shall have the power to change these duties. All necessary supplies for the use of the Commission shall be supplied by the City.

§ 14404. Duties of Chairperson and Secretary.

The Chairperson, or in the absence of the Chairperson, 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.

At the direction of the Commission, the Secretary shall carry on all official correspondence of the Commission, send out all notices required by law and these rules, keep a record of each examination or other official action of the Commission, and perform all other duties required by law or these rules.

§ 14405. Alternate Commission members.

Council may appoint not more than three qualified electors of the city to serve as alternate members of the Civil Service Commission. The term of office of the alternate members shall be four years. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairperson shall designate as many alternate members of the Commission to sit on the Commission as may be needed to provide a quorum. When seated pursuant to this section, an alternate shall be entitled to participate in all proceedings and discussions of the Commission to the extent as provided by law for Commission members, including the right to cast a vote as a voting member during the

proceedings, and shall have all the powers and duties set forth in this chapter and as otherwise provided by law.

Any alternate member of the Commission shall continue to serve on the Commission in all proceedings involving the matter or case for which the alternate was initially designated until the Commission has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. Alternates shall hold no other office in the city. Any alternate may participate in any proceeding or discussion of the Commission but shall not be entitled to vote as a member of the Commission unless designated as a voting alternate member pursuant to this section.

§ 14406. Investigations and subpoenas.

(a) Investigations. – The Civil Service Commission shall have the power to conduct investigations concerning all matters relating to the administration and enforcement of its rules and regulations. The Chairperson shall be authorized to administer oaths and affirmations for witnesses testifying in matters before the Commission.

(b) Subpoenas. – The Civil Service Commission shall have the power to issue subpoenas over the signature of the Chairperson or designee and to require the attendance of witnesses and the production of records and papers pertaining to matters before the Commission, including any background investigation conducted pursuant to any applicable rules and regulations.

(1) All elected and appointed officials of the City and all employees of the City shall attend and testify when required to do so by the Commission. If any elected or appointed official of the City 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 five hundred dollars (\$500) plus costs, and in default of the payment of such fine and cost shall be imprisoned not to exceed thirty (30) days. Any employee of the City who shall refuse or neglect to obey any subpoena issued by the Commission shall be subject to disciplinary action up to and including immediate termination.

(2) If any person who is not an elected or appointed official nor an employee shall refuse or neglect to obey any subpoena, the Commission may apply by petition to the Court of Common Pleas of Clinton County for its subpoena, requiring the attendance of such persons before the Commission or the court to testify and to produce any records and papers necessary, and in default thereof shall be held in contempt of Court.

§ 14407. Rules and regulations, annual report and annual review of eligibility list.

(a) Rules and Regulations. – The Civil Service Commission shall have the power to prescribe, enforce and amend the rules and regulations governing the conduct of its activities. Before any changes to these rules or regulations become effective, those changes must be approved by Council.

(b) Annual Report to Council. – If during the course of any year the Commission has business come before it, the Commission shall make an annual report to Council containing a brief summary of its work during the year and a full accounting for any expenditures of public funds.

(c) The lists of eligible names kept by the Civil Service Commission shall be annually examined by the Commission for the purpose of deleting individuals from the list who are permanently unavailable for or disqualified for the position or positions involved, either by death, permanent removal from the area or written desire to be removed from the list or by other permanent cause in conformity with the Commission's rules and regulations.

§ 14408. Non-discrimination.

It is the policy of the Commission that no qualified applicant shall be denied equal opportunity to employment or promotion because of the applicant being a part of any protected class or group under federal or state law.

ARTICLE II. APPLICATIONS AND QUALIFICATIONS

§ 14409. Eligibility for examination and availability.

(a) Eligibility for examination. – Every applicant must submit a completed application form to the Commission before the deadline stated by the Commission for that specific examination. The applicant must make an oath that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa.C.S. § 4904 relating to sworn falsification to authorities. A Polygraph Personal Data Questionnaire will be included with the application form.

(b) Availability. – The City Manager shall make the application form available in a manner designated, from time to time, by the Commission. The Commission assumes no responsibility for missed filing deadlines due to a delay or malfunction of mail or technology.

§ 14410. Age requirement and general qualifications.

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

Every applicant shall possess a diploma from an accredited high school or equivalency. Every applicant must be a citizen of the United States of America and possess a valid motor vehicle operator's license. Applicants shall meet the standards for physical and mental fitness to perform the full duties of an officer in the police department. Applicants must be free of any criminal conviction in any state for which more than one (1) year in prison can be imposed as punishment or of an offense that results in a prohibition against possession of a firearm. Additionally, applicants for a part-time officer position must at the time of application be Act 120 Certified under the Municipal Police Officers' Education and Training Act ("Act 120") (MPOETC), 53 Pa.C.S. § 2161 *et. seq.*, or shall have successfully completed Act 120 Training and successfully passed the final exam, thus being eligible for Act 120 Certification once hired by the City].

In addition to meeting the qualifications set forth above, all applicants for a promotional position shall not have been suspended without pay for more than five (5) days in the three (3) years prior to the deadline for submitting applications. Any suspension to which the applicant has timely appealed pursuant to a contractual grievance procedure or these rules shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

All applicants for promotion shall have continuous prior service with the department as follows:

- (a) An applicant for the position of Sergeant shall have at least two (2) years of service with the City of Lock Haven Police Department as a full-time police officer.
- (b) An applicant for the position of Lieutenant shall have at least one (1) year of experience as a Sergeant within the City of Lock Haven Police Department as a full-time police officer.
- (c) An applicant for the position of Detective shall have at least one (1) year experience within the City of Lock Haven Police Department as a full-time police officer.

The City Manager shall retain the power to promote a candidate pursuant to the act of July 15, 1957 (P.L.901, No.399), known as the Optional Third Class City Charter Law.

The provisions of this section shall not apply to the City Manager's designation or appointment of the Chief of Police pursuant to 11 Pa.C.S. ¶ 12002 of the Third Class City Code (relating to designation of the Chief of Police).

§ 14411. Public Notice.

The Commission shall advertise a notice of the intent to receive application forms for an entry level patrol officer in the newspaper of record in the city at least two weeks prior to the close of the application period. The notice shall include where additional information regarding qualifications and the dates and time of testing can be obtained. The City Manager shall be able to advertise an announcement of the intent to receive application forms in other ways set, from time to time, by the Commission.

§ 14412. Recording of application.

Applications shall be received by the office of the City Manager or designee after public advertisement and up to the deadline set by the Commission. The City Manager or designee shall record the issuance of all applications and the application form shall notify each applicant of the time and place for the first portion of the testing procedure and written examination. Any application containing material errors or omission may, at the discretion of the City Manager, be returned to the applicant for correction prior to the deadline for filing application.

§ 14413. Penalty for false statement.

The statements made by the applicant in the application form shall contain no falsification, omission or concealment of material fact. Should investigation disclose that misstatement, falsification or concealment took place in an application, the penalties of 18 Pa.C.S. § 4904 relating to sworn falsification to authorities shall apply and the candidate shall be disqualified from consideration. If discovery is made after the applicant is appointed, such misstatement, falsification or concealment shall be grounds for immediate dismissal.

§ 14414. Disqualification/rejection of applicant

The Commission may refuse to examine or certify as eligible any applicant found to lack any of the minimum qualifications for examination in these rules for the position for which the applicant has applied, including promotion. The Commission may refuse to examine or, if examined, may refuse to certify any applicant who demonstrates an inability to adhere to the policies and rules set forth by the City of Lock Haven and the City of Lock Haven Police Department or who is physically or mentally unfit to perform the essential duties of the position sought. The Commission may refuse to examine, or if examined, may refuse to certify any applicant who is illegally using a controlled substance, as defined in section 102 of the Controlled Substance Act (21 U.S.C. § 802), or who has been guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct,

or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitution and laws of the United States and the Commonwealth of Pennsylvania.

§ 14415. Hearing for disqualified applicants.

Any applicant who believes that they are aggrieved by the actions of the Commission, in refusing to examine or to certify them as eligible after examination, may request a hearing before the Commission. Within ten (10) days after such request, the Commission shall designate a time and place for a public hearing, which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa.C.S. § 101 *et seq.* The deliberations of the Commission, including interim rulings on evidentiary or procedural issues, may be held in the nature of a closed executive session. The applicant or aggrieved party may appear with or without counsel. The applicant or aggrieved party must make their request for a hearing in writing within ten (10) calendar days of the date when the party knew or should have known of the Commission's action which is being challenged. The decision of the Commission shall be final.

ARTICLE III. EXAMINATION AND GRADING PROCEDURE

§ 14416. General Examination Requirements

The examination for entry level patrol officer shall consist of a written and oral examination. The written and oral examination will be graded on a one hundred (100) point scale with the written examination representing sixty percent (60%) of the final score, and the oral examination representing forty percent (40%) of the final score. The minimum passing scores on these examinations shall be seventy percent (70%). In addition, each applicant will undergo a physical fitness test, which is graded on a pass/fail basis. Only those applicants who successfully complete each test or component to the testing process will be permitted to advance to the next step in the testing process. After an applicant has been extended a conditional offer of employment, final appointment shall be contingent upon successful completion of an employment separation history check in the MPOETC-TACS database, a physical and psychological examination, and a drug screen.

For promotion to position other than Chief of Police, the examination shall consist of a written and oral examination only. The written exam shall represent fifty percent (50%) of the final score, and the oral examination shall represent fifty percent (50%).

§ 14417. Appointment of Examiners.

The Commission shall appoint a written examination administrator, an oral examination board, a polygraph examiner, and a physical fitness examiner to conduct the appropriate examination(s) as required by these Rules and Regulations.

§ 14418. Written Examination.

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 in 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 written notice of their test results, and each passing applicant shall be informed of the next step in the examination process.

§ 14419. Oral Examination.

Every applicant who scored seventy percent (70%) or higher in the written examination, shall be given an oral examination. The oral examination shall involve questioning applicants on how they would handle relevant situation relevant to the position being applied for. The oral examination will be graded on a 100 point scale with a score of seventy percent (70%) or higher necessary for passing. Within thirty (30) days after the applicant's oral examination they shall be informed of their oral examination score and total overall scores, and each applicant shall be informed of the next step in the examination process.

§ 14420. Veteran's Preference Points.

In accordance with 51 Pa.C.S. Ch. 71 (relating to veteran's preference), the following shall apply to the appointment of a uniformed civil service position:

- (1) A military veteran who meets the qualifications for and conditions of the position under uniform eligibility rules, which include successful passage of an examination, shall receive an additional 10 points on top of their final score, prior to being placed on the eligibility list, pursuant to 51 Pa.C.S. § 7103(a) (relating to additional points in grading civil service examinations).
- (2) If, after the additional 10 points are granted, a veteran is on the list of three eligible applicants, the veteran shall receive a preference in hiring over nonveterans on that list.
- (3) The preference provided by this section shall constitute the only preference with regard to a uniformed civil service position to which a veteran is entitled under this chapter.

(4) Applicants claiming veteran's preference shall have submitted satisfactory proof of service through the submission of a discharge papers or separation documents (a DD214, DD215, or NGB-22 form), or statement of service, as that term is defined in the Veteran's Preference Act, to the City with their application form.

(5) Veteran's Preference shall not apply to promotions.

§ 14420. Physical Fitness Testing

An applicant for the position of entry level patrol must submit to and successfully complete a physical fitness examination which is job-related and consistent with business necessity. Physical fitness testing is not required for promotion.

In an effort to impose an equal burden of compliance on both male and female applicants, requiring the same level of physical fitness for each, an applicant for the position of entry level patrol shall be evaluated to determine physical fitness using the standards developed by the Cooper Institute for Aerobics Research. Each applicant shall score no lower than the 30th percentile of the Cooper standards for the person's age and gender, which coincides with the 30th percentile of the general population, in each of the required evaluations to be eligible for employment. The required evaluations shall be consistent with what is required for entrance to a Certified Municipal Police Academy by the MPOETC. The required evaluations are as follows:

Graduation Exam (30% Cooper)	Male Standards by Age					Female Standards by Age				
	18-29	30-39	40-49	50-59	60+	18-29	30-39	40-49	50-59	60+
Sit-up (1 Min Reps)	35	32	27	21	17	30	22	17	12	4
300 Meter Run (Time)	62.1	63	77	87	87	75	82	106.7	106.7	106.7
Push-up (1 Min Reps)	26	20	15	10	10	13	9	7	7	7
1.5 Mile Run (Time)	13:08	13:48	14:33	16:16	16:39	15:46	16:46	18:26	20:17	22:34

The physical fitness testing order shall be as follows:

1. One minute sit-ups
2. 300 meter run

3. One minute push-ups
4. 1.5 mile run

This is a cumulative test, and all events must be completed within two (2) hours. All applicants should be afforded a minimum test time of five (5) minutes between events.

§ 14421. Background Investigation

The Commission shall request the Chief of Police or another designee of the City Manager to conduct a background investigation on each applicant.

The background investigation must be consistent for each applicant and shall meet, at a minimum, all the specific requirements of the MPOETC and Act 57 of 2020, as required by law. The applicant shall be required to execute an authorization and release for the disclosure of employment information from the applicant's former employing law enforcement agencies, if any, in the Commonwealth, on a standard form promulgated by MPOETC, which shall also be signed by the City's Chief of Police. The background investigation shall include at a minimum the following:

- i. A criminal history check, including the submission of fingerprints to the State Police Central Repository and the Federal Bureau of Investigation.
- ii. A check of the applicant's credit history.
- iii. Personal interviews with at least three people who have personal knowledge of the applicant but are not related to the applicant, nor are a member of the applicant's household.
- iv. Interviews of the applicant's employers, if any, for the past 5 years to determine the applicant's work history.
- v. A review of the applicant's employment information from each previous law enforcement employer to determine the applicant's law enforcement work history.
- vi. A check of the applicant's driving history that includes a review of all traffic violations and verifications that the applicant has a valid driver's license.
- vii. A verification of the applicant's eligibility to lawfully possess a firearm.
- viii. Clearance from the Department of Health & Human Services or Department of Welfare.

The applicant may be interviewed directly when the information collected requires clarification or further explanation.

After the background investigation is completed, the Chief of Police shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment as a police officer for the City of Lock Haven.

The recommendation by the Chief of Police shall be based on the criteria set forth in Section 14414 of these Rules and Regulations and on any other relevant information developed during the background investigation. This report to the Commission shall be in writing and in compliance with the Americans with Disabilities Act and must not include any physical history information on a candidate. If the recommendation is to disqualify, then a detailed, written explanation of the reasons for disqualification must be included. The Commission shall then make a final determination on whether additional information is required or if the information collected and reported warrants acceptance or rejection of the candidate.

Within thirty (30) days after the Commission considers the recommendation of the Chief of Police, each applicant shall be notified as to whether they have passed or failed this portion of the examination process.

§ 14422. Polygraph Examination.

(a) Every applicant for the position of entry level police officer shall fill out a Personal Data Questionnaire and undergo a polygraph examination. The Commission shall furnish each polygraph examiner with forms upon which the examiner shall state whether any of the applicant's responses to questions from the Personal Data Questionnaire are deceptive. The report on each examination shall be submitted to the Commission as soon as reasonably possible by the examiner after the completion of the exam.

(b) The examiner shall ask questions based on the information contained in the Personal Data Questionnaire. Before administering the test, the examiner shall ask each applicant whether there is any more information related to the Personal Data Questionnaire that the applicant would like to provide. There shall 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.

(c) If the examiner shall deem any of the applicant's responses to be deceptive, the examiner must tell the applicant immediately and give the applicant an opportunity to explain, deny or admit the deception. If the applicant denies being deceptive or if the explanation is found unsatisfactory by the examiner, the applicant will be given the opportunity to retake the test with a second examiner. Notice of the opportunity to retest shall be given in writing to the applicant. The second examiner will not have access to the results of the first test prior to administering the polygraph. If the second examiner finds no deception, the applicant will be considered as having passed the polygraph. If the

second examiner also find the applicant deceptive, the applicant will be considered as having failed the polygraph.

(d) An applicant who has failed both tests may appeal to the Civil Service Commission for a third examination at the expense of the applicant, and the decision to give the applicant an opportunity take a third test resides solely with the discretion of the Commission. If the applicant is awarded an opportunity to take a third test and passes, then the applicant will be considered as having passed the polygraph test. If the applicant is found deceptive on a third test, the applicant will be rejected.

ARTICLE IV. CERTIFICATION OF THE LIST OF ELIGIBLE APPLICANTS AND APPOINTMENT

§ 14423. Creation of Eligibility List

(a) At the completion of the examination requirements set forth in Article III, the Commission shall rank all passing applicants on a list with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list. Applicants who qualify for Veteran's Preference Points shall have those points added to their passing score prior to being ranked on the eligibility list. (Veteran's preference does not apply to promotions). In the case of tied scores, the tie will be broken by giving preference to the applicant who submitted a final completed application first. If the tied applicants submitted their complete applications on the same day, then the applicants shall be ranked in alphabetical order by surname.

(b) The Commission shall furnish to City Council a certified copy of all lists prepared and kept. Lists are public records and shall be maintained for a period of two years or until a new list is certified to council, whichever occurs first.

§ 14424. Appointment

(a) City Council may fill any vacancy in an existing position in the police department by the reappointment or reinstatement of a former employee of the police department who had been furloughed. The former employee shall undergo a physical and psychological examination but no other testing shall be required for a furloughed or rehired employee subject to any recertification requirements prescribed by the Municipal Police Officers' Education and Training Commission or other applicable certification agency.

(b) If no furlough list exists, or if positions remain to be filled after all of the officers on the furlough list are offered reemployment, every full-time or part-time civil service position shall be filled only in the following manner:

1. The City Manager shall notify the Commission of any vacancy which is to be filled and shall request the certification of three (3) names from the list of those eligible who have received the highest total scores on the civil service testing and who have successfully completed the background investigation and polygraph examination. The Commission shall maintain separate eligibility lists for full-time and part-time positions. The Commission shall certify to City Council, in writing, the three names on the relevant eligibility list, "Certified List of Three."
2. If three (3) names are not available, then the Commission shall certify the next highest name(s) remaining on the applicable list. In no event may an applicant be certified who has not first successfully completed the background investigation and polygraph examination.
3. The City Manager shall nominate one (1) of the three (3) names certified, based solely on the merits and fitness of the candidates, to City Council. If approved, Council shall make a conditional appointment. If City Council does not approve the nomination or the appointee is determined to be unqualified, the City Manager shall submit another nomination from the remaining names, if any. If the second nomination is not approved by City Council or if the appointee is determined to be unqualified, the City Manager shall submit the third name, if any.
4. However, for initial appointments to the position of patrol officer, when any of the top three candidates on the certified list is a military veteran, as defined in the Veterans' Preference Act, 51 Pa. C.S. Ch. 71, as amended, and applicable case law, that candidate shall be selected.

(c) The City Council may object to one (1) or more of the persons certified for the reasons set forth in Section 14414 of these Rules and Regulations.

(d) If the candidate to whom the City Council objects fails to timely exercise the rights to appeal under Section 14415 or if the Commission declines to uphold the appeal, the Commission shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three (3) candidates for each name stricken off.

(e) In the case that there is more than one (1) vacancy to be filled, the Commission shall certify, from the applicable eligible list, a number of the highest ranked candidates equal to the number of vacancies to be filled, plus the next two (2) highest ranked candidates. This provision will provide that the last appointment will always be made from the remaining three (3) names certified.

(f) Promotion. – Council shall notify the Civil Service Commission of a civil service vacancy in the City which is to be filled by promotion and shall request the certification of an eligibility list. For each vacancy, the Commission shall certify the names of three

individuals on the eligibility list who have received the highest average in the last preceding promotional examination held within the period of two years preceding the date of the request for the eligibility list. If three names are not available, the Commission shall certify the names remaining on the list. The City Manager shall make an appointment from the names certified based solely on the merits and fitness of the candidates unless Council makes objections to the Commission regarding one or more of the individuals on the eligibility list. Council shall have power to determine whether an increase in salary shall constitute a promotion.

§ 14425. Post-conditional offer—separation records check (MPOETC-TACS database).

(a) After a candidate is selected from the certified eligibility list for conditional appointment to the vacant position, the candidate will be notified of a conditional offer of employment, and shall be required to provide a signed and notarized authorization for the release of separation records on a standard form promulgated by MPOETC. The Chief of Police, or a representative(s) from a bona fide background investigation agency, shall request separation records through the MPOETC Training and Certification System (“MPOETC-TACS”) database, pursuant to Act 57 of 2020. The candidate may not proceed further in the application process until the separation record is obtained or a certification that no separation record exists is received from MPOETC.

(b) If separation record(s) sent from the MPOETC-TACS database indicate that the conditional appointee has a history of either final and binding disciplinary action or a criminal conviction, or both, for any of the offenses enumerated below, and the City chooses not to disqualify the conditional appointee, the City must electronically submit a Hiring Report Form to MPOETC, on a standard form promulgated by MPOETC, within seven (7) days of the final hiring decision:

1. Excessive Force
2. Harassment
3. Theft
4. Discrimination
5. Sexual abuse
6. Sexual misconduct
7. Domestic violence
8. Coercion of a false confession
9. Filing a false report
10. Judicial finding of dishonesty

(i) If the City chooses not to disqualify the conditional appointee, the Hiring Report Form must include a notarized statement, signed by the Chief of Police or the Chief’s designee, explaining the reasoning and rationale for hiring the conditional appointee.

(c) The Hiring Report Form need not be submitted to MPOETC if no above-described separation history exists, or if the City decides to disqualify the conditional appointee due to the conditional appointee's separation history. However, the City must notify MPOETC, in all instances, of the conditional appointee's final employment status within seven (7) days of the final hiring decision.

(d) If a conditional appointee is disqualified based upon above-described separation history, the conditional appointee will be so notified, and may appeal this decision under Section 14415 of these rules and regulations. If the candidate fails to timely exercise the rights of appeal, or if the Commission declines to uphold the appeal, the Commission shall strike the name from the eligibility list and certify the next highest name for inclusion on the "certified list of three."

(e) If a conditional appointee is not disqualified at this stage, the conditional appointee shall be scheduled for the physical and psychological medical examination as set forth in Section 14426 below.

§ 14426. Post-Conditional offer physical and psychological examination.

(a) Requirement. -- The Civil Service Commission requires that an applicant conditionally appointed undergo a physical or psychological medical examination as a condition of permanent appointment, and final offer of employment shall be contingent upon the applicant passing a physical and psychological exam. Physical medical examinations shall be under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be under the direction of a psychiatrist or psychologist.

(b) Professional opinion. -- A physician, other qualified medical professional, psychiatrist or psychologist shall be appointed by Council and shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question the individual's ability to perform all the essential functions of the position for which the individual was conditionally appointed.

(c) Performance.--If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of a position, the City Manager shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position.

(d) Determination. -- If, at the conclusion of the interactive discussion under subsection (c), the City Manager determines that the conditional appointee is not qualified, the City Manager shall give written notice to the conditional appointee and the Civil Service

Commission. The Commission shall then certify another name to be included with the two previously certified names for consideration for appointment.

(e) Authorization.--Nothing in this chapter shall be construed to authorize physical or psychological medical examinations prior to conditional appointment.

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

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

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

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

(2) as a certified registered nurse practitioner pursuant to the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law.

§ 14427. Probationary period.

Probationary period. Every successful applicant to the position of entry level patrol shall serve a twelve (12) month probationary period. Or as extended as provided for the collective bargaining agreement between the city and the Lock Haven Police Officers Association. For newly hired officers, the one (1) year probationary period shall not commence until after the officer has completed training under Act 120 and receives a certification number. If at the end of the twelve (12) month probationary period the conduct of the probationer has not been satisfactory to the chief, the probationer shall be notified in writing that the appointment will not be permanent. At that time, a newly hired officer's employment shall end. Any probationer who is not informed in writing that the employee's performance has been unsatisfactory shall receive a permanent appoint to the position.

§ 14428. Tenure and temporary appointments.

(a) All civil service appointments shall be for and during good behavior, and no civil service employee shall be removed or transferred for any political reasons.

(b) Temporary appointments.--In case of riot or emergency, temporary appointments to positions in the civil service may be made without complying with the provisions of these rules and regulations.

ARTICLE VI. SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK

§ 14429. Furloughs.

(a) If it should become necessary to reduce the number of employees in the department for economic purposes, the following apply:

- (i) Seniority rights shall prevail.
- (ii) Any and all removals for cause or causes shall be from the members last appointed.
- (iii) The member or members serving the shortest time shall be removed first; however, members with longer times of service may be discharged for cause.

§ 14430. Grounds for Disciplinary Action.

No person appointed to a position or promoted under these rules may be suspended without pay for more than three (3) days, removed or reduced in rank except for the following reasons:

- (1) physical or mental disability affecting the employee's ability to continue in service, in which case, the employee shall receive an honorable discharge from service;
- (2) neglect or violation of any official duty;
- (3) violation of any federal or state law that constitutes a misdemeanor or felony
- (4) inefficiency, neglect, intemperance, disobedience of orders, dishonesty or unbecoming conduct;
- (5) under the influence of drugs or alcohol while on duty;

§ 14431. Notice of Suspension, Removal or Reduction in Rank.

Whenever an employee covered by these rules is suspended without pay for more than three (3) days, removed or reduced in rank by Council, the specific charges warranting the action shall be stated in writing by Council. The letter shall specify the subsection of § 14430 that provides the basis for the disciplinary action as well as an explanation of the factual circumstances upon which the Council relied in finding a violation. Within five days after Council has voted to impose disciplinary action, the letter shall be delivered to the employee by personal service or by certified mail. In addition, the letter shall notify the employee of the right to appeal.

§ 14432. Hearings on Suspension, Removal and Reduction in Rank.

(a) The employee who has been suspended, removed or reduced in rank by Council may appeal the decision by written notice to the clerk of the Civil Service Commission at city hall, Lock Haven, Pennsylvania, requesting a hearing. This request shall be received by the Commission within ten (10) days after the employee received notice of the discipline. The employee shall respond to the charges in writing no later than the date fixed for the hearing.

(b) The Commission shall schedule a hearing within ten (10) days from the employee's written request for a hearing, unless continued by the Commission for cause at the request of the Commission, the Council or the employee.

(c) At the hearing, the employee may call witnesses and present testimony and documentation as part of the defense. The city may also be represented by counsel and may call witnesses and present evidence as necessary to support the charges. A stenographic record of all testimony shall be taken at every hearing and preserved by the Commission. In the event the charges are dismissed, the record of the charges shall not be included in the employee's personnel file.

(d) The issue before the Commission shall be whether the action of Council shall be affirmed or modified in any respect, whether the charges should be dismissed or whether the suspension or demotion made by the Council shall be affirmed or rescinded. The Commission may request post-hearing briefs which shall be due within thirty (30) days from the date of the hearing, and shall issue a written decision containing finding of facts and conclusions of law within sixty (60) days of receipt of the hearing transcript. If any employee has been suspended and the charges are dismissed or the suspension rescinded on appeal, the employee shall receive full compensation for the entire period of suspension.

§ 14433. 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 registered mail to each person making charges and to the person accused, and,
- (b) By mailing a notice to all other parties who have an interest in the hearing; provided, however, that any failure to give the notice required by this subsection shall not invalidate any action taken by the Commission.

§ 14434. Hearing Procedure.

All testimony shall be given under oath administered by the chairperson, or in the absence of the chair, the vice-chairperson. The Commission shall have the power to issue

subpoenas as set forth in these rules. The hearing shall be held under the provisions of the Pennsylvania Sunshine Act § 708(a)(1) of 65 Pa.C.S.

§ 14435. Appeal.

Any civil service employee aggrieved by the decision of Council or the Civil Service Commission shall have the right to appeal in accordance with 2 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local agency action). This review shall be exclusive. When no appeal is taken within the time prescribed by law, the decision by Council or the Civil Service Commission shall become final in accordance with law. The issue before the court shall be whether the action of Council or the Civil Service Commission shall be affirmed or modified in any respect, whether the charges should be dismissed or whether the suspension or demotion made by the City Manager or the chief shall be affirmed or rescinded. If any employee has been suspended and the charges are dismissed or the suspension rescinded on appeal, the employee shall receive full compensation for the entire period of suspension.

(b) Challenge.--In any case in which a police officer who is a member of a bargaining unit is subject to suspension, discharge or discipline, the police officer shall have the option of challenging the suspension, discharge or discipline imposed by using the procedures provided in subsection (a)(2) or by a proceeding in grievance arbitration. A choice to proceed either by the procedures provided for in subsection (a)(2) or by grievance arbitration shall foreclose the opportunity to proceed in the alternative method.

Adoption of rules

The foregoing Civil Service Rules & Regulations are in accordance with powers granted by Chapter 144 of the Third Class City Code and the Optional Charter Law of the Commonwealth of Pennsylvania and endorsed by City Council on March 17, 2025 with Ordinance No. 2025-02 and were adopted by the Civil Service Commission on February 10, 2025 as signed below.

OPTIONAL THIRD CLASS CITY CHARTER LAW (Act of Jul. 15, 1957, P.L. 901, No. 399) Article V Section 521. Any provision of general law now or hereafter enacted conferring the appointing power or other power upon the mayor or other executive head of the city shall be construed as meaning the city manager in a city governed under this article, and the appointments or the power exercised by the city manager in accordance with such provision shall be classified and given the same force and effect as if executed by the official named therein.