

**TOWNSHIP OF O'HARA  
COUNCIL WORKSHOP  
MARCH 5, 2024  
7:00 P.M.  
AGENDA**

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I. Opening Procedures

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call

II. Review and Discussion

- A. Application for Preliminary Land Development – C.O.R.E., 260 Kappa Drive (a)

It has been proposed by C.O.R.E., owner of parcel 226-M-80 located along Kappa Drive, to construct a 2-story building with parking accommodation, driveways, landscaping, lighting and stormwater management controls. The lot is in the SM Suburban Manufacturing District. The Township Planning Commission completed its review of the Plan at its February 12<sup>th</sup> meeting and has recommended to Council that approval be granted subject to the conditions noted in the attached proposed resolution. If acceptable, the proposed resolution will be included on the March 12<sup>th</sup> regular meeting agenda for consideration.

- B. Proposed Sewer Facilities Planning Module for C.O.R.E. (a)

The Pennsylvania Department of Environmental Protection requires the submittal of a Sewage Facilities Planning Module for each subdivision and land development plan. Chuck Steinert has provided Council with information concerning the Planning Module and attached is a proposed resolution. If acceptable, the resolution will be included for consideration on the March 12<sup>th</sup> regular meeting agenda.

- C. Proposed Sewer Facilities Planning Module for Meinert Estates, 335 Dorseyville Road (a)

The Pennsylvania Department of Environmental Protection requires the submittal of a Sewage Facilities Planning Module for each subdivision and land development plan. Chuck Steinert has provided Council with information concerning the Planning Module and attached is a proposed resolution. If acceptable, the resolution will be included for consideration on the March 12<sup>th</sup> regular meeting agenda.

III. Citizen Comments Concerning Non-Agenda Items

II. Review and Discussion Continued

D. Proposed Zoning Ordinance Amendments Including Definitions, Uses in the Commercial and Suburban Manufacturing Districts, and Applicable Supplemental Regulations (a)

Based on discussions with RIDC, the RIDC Business Alliance and staff, certain changes to the Township Zoning Ordinance are recommended to assist in the revitalization of the RIDC Park. The proposed changes include:

Definitions: Electric Vehicle (EV)  
Electric Vehicle Supply Equipment (EVSE)  
EV-Capable Space  
EV-Ready Space  
Post-Secondary Education Institutions  
Sundry

C Commercial District:  
Add as an Accessory Use: EV Charging (DC / Fast Charging)

SM Suburban Manufacturing District:  
Add as a Principal Use: Financial Institutions  
Add as an Accessory Use: Sundry  
EV Charging (DC / Fast Charging)  
Remove as an Accessory Use: Bank  
Add as a Conditional Use: Post-Secondary Education Institutions  
Convenience Store

Supplemental Regulations:

Convenience Store:

No audio emitted from fuel pumps or EV Supply Equipment, except for store communications;

Any proposed use shall have a driveway entrance located within 600' of a highway interchange or parcel that abuts a State Road and has direct access to the State Road for ingress and egress;

Building site shall not abut a residential district.

Primary Building shall be 300' from a residential district or any adjacent municipal border.

EV Charging (DC / Fast Charging)

EV Charging (DC / Fast Charging) uses shall not reduce the number of required parking spaces required by the Principal Use;

Stations shall comply with the setback requirements associated with parking lots;

Any canopy or covers must meet setback requirements for the Principal Structure.

The attached proposed amended zoning ordinance was forwarded to Allegheny County Economic Development for review and comments, which have been received. The ordinance was introduced during the December 12, 2023 regular Council meeting. As

required by the Pennsylvania Municipalities Planning Code (“MPC”) a Public Hearing has been advertised and is scheduled for March 12, 2024 to receive public comments. If acceptable, the proposed ordinance will be included for consideration of adoption on the March 12<sup>th</sup> regular meeting agenda.

- E. Requesting Authorization to File a Grant Application with Pennsylvania Department of Conservation and Natural Resources for the O’Hara Township Community Park Trail Stabilization Project Phase II (a)

The attached proposed resolution authorizes the filing of a DCNR Grant Application for the Trail Stabilization Project Phase II at O’Hara Township Community Park in the amount of \$200,000. A gabion wall along the creek has failed and needs replaced. The Township’s match is \$200,000. If acceptable, the proposed resolution will be included on the March 12<sup>th</sup> regular meeting agenda for consideration.

- F. Proposed Amendments to the Civil Service Commission Rules and Regulations (a)

The Township Civil Service Commission has reviewed the Rules and Regulations and has offered recommendations to expedite the process to create an Eligibility List and modernize the regulations. If acceptable, the attached proposed ordinance amending the Civil Service Commission Rules and Regulations will be included for consideration of introduction on the March 12<sup>th</sup> regular meeting agenda.

- G. Update on Discussions with Blawnox Police Department About Combining Police Departments

Township staff and Blawnox Borough staff met to further discuss the possibility of combining the Blawnox Police Department under the Township of O’Hara Police Department. Staff will provide a verbal update for Council.

- H. Update on Discussion Among O’Hara Fire Departments and Blawnox Volunteer Fire Company About Joint Recruiting, Retention, Training and Capital Purchasing

Representatives from both municipalities and fire departments met to discuss joint training, purchasing and recruitment. Staff will provide a verbal update for Council.

- I. Consideration of Contribution to Cooper Siegel Library

During the 2024 Budget review, Council agreed to leave an allocation of \$22,000 in the budget as a place holder and discuss conditions/restrictions of any gift to the library in 2024. In the past the Township’s contribution was restricted to the Sharpsburg Branch for the use of operational costs and / or the purchase of new equipment, with additional restrictions that the funds must be expended in the year the gift is received, and if funds are held for the following year a detailed explanation must be provided as to why and for what purpose; and in no way can the budget for the Sharpsburg Library Branch be reduced by our gift or any portion of the gift held over for use the following year. If acceptable, a motion will be included on the March 12<sup>th</sup> regular meeting agenda for consideration.

J. Scheduling Interviews for Parks and Recreation Commission, Uniform Construction Code Board of Appeals, Zoning Hearing Board Alternate

Mary Lee Mahon, of the Parks and Recreation Commission and Nancy Neal of the UCC Board of Appeals have decided to retire their services. Shamus Petrucelli was serving on the Parks and Recreation Commission until being elected to serve on Council. Karl Kline relocated to eastern Pennsylvania. Interviews for the Boards and Commission are not required to be public. Staff would like to discuss how Council would like to proceed with filling the vacancies.

K. Requesting Authorization to Sell a Speed Trailer on Municibid

Staff is requesting authorization to sell a speed trailer on Municibid. The Township has been very successful selling items no longer used through Municibid. If acceptable, a motion will be included for consideration on the March 12<sup>th</sup> regular meeting agenda.

L. Requesting Authorization to Sell a 2015 Lawn Tractor Trailer on Municibid

Staff is requesting authorization to sell a 2015 Lawn Tractor Trailer on Municibid. The Township has been very successful selling items no longer used through Municibid. If acceptable, a motion will be included for consideration on the March 12<sup>th</sup> regular meeting agenda.

M. Requesting Authorization to Sell a 2005 Viking 20-ton Trailer on Municibid

Staff is requesting authorization to sell a 2005 Viking 20-ton Trailer on Municibid. The Township has been very successful selling items no longer used through Municibid. If acceptable, a motion will be included for consideration on the March 12<sup>th</sup> regular meeting agenda.

N. Requesting Authorization to Sell a 2001 Viking 10-ton Trailer on Municibid

Staff is requesting authorization to sell a 2001 Viking 10-ton Trailer on Municibid. The Township has been very successful selling items no longer used through Municibid. If acceptable, a motion will be included for consideration on the March 12<sup>th</sup> regular meeting agenda.

O. Requesting Authorization to Sell Various Equipment from Old Police Vehicles on Municibid

Staff is requesting authorization to sell various equipment from old Police vehicles on Municibid. The equipment could not be transferred to the new Police vehicles due to model changes and fitting issues. The Township has been very successful selling items no longer used through Municibid. If acceptable, a motion will be included for consideration on the March 12<sup>th</sup> regular meeting agenda.

P. Planning Commission Annual Reports for 2022 and 2023

Council was provided copies of the subject reports for review.

Q. Proposed March 12, 2024 Regular Meeting Agenda (a)

The proposed agenda was provided to Council for review and approval.

IV. Concerns of Council

V. Concerns of Staff

VI. Adjournment

VII. Executive Session – Labor and Legal

BILL NO. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

**TOWNSHIP OF O'HARA  
ALLEGHENY COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE TOWNSHIP OF O'HARA GRANTING  
PRELIMINARY LAND DEVELOPMENT APPROVAL TO THE CENTER  
OF ORGAN RECOVERY & EDUCATION (C.O.R.E.) PLAN LOCATED  
ALONG KAPPA DRIVE**

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**WHEREAS**, the Township of O'Hara Planning Commission ("the Planning Commission") concluded its review on February 12, 2024 and has recommended to the Township of O'Hara Council ("Council") that Preliminary Land Development Approval be granted to the Center of Organ Recovery & Education (C.O.R.E.) located along Kappa Drive, subject to nine (9) conditions.

**NOW, THEREFORE, BE IT RESOLVED** that the Township of O'Hara Council hereby grants Preliminary Land Development Approval to the Center of Organ Recovery & Education (C.O.R.E.) Plan subject to the following nine (9) conditions:

1. An application for a grading permit shall be submitted prior to construction.
2. Approval of the Erosion & Sedimentation Control Plan by Allegheny County Conservation District.
3. An Ownership and Maintenance Agreement, Appendix B, of the Township Stormwater Ordinance must be executed prior to the start of construction.
4. Copies of all inspections of the stormwater system must be submitted annually to the Township for review.
5. The number of peak trips must be provided to the Township to determine the need for a Traffic Impact Study for the development. If peak trips exceed 50 trips the Traffic Impact Study shall be submitted to the Township for review.
6. A Sewer Planning Module is required.
7. Lighting equipment cutsheets shall be submitted to verify compliance.
8. Dumpster shall be enclosed.
9. Continue concrete curb across entrance drive along Kappa Drive.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that Preliminary Land Development Approval does not authorize site development, the construction of buildings or structures unless and until the Plan has been recorded with the Allegheny County Recorder of Deeds as provided in the Township of O'Hara Subdivision and Land Development Ordinance, and the applicant has been issued grading, building, and/or other required permits or approvals.

BILL NO. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLVED by Council vote of \_\_\_ to \_\_\_ on this \_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

TOWNSHIP OF O'HARA

\_\_\_\_\_  
Julie A. Jakubec, CPA, CGMA  
Township Manager

\_\_\_\_\_  
Cassandra R. Eccles  
President of Council

PROPOSED - 3/5/2024

Approved \_\_\_\_\_

BILL NO. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

**TOWNSHIP OF O'HARA  
ALLEGHENY COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE TOWNSHIP OF O'HARA AUTHORIZING THE  
EXECUTION OF A SEWAGE FACILITIES PLANNING MODULE FOR  
THE CENTER OF ORGAN RECOVERY & EDUCATION (C.O.R.E.) LAND  
DEVELOPMENT LOCATED ALONG KAPPA DRIVE**

**WHEREAS**, the Township of O'Hara Council granted preliminary land development approval to the Center of Organ Recovery & Education (C.O.R.E.) Plan located along Kappa Drive; and

**WHEREAS**, the approval of the preliminary land development plan was subject to Council approval of a proposed method of providing sanitary sewage disposal in accordance with the Township Code Chapter 395, Article VI, Section 395-25.B., to ensure compliance with Township Code, Chapter 395 Article IV, Section 395.14.C.5; and

**WHEREAS**, approval of a Planning Module for Land Development is required in accordance with the regulations of the Pennsylvania Department of Environmental Protection.

**WHEREAS**, Council approves the Sewage Facilities Planning Module for the Center of Organ Recovery & Education (C.O.R.E.) Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Township of O'Hara Council hereby authorizes the execution of a sewage facilities planning module for the Center of Organ Recovery & Education (C.O.R.E.) Plan located along Kappa Drive, which is attached hereto and is subject to the above stated condition.

**RESOLVED** by Council vote of \_\_\_ to \_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

TOWNSHIP OF O'HARA

\_\_\_\_\_  
Julie A. Jakubec, CPA, CGMA  
Township Manager

\_\_\_\_\_  
Cassandra R. Eccles  
President of Council

Adopted: \_\_\_\_\_

Attachment



BILL NO. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

I, Julie A. Jakubec, duly qualified Township Manager of the Township of O'Hara, Allegheny County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of Resolution No. \_\_\_\_\_ duly adopted by a majority vote of the O'Hara Township Council at a regular meeting held \_\_\_\_\_, 2024 and said Resolution has been recorded in the Minutes of the Township of O'Hara and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Township of O'Hara this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Julie A. Jakubec, CPA, CGMA  
Township Manager

PROPOSED - 3/5/2024

BILL NO. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

**TOWNSHIP OF O'HARA  
ALLEGHENY COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE TOWNSHIP OF O'HARA AUTHORIZING THE  
EXECUTION OF A SEWAGE FACILITIES PLANNING MODULE FOR  
THE MEINERT ESTATES PLAN OF LOTS LOCATED ALONG  
DORSEYVILLE ROAD**

**WHEREAS**, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the *Pennsylvania Sewage Facilities Act*, as amended, and the rules and regulations of the Pennsylvania Department of Environmental Protection (DEP) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the Township of O'Hara to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management; and

**WHEREAS**, Denis Meinert – Executor of Estate has proposed the development of a parcel of land identified as Meinert Estates, and described in the attached Sewage Facilities Planning Module, and proposes that such subdivision be served by sewer tap-ins; and

**WHEREAS**, the Township of O'Hara finds that the subdivision described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Township of O'Hara hereby adopt and submit to DEP for its approval as a revision to the "Official Sewage Facilities Plan" of the Township of O'Hara the above referenced Sewage Facilities Planning Module which is attached hereto.

**RESOLVED** by Council vote of \_\_\_ to \_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

TOWNSHIP OF O'HARA

\_\_\_\_\_  
Julie A. Jakubec, CPA, CGMA  
Township Manager

\_\_\_\_\_  
Cassandra R. Eccles  
President of Council

Adopted: \_\_\_\_\_

Attachment

BILL NO. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

I, Julie A. Jakubec, duly qualified Township Manager of the Township of O'Hara, Allegheny County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of Resolution No. \_\_\_\_\_ duly adopted by a majority vote of the O'Hara Township Council at a regular meeting held \_\_\_\_\_, 2024 and said Resolution has been recorded in the Minutes of the Township of O'Hara and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Township of O'Hara this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Julie A. Jakubec, CPA, CGMA  
Township Manager

PROPOSED - 3/5/2024

**TOWNSHIP OF O'HARA  
ALLEGHENY COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF O'HARA AMENDING THE  
TOWNSHIP CODE OF ORDINANCES PERTAINING TO ZONING  
REGULATIONS**

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**WHEREAS**, the **TOWNSHIP OF O'HARA COUNCIL** has reviewed proposed amendments to the Township Code of Ordinances pertaining to Zoning regulations; and

**WHEREAS**, the Township of O'Hara Council finds it necessary to amend certain requirements to Zoning regulations for the purpose of revitalizing the RIDC located in the SM Suburban Manufacturing Zoning District; and

**WHEREAS**, the Township Comprehensive Plan recommends that the Township's Zoning, and Subdivision and Land Development Ordinances encourage sustainable building practices; and

**NOW, THEREFORE**, in consideration of the foregoing, it is hereby ordained and enacted by the authority of the Council of the Township of O'Hara that Chapter 455, "Zoning" of the Township Code of Ordinances is hereby amended as follows.

**SECTION I. Definitions**

**Article II, Section 2.2**

Article II, Section 2.2 is hereby amended by adding the following definitions:

**ELECTRIC VEHICLE (EV)** – A properly licensed and registered road-rated, automotive-type vehicle primarily powered by an electric motor that draws current from an onboard battery charged through a building electrical service, electric vehicle supply equipment (EVSE), or another source of electric current.

**ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE)** – The apparatus installed specifically for the purpose of transferring energy between the premises wiring and the Electric Vehicle.

**EV-CAPABLE SPACE** – A dedicated parking space with electrical panel capacity and space for a branch circuit dedicated to the EV parking space that is not less than 40-ampere and 208/240-volt and equipped with raceways, both underground and surface mounted, to enable the future installation of electric vehicle supply equipment. For two adjacent EV-Capable spaces, a single branch circuit is permitted.

**EV-READY SPACE** – A designated parking space which is provided with a dedicated branch circuit that is not less than 40-ampere and 208/240-volt assigned for electric vehicle supply equipment terminating in a receptacle or junction box located in close proximity to the proposed location of the EV parking space. For two adjacent EV-Ready spaces, a single branch circuit is permitted.

**POST-SECONDARY EDUCATION INSTITUTIONS** – An institution providing technical or skilled training, vocational and/or trade educational courses and programs, and/or career-focused degree or certificate programs.

**SUNDRY** – A retail establishment not visible from the street, of less than 1,000 square feet in floor area that is located within a healthcare facility, hotel, office or industrial complex for the primary purpose of serving employees and visitors. The establishment may sell “Grab and Go” foods, food items that are heated without a commercial kitchen, fruit, non-alcoholic beverages, and personal products. The establishment may not sell fuel, motor vehicle fluids, or product storage.

**SECTION II. C Commercial District**

**Article IX, Section 2**

Article IX, Section 2 is hereby amended by adding the following Permitted Use:

- B. Accessory Uses:
  - (10) EV Charging (DC / Fast Charging)

**SECTION III SM Suburban Manufacturing District**

**Article X, Section 2**

Article X, Section 2 is hereby amended by adding the following Permitted Uses:

- A. Principal Uses:
  - 10. Financial Institutions.

- B. Accessory Uses:
  - 13. Sundry.
  - 14. EV Charging (DC/ Fast Charging)

**Article X, Section 3**

Article X, Section 3 is hereby amended by deleting the following Conditional Use:

- B. Bank

Article X, Section 3 is hereby amended by adding the following Conditional Uses:

- B. Post-Secondary Education Institutions.
- P. Convenience Store. (See §455.14.44)

**SECTION IV Supplemental Regulations**

Article XIV is hereby amended by adding the following new Sections:

§455.14.44 Convenience Store

- A. There shall be no audio emitted from fuel pumps or Electric Vehicle Supply Equipment (EVSE) except for the store communication system.
- B. Any proposed use shall have a driveway entrance located within 600-feet of a highway interchange or a parcel that abuts a State Road and has direct access to the State Road for ingress and egress.
- C. Building site shall not abut a residential district.
  - (1) The Primary Building shall be 300-feet from a residential district or any adjacent municipal border.

§455.14.45 EV Charging (DC / Fast Charging)

- A. EV Charging (DC / Fast Charging) uses shall not reduce the number of required parking spaces required by the Principle use.
- B. Stations shall comply with the setback requirements associated with Parking Lots.
- C. Any canopy or covers must meet setback requirements for the Principal Structure.

ORDAINED AND ENACTED INTO LAW this \_\_\_\_\_ day of \_\_\_\_\_, 2023,  
by Council vote of \_\_\_ to \_\_\_.

ATTEST

TOWNSHIP OF O'HARA

\_\_\_\_\_  
Julie A. Jakubec, CPA, CGMA  
Township Manager

\_\_\_\_\_  
Robert John Smith  
President of Council

PROPOSED - 3/5/2024

First Reading	<u>Stewart – Hughes</u>	<u>7 – 0</u>	<u>12/12/2023</u>
Public Hearing	_____		
Second Reading and Adoption	_____	_____	_____
Advertised	_____	Codified	_____

BILL NO. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

**TOWNSHIP OF O'HARA  
ALLEGHENY COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE TOWNSHIP OF O'HARA AUTHORIZING THE  
FILING OF A GRANT APPLICATION WITH THE PENNSYLVANIA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR THE  
O'HARA TOWNSHIP COMMUNITY PARK TRAIL STABILIZATION PROJECT  
PHASE II**

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**WHEREAS, The Township of O'Hara ("Applicant")** desires to undertake the project, "**O'Hara Township Community Park Trail Stabilization, Phase II**" ("Project Title"); and

**WHEREAS,** the applicant desires to receive from the Department of Conservation and Natural Resources ("Department") a grant for the purpose of carrying out this project; and

**WHEREAS,** the application package includes a document entitled "Terms and Conditions of Grant", and

**WHEREAS,** the applicant understands that the contents of the document entitled "Terms and Conditions of Grant," including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the applicant and the Department **if the applicant is awarded a grant;** and

**NOW THEREFORE,** it is resolved that:

1. The grant application may be electronically signed on behalf of the applicant by "**Julie A. Jakubec, CPA, CGMA**" who, at the time of signing, has a **TITLE** of "**Township Manager**" and the email address of "**jjakubec@ohara.pa.us**".
2. If this Official signed the Grant Application Electronic Authorization prior to the passage of this Resolution, this grant of authority applies retroactively to the date of signing.
3. If the applicant is awarded a grant, the Grant Application Electronic Authorization, signed by the above Official, will become the applicant/grantee's executed signature page for the Grant Agreement, and the applicant/grantee will be bound by the Grant Agreement.
4. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the Official who, at the time of signing of the amendment, has the "**TITLE**" specified in paragraph 1 and the grantee will be bound by the amendment.

**RESOLVED** by Council vote of \_\_\_\_\_ to \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

TOWNSHIP OF O'HARA

\_\_\_\_\_  
Julie A. Jakubec, CPA, CGMA  
Township Manager

\_\_\_\_\_  
Cassandra R. Eccles  
President of Council

Adopted \_\_\_\_\_



TOWNSHIP OF O'HARA  
CIVIL SERVICE  
COMMISSION RULES AND  
REGULATIONS AMENDED  
AND RESTATED

AS OF  
~~DECEMBER 2022~~ MARCH 2024

PROPOSED - 3/5/2024

## Section 1. Definition of Terms

Unless otherwise expressly stated, the following words and phrases, where used in these Rules and Regulations, shall be construed to have the meaning indicated herein:

- A. Applicant** - Any individual who properly, fully and accurately completes an application in a timely manner and files the same with the Commission in response to a legally advertised notice of vacancy and/or examination for any advertised Police Officer position in the Police Department.
- B. Appointing Authority** - The Township Manager of the Township of O'Hara of Allegheny County, Pennsylvania.
- C. Background Investigation** – Verification of information by an outside agency and/or the Superintendent of Police or their designee on job application or statements made to Civil Service Commission or Township which includes, but is not limited to, credit history, record of criminal convictions, review of employment information and separation records consistent with Title 44, Chapter 73 Law Enforcement Background Investigations and Employment Information, and interviews with family members, acquaintances, neighbors, references, teachers, school officials and employers. The Background Investigation is done as a condition of selection.
- D. Certification** – Upon the Appointing Authority's request, the submission of three names taken from the Eligibility List developed by the Civil Service Commission.
- E. Chairperson** - The Chairperson of the Civil Service Commission of the Township of O'Hara of Allegheny County, Pennsylvania.
- F. Commission** - The Civil Service Commission of the Township of O'Hara, Allegheny County, Pennsylvania.
- G. Council** - The governing body of the Township consisting of 7 elected members, or such other composition as determined by the Home Rule Charter.
- H. Eligible** - A person whose name is recorded on a current Eligibility List or furlough list.
- I. Eligibility List** - The list of names of persons who have passed all examinations, ranked in numerical order for a particular position or positions in the Police Department.
- J. Examinations** - The series of tests given to applicants to determine their qualifications for a position or positions in the Police Department.
- 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. Gender** - The Township endeavors to use inclusive language. The masculine, feminine and nonbinary pronouns used herein shall include the masculine, feminine and nonbinary genders.
- M. Manager** - The Manager of the Township of O'Hara, Allegheny County, Pennsylvania.
- N. Medical Examinations** - 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 a reasonable accommodation, the essential functions of the position. Whenever referenced this term shall include, but is not limited to, physical, hearing, vision, drug and alcohol, and psychological examinations or tests.

- O. Oral Examination Board** – A group of three (3) professional individuals independent of the Commission and Township with law enforcement or relevant experience as determined by the Commission, appointed to administer an oral proficiency examination.
- P. Police Officer** - For purposes of these Rules and Regulations, an entry level sworn position in a Police Department as a law enforcement officer.
- Q. Polygraph Examination** - An examination intended to detect and record changes in physiological characteristics, such as a person's pulse and breathing rates, used especially as a lie detector.
- R. Preliminary Background Check** – An initial review of criminal history and driver record that occurs early in the hiring process to determine if there are disqualifying criminal history and driver's license issues.
- S. Probationer** - An Officer in the Police Department who has been appointed from an Eligibility List or who has been appointed or promoted to an advanced position, but who has not yet completed the work-test period of one year.
- T. Reduction in Rank** - A change to a different position or rank where the employee fulfilled all of the requirements of these Rules and Regulations for both the prior and current position or rank. However, a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank.
- U. Removal** - The permanent separation of a Police Officer from the Police Department.
- V. Residence** - The legal residence of an individual shall be constructed as the place or locality where that individual has evidenced to make a permanent home or principal place of residence and domicile.
- W. Separation Record** - Records required to be maintained under 44 Pa C.S.A. §7308, including employment information required to be maintained by law and:
- (1) Records of the reason or reasons for, and circumstances surrounding, a separation of service for a law enforcement officer on a form developed by the Commission and made available on the Township's publicly accessible Internet website.
  - (2) Records of all criminal charges filed against a law enforcement officer.
  - (3) Records of all civil or ethical complaints made against a law enforcement officer.
  - (4) Records of the disposition of all charges and complaints, including final and binding disciplinary actions, taken by the law enforcement agency against a law enforcement officer, including imposition of probationary or other conditions related to employment.
- X. Soldier** – An applicant honorably discharged from military service in: 1) the armed forces of the United States, or in any women's organization officially connected therewith, during any war or armed conflict in which the United States engaged, 2) or the armed forces of the United States, or in any women's organization officially connected therewith, since July 27, 1953, including service in Vietnam; or 3) the National Guard or Reserves.
- Y. Secretary** - The Secretary of the Civil Service Commission of the Township of O'Hara, Allegheny County, Pennsylvania.
- Z. Suspension** - The temporary separation of a Police Officer from the Police Department.

## **Section 2. The Commission**

### **2.1 Civil Service Commission**

The Commission shall consist of five Commissioners who shall serve without compensation. Council shall endeavor to appoint one member from each of the five wards of the Township. The terms of office shall be four years. The Council shall within thirty (30) days of a vacancy in an unexpired term fill the vacancy by appointment for the remainder of the term.

Each member of the Commission, before entering upon the discharge of the duties of their office, shall take an oath or affirmation consistent with 53 Pa.C.S.A. § 1141 to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform their official duties with fidelity.

### **2.2 Offices Incompatible with Civil Service Commission**

No member of the Civil Service Commission shall hold an elective or appointed office in the Township or be an employee of the Township. No member shall be a member of a local, state or national committee of a political party or be an officer in any partisan political club or organization.

### **2.3 Organization of Commission; Reorganization; Quorum**

The Commission shall reorganize the first Monday of January of each even numbered year and shall elect one of its members as its Chairperson, one as its Vice-Chairperson, and one as the Secretary. Three 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 three 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.

#### **2.4.1 Duties of the Vice Chairperson**

The Vice Chairperson shall act in the absence of the Chairperson in carrying out the duties of the Chairperson and perform all duties required by law, including these rules and regulations.

### **2.5 Duties of Secretary**

The Secretary or the Commission's designee 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 Minutes and Records

The Commission shall keep minutes of its proceedings and records of examinations and other official action. All records of the Commission shall be preserved and disposed of according to the most recent Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued by the Local Government Records Committee under the authority of the Municipal Records Act, 1996, P.L. 1158 No. 177, 53 Pa C.S.A. § 1381 et seq. All records shall not be permitted to leave the Township Office.

The Secretary shall keep minutes of its proceedings showing the vote of each member upon each question. If the member is absent, or fails to vote, or abstains from voting, the Secretary shall indicate the reason for the absence or failure to vote or abstaining from voting in the minutes.

The Commission shall comply with 44 Pa. C.S.A §7308 relating to the maintenance of records of the reason or reasons for and circumstances surrounding a separation of service for a law enforcement officer; records of civil or ethical complaints made against an Officer, and records of the disposition of all charges and complaints, including final and binding disciplinary actions. In addition, the Commission shall cooperate with the Township in the submission of any records resulting from its work to the Municipal Police Officer Education and Training Commission.

Records involving personnel or that are generated or received in compliance with 44 Pa C.S.A §7301 et seq. may not be accessible to the public through the Pennsylvania Right to Know Law. All such requests must be reported immediately to the Township Manager.

## 2.7 Meetings

Except for the annual organization meeting, all meetings shall be held either at the call of the Chairperson or at the call of three members of the Commission. Subject to any legal requirements, in particular the Sunshine Law, 65 P.S. §701 et seq., (the "Sunshine Law") the Commission shall have the discretion to determine the conduct of its meetings. Meetings, including notice of the same, will be conducted in accordance with the Sunshine Law, 65 Pa C.S.A. §701 et seq.

## 2.8 Order of Business

Subject to revisions from the Chairperson, the order of business of all meetings of the Commission shall be as follows:

- A. Call to Order/Opening Thought
- B. Roll Call/Quorum Check
- C. Public Comment
- D. Approval of Minutes of Previous Meeting
- E. Unfinished Business
- F. New Business
- G. Date of Next Meeting
- H. Adjourn
- I. Executive Session, if called

## **2.9 Clerks and Supplies**

The Council shall furnish the Commission with such supplies and clerical assistance as may be necessary for the Commission to fulfill its duties. In addition, after consultation with the Township Manager, the Commission may retain counsel, any other consultants or experts, including physicians and psychiatrists, as are necessary. The elected and appointed officials of the Township of O'Hara shall assist the Commission with all reasonable and appropriate efforts in carrying out of the Commission's duties.

## **2.10 Amendment of Rules and Regulations/Forms**

The Commission may recommend to 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 of the foregoing proposed changes to these Rules and Regulations become effective, these proposed changes must be approved by the Township of O'Hara Council, which can approve with or without amendment. The Commission may amend, revise, void or replace the Forms within the Rules and Regulations without approval of the Township of O'Hara Council, however, they shall be reviewed by the Township Manager and Solicitor in order to conform to the laws of the Commonwealth of Pennsylvania and the Township. Council may order any appropriate changes to said Rules and Regulations or forms as it deems appropriate. These Rules and Regulations, and any amendments thereto shall be made available to the public for distribution or inspection.

## **2.11 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 Chairperson of the Commission is authorized to administer oaths and affirmations in connection with such investigations.

## **2.12 Subpoenas**

The Commission shall have the power to issue subpoenas over the signature of the Chairperson, or designee, to require the attendance of witnesses and 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 witnesses appearing in the courts and shall be paid from appropriations for the incidental expense of the Commission. All officers in public service and employees of the Township of O'Hara shall attend and testify when required to do so by the Commission. If any person shall refuse or neglect to obey any subpoena issued by the Commission upon conviction of such refusal or neglect in a summary proceeding, that person shall be sentenced to pay a fine not to exceed one hundred dollars (\$100), and in default of the payment of such fine and costs shall be imprisoned not to exceed thirty (30) days. If any person shall refuse or neglect to obey any subpoena, the Commission may apply by petition to the Court of Common Pleas of Allegheny County for its subpoena requiring the attendance of such persons before the Commission or the court to testify and to produce any records and paper necessary, and in default thereof shall be held in contempt of court.

## 2.13 Annual Report

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

Such report shall be provided to the Township of O'Hara Council on or before the 31<sup>st</sup> day of January of each year. The report shall not reference the record of any hearing on a dismissal or reduction where such charges have been dismissed.

## 2.14 Appointment of Examiners.

The Commission shall appoint experienced written examination, oral examination administrators and physical agility examination administrators to conduct appropriate examinations required by these rules and regulations. The Township shall have the responsibility to appoint the physical and psychological examiners, as outlined in these rules and regulations.

## Section 3. Application and Qualifications

### 3.1 Outline of Process

The following process shall be followed in selecting a Police Officer:

- A. Complete an application
- B. Complete personal history statement
- C. Pass the physical agility test
- D. Pass the written evaluation with a score of at least 75 percent
- E. Acquire Act 120 Certification prior to oral evaluation
- F. Pass the oral examination with a score of at least 80 percent
- G. Total Scores calculated and ranked, including Veterans Preference, if applicable. Top three applicants will be subjected to a preliminary background check, including a criminal history and driver's license checks. Any applicant eliminated by the preliminary background check will be advised by letter. If an applicant is eliminated the next applicant on the Eligibility List will be added to the top three and a preliminary background check will be conducted. The process will continue until there are top three applicants certified by the Commission.
- H. Presentation of List of top three applicants by Commission to Township Manager
- I. Tentative selection of applicant by Township Manager subject to conditional offer of employment.
- J. Conditional offers shall include:
  - 1) Full background investigation; and
  - 2) Medical and psychological examinations; and
  - 3) Drug and alcohol tests; and
  - 4) Polygraph examination.

The order of conditions for selection will be determined by the Township based on efficiency and effective use of resources.

Upon receipt of satisfactory results from all conditions of the offer, the applicant's appointment to the position occurs with start date as established by the Township Manager.

### **3.2 Eligibility for Examination**

In order to be eligible for participation in any examination for any position with the Police Department, every applicant must submit a completed application form and a signed personal history statement to the Commission, or its designee, before the application deadline stated by the Commission. The application form is currently Form 2017-30, as said Form may be modified from time to time. ~~The applicant must make a sworn oath or affirmation before a Notary Public or other person authorized to administer oaths, stating that the application is completed truthfully, and the applicant is subject to the penalties of 18 PA Const. Stat. § 4903 relating to false swearing and §4904 relating to unsworn falsification to authorities.~~ An incomplete or inaccurate or misleading application will be cause for rejection. Exceptions to the deadline shall be made only for the Act 120 examination and certification that the applicant meets all the requirements for Act 120 except current employment as a Police Officer, which documentation shall be filed no later than the date of the oral examination. In order to assure an appropriate number of interested applicants who meet the basic professional qualifications, applications will normally be encouraged without geographic restrictions.

### **3.3 Discrimination**

The Township of O'Hara is an equal opportunity employer. It is the Township of O'Hara's and the Commission's policy to grant employment opportunities to qualified persons without regard to race, color, sex (gender, gender fluidity, sexual orientation, marital status), national origin, religion, age, except as may be required by law, pregnancy, veteran status, equal pay, disability, or genetic information. The Township of O'Hara and the Commission will provide equal opportunities in all aspects of employment and promotion.

### **3.4 Availability**

Application forms shall be available to all interested persons from the Township Manager in the Township of O'Hara Municipal Building, and from such other offices and officers that the Commission, from time to time, may choose to designate.

### **3.5 Age Requirements**

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

### **3.6 General Qualifications – All New Applicants**

Every applicant for any position in the Police Department who is not already employed by O'Hara Township as a Police Officer shall, ~~before the oral examination~~ at time of appointment, either possess Act 120 Certification or have passed examinations entitling them to be granted Act 120 Certification once employed as a Police Officer, and shall meet the following qualifications:



- A. Possess a diploma from an accredited high school or graduate equivalence diploma; and
- B. Have no fewer than 6240 hours of experience (equivalent to three (3) years of experience) as a Police Officer, or
- C. Possess a baccalaureate degree, or
- D. Possess a minimum of an Associate Degree with no fewer than 4160 hours of experience (equivalent to two (2) years of experience) as a Police Officer.

~~All applicants will be required to submit a non-refundable fee as set by the Civil Service Commission from time to time, with their application to cover the cost of testing.~~ The applicant shall be required to furnish certified transcripts of grades from the last educational institution from which they graduated by the time of a tentative employment offer, sent directly to the Commission (not the Police Department) by the institutions. ~~The transcripts must be received by the Commission by the deadline established by the Commission for the application submission.~~ If the applicant is relying upon time employed on a part-time basis as a Police Officer to fulfill the experience requirements, the applicant shall include with their application a record of total hours employed part-time as a Police Officer complete with the dates of employment and the names of all employers for each employment period. In addition, every applicant must be a United States citizen, be physically and mentally fit to perform the full duties of a Police Officer, and, prior to appointment, possess a valid, insurable, motor vehicle operator's license issued by the Commonwealth of Pennsylvania.

### 3.7 General Qualifications - Applicants for Advanced Positions

In order to be considered for the position of Sergeant or Captain, the applicant must successfully complete the following process:

- A. Pass the written examination with a score of no less than 75 percent
- B. Pass the oral examination with a score of no less than 80 percent
- C. If not already employed by O'Hara Township as a Police Officer, pass the physical agility test.
- D. If not already employed by O'Hara Township as a Police Officer, undergo a background investigation and pass medical, drug and alcohol, psychological and polygraph examinations.

All applicants for advanced positions shall have continuous prior service as a Police Officer for at least 10,400 hours immediately prior to application, 6,240 of which must be with the Township of O'Hara. The applicant must be employed as a Police Officer for all five years.

All applicants for advanced positions shall have satisfactorily completed the in-service training program for Police Officers or have graduated from a recognized police school. All applicants must have a current Act 120 certification.

Applicants for the position of Sergeant shall be comprised exclusively from non-probationary Police Officers then currently serving the Township unless no non-probationary Police Officer applies or no non-probationary Police Officer passes tests with the requisite minimum scores.

Applicants for the position of Captain shall be comprised exclusively from non-probationary Sergeants then currently serving the Township unless no non-probationary Sergeant applies, or no non-probationary Sergeant passes tests with the requisite minimum scores.

In the event there is no eligible applicant for an advanced position among the existing employees of the Township, public advertisement for an advanced position to potential applicants not already employed by the Township will not be placed without the approval of Council.

### **3.8 Rejection of Applicant**

The Commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, 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 who is:

- A. Found to have omitted, furnished incomplete, inaccurate, misleading or false information on the official application or in response to any portion of the hiring process;
- B. Physically unfit for the performance of the duties of the position of which the applicant seeks employment;
- C. Illegally using a controlled substance, as defined in section 102 of the Controlled Substance Act (Public Law 91-513, 12 U.S.C. § 802) and have not used marijuana for a minimum of five years prior to any Police Officer appointment.
- D. 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 of office;
- E. Affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitution and laws of the United States and the Commonwealth of Pennsylvania; or
- F. Found to have been suspended, removed, or reduced in rank in any prior or current position due to inefficiency, neglect, intemperance, disobedience of orders, or conduct unbecoming an Officer.

### **3.9 Recording and Filing Applications**

- A. Applications for positions in the Police Department shall be received at the Township of O'Hara Municipal Building only after being properly advertised and before the deadline for receiving applications which must be set forth in the public advertisement. (Form 2017-10 Public Advertisement) Applications will be received by the municipal officer designated in the public advertisement or that officer's designee. That person shall record the receipt of all applications and provide each applicant with Form 2017-20, Information for Applicants, which shall outline the sequence for all portions of the testing procedure beginning with the physical agility examination. Any application containing 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.

- B. Penalty for False Statement - The statements made by the applicant in the official application shall contain no falsification, omission or concealment of fact. Should investigation disclose any willful misstatement, falsification or concealment with respect to an application:
- 1) The application shall be invalid and the applicant shall be disqualified from examination; or
  - 2) If the applicant has been examined, the name of such applicant shall be removed from the Eligibility List; or
  - 3) If the applicant has been appointed, the applicant shall be discharged.

No person who makes any willful false application shall be permitted to make any future application for any position in the Police Department or the Township.

### **3.7 Hearing for Disqualified Applicants**

Any applicant or person who is aggrieved by the refusal of the Commission to examine or to certify the applicant 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 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 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 Commission shall take testimony and review its refusal to provide examination or certification. The Commission shall subpoena, at expense of applicant, any competent witnesses requested by applicant. Following the public hearing, the Commission shall file the testimony taken in its records and shall again make a decision, which decision shall be final.

### **3.8 Public Notice (The following shall be done at a minimum); Notices**

The Commission shall conspicuously post in the Township of O'Hara Municipal Building notice of 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 (2) weeks prior to each examination, publication of the notice shall occur in at least one (1) newspaper of general circulation, or a newspaper circulated generally in the Township of O'Hara. Where an advanced position is to be filled through promotion of an existing employee, no newspaper notification is required.

## **Section 4. Examination and Grading Procedure**

### **4.1 General Examination Requirements for the Position of Police Officer**

The examination for Police Officer will consist of written and oral examinations which will be graded on a one hundred (100) point scale with the written examination representing forty percent (40%) of the final score and the oral examination representing sixty percent (60%) of the final score. In addition, each applicant will undergo a physical agility test which will be evaluated on a pass/fail basis for every applicant. The top three (3) applicants will undergo a preliminary background check. After an applicant has been extended an offer of employment, final appointment shall be contingent

upon the applicant passing medical and psychological examinations, full background investigation, and a polygraph examination.

#### **4.2 General Examination Requirements for Advanced Positions, Except Superintendent**

The examination for the positions of Sergeant and Captain shall include both a written and an oral examination, each of which will be graded on a one hundred (100) point scale. The written examination shall represent forty percent (40%) of the final score and the oral examination shall represent sixty percent (60%) of the final score. All required tests shall be passed in order for the applicant to continue further in the process. All tests shall be practical in character and shall test fairly the merit and fitness of persons seeking promotion (53 P.S. § 55642). In addition, standards set forth in Section 3.7 of these Rules and Regulations shall apply to applicants for the position of Sergeant or Captain. After an applicant who is *not already an employee* has been extended the offer of the advanced position, the final appointment to the promotional position shall be conditioned upon a background investigation, medical, psychological, drug, alcohol, and polygraph examinations. Veterans' preference (points or otherwise) shall not be provided for advanced positions.

#### **4.3 Notice of Examination**

The Commission shall appoint a physical fitness examiner, a written examination administrator, an Oral Examination Board, a medical examiner, a psychological examiner, and a polygrapher to conduct the appropriate examinations required by these Rules and Regulations.

#### **4.4 Written Examinations**

The written examination shall be graded on a 100-point scale and an applicant must score seventy-five percent (75%) in order to continue in the application process. Applicants scoring less than seventy-five percent (75%) shall be rejected. Upon receipt of the test results, all applicants shall be given written notice in accordance with Section 4.9 of these Rules and Regulations, of their test results. Only the top twelve (12) applicants with scores of seventy-five percent (75%) or higher shall be scheduled for an oral examination appointment.

#### **4.5 Oral Examination**

The top twelve (12) applicants who score seventy-five percent (75%) or higher in the written examination shall be given an oral examination which will be graded on a one hundred (100) point scale with a score of eighty percent (80%) or higher necessary for passing. The oral examination shall involve questioning applicants on how they would handle situations relevant to police work. Each applicant will be asked essentially the same questions, in the same order, and advised that the interview will be recorded and will be confidential. The oral examination will be conducted by the Oral Examination Board.

#### **4.6 Veterans Preference**

Where required by law, any applicant for the position of Police Officer who qualifies as a Soldier under the Veterans Preference Act, 51 P.S. §7101.1, shall receive an additional ten (10) points on top of their total score if that applicant had received passing scores under Sections 4.1, 4.4 and 4.5.

Applicants claiming veteran's preference shall have submitted satisfactory proof of service and honorable discharge therefrom with their application form.

#### **4.7 Physical Agility Testing**

Applicants for the position of Police Officer shall meet the requirements of the physical agility test before proceeding to the written and oral examinations. Requirements of the physical agility test will be provided in the Information to Applicant received with the Application Form.

Applicants will be informed of their pass/fail status upon completion of the Physical Agility Test. Applicants that successfully complete the Physical Agility Test will proceed directly to the written examination.

#### **4.8 Background Investigation**

A Preliminary Background Check is performed on the top three scoring applicants and shall include a criminal history and driver's license check to determine if there are any disqualifying violations. A Full Background Investigation will be conducted on any conditionally selected applicant. The background investigation may include interviews with the applicant's family, acquaintances, current and former neighbors, references, current and former teachers, school officials and employers. In addition, the applicant's credit history and record of criminal convictions may 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, investigator(s) shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for the appointment as a Police Officer. If the recommendation is to disqualify, then 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 preliminary background check warrants rejection of the applicant.

Disqualification of any applicant shall be done in writing in accordance with Section 4.9 of these Rules and Regulations, and shall include the procedure to follow to appeal the decision that the applicant must request in writing a hearing before the Township of O'Hara Civil Service Commission within ten (10) days of receipt of the notice of disqualification.

Disqualifications will be done in accordance with all applicable laws.

#### **4.9 Communication/Notification**

All communication/notification between the applicants and Township shall be via First Class Mail and/or email, and/or other efficient means. The communication/notification includes, but is not limited to, examination/testing dates, time, location; pass/fail status of examinations/tests.

The Township Manager, or other designated person, shall give, in writing, to each applicant qualified for the next step in the examination process, a notice which shall include the date, time and place the applicant shall report for the next examination in the process. In the case of physical and psychological examinations, the Township Manager shall notify the Police Officer applicant who has

been conditionally offered a position in the police department by a written notice of the date, time and place of the examinations as well as the name of the physical and psychological examiners.

Every such notice shall be emailed or otherwise delivered at least seven (7) days prior to the date fixed for examination. Only applicants receiving notices to report for any examination shall be permitted to participate in such examination, and each applicant shall present the notice to the examiner before the examination. Failure to report for an examination in accordance with the instructions contained in the written notice shall disqualify the applicant, except that in the case of a physical or psychological examination, the physician or psychologist designated in the notice may fix another date or time for such examination, provided, however, that any such date or time shall be written with the period of at least seven (7) days of the date and time established in the written notice.

#### **4.10 Tie Breaker**

In the event there is a tie of the total score, including Veterans Preference Points, the Commission will have prepared and separately scored a single question in the oral examination. The score of this question shall be the tie breaker between or among applicants with the same total score. The question will be predetermined as the tie breaker prior to the beginning of the selection process and shall not be used for any other purpose than to break a tie between or among applicants with the same total score for purpose of ranking on the Eligibility List. If there is a tie among or between applicants with the same score on the tie breaker question, the applicant with the earliest time of receipt of the application will be the final tie breaker for purpose of ranking on the Eligibility List.

### **Section 5. Certification of the List of Eligibility and Appointment**

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

At the completion of the physical agility test, written examination and oral examination 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 veterans' preference points shall have those points added to their passing score prior to being ranked on the Eligibility List. For promotional positions, fulfilling the performance requirement set forth in Section 3.7 is also required. In the case of tied scores, the tie will be broken by the process outlined in Section 4.10.

The Eligibility List will be valid for eighteen (18) months from the date the Commission formally adopts the Eligibility List. Prior to the expiration of the Eligibility List, the Commission may recommend the extension of the Eligibility List for up to an additional twelve (12) months to Council for approval.

#### **5.2 Appointment**

- A. The Township Manager 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 has been furloughed. Except for the medical and psychological examinations, no other testing shall be required for a furloughed

employee or a rehired or reappointed employee. The Township Manager shall have the discretion, on a case-by-case basis, to decide whether or not a furloughed employee shall be required to take medical and/or psychological examinations before being rehired or reappointed.

- B. All Police Officer positions except those filled by furlough lists and that of Superintendent of Police, shall be filled only in the following manner:
- 1) The Township Manager shall notify the Commission of any vacancy which is to be filled and shall request the certification of three (3) names from the Eligibility List;
  - 2) If three (3) names are not available, then the Commission shall certify the name(s) remaining on the List;
  - 3) The Township reserves the right to perform additional background and reference verification prior to hiring an eligible applicant;
  - 4) The Township Manager shall make an appointment from one of the three names certified with reference to the merits and fitness of the applicants.
- C. Nothing contained herein shall obligate the Township Manager to make an appointment or shall grant any right to any applicant or member of any Eligibility List to be appointed. The Township has the discretion to reject all applicants certified, to reject specific applicants in accordance with these regulations, or to choose any of the applicants who are in the top three, not necessarily in numerical order, unless there is a Veteran in the top three entitled to selection preference. If all applicants in the top three are rejected the Township may move down the List once the due process requirements for rejected applicants are met or may start the process over to create a new Eligibility List. If a specific applicant or applicants are rejected from the certified list of three, the Township may request that the Commission certify a new List of three by adding an applicant or applicants from the Eligibility List, until a qualified applicant is selected.

### **5.3 Appointment of Superintendent of Police**

In the case of a vacancy in the office of Superintendent of Police [and/or Deputy Superintendent of Police](#), the Township Manager has full discretion in selecting the individual to fill the position of Superintendent of Police [and/or Deputy Superintendent of Police](#). If the Township Manager 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 Township Manager of the results of the examination and, if appointed, that person may only be removed from the position of Superintendent of Police for the reasons set forth in Section 6.1.

### **5.4 Physical, Psychological, and Polygraph Examinations**

After the Township Manager selects an applicant from the three certified individuals on the Eligibility List for appointment to the vacant position, that applicant shall submit to medical, psychological, drug, alcohol, and polygraph examinations by the appropriate appointed experts.

- A. Medical: The conditional appointee must be certified as free from bodily or mental defects, deformity or disease that might incapacitate the applicant from the discharge of

the duties of the position desired. A copy of the exact requirements is on file with the Commission. Notwithstanding this, the medical examiner may reject an applicant for any job-related medical reason. If the applicant successfully passes the medical and psychological exams, then the applicant may be appointed to the vacant position in the Police Department for which the application was submitted. If the opinion rendered by the appointed examiner calls into question the conditional appointee's ability to perform all essential functions of a position, the Township Manager or their designee 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. If, at the conclusion of the interactive discussion(s) the Township Manager or their designee determines that the conditional appointee cannot perform the essential functions of the job of Police Officer, with or without a reasonable accommodation, the Township Manager shall give written notice to the conditional appointee and the Civil Service Commission, that the conditional offer is revoked and the basis therefore.

- B. Polygraph. Each conditional appointee shall undergo a polygraph examination to test the truthfulness of the information provided during the application process and for good moral character. Based on the results provided by the polygrapher, the Township Manager has discretion to reject an applicant who fails the polygraph, have the applicant retested, or reject the results.

## **5.5 Probationary Period**

Every successful applicant to an original position with the Police Department shall serve a twelve (12) month probationary period. During the probationary period, a newly hired Officer may only be dismissed for cause for the reasons set forth in Sections 3.6 and 6.1. However, near the end of the twelve (12) month probationary period, if the conduct or fitness of the probationer has not been satisfactory to the Township Manager or their designee, the probationer shall be notified in writing prior to the termination of the probationary period that the appointment will not be permanent. At that time, a newly hired Officer's employment shall end. Any Officer who is not informed in writing within their probationary period that their performance has been unsatisfactory, shall receive a permanent appointment to the new position.

Where an individual who is already a Police Officer for the Township has been promoted to an advanced position, that individual shall serve a twelve (12) month probationary period within that advanced position. During the probationary period, the promoted Officer may be either dismissed for cause or reduced in rank for cause, for the reasons set forth in Sections 3.6., 3.7 and 6.1. However, near the end of the twelve (12) month probationary period, if the conduct or fitness of the probationer has not been satisfactory to the Township Manager or their designee the probationer shall be notified in writing prior to the termination of the probationary period that the appointment will not be permanent. At that time, either the promoted Officer shall be reduced in rank or the promoted Officer's employment shall end. If the promoted Officer is not informed in writing within the probationary period that their performance has been unsatisfactory, they shall receive a permanent appointment to the new position.

Any probationer who is notified in writing that their appointment will not be made permanent may appeal for a hearing before the Civil Service Commission.



**Section 6. Suspensions, Removals and Reductions in Rank**

**6.1 Grounds for Disciplinary Action**

- A. No person appointed to a position in the Police Department pursuant to these Rules and Regulations may be suspended, removed or 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 provides that such violation constitutes a misdemeanor or felony;
  - 4) Inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming of a Police Officer;
  - 5) Intoxication while on duty; or
  - 6) Engaging or participating in conducting any political or election campaign other than the Officer's exercise of the right of suffrage.
- B. No Officer shall be removed for unlawful reason, including but not limited to, religion, race, sex, sexual orientation, sexual identity, or politics.
- C. The Superintendent of Police or the Township Manager may impose more significant discipline because of extenuating circumstances surrounding an incident of misconduct.

**6.2 Removal**

The Township Manager or a designated representative may suspend a Police Officer without pay pending the determination of any charge or charges, including disabilities, against the person. In the event the Commission fails to uphold the charge or charges then the person sought to be suspended, removed or reduced in rank shall be reinstated with full pay for the period during which the person was suspended, removed or reduced in rank, and no charge or charges shall be officially recorded against the person's record.

**6.3 Furloughs**

- A. If for reasons of economy or other reasons, it shall be deemed necessary by the Township of O'Hara to reduce the number of Police Officers in the department, then the Township of O'Hara 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 reduction in numbers shall be made by retirement if the party to be retired exceeds the maximum age as defined in the Pennsylvania Human Relations Act; (2) if the number of 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 fund exists, then the reductions 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 Township Manager 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. These reductions in force provisions are not applicable to the Superintendent of Police.

#### **6.4 Notice of Suspensions, 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 Township Manager. The charges shall be stated clearly and in sufficient detail to enable the Officer to understand the charges and to allow the Officer an opportunity to respond to those charges. The charges shall specify the subsection of Section 6.1 which provides the basis for the disciplinary action as well as an explanation of the factual circumstances upon which the Township Manager relied in finding a violation of Section 6.1.

Within five days after the Township Manager has filed written charges, the written charges shall be delivered to the Officer either by personal service or by certified or registered mail. In addition, the Police Officer shall be notified of the right to appeal under Section 6.5 of these Rules and Regulations. A copy of the statement of charges shall also be served upon the members of the Civil Service Commission by regular first-class mail or in person.

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

The Officer who has been suspended, removed or reduced in rank may appeal the decision of the Township Manager by written notice to the Secretary of the Civil Service Commission at 325 Fox Chapel Road, Pittsburgh, PA 15238 requesting a hearing. This request shall be received by the Commission within ten days after the Officer receives notice of the discipline. The Officer may make written answers to any charges filed not later than the date fixed for the hearing. Failure of the Officer to provide written answers to any of the charges shall not be deemed an admission by the Officer.

- A. The Commission shall schedule a hearing within ten days from the Officer's written request for a hearing unless continued by the Commission for a cause at the request of the Township Manager, or the Officer. At any such hearing, the Officer against whom the charges have been made may be present and represented by counsel, may call witnesses and present testimony and documentation in defense. The Township of O'Hara may also be represented by counsel, call witnesses and present evidence as is necessary to support the charges. A stenographic record of all testimony shall be taken at every hearing and preserved by the Commission. In the event the charges are dismissed, the record shall be sealed and not be available for public inspection.
- B. 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 Township Manager unless it finds that the penalty imposed was arbitrary,

discriminatory or an abuse of the Manager's discretion. The Commission may request post-hearing briefs and shall issue a written decision containing specific findings of fact and conclusions of law within sixty (60) days of receipt of the hearing transcript.

- C. The standard of review which has been incorporated into these Rules and Regulations is based on Commonwealth Court decisions. See *Jenkintown v. Civil Service Commission of Jenkintown*, 84 Pa. Cmwlth. 183, 478 A.2d 941 (1984); *Hermann v. Civil Service Commission of Jenkintown*, 84 Pa. Cmwlth, 211, 478 A.2d 961 (1984).

## 6.6 Hearing Procedure

- A. All testimony shall be given under oath administered by the Chairperson, or in absence of the Chair, the Vice-Chairperson. The Commission shall have power to issue subpoenas as set forth in Section 2.12. 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 Township of O'Hara.
- B. If the Commission sustains the charges, the Officer who was suspended, removed or reduced in rank may file an appeal with the Court of Common Pleas within thirty (30) days from the date of entry by the Commission of its final order. No order of suspension shall be sustained by the Commission for a period longer than one year. In the event the Commission fails to uphold the charges, then the person sought to be suspended, removed or demoted shall be reinstated with full pay for the period of the suspension, removal or demotion, and no charges related to the suspension, removal or reduction in rank shall be officially recorded in the Officer's record.

**TOWNSHIP OF O'HARA  
COUNCIL REGULAR MEETING  
MARCH 12, 2024  
PROPOSED AGENDA**

**Immediately Following Public Hearing**

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I. OPENING PROCEDURES

- A. Call to Order
- B. Roll Call

II. MINUTES

- A. Council Workshop – February 6, 2024
- B. Council Regular Meeting – February 13, 2024

III. FINANCE

- A. Vouchers – February 2024
- B. Receipts and Expenditures Records – January 2024
- C. Treasurer's Report

IV. REPORTS

- A. Other Organizations and Agencies Reports
- B. Monthly Departmental Reports
- C. Manager's Report

V. OLD BUSINESS

- A. Ordinance – Second Reading and Adoption
  - (1) Amending the Township Code of Ordinances Pertaining to Zoning

VI. NEW BUSINESS

- A. Ordinance – Introduction for First Reading
  - (1) Repealing and Restating the Township Civil Service Commission Rules and Regulations
- B. Resolutions
  - (1) Granting Preliminary Land Development Approval to C.O.R.E.
  - (2) Approving the Proposed Sewer Facilities Planning Module for C.O.R.E.
  - (3) Approving the Proposed Sewer Facilities Planning Module for Meinert Estates

- (4) Authorizing the Filing of a Grant Application with Pennsylvania Department of Conservation and Natural Resources for the O'Hara Township Community Park Trail Stabilization Project Phase II

C. Motions

- (1) Authorizing a Contribution to the Cooper Siegel Library
- (2) Authorizing the Sale of a Speed Display Trailer on Municibid
- (3) Authorizing the Sale of a 2015 Lawn Tractor Trailer on Municibid
- (4) Authorizing the Sale of a 2005 Viking 20-ton Trailer on Municibid
- (5) Authorizing the Sale of a 2001 Viking 10-ton Trailer on Municibid
- (6) Authorizing the Sale of Various Equipment from Old Police Vehicles on Municibid

VII. CITIZENS COMMENTS CONCERNING NON-AGENDA ITEMS

VIII. CONCERNS OF COUNCIL

IX. CONCERNS OF STAFF

X. ADJOURNMENT

XI. EXECUTIVE SESSION – LABOR AND LEGAL MATTERS