

**TOWNSHIP OF O'HARA
COUNCIL WORKSHOP
JANUARY 3, 2023
7:00 P.M.
AGENDA**

I. Opening Procedures

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

II. Citizen Comments Concerning Non-Agenda Items

III. Review and Discussion

- A. Requesting Authorization to Jointly Bid the 2023 Road Improvement Paving Program with Fox Chapel Borough

Staff is requesting authorization to request bids jointly with the Borough of Fox Chapel for the 2023 Road Improvement Program in order to realize economies of scale. Though several roads are in need of resurfacing, the bid cost will determine which roads will be paved and which roads will be included as alternates. The 2023 budget allocates \$1,250,000 for the program. If acceptable, the attached proposed resolution will be included for consideration on the January 10th regular meeting agenda.

- B. Requesting Authorization to Bid the Powers Run Sanitary Sewer Upgrade and Stream Removal Project

The sanitary sewer project was identified in a feasibility study and will reduce surcharging in the Township's sanitary sewer line. As an alternate, the restoration of the stream involves removing a collapsed pipe to open the stream. Grant funds in the amount of \$100,000 have been awarded for the project. If acceptable, the attached proposed resolution will be included on the January 10th regular meeting agenda for consideration.

- C. Continued Review of Proposed Amendments to the Civil Service Commission Rules and Regulations

The Civil Service Commission was recently informed of State mandated changes to the Rules and Regulations. The Commission has been working on updating the Rules and Regulations with the Township's Civil Service Solicitor, Neva Stotler of N. Stotler Law. If acceptable, the attached proposed ordinance will be included for consideration of adoption on the January 10th regular meeting agenda.

D. Proposed Amendment to the Township Zoning Ordinance to Allow for Chickens in Residential Zones and Providing Regulations for the Keeping of Chickens

The Township Planning Commission formed a subcommittee consisting of two Planning Commission members, Township staff and a resident to review considerations to allow chickens in residential zones.

E. Recognizing Sergeant Ben Wolfson for Receiving the Pennsylvania DUI Association Top Gun Award

Sergeant Wolfson received the PA DUI Association Top Gun Award for the second year in a row as a Drug Recognition Expert. The selection is made by an independent panel of highway safety experts and the award winners are comprised of officers who have excelled in the apprehension of impaired drivers. Sergeant Wolfson has also been recognized by the PA DUI Association as a Drug Recognition Expert instructor. Attached is a proposed resolution recognizing Sergeant Ben Wolfson on his accomplishments. If acceptable, the resolution will be included on the January 10th regular meeting agenda for consideration.

F. Council Goals/Objectives/Priorities for 2023

Council may wish to discuss potential goals, objectives and priorities for 2023.

G. Appointing Delegates to Various Boards and Agencies

Council typically appoints Council Members to various Township-related Boards and Commissions each January. The current list of appointees is listed below. If acceptable, the appointments will be included on the January 10th regular meeting agenda for consideration.

(a) North Hills Council of Governments Board of Delegates

George Stewart, Delegate
Michael F. Hammill - Alternate Delegate

(b) Municipal Risk Management Board of Delegates

George H. Stewart - Delegate
John R. Denny, Jr. - Alternate Delegate

(c.) Fire Funding & Safety Committee

Cassandra R. Eccles - Council Representative
Michael F. Hammill - Council Representative

(d) Northern Basin Advisory Board

Richard S. Hughes - Council Representative

(e) Community Center Association Board

Cassandra R. Eccles - Alternate Council Representative

(f) RIDC Business Alliance

George H. Stewart - Council Representative

Olivia T. Payne - Council Representative

H. Solicitor's December 8, 2022 Invoice

The subject invoice was provided to Council for review.

I. Proposed January 10, 2023 Regular Meeting Agenda

Attached is the proposed January 10, 2023 Regular Meeting Agenda for Council's review and approval.

IV. Concerns of Council

V. Concerns of Staff

VI. Adjournment

VII. Executive Session – Labor and Legal Matters

BILL NO. _____

RESOLUTION NO. _____

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

**A RESOLUTION OF THE TOWNSHIP OF O'HARA, ALLEGHENY
COUNTY, PENNSYLVANIA, AUTHORIZING PARTICIPATION WITH
FOX CHAPEL BOROUGH IN THE BIDDING OF THE 2023 ROAD
IMPROVEMENT PROGRAM**

WHEREAS, the Township of O'Hara wishes to participate in the bidding of a Road Improvement Program contract in conjunction with Fox Chapel Borough in 2023 to acquire more favorable unit costs; and

WHEREAS, such arrangements are permitted under Pennsylvania Act 180 of 1972, the Intergovernmental Cooperation Act.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of O'Hara authorizes the participation with Fox Chapel Borough in the bidding of the 2023 Road Improvement Program.

RESOLVED by Council vote of _____ to _____ on _____, 2023

ATTEST

TOWNSHIP OF O'HARA

Julie A. Jakubec, CPA, CMAA
Township Manager

Robert John Smith
President of Council

BILL NO. _____

RESOLUTION NO. _____

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

**A RESOLUTION OF THE TOWNSHIP OF O'HARA AUTHORIZING AN
ADVERTISEMENT TO REQUEST BIDS FOR THE POWERS RUN
SANITARY SEWER UPGRADE AND STREAM REMOVAL PROJECT**

WHEREAS, the Township of O'Hara has proposed the replacement of sanitary sewer line and the removal of a collapsed pipe in Powers Run; and

WHEREAS, the Township desires to contract for the replacement of sanitary sewer line and removal of the collapsed pipe in Powers Run.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 133.02(b) of the Codified Administrative Code of the Township of O'Hara, the Council of the Township does herewith authorize the Township Manager to solicit competitive bids for the provision of the Powers Run Sanitary Sewer and Stream Removal Projects.

RESOLVED by Council vote of ____ to ____ on _____, 2023.

ATTEST:

TOWNSHIP OF O'HARA

Julie A. Jakubec, CPA, CGMA
Township Manager

Robert John Smith
President of Council

Adopted _____

**TOWNSHIP OF O'HARA
CIVIL SERVICE
COMMISSION RULES AND
REGULATIONS AMENDED
AND RESTATED
AS OF
DECEMBER 2022**

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[NS1]
- 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 31st 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:
 - full background investigation; and
 - medical and psychological examinations; and
 - drug and alcohol tests; and
 - polygraph examination.

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

- K. 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, 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 **full-time** 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 **full-time** 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, 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

- (a) In order to be considered for the position of Sergeant or Captain, the applicant must successfully complete the following process:
 - 1) Pass the written examination with a score of no less than 75 percent
 - 2) Pass the oral examination with a score of no less than 80 percent
 - 3) If not already employed by O'Hara Township as a Police Officer, pass the physical agility test.
 - 4) 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.
- (b) All applicants for advanced positions shall have continuous prior ~~full-time~~ 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 ~~full-time~~ Police Officer for all five years.
- (c) 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.
- (d) 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.
- (e) 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, the Township Manager has full discretion in selecting the individual to fill the position of 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 ~~full-time~~ 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 ~~full-time~~ Police Officers eligible for retirement is insufficient to effect the necessary reductions in numbers, or if there are no persons eligible for retirement, or if no retirement or pension 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.

PROPOSED 1/3/2023

BILL NO. B-86-2022

ORDINANCE NO. _____

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

**AN ORDINANCE OF THE TOWNSHIP OF O'HARA REPEALING AND
RESTATING ORDINANCE NO. 1392 IN ITS ENTIRETY AND
ESTABLISHING NEW RULES AND REGULATIONS FOR THE
TOWNSHIP CIVIL SERVICE COMMISSION**

WHEREAS, the Township Council established the O'Hara Township Civil Service Commission pursuant to Article XIV, Section 1402 of the Home Rule Charter; and

WHEREAS, the Civil Service Commission is charged with the powers and duties to prepare policies, procedures and regulations of the personnel system; and

WHEREAS, the Council, upon recommendation of the Township Civil Service Commission, is desirous of repealing and restating Ordinance No. 1392 in its entirety and establishing new Rules and Regulations for the Township Civil Service Commission.

NOW, THEREFORE, the O'Hara Township Council hereby ordains that Ordinance No. 1392 and all amendments thereto are hereby repealed entirely and New Civil Service Commission Rules and Regulations are adopted as attached hereto.

ORDAINED this _____ day of _____, 2022 by Council vote of ____ to ____.

ATTEST:

TOWNSHIP OF O'HARA

Julie A. Jakubec, CPA, CGMA
Township Manager

Robert John Smith
President of Council

First Reading	<u>Eccles - Stewart</u>	<u>7 - 0</u>	<u>12/13/2022</u>
Second Reading & Adoption	_____	_____	_____
Advertised	_____	Codified	_____

BILL NO. _____

RESOLUTION NO. _____

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

**A RESOLUTION OF THE TOWNSHIP OF O'HARA RECOGNIZING THE
ACHIEVEMENT OF SERGEANT BENJAMIN WOLFSON**

WHEREAS, Sergeant Benjamin Wolfson is the recipient of the Pennsylvania DUI (Driving Under the Influence) Association's Top Gun Award for the second consecutive year; and

WHEREAS, Sergeant Wolfson's dedication to removing offenders that drive under the influence of alcohol or drugs is an integral part of the solution in the elimination of impaired drivers and the harm they can cause; and

WHEREAS, in recognition of Sergeant Wolfson's exceptional achievement in receiving the Top Gun Award, the Council of the Township of O'Hara wishes to extend sincere appreciation for his work in reducing the threat of impaired drivers on our roads.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of O'Hara affords this special opportunity to express heartfelt gratitude for Sergeant Benjamin Wolfson's commitment and dedication to keeping our community safe.

RESOLVED unanimously by Township of O'Hara Council this ____ day of ____, 2023.

TOWNSHIP OF O'HARA

Robert John Smith
President of Council

Richard S. Hughes
Council Member, First Ward

Cassandra R. Eccles
Vice-President of Council

George H. Stewart
Council Member, Second Ward

Gregory Caprara
Treasurer

Michael F. Hammill
Council Member, Third Ward

Julie A. Jakubec, CPA, CGMA
Township Manager

Olivia T. Payne
Council Member, Fourth Ward

John R. Denny, Jr.
Council Member, At-Large