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Model Hiring Manual for Pennsylvania Municipalities

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Model Hiring Manual for Pennsylvania Municipalities

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Foreward

The Department of Community and Economic Development's Governor's Center for Local Government Services is pleased to provide this publication on model municipal hiring policies.

Municipal officials bear a considerable burden in devising and implementing effective, merit-based procedures for recruiting and hiring qualified candidates for police and nonuniformed positions of employment. The role of elected officials charged with the responsibility of discharging this burden is made even more difficult by the legal parameters imposed by any applicable civil service provisions of the First Class Township and Borough Code, veterans' preference statutes, as well as state and federal employment laws such as the Americans with Disabilities Act, Equal Employment Opportunity guidelines, the Age Discrimination in Employment Act and the Fair Credit Reporting Act. The model hiring policies and legal commentary contained in this publication, as well as the technical assistance afforded by the Center, provide a means by which municipalities may develop and maintain sound hiring policies that are consistent with the laws of the United States and the Commonwealth of Pennsylvania.

The Governor's Center provides further assistance to communities in their efforts to improve upon the police and nonuniformed recruiting and selection process. To learn more about the types of assistance available to communities contact the Governor's Center for Local Government Services at their toll-free number, 1-888-223-6837.

Important Note from the Authors

Throughout the Model Civil Service Rules, Model Non-Civil Service Police Hiring Policy and Model Hiring Policy for Nonuniformed Employees, brackets [] are used to indicate that the municipality has discretion to decide the appropriate language to be inserted. In some instances, specific options are proposed.

To enable municipalities to adopt and customize these model rules and policies without having to retype them in their entirety, the Department and the Authors of this Manual have made unannotated versions of all three documents available on diskette or by e-mail. To receive a diskette or e-mail containing one or more of those documents, contact the Governor's Center for Local Government Services at 1-888-223-6837. This data also may be downloaded from the Department's website: www.inventpa.com, click on "Communities in PA," and then "The Governor's Center for Local Government Services," and finally on "Publications."

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Chapter I. Introduction

By law, first class townships and boroughs with three or more police officers or firefighters are required to have civil service commissions for the appointment, promotion, discharge, suspension and demotion of these employees. In addition, home rule and optional forms of municipal governments that had previously been first class townships or boroughs must adhere to the civil service requirements of their former code. When a borough or first class township seeks to hire its third police officer, civil service procedures must be followed. The two current police officers retain rights under the Police Tenure Act.

The Model Civil Service Rules included in this Model Hiring Manual were originally prepared for the classes of municipalities noted above. However, since that time, there has been a significant increase in litigation surrounding the hiring, promoting and firing of public employees, especially since the United States Supreme Court has ruled that political affiliation may no longer be a factor in employment decisions. Moreover, the Pennsylvania Supreme Court has affirmed the validity of the Veterans' Preference Act, 51 Pa. C.S. § 7101 et seq., in hiring for non-civil service positions. Consequently, a Model Non-Civil Service Police Hiring Policy for second class townships, and for boroughs and first class townships with fewer than three police officers or firefighters, as well as a Model Hiring Policy for Nonuniformed Employees, have been included in the Fourth Edition of this publication.

Because of the nature of the civil service statutes for a third class city, the Model Civil Service Rules included in this Manual may be instructive; however, officials for third class cities should consult their solicitors or labor counsel to determine where modification of the Model Civil Service Rules is necessary.

As for the format of this Manual, due to the wide range of court decisions and related legislation, many of the model provisions in Chapters II, III and IV contain comments and notes addressing the various considerations involved in adopting that specific section. Close attention should be paid to these comments, and any questions or concerns should be discussed with your solicitor or labor counsel. *Note: the comments and notes which are italicized are not intended to be part of the model provision.* This Manual, including the Model Civil Service Rules, Model Non-Civil Service Police Hiring Policy and Model Hiring Policy for Nonuniformed Employees, is not intended to be used as legal advice. These materials have been prepared to assist municipal civil service commissions and non-civil service municipalities in properly hiring the best candidates.

Finally, while both police and firefighters are covered by civil service, for convenience, all references are made to police. For municipalities with paid firefighters, the phrase "police and paid firefighters" may be substituted for "police." In addition, the words "he," "him," "his" and "men" represent both the masculine and feminine genders.

This Fourth Edition of the publication, originally titled "Model Rules and Regulations for a Municipal Civil Service Commission," has been revised and updated to reflect developments in case law and the passage of statutes which impact a public employer's hiring and promotional decisions. In particular, included are explanatory sections that focus on recent developments in the area of veterans' preference, background checks and the employment rights of chiefs of police. Also a section on Model Hiring Policy for Nonuniformed Employees has been added to this Manual.

How to Use the Model Hiring Manual

The Commonwealth of Pennsylvania is composed of a diverse array of municipalities that employ police, firefighters, public works employees and office staff. The needs of each community can differ significantly. It is important to consider several factors before amending your civil service rules or adopting a police and firefighter hiring policy in non-civil service communities. New to this edition is a Model Hiring Policy for Nonuniformed Employees. The primary impetus for developing this policy was the mandate of the Veterans' Preference Act, 51 Pa. C.S. § 7101 et seq., as interpreted by the Pennsylvania Supreme Court in Brickhouse v. Spring-Ford Area School District, 540 Pa. 176, 656 A.2d 483 (1995).

First, any municipality with a bargaining unit of uniformed employees under Act 111, 43 P.S. § 217.1 et seq., has an obligation to bargain before implementing any changes to the status quo regarding wages, benefits and certain other terms and conditions of employment. It is important to recognize that a public employer's obligation to bargain does not extend to individuals who are not yet hired, and, therefore, the procedure and method for selecting new employees is not bargainable. However, the length of the probationary period for a newly hired or promoted employee is subject to bargaining and, therefore, cannot be unilaterally changed by the employer.

With respect to promotional criteria, the Commonwealth Court recently held in Fraternal Order of Police Rose of Sharon Lodge No. 3 v. Pennsylvania Labor Relations Board, 729 A.2d 1278 (Pa. Cmwlth. 1999), petition for allowance of appeal denied, 560 Pa. 712, 743 A.2d 923 (1999), that such criteria was an inherent managerial prerogative, rather than a mandatory subject of bargaining, under Act 111. Consequently, unless a municipality has specifically bargained away its right to do so, it may unilaterally establish and change the standards and procedures for internal promotional opportunities without bargaining.

Because certain contract language has been construed as a waiver of managerial prerogatives, always consult your solicitor or labor counsel to verify that your municipality had no obligation to bargain collectively with the affected bargaining unit prior to adopting or implementing the contents of this Manual.

Additionally, for a variety of reasons, an ever-increasing number of individuals are pursuing careers in police work and firefighting. This has resulted in an administrative nightmare for most communities hiring today. For example, in Southeastern Pennsylvania, it is not unusual for municipalities to receive several hundred applications when advertising police hiring. Therefore, it is critical for every municipality to evaluate how many new police officers and firefighters are expected to be hired in the next year or two and to set an appropriate cut off for what constitutes passing the written examination. This will prevent the municipality from having to conduct an excessive number of oral interviews for too many applicants who have no possible chance of consideration.

Veterans' Preference

When the Third Edition of this publication was released in 1997, a number of significant court decisions had recently been issued regarding the application of the Veterans' Preference Act, 51 Pa. C.S.A. § 7101 et seq. Since then, only two notable court decisions involving a veterans' preference issue have been decided: Housing Authority of the County of Chester v. State Civil Service Commission, 556 Pa. 621, 730 A.2d 935 (1999), and Sicuro v. City of Pittsburgh, 684 A.2d 232 (Pa. Cmwlth. 1996).

In Chester County Housing Authority, a veteran possessing the minimum experience, training, and testing requirements for the position of "Director III," a non-entry-level position with the Housing Authority, was not appointed in favor of a nonveteran. Employment with the Housing Authority is governed by the provisions of the State Civil Service Act, 71 P.S. § 741.1 et seq. Both candidates applied for the position from outside the Housing Authority. Neither applicant previously worked for the agency.

The veteran passed the qualifying test with a score of ninety-one (91), including the ten (10) additional points added to his score as required by Section 7103 of the Veterans' Preference Act. The nonveteran passed the test with a score of 82. Like municipal civil service provisions, the State Civil Service Act mandates that civil service positions be filled by one of the three highest-ranking candidates on the list of eligible applicants certified by the Commission. With their civil service examination scores, both candidates ranked among the top three candidates.

After the Housing Authority appointed the nonveteran, contending that the nonveteran was far more qualified for the position, the State Civil Service Commission initiated an audit of the Housing Authority's hiring practices. The Commission found the appointment was not in compliance with Section 7104 of the Veterans' Preference Act, which provides that a veteran possessing the requisite qualifications, and whose name appears on the certified list of three, must be given preference over all nonveteran candidates, regardless of whether he is highest on the list. In this regard, the Commission's position is that Section 7104 clearly mandates the selection of veterans-once they have passed the civil service examination and become one of the three highest-ranking applicants-and that passing the examination alone renders them "qualified" for the position.

The Housing Authority filed an appeal to the Commonwealth Court, arguing that the Veterans' Preference Act did not prohibit it from imposing its own threshold standards beyond those measured by the civil service examination before veteran applicants become eligible for veterans' preference. The Commonwealth Court found in favor of the Housing Authority, relying on Brickhouse v. Spring-Ford Area School District, 540 Pa. 176, 656 A.2d 483 (1995), in which the Pennsylvania Supreme Court held that a state agency was permitted to bypass a veteran for a job because he did not meet the agency's requirements for the position.

On appeal to the Pennsylvania Supreme Court, it reversed the Commonwealth Court and held that, in the civil service context, a candidate's "ability to perform" must be measured exclusively by whether the candidate has passed the civil service exam. The Court further held that interpreting the statutes to allow the appointing authority to impose independent requirements would impair the need to limit patronage and nepotism in public positions.

The clear import of the Supreme Court's holding in Chester County Housing Authority is that where a non-entry-level civil service position is at stake, and where the applicant pool consists entirely of external applicants, qualified veterans receive a ten-point markup on the civil service exam, as well as preference over all nonveteran candidates, if he makes the certified list of three. Although the Chester County Housing Authority case involved the State Civil Service Act, the same principles would apply under the civil service provisions of the First Class Township Code, Borough Code and Third Class City Code. Moreover, by logical extension, preference must also be given to a qualified veteran where the position at stake is a non-entry-level non-civil-service position, and where the applicant pool consists entirely of external applicants.

Some have suggested that the Supreme Court's decision in Chester County Housing Authority raised more questions than it answered. For instance, it could be credibly argued that the Supreme Court's analysis in Chester County Housing Authority creates an irreconcilable conflict where both internal and external candidates have applied for the same non-entry-level position. Pursuant to Chester County Housing Authority, the employer must give preference to the external veteran applicants, whereas under Hoffman v. Township of Whitehall, 544 Pa. 499, 677 A.2d 1200 (1996) (civil service), and Belle Vernon Area School District v. Teamsters Local Union No. 782, 670 A.2d 1201 (Pa. Cmwlth. 1996) (non-civil service), no preference may be given to the internal applicants. The fact that veterans vying for the very same position will be either granted or denied veterans' preference based solely on whether they happen to be an external or internal candidate will surely be an issue that the appellate courts will have to address at some point in the future.

To simplify and streamline the principles and legal authority addressing veterans' preference in both the civil service and non-civil service settings, this Manual includes a chart (Figure 1) which summarizes the current state of the law.

The second significant veterans' preference case is the Commonwealth Court's decision in Sicuro v. City of Pittsburgh, 684 A.2d 232 (Pa. Cmwlth. 1996). In Sicuro, several applicants for positions as firefighters with the City of Pittsburgh claimed to be eligible for veterans' preference. Some of these applicants had completed both the service and training components of their military commitments, while others had completed only the training and were still fulfilling their Reserve and/or National Guard commitments. The applicants who had completed their full military commitments challenged the City's practice of awarding veterans' preference to Reserve or National Guard members who had completed the training but not the service component of their military commitments.

The Commonwealth Court ultimately held that job applicants for civil service positions who were members of the National Guard and Reserves were eligible for veterans' preference only if they had completed both the training and service components of their military commitment at the time of the civil service examination. No appeal to the Supreme Court was taken from this decision. Consequently, only applicants who have completed their full original military obligation are eligible to receive veterans' preference.

Figure 1

Type of Position	Required Action Under the Veterans' Preference Act	Case Law Authority
Civil Service – Entry-level Appointments	Ten point exam markup; Preference over nonveterans on certified list of three.	<u>Sicuro v. City of Pittsburgh</u> , 684 A.2d 232 (Pa. Cmwlth. 1996).
Civil Service – Non-entry-level Appointments (All External Applicants)	Ten point exam markup; Preference over nonveterans on certified list of three.	<u>Housing Authority of the County of Chester v. State Civil Service Commission</u> , 556 Pa. 621, 730 A.2d 935 (1999).
Civil Service – Non-entry-level Promotions (All Internal Applicants)	No preference may be given.	<u>Hoffman v. Township of Whitehall</u> , 544 Pa. 499, 677 A.2d 1200 (1996).
Civil Service – Non-entry-level Appointments (Internal and External Applicants)	Open question.	Not yet litigated.
Non-civil Service – Entry-level Appointments	No exam markup; Preference over nonveterans on eligibility list.	<u>Brickhouse v. Spring-Ford Area Sch. Dist.</u> , 540 Pa. 176, 656 A.2d 483 (1995); <u>Zablow v. Bd. of Education of the Sch. Dist. of Pittsburgh</u> , 729 A.2d 124 (Pa. Cmwlth. 1999).
Non-civil Service – Non-entry-level Appointments (All External Applicants)	No exam markup. Preference over nonveterans on eligibility list.	<u>Brickhouse</u> ; <u>Zablow</u> .
Non-civil Service – Non-entry-level Promotions (All Internal Applicants)	Nothing.	<u>Belle Vernon Area Sch. Dist. v. Teamsters Local Union No. 782</u> , 670 A.2d 1201 (Pa. Cmwlth. 1996).
Non-civil Service – Non-entry-level Appointments (Internal and External Applicants)	Open question.	Not yet litigated.

Background Checks

Background investigations and criminal history checks are critical components of the police hiring process for both civil service and non-civil service municipalities, as well as for other key or safety-sensitive positions of public employment. Such investigations not only help ensure the municipality hires a qualified and suitable applicant, but also provide limited protection against potential future claims for negligent hiring. The authors of this Manual have noticed that many municipal employers are unaware of the requirements of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 *et seq.*, which applies to hiring. In fact an even greater number of municipal employers fail to comply with the statute's provisions.

In 1996, the United States Congress amended the FCRA to impose certain disclosure and consent requirements upon employers, including public employers, who rely upon background and criminal history investigations when making hiring and other employment decisions.

It is important to note that the FCRA only applies where a background check, credit check and/or criminal history investigation¹ is performed by some outside entity, company or individual not employed by the municipality. It does not apply where the background investigation or credit check is performed internally and without the aid of an outside entity — for instance, where it is performed by the municipality's own police department. For municipalities that perform credit checks as well, which are virtually impossible to perform without engaging the services of an outside reporting agency or credit bureau, the FCRA's consent and disclosure requirements also apply. These requirements are outlined in more detail below. In addition, forms which satisfy the FCRA's disclosure and consent requirements are included in this Manual.

The FCRA imposes specific requirements for conducting background checks in connection with employment decisions, and, in this regard, makes a distinction between "Consumer Reports" and "Investigative Consumer Reports." A Consumer Report under the FCRA includes a "written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for . . . employment." (Section 603(d) of the FCRA, 15 U.S.C. § 1681a.) An Investigative Consumer Report is a Consumer Report in which information concerning an individual's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, associates, or other." (Section 603(e) of the FCRA, 15 U.S.C. § 1681a.)

This Manual includes forms for both Consumer Reports and Investigative Consumer Reports. In short, if your municipality uses an outside entity to perform only a credit check, then only the disclosures and procedures set forth below regarding Consumer Reports need be followed. If, on the other hand, your municipality retains the services of an outside entity to perform more than merely a credit check, it should comply with the disclosure requirements and procedures set forth below for Investigative Consumer Reports. Despite this general guideline, you must still contact the outside agency that performs your background checks to determine which type of report they prepare, and then use the appropriate forms.

Finally, although the manual principally refers to "applicants" it is important to mention that in the employment context the provisions of the FCRA apply to background checks made for the purposes of initial employment, as well as promotions, reassignments, and retention as a current employee.

The following sample forms are included in Section VIII of this manual.

1. Initial Disclosure: Notice of Consumer Report or Investigative Consumer Report

The notice of Request for Consumer Report (**Form FCRA-1**) on page 111 is a sample notice regarding Consumer Reports required by Sections 604(b)(2) of the FCRA. The notice of Request for Investigative Consumer Report (**Form FCRA-2**) on page 112 is the initial disclosure required for Investigative Consumer Reports. The timing for providing the correct initial notice to the applicant is critically important. The FCRA prohibits an employer from obtaining a Consumer Report prior to providing this disclosure to the applicant. For Investigative Consumer Reports, the disclosure must be provided to the applicant no later than three (3) days after the municipality has ordered the report from the reporting agency. Along with **Form FCRA-1 or FCRA-2**, the municipality must also supply a copy of the Federal Trade Commission's "Summary of Your Rights Under the Fair Credit Reporting Act" pursuant to Section 609(c) of the FCRA. A copy of this document is attached to this letter as **Form FCRA-3** on page 113.

2. Consent to Obtain a Consumer Report or Investigative Consumer Report

A written consent from the applicant must be obtained before you procure a Consumer Report or Investigative Consumer Report. Consent forms for each type of report are included in this Manual as **Form FCRA-4** Consent to obtain Consumer Report on page 116 and **FCRA-5** Consent to obtain Investigative Consumer Report on page 117. The consent form should generally be signed by the applicant at the time of application, but must be signed prior to your request for the applicable report.

3. Certification

The municipality must certify to the consumer reporting agency that it has complied with the applicable provisions of the FCRA. Without this certification, the reporting agency is not legally permitted to prepare a Consumer Report regarding the applicant, which must be sent to the reporting agency either before or along with your request for the Consumer Report. Certifications to this effect for both the Consumer Report (**Form FCRA-6**) and Investigative Consumer Report (**Form FCRA-7**) found on pages 118 and 119 respectively.

4. Follow-Up Disclosures

With respect to Investigative Consumer Reports, an additional disclosure obligation may arise if and when the applicant requests additional information. Pursuant to Section 606(b) of the FCRA, the municipality is required to provide a "complete and accurate disclosure" of the "nature and scope" of the Investigative Consumer Report requested, upon receiving a written request from the applicant within a "reasonable time" after the applicant's receipt of the initial disclosure. Of critical importance, is that this additional disclosure, required pursuant to Section 606(b), must be provided to the applicant no later than five (5) days after either the date on which the applicant's request for additional information was received or the date on which the Investigative Consumer Report was ordered, whichever is later. A model letter (**Form FCRA-8**) for responding to a request for follow-up disclosures appears on page 120.

There has been relatively little guidance from the courts as to what is a sufficient disclosure of the "nature and scope" of the investigation or how much time is "reasonable" for the applicant to request the follow-up disclosures. As a general rule of thumb, if the 606(b) request is made after the municipality or its agent receives the Investigative Consumer Report from the reporting agency, the report itself should be provided to the applicant. On the other hand, if the report is still "on order," the municipality can draft its disclosure so that it reflects either the typical inquiries made in past reports or, if available, information regarding the specific "nature and scope" of the investigation requested on that particular applicant. In most cases, responding to this type of request will require the municipality to obtain additional information from the reporting agency.

5. Adverse Action

If the municipality intends to reject a job applicant or take adverse employment action with respect to a current employee that is based, at least in part, on the content of the Consumer Report or Investigative Consumer Report, the municipality has certain additional obligations. It is important to contact your municipal solicitor or labor counsel before rejecting a candidate on the basis of either type of report.

BEFORE the Applicant is Formally Rejected: The FCRA requires the municipality provide an applicant with the disclosure (**Form FCRA-9**) on page 121 when it is likely that the applicant will be rejected because of something contained in the Consumer Report or Investigative Consumer Report, but prior to a final decision by the municipality. This form also informs the individual that his application is still being considered and encloses a copy of the Consumer Report or Investigative Consumer Report and the summary of FCRA rights (**Form FCRA-3**), as required by Section 604(b)(3) of the FCRA. The municipality should then send **Form FCRA-9** and the appropriate attachments to the applicant any time the Consumer Report or Investigative Consumer Report contains information which could potentially result in rejection.

AFTER the Municipality has Decided to Reject an Applicant: The FCRA further requires that the disclosure (**Form FCRA-10**) on page 122 be provided to the applicant either at the time of, or shortly after, the formal notice of rejection. Please note that if the applicant is rejected for a reason wholly unrelated to the content of the Consumer Report or Investigative Consumer Report, this notice is not required.

Employment Rights of Chiefs of Police

The statutory job protection afforded to chiefs of police depends solely upon the type of municipality employing the chief. Following is an analysis for each class of municipal employer: boroughs, first class townships, second class townships and third class cities. The analysis describes the procedures by which a chief secures a statutory right in his employment, identifies the minimum criteria for obtaining statutory job protection, and outlines the process for removing a chief either through termination or demotion to a previously held rank. Finally, for each class of municipality, we discuss the validity of an individual employment agreement between a chief and his employer.

For purposes of the explanation below, assume that the rank of chief is not presently and has never been covered by a collective bargaining agreement, which is otherwise applicable to the non-managerial officers in the department.

1. Boroughs and First Class Townships with Three or More Officers

The relevant language for appointment of a police chief is essentially identical in both the Borough Code and First Class Township Code, which provides as follows:

In the case of a vacancy in the office of chief of police or chief of the fire department, or equivalent official, [the appointive power²] may nominate a person to the commission. It shall thereupon become the duty of the commission to subject such person to a non-competitive examination, and if such person shall be certified by the commission as qualified, he may then be appointed to such position, and thereafter shall be subject to all the provisions of this subdivision.

53 P.S. § 46184(c) (Borough Code); 53 P.S. § 55638 (First Class Township Code).

Although a police chief in a Borough or First Class Township that employs three or more police officers may eventually secure civil service status, the hiring process is controlled exclusively by the appointing authority, either borough council or the board of commissioners, and falls outside the

statutory authority of the municipal civil service commission. Unlike hiring new patrol officers or promoting officers to ranks other than police chief, the process for screening, grading and ranking candidates for chief falls within the purview of the appointing authority. When hiring a police chief, either from within or outside the department, the governing body (i.e., borough council or the board of commissioners) is solely responsible for the entire process which eventually results in its selection of the most suitable candidate. The appointing authority may delegate any or all of the applicant selection process to a sub-committee, the municipal manager, an outside consultant or even the civil service commission. However, the opportunity for civil service status only becomes implicated after borough council or the board of commissioners, at a duly advertised meeting, decides upon an individual to be appointed chief of police.

At that time, by a separate action, the appointing authority can refer the prospective chief to the civil service commission for a noncompetitive examination. Once the commission determines the candidate's competence to serve as chief, the civil service commission must then communicate its decision to the appointing authority who then, at a duly advertised public meeting, votes to appoint the new chief. As part of the vote to appoint the chief, or as a separate vote, the appointing authority must also vote to bestow civil service status. The appointing authority can always appoint a chief without civil service status. However, if there is a decision in the future to bestow civil service status, then the nomination to the commission for a non-competitive test can occur at that time.

If any of the above-mentioned procedural steps are omitted, the chief's civil service status and its concomitant job protection would not have been attained in strict compliance with the law. For a police chief who wants to eliminate any doubt as to his civil service status, the following documents memorializing the essential requirements discussed above should be collected and retained: (1) the agenda and minutes for the meeting at which the appointing authority voted to refer the chief to the civil service commission for a noncompetitive examination; (2) the agenda and minutes for the meeting at which the civil service commission adopted the results of the noncompetitive examination certifying the chief as qualified; and (3) the agenda and minutes for the meeting at which the borough council or the board of commissioners accepted the civil service commission's certification of the prospective candidate for chief and the vote to appoint the chief and to bestow civil service status on him. The probationary period for the chief would commence on the date of the meeting where the appointing authority votes to bestow civil service status on the chief based on the civil service commission's certification that he is eligible for the position.

With respect to veterans' preference, as explained previously, veterans' preference is inapplicable when all of the applicants are currently employed by the municipality. Veterans' preference must be granted when none of the applicants are currently employed by the hiring municipality. It remains an open question of law what, if any, preference must be given to veterans when both internal and external candidates are applying for the position of chief of police. Since filling the position of police chief in a civil service community occurs outside the civil service process, the preference which must be given to veterans is that set forth in Section 7104(a) of the Veterans' Preference Act — specifically, no points are granted because the selection process need not be a graded competitive examination, but a qualified veteran must be hired before any nonveteran.

Any police chief who attains civil service status is afforded the same job protection as other officers in the department and may only be suspended without pay, demoted, or terminated for the one of the six statutory reasons set forth in the appropriate municipal code. These reasons are listed in Section II Model Civil Service Rules, which follow. For any police chief who does not enjoy civil service status, if the chief was promoted internally, the chief may not be suspended without pay, demoted below the previously held civil service rank or terminated except for one of the six reasons in the municipal code and set forth in Section II, Model Civil Service Rules, in this Manual. He would still possess civil

service protection in his former rank and may be returned to that rank by a simple majority vote of borough council or the board of commissioners. If the chief lacks civil service status and was hired from outside the department, he has no job protection and may be suspended without pay or terminated by a simple vote of the appointing authority. Although the courts have not addressed the issue of demoting a non-civil service chief into a civil service rank, we strongly advise against such action because the appointment as chief and then demotion to a lower rank transforms someone who was never required to participate in any type of competitive testing into a ranking police officer.

As for employment contracts, where a chief has properly secured civil service status, the duration of the chief's employment is controlled by the civil service process, which provides for job tenure that cannot be terminated except for disability or misconduct as specified in Section II in this Manual. Consequently, any employment contract entered into would only be binding for the purposes of wages, benefits, paid leave time, etc. An expiration of the contract would not result in the loss of statutory job protection bestowed through civil service. See Tegzes v. Township of Bristol, 504 Pa. 304, 472 A.2d 1386 (1984). It is critical that the employment contract clearly set forth the position of the parties when the agreement expires and a new contract has not been executed. Because the appellate courts have held that employment rights can only be bestowed upon a police chief pursuant to the statutory mechanism created by the General Assembly in the civil service sections of the Borough Code and First Class Township Code, it is arguable that an employment agreement is invalid for a chief of police who does not possess civil service status. Any questions regarding this issue should be directed to your municipal solicitor or a special labor counsel.

2. Townships of the Second Class and Non-Civil Service Boroughs and First Class Townships

Full-time police chiefs in a second class township, as well as full-time police chiefs in boroughs and first class townships who employ fewer than three police officers, are covered by the Police Tenure Act, 53 P.S. § 811, et seq. When "counting heads" to determine whether a borough or first class township must create a civil service commission, both full and part-time officers are counted. See Mullen v. Borough of Parkesburg, 572 A.2d 859 (Pa. Cmwlth. 1990). Under the Police Tenure Act, the appointing authority, either the board of supervisors, borough council or the board of commissioners, has full discretion in selecting the chief of police and no demonstration of competency is required. However, the statute does provide for a probationary period which may range from six months to twelve months. Any full-time chief in a Police Tenure Act community who successfully completes his probationary period may only be removed for one of the five statutory reasons set forth in the Tenure Act. 53 P.S. § 812.

Regarding veterans' preference, as noted above for civil service boroughs and first class townships, there is no veterans' preference where all of the applicants for police chief are current employees. Section 7104(a) of the Veterans' Preference Act applies when none of the applicants are current employees. It remains an open question as to what, if any, veterans' preference must be granted where the applicant pool for police chief includes both current employees and outside applicants.

Any employment action involving an unpaid suspension, demotion or termination of a police chief who has successfully completed his probationary period must be based upon one of the five statutory reasons set forth in Section 812 of the Police Tenure Act.

With respect to employment contracts for a police chief with statutory job protection under the Police Tenure Act, the duration of the chief's employment would be controlled by the Act; however, salary, benefits and paid leave time may be negotiated. As noted above, every employment agreement should be drafted with thoughtful consideration of the positions of the parties with regard to the time when the contract expires. Most employment agreements fail to take this situation into consideration. It is important to consult your solicitor or special labor counsel prior to entering into any employment

agreements.

3. **Cities of the Third Class**

The Third Class City Code, 53 P.S. § 37002. Clearly states that the chief of police serves at the will of the mayor. The relevant statutory language provides:

The mayor shall designate, from the force, the Chief and other officers who shall serve as such officers until their successors are appointed and qualified. The Chief of Police shall be designated by the mayor and may be demoted without cause in the same manner but not to any rank lower than the rank which he held at the time of his designation as Chief of Police.

There is no probationary period for the chief of police in a third class city since he can be removed at any time.

With respect to veterans' preference, the same rules discussed above apply. If the promotion to chief is limited to current employees, then no veterans' preference is required; if only external candidates are considered, then veterans' preference must be provided. If the candidate pool is mixed, it is an open question of law as to what applicants, if any, are entitled to veterans' preference.

The General Assembly made it quite clear that a police chief in a third class city serves at the will of the mayor and may be removed for any reason at any time. If the chief had previously held a civil service rank within the police department, then he may return to that prior civil service rank. Consequently, a chief who is suspended without pay, demoted to a rank below his previous civil service rank or terminated would be entitled to a hearing before City Council as provided by the Third Class City Code, 53 P.S. § 39408. A police chief who is appointed from outside the department has no rights whatsoever. With respect to employment contracts, since no limitation is statutorily permitted that would otherwise restrict a mayor's right to designate the chief of police, it is doubtful that a court would recognize an employment contract granted to a chief of police in a third class city.

Endnotes

1. Although the federal FCRA does not prescribe limitations regarding the types of past criminal activity or alleged criminal activity that may be asked about and taken into consideration during the hiring process, Pennsylvania state law does address those issues. Specifically, Section 9125 of the Criminal History Record Information Act ("CHRIA"), 18 Pa. C.S.A. § 9125, limits the criminal history information upon which both public and private employers may rely in denying employment. You should verify with your municipal solicitor or labor counsel that your employment application, interview questions and background investigations comply with this statute.
2. The bracketed language is the wording used in Section 1184(c) of the Borough Code, 53 P.S. § 46184(c). Under Section 638 of the First Class Township Code, 53 P.S. § 55638, the bracketed language actually reads: "the township commissioners."

Chapter II. Model Civil Service Rules

Section 1. Definition of Terms

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

Applicant: Any individual who applies in writing to the commission in response to a legally advertised notice of vacancy and/or examination for any position in the police department.

Comment: For first class townships, which must employ all part-time officers under civil service, the end of this definition should read “for any full-time or part-time position in the police department.”

Alternate Commissioner: (First Class Townships Only)

An individual appointed by the township commissioners in a First Class Township to serve as an “Alternate Civil Service Commissioner.” Properly appointed Alternate Commissioners shall have all the same powers and duties as a properly appointed Commissioner set forth in the First Class Township Code.

Appointing Authority: The [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] of the [BOROUGH/TOWNSHIP] of [NAME OF MUNICIPALITY], [NAME OF COUNTY], Pennsylvania.

Certification: The submission to the appointing authority pursuant to its request for three names taken from the eligible list developed by the Civil Service Commission.

Chairperson: The Chairperson of the Civil Service Commission of the [BOROUGH/TOWNSHIP] of [NAME OF MUNICIPALITY], Pennsylvania.

Commission: The Civil Service Commission of the [BOROUGH/TOWNSHIP] of [NAME OF MUNICIPALITY], Pennsylvania.

Commissioner: An individual appointed by the [BOROUGH/TOWNSHIP] of [NAME OF MUNICIPALITY], Pennsylvania to serve as a member of the Civil Service Commission.

Eligible: A person whose name is recorded on a current eligible list or furlough list.

Eligible List: The list of names of persons who have passed all examinations for a particular position in the police department.

Examination: The series of tests given to applicants to determine their qualifications for a position in the police department.

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.

Comment: The length of recall rights of furloughed officers is not prescribed by statute, and no court decision has addressed this issue. A municipality who lays off a police officer should assume, at the time of layoff, that the employee's recall rights will not expire at some point in the future.

Patrol Officer: Version A (Boroughs Only)

For purposes of these Rules, an entry level sworn full-time position in the police department.
Comment: (1) Version A applies only to boroughs, which may hire part-time officers outside of civil service pursuant to Section 1195(4) of the Borough Code, 53 P.S. § 46195(4). Although it is not illegal for a borough to hire part-time officers, such officers do not have statutory job protection and are thus at-will employees who may be discharged without cause or prior notice.

Patrol Officer: Version B (First Class Townships Only)

For purposes of these Rules, an entry level sworn full-time or part-time position in the police department. The appointing authority shall retain full discretion in determining which part-time patrol officer receives an offer of full-time employment. Regardless of a patrol officer's hours worked, the civil service rank of full-time and part-time patrol officers shall be the same.

(1) Version B applies to all first class townships, as well as to boroughs that opt to hire part-time officers through civil service. Unlike boroughs, first class townships must hire all police officers, including part-time officers, through civil service. The employment of any officer, part-time or otherwise, hired by a first class township outside of, or inconsistent with, its civil service rules is void from its inception.

Comment: With respect to the number of hours that determines whether a police officer is part-time or full-time, a 32-hour limit on the hours for part-time officers is a reasonable cap that will normally take into account unanticipated overtime that may occasionally arise.

Probationer: An officer in the police department who has been appointed from an eligible list, but who has not yet completed the work-test period.

Reduction in Rank: A change to a different position or rank where the employee fulfilled all of the requirements of these Rules 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.

Removal: The permanent separation of a police officer from the police department.

Secretary: The Secretary of the Civil Service Commission of the [BOROUGH/TOWNSHIP] of [NAME OF MUNICIPALITY], Pennsylvania.

Suspension: The temporary separation without pay of a police officer from the police department.

1.2 Gender

The words "he," "his," "him" and "men" when used in these Rules represent both the masculine and feminine genders.

Section 2. The Commission

2.1 Civil Service Commission (For All Municipalities)

- (a) The commission shall consist of three commissioners who shall be qualified electors of the [BOROUGH/TOWNSHIP] and shall be appointed by the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] initially to serve for the terms of two, four and six years, and as terms thereafter expire shall be appointed for terms of six years.

Any vacancy occurring in the commission for any reason whatsoever shall be filled by the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] for the unexpired term within the period of thirty (30) days after such vacancy occurs.

Each member of the commission, before entering upon the discharge of the duties of their office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform their official duties with fidelity. No civil service commissioner shall receive compensation.

(First Class Townships Only)

- (b) **Alternate Commissioners.** The Board of Commissioners may appoint no more than three qualified electors of the Township to serve as alternate members of the commission. The term of office shall be six years. An alternate shall be entitled to participate in all proceedings and discussions of the commission to the same and full extent as provided by law for commission members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the First Class Township Code and as otherwise provided by law. Alternates shall hold no other office in the township. Any alternate may participate in any proceeding or discussion of the commission, but shall not be entitled to vote as a member of the commission unless designated as a voting alternate member pursuant to Section 628 of the First Class Township Code.

Comment: (1) On June 12, 2002, the Pennsylvania General Assembly amended Section 628 of the First Class Township Code by changing the number of civil service commissioners required to constitute a quorum from two to three. The new quorum requirements take effect on August 12, 2002, and thus any official action taken by a civil service commission on or after that date must take place at a meeting during which at least three commission members are present.

(2) Act 54 also permits the board of commissioners to appoint "alternate civil service commissioners." Presumably, this was an effort by the General Assembly to enable civil service commissions in first class townships to meet the new quorum with greater ease. It should be noted, however, that Act 54 confers upon boards of commissioners the discretion to appoint alternate civil service commissioners, but it does not require them to do so. The power and authority of alternate civil service commissioners is set forth in the text of Subsection 2.1(b).

(3) The brackets placed around Subsection 2.1(a) are intended to reflect that boroughs, which are not effected by Act 54, should not have lettered subsections under their version of Section 2.1.

2.2 Offices Incompatible with Civil Service Commissioner

No commissioner shall at the same time hold an elective or appointed office under the United States Government, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth, except that one member of the commission may be a member of the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS]. { **For Boroughs Only:** "One commissioner may be a member of the teaching profession." }

2.3 Organization of Commission; Quorum

(Boroughs Only)

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

(First Class Townships Only)

- (a) The commission first appointed shall organize within ten days of its appointment and shall elect one of its members as its chairperson and one as its secretary. The commission shall thereafter meet and organize on the first Monday of January of each even-numbered year. 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 two members.
- (b) If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman shall designate as many alternate members of the commission to sit on the commission as may be needed to provide a quorum. Any alternate member of the commission shall continue to serve on the commission in all proceedings involving the matter or case for which the alternate was initially designated until the commission has made a final determination of the matter or case. Designation of an alternate shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. No action of the commission shall be valid unless it shall have the concurrence of at least two members.
- (c) For purposes of hiring and promoting police officers under these Rules, each step of the hiring or promotional process requiring official action by the commission shall be considered a separate “matter or case” under Subsection (b), above, and each step of the hiring or promotional process need not be voted upon or approved by the same composition of commissioners or alternate commissioners, as the case may be, provided that the quorum requirement has been satisfied.

Comment: (1) As discussed in the Comment to Section 2.1 (above), Act 54 amended the civil service provisions of the First Class Township Code to increase the minimum number of civil service commission members who must be present in order for the commission to take official action (i.e., the quorum) from two to three. For boroughs, two of the three commission members will still constitute a quorum for purposes of taking official action.

(2) With respect to the reorganization meeting mentioned in this section, the civil service provisions of the Borough Code prescribes the first Monday in February of each even-numbered year as the date for the commission’s reorganization meeting, whereas the corresponding provision of the First Class Township Code prescribes the first Monday in January of each even-numbered year.

2.4 Duties of Chairperson

The chairperson, or in his 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.

2.5 Duties of Secretary

The secretary shall carry on at the direction of the commission all official correspondence of the commission, send out all notices required by law and these Rules, keep a record of each examination or other official action of the commission, and perform all other duties required by law or these Rules.

2.6 Meetings

Except for the biennial organization meeting, all meetings shall be held either at the call of the chairperson or at the call of two members of the commission. The commission shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or these Rules. The secretary of the commission shall give each commissioner twenty-four (24) hours notice in writing of each and every meeting of the commission.

Comment: Although the First Class Township Code provides simply that written notice of each and every meeting be given to all the commissioners, the requirement for 24 hours written notice from the Borough Code is preferable because it provides a minimum time period for notice. You should also confirm with your solicitor that your civil service commission is complying with all applicable provisions of the Sunshine Act, 65 P.S. § 271 et seq. when scheduling a meeting as well as when taking any formal action.

2.7 Clerks and Supplies

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

Comment: Under the express language of the municipal codes, the civil service commission cannot retain the services of an attorney other than the municipality's duly-appointed solicitor without first obtaining the approval of the board of commissioners or borough council.

2.8 Amendment of Rules

The commission may amend, revise, void or replace these Rules for any reason by action of a majority of the commission at any properly convened meeting of the commission. Before any changes to these Rules become effective, those changes must be approved by the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS]. These Rules, and any amendments thereto shall be made available to the public for distribution or inspection.

Comment: As noted in the Introduction to this Manual, prior to any changes, your solicitor or labor counsel should be consulted to determine whether any collective bargaining obligations exist.

2.9 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 Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued by the Local Government Records Committee under the authority of the Municipal Records Act, 53 Pa. C.S.A. § 1381 et seq.

Any and all records related to any disciplinary action filed with the commission shall be open to public inspection subject to reasonable regulation. The secretary shall keep minutes of the commission's proceedings showing the vote of each member upon each question. If the member is absent or fails to vote, the secretary shall indicate that fact in the minutes.

2.10 Investigations

The commission shall have the power to make investigations concerning all matters relating to the administration and enforcement of these Rules. The chairperson of the commission is authorized to administer oaths and affirmations for witnesses testifying in connection with such investigations.

2.11 Subpoenas

The commission shall have the power to issue subpoenas over the signature of the chairperson, or designee, to acquire the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry, including any background investigation conducted pursuant to Section 4.9 of these Rules. 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 [BOROUGH/TOWNSHIP] 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 cost shall be imprisoned not to exceed thirty (30) days.

If any person shall refuse or neglect to obey any subpoena, the commission may apply by petition to the Court of Common Pleas of [NAME OF COUNTY OR JUDICIAL DISTRICT] for its subpoena, requiring the attendance of such persons before the commission or the court to testify and to produce any records and papers necessary, and in default thereof shall be held in contempt of court.

2.12 Annual Report

The commission shall make an annual report to the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] containing a brief summary of its work during the year and a full accounting for any expenditures of public monies. The annual report shall be available for public inspection.

Section 3. Applications and Qualifications

3.1 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 to the commission before the deadline stated by the commission for that specific examination. The applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Comment: A model application form is attached as Form CS-1. At the end of the application, there is a detailed waiver and release for background checks. Please read it carefully to ensure that it meets the needs of your municipality.

3.2 Discrimination

The [BOROUGH/TOWNSHIP] is an equal opportunity employer. It is the [BOROUGH/TOWNSHIP]'s and the commission's policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, age, veteran status, marital status or non-job-related physical or mental handicap or disability. The [BOROUGH/TOWNSHIP] and the commission will provide equal opportunities in employment and promotion.

3.3 Availability

Application forms shall be available to all interested persons in the office of the [DESIGNATE BOROUGH/TOWNSHIP OFFICIAL], and from such other offices and officers that the commission, from time to time, may choose to designate. Application forms may be mailed upon written or telephone request. However, the commission assumes no responsibility for missed filing deadlines due to a delay in the mail.

3.4 Age and Residency Requirements

All applicants must have reached their eighteenth (18th) birthday before the deadline for submitting completed applications. [FOR MUNICIPALITIES WITH RESIDENCY REQUIREMENTS: Applicants must move into the [BOROUGH/TOWNSHIP] within six (6) months of completing their probationary period].

Comment: (1) Although the statutory minimum hiring age for a police officer is 18 years of age, a municipality may lawfully increase the minimum age to 21 or even to 25 in order to ensure against the immaturity of younger applicants.

(2) While residency requirements are not mandatory, they are permissible. For municipalities whose police officers are covered by a collective bargaining agreement, the imposition of a residency requirement must be negotiated.

3.5 General Qualifications — All Applicants

Every applicant for any position in the police department shall possess a diploma from an accredited high school or a graduate equivalency diploma. In addition, every applicant must be a United States citizen, be physically and mentally fit to perform the full duties of a police officer, and, prior to appointment, possess a valid motor vehicle operator's license issued by the Commonwealth of Pennsylvania.

Comment: (1) A municipality may increase the minimum educational qualification to an associate's or bachelor's degree. A municipality may also impose the additional minimum requirement of successful completion of the training and education prescribed by the Municipal Police Education and Training Act ("Act 120"), 53 Pa. C.S.A. § 2161 et seq.

(2) Under the federal and state discrimination laws, excluding non-U.S. citizens from police officer positions is permissible but not required. However, the Municipal Police Officers' Education and Training Act requires U.S. citizenship to obtain Act 120 certification.

3.6 General Qualifications — Applicants for Promotion

- (a) In addition to meeting the qualifications in Section 3.5 above, all applicants for a promotional position, except chief, shall have not been suspended without pay for more than five (5) days in the three (3) years prior to the deadline for submitting applications. Any suspension to which the applicant has timely appealed pursuant to a contractual grievance procedure or these Rules shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.
- (b) All applicants shall have continuous prior service with the police department of [NAME OF MUNICIPALITY] as follows:
 - (1) an applicant for the position of [CORPORAL] shall have at least [TWO (2)] years of service with the department;
 - (2) an applicant for the position of [SERGEANT] shall have at least [TWO (2)] years of experience as a [CORPORAL] within the police department;

- (3) an applicant for the position of [LIEUTENANT] shall have at least [TWO (2)] years of experience as a [SERGEANT] within the police department; and
- (4) an applicant for the position of [CAPTAIN] shall have at least [TWO (2)] years experience as a [LIEUTENANT] within the police department.

Comment: (1) Annual reviews or evaluations are rarely done, and when done, generally fail to properly reflect the officer's true performance. Consequently, we would recommend that a threshold performance standard, such as the absence of any unpaid suspensions within a specific time period, be used to screen out unsuccessful candidates for promotion. In addition, in order to avoid any due process claims, only suspensions which are final and not pending on appeal should be considered.

(2) The ranks of corporal, sergeant, lieutenant and captain are by no means definitive or required. The department may only have patrol officers and a chief, or sergeant and chief. Each department should base its command structure on the size of the department and the needs and requirements of the community which it serves.

The positions of detective, detective sergeant and deputy chief may also be designated as civil service positions. However, simply because a particular duty assignment is created, for example detective, the municipality is not required to give this position civil service protection. An officer whose only civil service appointment was as patrol officer may be assigned to the position of detective, given additional pay, a different uniform or plain clothes. However, unless that officer was appointed to that position pursuant to successful completion of competitive tests under these Rules and appointed from a bona fide list of three eligibles, that officer has no right to retain the higher classified position under these Rules if later reassigned back to the duties of patrol officer. It is important to note that, under a collective bargaining agreement, the officer may have some other rights against transfer. For civil service purposes, though, the reassignment from the non-civil service status of detective to patrol officer does not constitute a reduction in rank or demotion.

(3) The above model regulation which requires a period of time in the previous rank before being eligible for promotion to the next rank merely serves as an illustration and is not the only option.

For example, in a department with corporals and sergeants, a candidate for sergeant could be any officer with five or more years experience on the force, rather than limiting the testing for sergeant only to current corporals. Once again, this is a determination which the appointing authority and civil service commission must make based on the size of its department and the best interests of the community.

(4) Since the relevant statutes do not prohibit officers employed by other police departments from applying for promotional positions such as corporal, sergeant, etc., it is LEGAL for a municipality to make two years of police experience in "any" police department a prerequisite for corporal, and four years experience in "any" police department a prerequisite for sergeant, as an example. However, certain collective bargaining obligations may exist. In addition, due to the points and preference rights of veterans applying for an initial civil service position, outside applicants for an open promotion position may possess an excessive advantage over currently employed officers. This issue is discussed in more detail in the Introduction as well as in the Comment to Section 4.6.

3.7 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 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 physically or mentally unfit to perform the full duties of the position applied for, or who is a habitual substance abuser, who is guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, or who has been dismissed from public

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

Comment: (1) This section mirrors the statutory language of the municipal codes and is the standard for disqualifying an applicant for failing the background investigation.

(2) Since an applicant may challenge any aspect of the exam process when disqualified, and because an administrative hearing body, such as the civil service commission, may not hear an appeal regarding the propriety of its own decision, it is important to consult your solicitor or labor counsel before rejecting a candidate to ensure that the civil service commission may adjudicate the appeal without violating the applicant's due process rights.

3.8 Recording and Filing Applications

Applications for positions in the police department shall be received at the [BOROUGH/TOWNSHIP] building only after a hiring or promotional test has been properly advertised and before the deadline for receiving applications which must be set forth in the public advertisement. Applications will be received by the municipal officer designated in the public advertisement or that officer's designee. That person shall record the receipt of all applications and provide each applicant with notice of the time and place for the first portion of the testing procedure, the written examination. Any application containing material errors or omissions 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.

Comment: A model notice for the written examination is attached as Form CS-2 (page 59).

3.9 Hearing for Disqualified Applicants

Any applicants or other persons who believe that they are aggrieved by the actions of the commission in refusing to examine or to certify them as eligible after examination, may request a hearing before the commission. Within ten 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. C.S. § 101 *et seq.* The applicant or aggrieved party must make his request for a hearing in writing within ten calendar days of the date when the party knew or should have known of the commission's action which is being challenged.

Comment: It is important to review the Comment under Section 3.7, regarding the hearing rights of a rejected applicant.

3.10 Public Notice

The commission shall conspicuously post in the [BOROUGH/TOWNSHIP] building an announcement of the hiring or promotional testing and set forth 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, and the deadline for filing those applications. In addition, at least two weeks prior to the close of the application period, publication of the notice shall occur in at least one newspaper of general circulation or a newspaper circulating generally in the [BOROUGH/TOWNSHIP].

Comment: A model notice for posting and publication is attached as Form CS-3 (page 60).

Section 4. Examination and Grading Procedure

4.1 General Examination Requirements for the Position of Patrol Officer

The examination for patrol officer will consist of a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing seventy percent (70%) of the final score and the oral examination representing thirty percent (30%) of the final score. In addition, each applicant will undergo a physical agility test, a polygraph test and a background investigation. These tests and investigation will be graded on a pass/fail basis for every applicant. After an applicant has been extended a conditional offer of employment, final appointment shall be contingent upon the applicant passing a medical and psychological examination.

Comment: (1) Under the Borough and First Class Township Codes, examinations must be practical in character and relate to matters which would fairly test the merits and fitness of the applicant with respect to his ability to perform the duties of police officer. The above list of tests is overinclusive. For example, polygraph testing and physical agility testing are not required by law. Moreover, because of the extensive procedural requirements for polygraph testing, which are necessary to avoid potential constitutional rights violations, these overly burdensome polygraph testing requirements may be too expensive and problematic for medium to small departments. These concerns are detailed more fully under Section 4.7.

(2) Another important consideration is that under the Americans with Disabilities Act ("ADA"), a job applicant for any position, whether police officer or road crew, may not be given a medical or psychological examination until after an offer for employment has already been made. This legal requirement is discussed in more detail under Section 5.4.

(3) The weighted average for the written and oral exams are completely discretionary, and a municipality may assign whatever percentages it believes are appropriate. For example 50% for both the written and oral exam, or 60% for the written exam and 40% for the oral exam.

(4) Standardized written tests for hiring and promotions are available from various testing services. When selecting a test, it is important to find out if it has been validated and whether the testing service guarantees security for its question and answer sheets.

4.2 General Examination Requirements for Promotions

The examination for the positions of [CORPORAL, SERGEANT, LIEUTENANT AND CAPTAIN] shall include a written and an oral examination which will be graded on a one hundred (100) point scale with the written examination representing seventy percent (70%) of the final score and the oral examination representing thirty percent (30%) of the final score. {OPTIONAL: In addition, each applicant will undergo a physical agility test which will be graded on a pass/fail basis for every applicant.} {ALSO OPTIONAL: After an applicant has been extended an offer of promotion, the final appointment to the promotional position shall be contingent upon the applicant passing a medical and psychological examination.}

Comment: (1) Traditionally, a performance evaluation has been included as a graded component along with the written and oral examinations that are used to determine an applicant's rank on the eligibility list. We recommend using the threshold general requirement stated in Section 3.6 because of the increased litigation associated with public employment hiring and promoting. In order to withstand a court challenge, the use of an employee's performance evaluation would require that evaluation to survive scrutiny as to its objectivity.

Unless the department can rely upon a specific list of objective standards published and adopted in advance of the test, which were then strictly followed, to justify why one officer got ten out of ten points and another officer only seven, a challenge to the testing procedure could result in the entire eligibility list being declared invalid. Consequently, we do not recommend the use of performance evaluations as a component of the examination process. In addition, if promotional opportunities are open to police officers from outside of your police department, then the standard of whether they had received a lengthy suspension would be more appropriate than having the outside applicant's chief score that officer's performance. Special problems may exist with opening up promotions to outside candidates, due to unsettled legal issues involving veterans' preference.

Finally, if the commission or appointing authority welcomes input from the chief as to which candidates would be most deserving of promotion, that input could be solicited when the certified list of three eligible officers is presented for consideration.

(2) The breakdown of seventy percent (70%) for written and thirty percent (30%) for oral is a suggestion only. A commission may set any ratio it prefers.

(3) Since the new ADA requirement for medical examination applies only to new hires, medical testing after a decision for promotion has been made would permit outside applicants to apply for promotional opportunities without changing the exam procedure.

4.3 Appointment of Examiners

The commission shall appoint a written examination administrator, an oral examination administrator, a polygraph examiner, a physical agility examiner, a medical examiner and a psychological examiner to conduct the appropriate examination required by these Rules.

***Comment:** Model resolutions for the appointment of each of these examiners are attached as Forms RES-1 (page 85) through RES-6 (page 90), respectively, and model notices of appointment of these examiners are attached as Forms APPT-1 (page 97) through APPT-6B (page 107).*

4.4 Written Examination

The written examination shall be graded on a 100 point scale, and an applicant must score seventy percent (70%) or higher and receive one of the top [INSERT DESIRED NUMBER] highest scores, including ties, in order to continue in the application process. Applicants scoring less than seventy percent (70%) or not receiving one of the top [INSERT NUMBER USED ABOVE] highest scores shall be rejected. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their test results, and each passing applicant shall be informed of the next step in the examination process.

***Comment:** (1) A model letter informing a passing applicant of the written score is attached as Form CS-4 (page 61), and a model letter for a failing applicant is attached as Form CS-5 (page 62).*

(2) The passing grade of 70% can be adjusted or even eliminated depending upon the experience of the commission. For example, passing may be designated as 60% or 80%. In this edition, a set number of passing applicants in the written exam is recommended to immediately reduce the size of the applicant pool because some municipalities have hundreds of applicants for one opening. By designating the number of applicants who pass the written test, a municipality can limit the amount of time involved in oral interviews, background investigations and physical agility testing.

4.5 Oral Examination

Every applicant who scored seventy percent (70%) or higher and receives one of the top [INSERT NUMBER USED ABOVE UNDER SECTION 4.4] highest scores, including ties in the written examination, shall be given an oral examination that will be graded on a 100 point scale with a score of seventy percent (70%) or higher necessary for passing. The oral examination shall involve questioning applicants on how they would handle situations relevant to police work. Within thirty (30) days after the applicants' oral examination, they shall be informed of their oral examination and total overall scores, and each passing applicant shall be informed of the next step in the examination process.

Comment: (1) A model letter informing a passing applicant of the oral score is attached as Form CS-6 (page 63), and a model letter for a failing applicant is attached as Form CS-7 (page 64).

(2) The passing grade of seventy percent (70%) can be adjusted or even eliminated, as noted above, based upon the experience of the commission.

(3) Because of due process problems, members of the civil service commission should never participate in the oral examination process either as examiners or observers. This recommendation stems from an applicant's right to appeal to the commission any dispute involving the examination process. If an applicant, for example, fails an oral interview or receives a poor grade and appeals that decision to the civil service commission, a violation of the applicant's due process rights would occur if the commissioners served as oral examiners and then as hearing officers to adjudicate the claims of the complaining applicant.

When hearing a challenge to any portion of the testing procedure, the civil service commissioners must base their decision only on the testimony and documentary evidence presented to them during the hearing. Any commissioner who has independent knowledge due to participation as an examiner or observer in the oral examinations would be "tainted" with respect to procedural due process protections owed the applicant, and this could require the voiding of the whole testing procedure. The proper role for the commission is to serve as an oversight authority for the administration of the various components to the examination process. The commission should not be involved directly in the administration of any of the tests or background investigation.

4.6 Veterans' Preference Points

Pursuant to the Veterans' Preference Act, any applicant for the position of patrol officer who qualifies as a "soldier" under this Act 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. Any applicant claiming veterans' preference is responsible for providing any and all relevant documents to the commission.

Comment: (1) Determining who receives veterans' preference points has resulted in much litigation. We recommend reviewing the discussion in the Introduction and adhering to the following basic rules:

- (a) Anyone who has served in the military since July of 1953 and received an honorable discharge is eligible to receive veterans' preference points. Applicants who continue to serve in the military after completing their full original service commitment, but who have not yet been honorably discharged due to reenlistment, are also eligible for veterans' preference. However, applicants who were members of the National Guard and Reserves are eligible for veterans' preference only if they have completed both the full training and service components of their original military commitment at the time of the civil service examination.*
- (b) The portion of the Veterans' Preference Act that provides for a fifteen percent (15%) markup on an applicant's examination score before the applicant takes the examination has been found unconstitutional and should be ignored.*

- (c) *Veterans' preference points may not be provided for promotions because such an award over-values military service. NOTE: Please review the Introduction to this Manual on this point.*
 - (d) *In selecting candidates from the certified list of three (3) under Section 5.2, where one of the three candidates is a veteran under the Veterans' Preference Act, then the appointing authority must select that individual for appointment. With respect to promotions and veterans' preference, this issue is discussed in detail under Section 5.2.*
 - (e) *Finally, veterans' preference points are the only additional points authorized by law to be added to a candidate's passing score. Allowing points for higher education, past service, current Act 120 certification, or the like, is not authorized by statute and should not be awarded.*
- (2) *NOTE: You should also consult your solicitor or labor counsel to verify that you are awarding veterans' preference in a proper fashion.*

4.7 Polygraph Examination

- (a) Every applicant for the position of patrol officer shall fill out a Personal Data Questionnaire and undergo a polygraph examination. The commission shall furnish each polygraph examiner with forms upon which the examiner shall state whether any of the applicant's responses to questions from the applicant's Personal Data Questionnaire are deceptive. The report on each examination shall be submitted to the commission within five (5) days after the date of the examination.
- (b) The examiner shall ask questions based on the information contained in the Personal Data Questionnaire. Before administering the test, the examiner shall ask each applicant whether there is any more information related to the Personal Data Questionnaire which the applicant would like to provide. There shall also be a post-test review, during which the examiner shall again ask the participant, if deception is indicated, whether there is any information which the applicant is withholding.
- (c) If the examiner shall deem any of the applicant's responses to be deceptive, the examiner must tell the applicant immediately and give the applicant an opportunity to explain, deny or admit the deception. If the applicant denies being deceptive or if the explanation is found unsatisfactory by the examiner, the applicant will be given the opportunity to retake the test with a second examiner. Notice of the opportunity to retest shall be given in writing to the applicant. The second examiner will not have access to the results of the first test prior to readministering the polygraph. If the second examiner finds no deception, the applicant will be considered as having passed the polygraph. If the second examiner also finds the applicant deceptive, the applicant will be considered as having failed the examination.
- (d) An applicant who has failed both tests may appeal to the civil service commission for a third examination, and the decision to give the applicant an opportunity to take a third test resides solely within the discretion of the commission. If the applicant is awarded an opportunity to take a third test and passes, then the applicant will be considered as having passed the polygraph test. If the applicant is found deceptive on a third test, the applicant will be rejected.

Comment: (1) *A model letter informing an applicant that he passed the polygraph examination is attached as Form CS-8 (page 65). A model letter informing an applicant that he failed the polygraph examination for the first time and the time and place for his automatic second polygraph examination is attached as Form CS-9 (page 66). A model letter informing an applicant that he failed the polygraph examination for the second time is attached as Form CS-10 (page 67). A model letter informing an applicant that he passed the second polygraph examination is attached as Form CS-11 (page 68). A model letter informing an applicant that his request for a third polygraph examination has been denied is attached as Form CS-12 (page 69). A model letter informing an applicant that his request for a third polygraph examination has been granted is attached as Form CS-13 (page 70). A model letter*

informing an applicant that he passed the third polygraph examination is attached as Form CS-14 (page 71). A model letter informing an applicant that he failed the third polygraph examination is attached as Form CS-15 (page 72).

(2) As noted earlier, polygraph testing is not statutorily required and may result in a significant amount of litigation.

(3) No model "Personal Data Questionnaire" is included since most polygraph examiners prefer to use their own forms. It is important to note that the above Model Rules allow an applicant to be re-tested a second time and even request a third testing. Should a municipality desire to include polygraph testing as a component, the personal data questionnaire should be obtained from an examiner who will perform the actual testing, and the commission should then formally adopt that questionnaire.

(4) A model notice and resolution for the commission's appointment of a polygraph examiner are attached as Form APPT-3A (page 100) and RES-3 (page 87), respectively.

(5) Since the ADA forbids the collection of medical information prior to a job offer, the polygraph examiner may not ask any questions regarding the applicant's medical history or condition. This would include, for example, prior drug addiction. An alternative to direct questions of drug use could be: Have you ever transported, purchased, sold or possessed unlawful or controlled substances?

4.8 Physical Agility Testing

An applicant for the position of police officer must meet the following requirements:

- (a) **Stretcher Carry.** Applicants will be paired off and required to carry a stretcher with a simulated patient weighing approximately 200 lbs. over a distance of 100 feet. Those applicants failing on the first attempt will be allowed to retake the exercise with a person who has successfully completed the exercise.
- (b) **Body Drag.** An applicant is required to remove a simulated motor vehicle operator weighing approximately 200 lbs. from behind the steering wheel of a motor vehicle and drag the simulated operator to a point 50 feet from the motor vehicle.
- (c) **Quarter Mile Run.** An applicant is required to run a distance of one-quarter mile on a premeasured course in less than 110 seconds.
- (d) **Window Climb.** An applicant is required to climb through a six-foot high level window without assistance onto a three-foot level platform on the other side of the window, and then to the ground. Applicants must then circle around a marker twenty feet beyond the window and return up the three-foot high platform and out the window onto the ground below.
- (e) **30-Second Trigger Pull.** Within a 30-second time limit per hand, an applicant is required to repeatedly pull fifteen times for each hand the trigger of a double action nonfunctional revolver with arms horizontally extended.

Comment: (1) A model letter informing applicants that they passed the physical agility test is attached as Form CS-16 (page 73) and a model letter informing applicants that they failed the physical agility test is attached as Form CS-17 (page 74). These physical agility testing standards are not required by law.

(2) The standards set forth above are suggestions only and each commission should select standards which are job related and appropriate for its department.

4.9 Background Investigation

The commission shall request the chief of police or the chief's designee to conduct a background investigation on each applicant. The background investigation shall also include interviews with the applicant's family, acquaintances, current and former employers, current and former neighbors, references and current and former teachers and school officials. At a minimum, personal interviews shall be conducted with at least three (3) people that have personal knowledge of the applicant but who are not related to the applicant and with the applicant's employer(s) for the past five (5) years. The background investigation shall also include a criminal history check, including the submission of fingerprints to the Central Repository for the Commonwealth of Pennsylvania and the Federal Bureau of Investigation. The applicant's credit history and record of criminal convictions shall also be investigated, as well as the applicant's driving record for verification that he possesses a valid driver's license. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

If necessary to complete a thorough background investigation on any applicant, the commission may, upon the request of the chief of police or his designee, subpoena the personnel records maintained by any other police department(s) by which the applicant was previously employed.

After the background investigation is completed, the chief, or designee, shall make a written recommendation to the commission on whether the applicant is appropriate for consideration for appointment as a police officer.

Appropriateness of the applicant shall be based on the criteria set forth in Section 3.5 of these Rules. This recommendation shall be in writing and, if the recommendation is to disqualify, then a written explanation of the reasons for disqualification must be included. The commission shall make the final determination on whether the information collected during the background investigation warrants rejection of the candidate. Within thirty (30) days after the commission considers the recommendation of the chief of police or designee, each applicant will be informed of whether they have passed the background investigation.

***Comment:** (1) The elements of the background investigation described in this section are based upon the standards prescribed by the Municipal Police Officers' Education and Training Commission at 37 Pa. Code § 203.11(8).*

(2) It would be impractical to conduct a thorough background investigation on every applicant where numerous applicants are involved. Consequently, it is common (and reasonable) for municipalities not to conduct background investigations until after the written and oral examinations have been administered and graded, and veterans' preference points have been allocated. Thereafter, background investigations are conducted only for a limited number of the highest-ranked applicants, depending upon the number of vacancies to be filled. A conservative approach in addressing this potential administrative problem is to perform background investigations for five applicants more than the number of openings to be filled.

(3) The background investigation is quite possibly the most important component in the hiring process. We would recommend that the chief, personally, or one or two selected officers perform the background investigations, in order to ensure that they are done uniformly for all applicants. Caution should be exercised in conducting the background investigation so as not to pursue or consider any inadvertently obtained information that relates to preexisting medical conditions. Consideration of such information would likely be in violation of the Americans with Disabilities Act. Furthermore, the extent to which an employer may base its hiring decisions on an applicant's criminal record is limited under Pennsylvania law — specifically, Section 9125 of the Criminal History Record Information Act ("CHRIA"), 18 Pa. C.S.A. § 9125. For instance, employers may not consider mere arrests and may only consider felony and misdemeanor convictions for crimes relevant to the duties of the job at issue. For police officers, this could include almost any felony or misdemeanor conviction.

(4) A model letter informing an applicant that a background investigation has been successfully completed is attached as Form CS-20 (page 77) and a model letter informing an applicant that he has failed the background investigation is attached as Form CS-21 (page 78).

(5) Because the commission possesses subpoena power for investigations under Section 2.11, it would be appropriate for the commission to exercise their power in that regard to obtain employment records of an applicant when a former or current employee is unresponsive to the signed release.

(6) NOTE: Please refer to the discussion contained in the Introduction regarding Background Checks for important disclosure and consent requirements that apply to certain types of background investigations under the Fair Credit Reporting Act.

Section 5. Certification of the List of Eligibles and Appointment

5.1 Creation of Eligibility List

At the completion of the examination requirements set forth in Section 4, written examination, oral examination, background investigation, physical agility test and polygraph 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 for patrol officer 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 3.6 is also required. In the case of tied scores, the tie will be broken by giving preference to the applicant who submitted a final completed application first. If both tied applicants submitted their complete applications on the same day, then the applicants shall be ranked in alphabetical order by surname.

The eligibility list will be valid for one year from the date the commission ranks all passing applicants, assigns veterans' preference points and formally adopts the eligibility list. The commission may, at its sole discretion, before the original expiration date, by a vote of the majority of the commission at a duly authorized commission meeting, extend the list for up to an additional twelve (12) months. The commission may, at its sole discretion, void an eligibility list at any time for any reason.

5.2 Appointment

- (a) The appointing authority of the [BOROUGH/TOWNSHIP] may fill any vacancy in an existing position in the police department that occurs as a result of expansion of the police force, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the police department who had been furloughed and previously complied with the provisions of the civil service requirements. Except for medical and psychological examinations, no other testing shall be required for a furloughed employee or a rehired or reappointed employee, subject to any recertification requirements prescribed by the Municipal Police Officers' Education and Training Commission.
- (b) If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, every position, except that of chief of police, shall be filled only in the following manner:
 - (1) The appointing authority of the [BOROUGH/TOWNSHIP] shall notify the commission of any vacancy which is to be filled and shall request the certification of three (3) names from the list of eligibles;

- (2) If three (3) names are not available, then the commission shall certify the name(s) remaining on the list;
 - (3) The [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] may make an appointment only from one of the three names certified with reference to the merits and fitness of the candidates. However, for initial appointment to patrol officer, when one of the three applicants on the certified list is a veteran, that applicant shall be selected.
- (c) The [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] may object to one or more of the persons certified for the reasons set forth in Section 3.7 of these Rules. If the candidate to whom the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] objects fails to timely exercise the rights of appeal under Section 3.9, or if the commission declines to uphold the appeal, the commission shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three candidates for each name stricken off.

Comment: (1) In the case of more than one vacancy to be filled, the commission shall certify from the eligible list a number of the highest-ranked candidates equal to the number of vacancies to be filled, plus the next two. If a candidate qualifies for veterans' preference points and appears in the top three certified names, that candidate must be given first consideration for appointment, regardless of ranking among the three.

(2) Although there is no case law on this point, the statutory language of civil service sections in both the Borough Code and First Class Township Code states that the municipality's right to reappoint former officers is not limited to a furlough list but might also include current retirees or a formerly employed officer who left prior to retirement and previously complied with the provisions of the civil service requirements. We recommend that the right to reappoint be limited to officers on a furlough list because hiring a formerly retired police officer could create significant problems with respect to pension calculation, salary and seniority under a collective bargaining agreement.

(3) Since Section 5.1 empowers the commission to void a list at any time, for any reason, we have provided above that the list continue to be valid even with fewer than three names remaining because the commission may exercise its discretion by certifying an eligibility list with only two names remaining or voiding the list if the remaining candidates are not worthy of appointment.

(4) The Veterans' Preference Act also contains a provision by which an appointing authority may disregard the certified list of three and select a veteran appearing further down on the eligibility list. If your municipality desires to adopt this optional provision, we would suggest the following be added to this section as subparagraph (4):

The [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] may, at its sole discretion, appoint any applicant who has passed the required examinations for appointment or promotion although the applicant's name does not appear on the certified list of three when the applicant qualifies for veterans' preference.

We would caution, however, that several provisions of the Veterans' Preference Act have been declared unconstitutional on the basis that they overvalue military service, and no appellate court has analyzed whether a provision to this effect would be unconstitutional for that same reason.

5.3 Appointment of Chief of Police

In the case of a vacancy in the office of chief of police, the appointing authority has full discretion in selecting the individual to fill the position of chief of police. If the appointing authority requests the commission to subject that person to a noncompetitive examination, and if that person successfully passes the noncompetitive examination, then the commission shall notify the appointing authority of the results of the examination. If, after receiving notice from the commission that the candidate for chief is qualified, the appointing authority

votes to bestow civil service status on that person, he may only be removed from the position of chief of police for the reasons set forth in Section 6.1.

Comment: A police chief may be appointed without civil service status. If this is done, that individual may be returned to a prior rank if promoted from within or dismissed if an outside appointment, without implicating civil service hearing rights. The Authors of this Manual recommend reviewing the discussion regarding chiefs of police contained in the Introduction before commencing the hiring process for chief.

5.4 Medical and Psychological Examinations

After the appointing authority selects a candidate from the certified list of three for appointment to the vacant position, that candidate shall submit to a medical examination and a psychological examination by the appropriate medical experts. If the candidate successfully passes the medical and psychological examinations, then that individual shall be appointed to the vacant position in the police department for which the application was submitted. The appointment shall be contingent upon successfully passing both the medical and psychological examinations. The failure to pass either examination shall result in the candidate being rejected from consideration. The rejected candidate may appeal this decision under Section 3.9. The commission shall then certify another name to be included with the two previously certified names for consideration by the appointing authority pursuant to Section 5.2.

Comment: (1) Model letters informing a candidate that he has passed the medical examination, failed the medical examination, passed the psychological exam and failed the psychological exam are attached as Forms CS-21 to CS-24 (pages 78-81).

(2) The Americans with Disabilities Act restricts employers, including public employers, from having job applicants submit to medical or psychological examinations before an applicant has received an offer of employment. Violation of the ADA can result in fines, as well as injunctive relief in the nature of an appointment to the police force for the successful applicant. Recent amendments to the federal regulations would permit the administration of standardized psychological tests for civil service applicants. However, because of the importance of proper screening, all applicants under consideration for hiring as a police officer should also participate in a face to face evaluation session with the municipality's psychologist or psychiatrist. The cost of the testing and incorporation of an evaluation session warrant deferring the psychological exam until after a conditional offer of employment is extended.

(3) Model resolutions for the appointment of medical and psychological examiners are included as Forms RES-5 and RES-6 (pages 89-90), respectively. Draft notices of appointment for a medical and psychological examiner are included in Forms APPT-5A and APPT-6A, (pages 104-106) respectively.

5.5 Probationary Period

Every successful applicant to the position of patrol officer or to a promotional position with the police department shall serve a twelve (12) month probationary period. For newly hired patrol officers, the one (1) year probationary period shall not commence until after the officer has completed training under Act 120 and receives a certification number. During the probationary period, a newly hired officer may only be dismissed for the reasons set forth in Section 3.7. A promoted officer, during probation, may be returned to a prior rank only for the reasons set forth in Section 3.7. However, at the end of the twelve (12) month probationary period, if the conduct of the probationer has not been satisfactory to the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS], the probationer shall be notified in writing that the appointment will not be permanent. At that time, a newly hired officer's employment shall end, and a promoted officer shall return to a previous

rank. Any officer who is not informed in writing that his performance has been unsatisfactory shall receive a permanent appointment to the new position. Any probationer who is notified in writing that his appointment will not be made permanent has no right of appeal under these Rules.

Comment: (1) We have recommended that the probationary period be one year in order to allow for the longest time possible to evaluate the new employee. In addition, the probationary period has been applied to promotional positions. For both new hires and promotions, any change in the status quo may trigger collective bargaining obligations.

(2) The relevant civil service sections of the municipal codes do not expressly provide hearing rights to probationary police officers who are dismissed at the end of their probationary period. Until recently, existing case law suggested that probationary employees would, at a minimum, have a right to a post-termination hearing under the Local Agency Law, 2 Pa. C.S. §§ 551-555, 751-754. See Roth v. Borough of Verona, 460 A.2d 379, 383 (Pa. Cmwlth. 1983); Elmer v. Board of Commissioners of Wilkins Township, 552 A.2d 745, 746 (Pa. Cmwlth. 1989). However, on November 13, 2002, the Commonwealth Court issued its decision in Olson v. Borough of Avalon, 811 A.2d 66 (Pa. Cmwlth. 2002). In Olson, the Court held that probationary police officers are not entitled to a pre- or post-termination hearing of any kind, overruling both Roth and Elmer. The Court reasoned that Section 1186 of the Borough Code, 53 P.S. § 46186, which states that borough council may deny a permanent position to a probationary police officer “if at the close of the probationary period the conduct of fitness of the probationer has not been satisfactory to council,” was insufficient to create a legally recognizable property interest in continued employment. Because the language under Section 640 of the First Class Township Code, 43 P.S. § 55640, is virtually identical to the language of Section 1186 of the Borough Code, it may be credibly argued that the Olson decision would apply with equal force to first class townships. When terminating a probationary officer, you should nevertheless consult your solicitor or labor counsel to determine whether that decision implicates your police contract.

(3) Finally, it is important to note that failure of the appointing authority to terminate a probationary employee for unsatisfactory performance prior to the expiration of the probationary period results in that employee receiving a permanent appointment to the police force. Consequently, it is imperative that the civil service commission, as well as the borough council or board of commissioners, ensure that someone does not receive a permanent appointment without careful consideration.

5.6 Provisional Appointments

Whenever there are urgent reasons for the filling of a vacancy in any position in the police department and there are no names on the eligibility list for such appointment, the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] may nominate a person to the commission for noncompetitive examination. Such nominee may be certified by the commission as qualified after such noncompetitive examination and may be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the commission within three weeks to hold a competitive examination and certify a list of eligibles and a regular appointment shall then be made from the name or names submitted by the commission — provided, however, that nothing within this section shall prevent the appointment, without examination, of persons temporarily as police officers in cases of riot or other emergency.

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 may be suspended without pay or removed and no person promoted in rank pursuant to these Rules may be reduced in rank except for the following reasons:

- (1) physical or mental disability affecting the officer's ability to continue in service, in which case the officer shall receive an honorable discharge from service;
 - (2) neglect or violation of any official duty;
 - (3) violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony;
 - (4) inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming an officer;
 - (5) intoxication while on duty; or
 - (6) engaging or participating in or conducting of any political or election campaign other than the officer's exercise of the right of suffrage.
- (b) No officer shall be removed for religious, racial or political reasons. A statement of any charges made against any officer so employed shall be furnished to the officer within five (5) days after those charges have been adopted by the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS].

***Comment:** (1) A reduction in rank under these Rules applies only to situations where an officer is demoted from a promotional position obtained pursuant to the requirements of these Rules. If the position of detective within your department is simply a designation of duties and not a formal position under civil service, then transfer (not promotion) of a patrol officer to detective and back to patrol officer would not trigger the hearing requirements of these Rules. However, that officer may have rights under a collective bargaining agreement.*

(2) The United States Supreme Court has held that any employee with a property right in their employment must receive a "Loudermill hearing" before receiving any discipline which would affect his income status by demotion, a suspension without pay or removal. The rationale is to allow the employee an opportunity to be heard. The "hearing" can be done verbally during a face-to-face meeting or in writing, and the employer must provide: (a) notice that discipline may occur; (b) an explanation of the evidence against the officer; and (c) an opportunity for the officer to respond to the charges. Failure of a public employer to provide this pretermination or predeprivation hearing could result in a successful suit by the officer for violation of constitutional due process rights. An officer's property rights are implicated only when you make a decision that affects wages, for example, demotion to a lower paying job or removal which stops pay completely. Prior to taking disciplinary action, you should consult your solicitor or labor counsel.

(3) Whenever providing written notice of a disciplinary action, regardless of how detailed the police department's disciplinary code or departmental work rules are, make sure that one of the above stated statutory reasons is cited. In addition, if the department or the municipality has its own chart for assigning progressive discipline, that chart must be followed, or the officer may successfully challenge the imposition of more serious discipline. Furthermore, every set of work rules or disciplinary code should contain language which enables the chief of police or appointing authority to impose more significant discipline because of particular extenuating circumstances surrounding an incident of misconduct.

(4) For second class townships as well as boroughs and first class townships who are covered by the Police Tenure Act, the grounds for discipline are identical to those above, except that the Police Tenure Act omits Section 6.1(a)(6) (regarding political activity).

6.2 Furloughs

- (a) If for reasons of economy or other reasons, it shall be deemed necessary by the [BOROUGH/TOWNSHIP] to reduce the number of full-time police officers in the department, then the [BOROUGH/TOWNSHIP] shall apply the following procedure: (1) if there are any employees eligible for retirement under the terms of any retirement or pension law, then such reductions in numbers shall be

made by retirement of such employees starting with the oldest employee and following in order of age respectively; (2) if the number of full-time police officers eligible for retirement is insufficient to effect the necessary reductions in numbers, or if there are no persons eligible for retirement, or if no retirement or pension fund exists, then the reductions shall be effected by furloughing the person or persons including probationers, last appointed to the force.

- (b) Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction has been accomplished. In the event that the appointing authority decides to increase the size of 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 reduction in force provisions are not applicable to the chief of police.

Comment: (1) The statutory language for boroughs and first class townships limit furloughs of retirement eligible officers to those officers who reached the maximum age for age discrimination under the Pennsylvania Human Relations Act. However, because of subsequent amendments to the Age Discrimination in Employment Act, the forced retirement of retirement eligible officers could be illegal at present. Consult your solicitor or labor counsel prior to any furloughs.

(2) Since the municipal codes do not limit the life of the furlough list, officers who were furloughed must be rehired whenever a new opening occurs. Obviously, the borough or township may set a reasonable period of time, for example thirty (30) days, for the furloughed employee to return to work or else face elimination from the list.

6.3 Notice of Suspensions, Removals or Reductions in Rank

Whenever a police officer is suspended without pay, removed or reduced in rank, the specific charges warranting such actions shall be stated in writing by the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS]. 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 appointing authority relied in finding a violation of Section 6.1.

Within five days after the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] has voted to impose the disciplinary action, a written statement of the charges shall be delivered to the officer either by personal service or by certified and registered mail. In addition, the charges shall notify the officer of the right to appeal under Section 6.4 of these Rules. A copy of the statement of charges shall also be served upon the members of the Civil Service Commission.

6.4 Hearings on Suspensions, Removals and Reductions in Rank

- (a) The officer who has been suspended, removed or reduced in rank may appeal the decision of the appointing authority by written notice to the secretary of the commission at [ADDRESS] [CITY], Pennsylvania [ZIP CODE] requesting a hearing. This request shall be received by the commission within ten days after the officer received 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.
- (b) The commission shall schedule a hearing within ten days from the officer's written request for a hearing, unless continued by the commission for cause at the request of the commission, the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] 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 his defense. The [BOROUGH/TOWNSHIP] 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.

- (c) In conducting the hearing, the commission's standard of review shall be to determine whether sufficient evidence has been presented to support the statutory reason for the disciplinary action. If the commission finds that sufficient evidence has been introduced to support the charge, the commission shall not modify the penalty imposed by the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the [COUNCIL'S/BOARD'S] discretion. In considering the appropriateness of the discipline, the commission shall not substitute its judgment for that of the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS]. 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.

Comment: (1) The standard of review which has been incorporated into these Rules is based on Commonwealth Court decisions. See *Jenkintown v. Civil Service Commission of Jenkintown*, 478 A.2d 941 (Pa. Cmwlth. 1984); *Herrman v. Civil Service Commission of Jenkintown*, 478 A.2d 961 (Pa. Cmwlth. 1984); *York Township Board of Commissioners v. Batty*, 694 A.2d 395 (Pa. Cmwlth.), petition for allowance of appeal denied, 550 Pa. 695, 704 A.2d 1384 (1997). We recommend including the standard of review within the Rules in order to avoid incorrect decisions and wasteful appeals.

6.5 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 the power to issue subpoenas as set forth in Section 2.11. The hearing shall be open to the public unless, prior to the commencement of the hearing, a written or oral request to close the hearing is made by either the charged officer or the [BOROUGH/TOWNSHIP] and the commission decides to honor that request.
- (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 without pay shall be made by the commission for a period longer than one year. In the event that 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 without pay, removal or demotion, and no charges related to the suspension, removal or reduction in rank shall be officially recorded in the officer's record.

Comment: (1) Although the Borough and First Class Township Codes provide for 60 days to appeal, the Commonwealth Court has ruled that the 30 day appeal period under the Local Agency Law has superseded and replaced the 60 day period.

Section 7. Resolution for Adoption of Rules

The foregoing Civil Service Rules, which are in accordance with powers granted by the civil service provisions of the [FIRST CLASS TOWNSHIP CODE/BOROUGH CODE], enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the municipal governing body of [BOROUGH/TOWNSHIP], Pennsylvania, are hereby adopted by the Civil Service Commission of [BOROUGH/TOWNSHIP], Pennsylvania on [INSERT DATE].

Chairperson

Vice-Chairperson

Secretary

Approved by the [BOROUGH COUNCIL / BOARD OF COMMISSIONERS] of [NAME OF MUNICIPALITY], [NAME OF COUNTY], Pennsylvania on [INSERT DATE].

ATTEST:

SIGNED:

Municipal Secretary

[PRESIDENT / CHAIRMAN],
[BOROUGH COUNCIL / BOARD
OF COMMISSIONERS]

Chapter III. Model Police Hiring Policy for Non-Civil Service Municipalities*

[Borough/Township] Police Department Hiring Policy Section 1. Applications and Qualifications

1.1 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 before the deadline stated for that specific examination. The applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.

Note: See Comment under Chapter II, Section 3.1

1.2 Discrimination

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

1.3 Availability of Application

Application forms shall be available to all interested persons in the office of the [DESIGNATE BOROUGH/TOWNSHIP OFFICIAL], and from such other offices and officers that the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS OR SUPERVISORS] may, from time to time, choose to designate. Application forms may be mailed upon written or verbal request. However, the [BOROUGH/TOWNSHIP] assumes no responsibility for missed filing deadlines due to a delay in the mail.

1.4 Age Requirements

All applicants must have reached their [EIGHTEENTH (18th)] birthday before the deadline for submitting completed applications.

Note: See Comment under Chapter II, Section 3.4.

1.5 General Qualifications - All Applicants

Every applicant for any position in the police department shall possess a diploma from an accredited high school or a graduate equivalency diploma. In addition, every applicant must {OPTIONAL: have successfully completed Act 120 Training,} 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 motor vehicle operator's license issued by the Commonwealth of Pennsylvania.

Note: See Comment under Chapter II, Section 3.5.

* The term "non-civil service municipalities" includes not only second class townships, but also boroughs and first class townships with fewer than three police officers.

1.6 Rejection of Applicant

The [BOROUGH/TOWNSHIP] may refuse to examine, or, if examined, may refuse to consider after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these Rules for the particular position for which the applicant has applied. In addition, the [BOROUGH/TOWNSHIP] may refuse to examine, or if examined, may refuse to hire, any applicant who is physically or mentally unfit to perform the full duties of a police officer. Rejected applicants may request reconsideration of the decision by writing to [DESIGNATE BOROUGH/TOWNSHIP OFFICIAL] within ten (10) days of the notice of rejection.

Comment: Depending on the basis for rejection, certain applicants, such as veterans, may have hearing rights. Please verify all decisions to reject an applicant with your solicitor or labor counsel.

1.7 Recording and Filing Applications

Applications for positions in the police department shall be received at the [BOROUGH/TOWNSHIP] building only after a hiring announcement has been advertised and before the deadline for receiving applications, which will be set forth in the 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 notice of the time and place for the first portion of the testing procedure, the written examination. Any application containing material errors or omissions may, at the discretion of the [BOROUGH/TOWNSHIP], 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.

Note: See Comment under Chapter II, Section 3.8.

1.8 Public Notice

The [BOROUGH/TOWNSHIP] shall conspicuously post in the [BOROUGH/TOWNSHIP] Building an announcement of the hiring test and 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 the close of the application period, publication of the notice will occur in at least one newspaper of general circulation or a newspaper circulating generally in the [BOROUGH/TOWNSHIP].

Comment: A model public notice is attached as Form CS-3 (page 60).

Section 2. Examination and Grading Procedure

2.1 General Examination Requirements for the Position of Police Officer

The examination for police officer will consist of a written and an oral examination, which will be graded on a one hundred (100) point scale with the written examination representing seventy percent (70%) of the final score and the oral examination representing thirty percent (30%) of the final score. In addition, each applicant will undergo a physical agility test, {OPTIONAL: a polygraph test} and a background investigation. These tests and investigation will be graded on a pass/fail basis for every applicant. After an applicant has been extended an offer of employment, final appointment shall be contingent upon the applicant passing a medical and psychological examination.

Comment: The breakdown of seventy percent (70%) for written and thirty percent (30%) for oral is a suggestion only. The [BOROUGH/TOWNSHIP] may set any ratio it prefers.

Note: See Comment under Chapter II, Section 4.1.

2.2 Written Examinations

The written examination shall be graded on a 100 point scale, and an applicant must score seventy percent (70%) or higher and receive one of the top [INSERT NUMBER] highest scores, including ties, in order to continue in the application process. Applicants not receiving one of the [INSERT NUMBER] highest scores or less than seventy percent (70%) shall be rejected. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their test results, and each passing applicant shall be informed of the next step in the examination process.

Note: See Comment under Chapter II, Section 4.4.

2.3 Oral Examination

Every applicant who received one of the top [INSERT NUMBER USED ABOVE UNDER SECTION 2.2] scores including ties and scored seventy percent (70%) or higher in the written examination shall be given an oral examination which will be graded on a 100 point scale with a score of seventy percent (70%) or higher necessary for passing. The oral examination shall involve questioning applicants on how they would handle situations relevant to police work. Within thirty (30) days after the applicants' oral examinations, they shall be informed of the score in their oral examination and total overall score, and each passing applicant shall be informed of the next step in the examination process.

Note: See Comment under Chapter II, Section 4.5.

2.4 Polygraph Examination

- (a) Every applicant for the position of patrol officer shall fill out a personal data questionnaire and undergo a polygraph examination. The [BOROUGH/TOWNSHIP] shall furnish each polygraph examiner with forms upon which the examiner shall state whether any of the applicant's responses to questions from the applicant's personal data questionnaire are deceptive. The report on each examination shall be submitted to the [BOROUGH/TOWNSHIP] within five (5) days after the date of the examination.
- (b) The examiner shall ask questions based on the information contained in the personal data questionnaire. Before administering the test, the examiner shall ask each applicant whether there is any more information related to the personal data questionnaire which the applicant would like to provide. There shall also be a post-test review, during which the examiner shall again ask the participant, if deception is indicated, whether there is any information which the applicant is withholding.
- (c) If the examiner shall deem any of the applicant's responses to be deceptive, the examiner must tell the applicant immediately and give the applicant an opportunity to explain, deny or admit the deception. If the applicant denies being deceptive or if the explanation is found unsatisfactory by the examiner, the applicant will be given the opportunity to retake the test with a second examiner. Notice of the opportunity to retest shall be given in writing to the applicant. The second examiner will not have access to the results of the first test prior to readministering the polygraph. If the second examiner finds no deception, the applicant will be considered to have passed the polygraph. If the second examiner also finds the applicant deceptive, the applicant will be considered to have failed the examination.
- (d) An applicant who has failed both tests may appeal to the [DESIGNATE BOROUGH/TOWNSHIP OFFICIAL] for a third examination, and the decision to give the applicant an opportunity to take a third test resides solely within the discretion of the [DESIGNATE BOROUGH/TOWNSHIP OFFICIAL]. If the applicant is awarded an opportunity to take a third test and passes, then the applicant will be considered as having passed the polygraph test. If the applicant is found deceptive on a third test, the applicant will be rejected.

Note: See Comment under Chapter II, Section 4.7.

2.5 Physical Agility Testing

An applicant for the position of police officer must meet the following requirements:

[INSERT THE ELEMENTS OF YOUR TEST.]

Note: The test set forth in Chapter II, Section 4.8 (page 38) may be used. Also, see the Comment under that section.

2.6 Background Investigation

The chief of police or his designee shall conduct a background investigation on each applicant. The background investigation shall also include interviews with the applicant's family, acquaintances, current and former employers, current and former neighbors, references and current and former teachers and school officials. At a minimum, personal interviews will be conducted with at least three (3) people that have personal knowledge of the applicant but who are not related to the applicant, as well as with the applicant's employer(s) for the past five (5) years. The background investigation shall also include a criminal history check, including the submission of fingerprints to the Central Repository for the Commonwealth of Pennsylvania and the Federal Bureau of Investigation. The applicant's credit history and record of criminal convictions shall also be investigated, as well as the applicant's driving record for verification that he possesses a valid driver's license. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

After the background investigation is completed, the chief, or his designee, shall make a written recommendation whether the applicant is appropriate for consideration for appointment as a police officer. The [DESIGNATE BOROUGH/TOWNSHIP OFFICIAL] shall make the final determination on whether the information collected during the background investigation warrants rejection of the candidate.

Within thirty (30) days after the recommendation of the chief of police or his designee, each applicant will be informed of whether he passed the background investigation.

Note: See Comment under Chapter II, Section 4.9.

Section 3. Certification of the List of Eligibles and Appointments

3.1 Creation of Eligibility List

At the completion of the examination requirements set forth in Section 2, written examination, oral examination, background investigation, physical agility test and polygraph examination, the chief of police 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. In the case of tied scores, the tie will be broken by giving preference to the applicant who submitted a final completed application first. If both tied applicants submitted their complete applications on the same day, then the applicants shall be ranked in alphabetical order by surname. The eligibility list will remain in effect for [INSERT DESIRED NUMBER] of months from the date of its adoption by the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS OR SUPERVISORS]. The [BOROUGH COUNCIL/BOARD OF COMMISSIONERS OR SUPERVISORS] may, at its sole discretion, before the original expiration date, by a vote of the majority of the [COUNCIL/BOARD] at a duly authorized meeting, extend the list for up to an additional twelve (12) months. The [BOROUGH COUNCIL/BOARD OF COMMISSIONERS OR SUPERVISORS] may, at its sole discretion, void an eligibility list at any time for any reason.

3.2 Appointment

- (a) The [BOROUGH COUNCIL/BOARD OF COMMISSIONERS OR SUPERVISORS] may fill any vacancy in an existing position in the police department that occurs as a result of expansion of the police force, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the police department who had been furloughed. Except for medical and psychological examinations, no other testing shall be required for a furloughed employee or a rehired or reappointed employee, subject to any recertification requirements prescribed by the Municipal Police Officers' Education and Training Commission.
- (b) If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, every position, except that of chief of police, shall be filled only in the following manner:
 - (1) The [DESIGNATE BOROUGH/TOWNSHIP OFFICIAL] shall certify three (3) names from the list of eligibles;
 - (2) If three (3) names are not available, then the [DESIGNATE BOROUGH/TOWNSHIP OFFICIAL] shall certify the name(s) remaining on the list;
 - (3) The [BOROUGH COUNCIL/BOARD OF COMMISSIONERS OR SUPERVISORS] shall make an appointment from one of the three names certified with reference to the merits and fitness of the candidates. However, for initial appointment to the position of police officer, when one of the three applicants on the certified list is an honorably discharged veteran, that applicant shall be selected.

Note: See Comment under Chapter II, Section 5.2.

3.3 Medical and Psychological Examinations

After the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS OR SUPERVISORS] selects a candidate from the list of three for appointment to the vacant position, that candidate shall submit to a medical examination and a psychological examination by the appropriate medical experts. If the candidate successfully passes the medical and psychological examinations, then that employee shall be appointed to the vacant position in the police department for which the application was submitted. The appointment shall be contingent upon successfully passing both the medical and psychological examinations. Failure to pass either examination shall result in the candidate being rejected from consideration.

Note: See Comment under Chapter II Section 5.4.

3.4 Probationary Period

Every successful applicant to the position of patrol officer or to a promotional position with the police department shall serve a [INSERT DESIRED LENGTH, USUALLY TWELVE MONTHS] month probationary period. During the probationary period, a newly hired officer may be dismissed for unacceptable performance. {OPTIONAL ADDITIONAL LANGUAGE: A promoted officer, during probation, may be returned to a prior rank only for cause.} At that time, a newly hired officer's employment shall end, {OPTIONAL: and a promoted officer shall return to a previous rank.} Any officer who is not informed in writing that his performance has been unsatisfactory, shall receive a permanent appointment to the new position.

Note: See Comment under Chapter II, Section 5.5.

Chapter IV. Model Hiring Policy for Nonuniformed Employees

Section 1. Policy Statement

The [BOROUGH/TOWNSHIP] will, in its selection and hiring of new employees for positions, identify and employ the best available qualified candidates. The [BOROUGH/TOWNSHIP] will not unlawfully discriminate in its hiring and employment practices against any applicant or employee on the basis of race, gender, religion, non-work-related handicap or disability, age or national origin. The [BOROUGH/TOWNSHIP] is an equal opportunity employer. This Policy is intended to comply with all relevant state and federal employment laws in the screening and selection of individuals who will provide the highest level of service to the Municipality and the citizens of its service area.

Section 2. Hiring Procedures

The [BOROUGH/TOWNSHIP] will administer and enforce the comprehensive procedures set forth below. Adoption of and modification to these procedures shall be implemented after consultation with the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS OR SUPERVISORS].

A. Advertising an Open Position.

1. Whenever the Municipality decides to fill an open position within the Municipality, an advertisement shall be placed in at least one local paper of general circulation within the Municipality's service area. Depending on the position to be filled, additional advertisements may be placed in professional publications.
2. The advertisement shall state the deadline for filing a completed Municipality application form and will specify some of the more pertinent minimum job qualifications. The advertisement shall also note that a full and complete copy of the job description and essential job functions is available from the Municipality upon request. The advertisement will state that this hiring policy is available for inspection and review at the Municipality's Administrative Office during normal working hours. Every potential applicant is responsible for obtaining, by telephone request or personal visit to the Administrative Office, a copy of the appropriate job application. The [BOROUGH/TOWNSHIP] will not be responsible for missed deadlines due to a delay in the mail.
3. The advertisement will specify that the [BOROUGH/TOWNSHIP] is an equal opportunity employer.

B. Application Review Process.

1. At the close of the application filing deadline specified in the advertisement, no other application shall be received and any materially incomplete application shall be rejected.
2. Any application which indicates that the applicant fails to possess any of the minimum qualifications for the job shall be rejected.
3. Every application will require the applicant to verify that the information provided is true and correct, and contains no material omissions. In addition, all applications for nonunion positions will state that the position is at-will and no applicant or employee possesses any contractual or statutory right to continued employment.

C. Hiring Process.

1. The [BOROUGH/TOWNSHIP] Manager, or, where appropriate, the director of the department in which the job opening exists, shall receive and review all applications. Based upon the criteria contained in the written job description and the essential job functions, the [BOROUGH/TOWNSHIP] Manager or Department Head shall rank all the applicants based upon the experience and skills set forth in the application.
2. The top [SIX (6)] candidates will be contacted to take part in an oral interview. Where the [BOROUGH/TOWNSHIP] Manager or the appropriate Department Head believes that ties exist, based upon the applicants' overall qualifications for the final interview slot, these additional candidates shall be extended interviews.
3. Oral interviews will be conducted by a panel comprised of the relevant Department Head, the [BOROUGH/TOWNSHIP] Manager and a member of the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS OR SUPERVISORS]. Where appropriate, the Assistant Department Head may also participate in the oral interview. The interviewees will be graded and rated on a scale of one (1) to ten (10) by each individual interviewer based upon the appropriateness of the candidate for the open position.
4. After the completion of the oral interviews, the top [THREE (3)] candidates will be subject to a background investigation for the purpose of verifying each applicant's qualifications as stated in his application and to determine whether any independent reasons exist that would preclude the candidate from consideration for appointment. Disqualification of a candidate on the basis of the background investigation shall occur only where the [BOROUGH/TOWNSHIP] Manager determines that such disqualification is consistent with federal and state law.
If one or more of the top [THREE (3)] candidates are disqualified on the basis of the background investigation, an equal number of the remaining candidates shall be subjected to a background investigation in order to ensure that the [THREE (3)] interviewed candidates have successfully passed the background investigation.
5. At the completion of the oral interviews and background investigations, those candidates not selected for an interview will be notified that they are no longer under consideration. Any candidate who was granted an oral interview but was found to be unacceptable on the basis of the background investigation will be notified, in writing, of that decision and the basis for the decision.
6. For all positions below Department Head [OR ASSISTANT DEPARTMENT HEAD], the [BOROUGH/TOWNSHIP] Manager shall consider the qualifications of the [THREE (3)] candidates who successfully completed the background investigation and review the written summary of the oral interview and select the candidate for employment.
7. For openings in the positions of the Department Head and Assistant Department Head, the review shall be done by the [BOROUGH/TOWNSHIP] Manager and the appropriate members of the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS OR SUPERVISORS].
8. At the time the three candidates are considered for hiring, any candidate who is eligible for veterans' preference pursuant to the Veterans' Preference Act, 51 Pa. C.S. § 7101 *et seq.*, shall be selected over a nonveteran for positions which require the [BOROUGH/TOWNSHIP] to give preference to veterans.
9. For jobs which the [BOROUGH/TOWNSHIP] has previously determined require a medical and/or psychological examination prior to the commencement of duties, the candidate who is selected will receive a conditional offer of employment contingent upon the candidate successfully completing the medical and/or psychological examination. The medical experts performing the examination will make their determination based upon a review of the written job description and essential functions of the job for which the applicant received the offer of employment.

10. Any applicant who believes that he has been aggrieved or improperly eliminated at any point in the hiring process may request reconsideration of the alleged incorrect decision. The request for reconsideration must be in writing and specify the factual circumstances and reasons relied upon by the applicant. The [BOROUGH/TOWNSHIP] Manager must receive the written request within [FOURTEEN (14)] calendar days from when the applicant knew or should have known of the alleged improper action. The [BOROUGH/TOWNSHIP] Manager's adjudication of the request for reconsideration shall be final.

D. Probationary Period.

1. Every newly hired [BOROUGH/TOWNSHIP] employee shall serve a probationary period of [SIX (6)] months. Shortly before the [SIX (6)] month probationary period expires, the Department Head or, where appropriate, the [BOROUGH/TOWNSHIP] Manager, will assess the performance of the probationer based upon the requirements contained in the written job description. If the appropriate Department Head and/or [BOROUGH/TOWNSHIP] Manager conclude that the probationary employee has successfully fulfilled the duties of the job, then the employee shall receive regular employment status and receive all the benefits of a regular full-time employee. However, for non-union positions, the employee shall continue in an at-will status.
2. Any probationary employee who fails to successfully complete the [SIX (6)] month probationary period shall be terminated. However, at his sole discretion, the [BOROUGH/TOWNSHIP] Manager may extend, with the written agreement of the employee, and, where appropriate, the union, the probationary period for an additional specified length of time.

**Chapter V. Civil Service
and Non-Civil Service
Hiring Forms and Letters**

Police Officer Application [BOROUGH/TOWNSHIP] Police Department

General Instructions

This application consists of several sections: a questionnaire; a Notification Procedure Release; a Verification; a General waiver; a Polygraph Release; and a description of essential job functions. Every one of these sections must be completed in order for the [BOROUGH/TOWNSHIP] to accept the application as complete. Print (do not type) an answer to every question. If a particular question does not apply to you, so state with N/A. If space available is insufficient, use reverse side and precede with the number of the referenced block. **Do not misstate or omit material fact since the statements made herein are subject to verification to determine your qualifications for employment.**

Questionnaire

1. _____ 2. _____
 Last Name First Name Middle Name Social Security Number

3. _____ 3A. _____
 Alias(es), Nickname(s) Maiden Name, Other Changes in Name Telephone Number

4. _____
 Present Residence Address, Street/City/State/Zip

5. _____
 U.S. Citizen: Native (Yes/No) Naturalization No. Date Place Court

6. **Residences:** List all for past ten years beginning with current.

Month & Year		Address	With whom did you live and where are they now?
From	To		
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

7. **Family**

List in order given showing relationship, parents, guardians, stepparents, foster parents, parents-in-law, brothers, sisters, step-brothers and step-sisters. Include any others with whom you have resided or with whom a close relationship existed or exists.

Relationship	Name	Address (if living)
<i>Father</i>		
<i>Mother</i>		

8. **Vehicle Operator's License**

Give the following information concerning any vehicle operator's license you have held or now hold:

Type of License	Number	Issuing Authority	Expiration

Have you ever had a license suspended or revoked?

9. **Conviction of Crime**

Have you ever been convicted of a misdemeanor, felony or greater criminal violation? Yes No
If yes, state violation, court of jurisdiction, and date of conviction.

10. **Financial Status**

Do you have any income from any source other than your principal occupation? Yes No

If yes, how much? _____ How often? _____

The source(s): _____

Do you have or have you had any financial accounts (savings, checking, loans, stocks, bonds, etc.)?
List all accounts during the past seven (7) years.

<u>Name and Address of Financial Institution</u>	<u>Type of Account</u>
_____	_____
_____	_____
_____	_____
_____	_____

11. Past and Present Membership in Organizations

<u>Name</u>	<u>Address</u>	<u>Zip</u>	<u>Type (Social, Fraternal, Professional, Etc.)</u>	<u>Office Held</u>	<u>Membership Dates From To</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

12. Subversive Organizations

- Yes No Are you now or have you ever been a member of any organization, association, movement, group or combination of persons which advocates the overthrow of our constitutional form of government, or which has adopted the policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States or which seeks to alter the form of government of the United States by any unconstitutional means?

- Yes No Are you or have you ever been affiliated or associated with any organization of the type described above, as an agent, official or employee?

- Yes No Are you now associating with, or have you associated with, any individual including relatives who you know or have reason to believe are or have been members of any of the organizations identified above?

- Yes No Have you ever been engaged in any of the following activities of any organization of the type described above: Distribution(s) to, attendance at or participating in any organizational, social, or other activities of said organization or of any projects sponsored by them; the sale, gift, or distribution of any written, printed or other matter, prepared, reproduced, or published, by them or any of their agents or instrumentalities?

If yes to any of the answers above, describe the circumstances. Attach additional sheets for a fully detailed statement. If associated with any of these organizations, specify nature and extent of association with each, including office or position held, also include dates, places, and credentials now or formerly held. If associations have been with individuals who are members of these organizations, then list the individuals and the organization with which they were or are affiliated.

13. Education

A. List all elementary, junior high and high schools attended.
Attach transcript from last high school attended.

Name	City	Zip	Graduated Yes/No

B. **Higher Education.** List all colleges or universities attended. Attach transcript from last institution.

Name	City	Zip	Dates Attended		Credit Hours	Degree
			From	To	Semester/Quarter	Rec'd /Year

Major and Minor Courses:

C. Other schools or training (trade, vocational, military). Give for each the name and location of school, dates attended, subjects studied, certificate earned, and any other pertinent data. Include complete mailing address.

14. **Special Qualifications and Skills**

A. Indicate type of special license such as pilot, radio operator, etc., showing licensing authority, where the license was first issued and date current license expires.

B. Special skills you possess and machines and equipment you can use. (For example, computer programmer, polygraph operator, vehicle inspection mechanic, scientific or professional devices.)

C. Approximate number of words per minute: Keyboard or typing _____ Shorthand _____

D. Special qualifications not covered in application: (For example, your most important publications, patents, inventions, public speaking, membership in professional or scientific societies, honors and fellowships received, etc.)

15. **Foreign Language**

Enter language and indicate fluency.

Language	Reading	Speaking	Understanding	Writing
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16. **Foreign Travel**

Exclude trips of less than 30 days to Canada or Mexico and travel as a direct result of U.S. military duties.

Dates	Country	Purpose of Travel
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17. **Hobbies and Sports**

Name	Length of Participation	Level of Proficiency

18. **Employment**

Begin with your most recent job and list your work history for the past ten years, including part-time, temporary or seasonal employment, and all periods of unemployment.

Date		Name & Address of Employer
To	From	
Salary		Job Title
Description of Duties		
Why did you leave?		
Name of Supervisor:		
Name of Co-Worker:		

Date		Name & Address of Employer
To	From	
Salary		Job Title
Description of Duties		
Why did you leave?		

Name of Supervisor:	
Name of Co-Worker:	

Date		Name & Address of Employer
To	From	
Salary		Job Title
Description of Duties		
Why did you leave?		
Name of Supervisor:		
Name of Co-Worker:		

If additional employer blocks are needed, please attach requested information on separate sheet.

Have you ever been discharged, asked to resign, furloughed, or put on inactive status for cause, or subject to disciplinary action while in any position (except military)? If yes, state reason:

Have you ever resigned after being informed your employer intended to discharge you for any reason. If yes, explain, giving name and address of employer, approximate date, and reasons in each case.

19. Military Status

Have you ever served in the U.S. Armed Forces? Yes No

If yes, attach photostatic copy of discharge or separation papers.

Do you claim veterans preference? Yes No

A. While in the military service, were you ever convicted for any crime graded as a misdemeanor, felony or greater offense? If yes, give date, place, law enforcing authority or type of court or court martial, charge and action taken for each incident, using separate sheet to record this information.

Yes No

B. Are you presently a member of a U.S. Reserve or State Guard organization? If yes, complete the following:

Yes No

Grade and Service No.: _____

Service and Component: _____

Organization and Station or Unit and address: _____

Status: _____

Indicate reserve obligation, if any: _____

20. Selective Service

Last Classification: _____

Selective Service No.: _____ Last Classification: _____

Date: _____ Local Board: _____

Address: _____

21. Character References

List only character references who have definite knowledge of your qualifications for the position of application. List 5 character references. (Do not list relatives, former employers, or persons living outside the United States.)

Name	Address	Home Phone	Work Phone	Years Known
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

5. _____

22. Are there any incidents in your life not mentioned herein which may reflect upon your suitability to perform the duties which you may be called upon to take or which might require further explanation? If yes, give details.

23. Have you ever applied for a position with any other governmental agencies? If yes, give details.

24. **Remarks**

I certify that there are no misrepresentations, omissions, or falsifications in the foregoing statements and answers, and that the entries made by me above are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

Signature of Applicant

Date

Verification

The information I have provided in the foregoing Application is true and correct to the best of my knowledge belief and understanding. I understand that any false statement contained therein is subject to the penalties prescribed by 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.

Date: _____

Notification Procedure Release

In the processing procedure required for applicants, it may become necessary to contact the applicant in the event they are being given further consideration for the position of police officer with the [BOROUGH/TOWNSHIP].

If conventional methods fail in attempting to contact the applicant, a certified-registered letter will be sent to the applicant's address listed on the application. Should the registered letter be returned indicating that it was unclaimed or undeliverable, the applicant will be eliminated from further processing and consideration.

It is the applicant's responsibility to notify the [BOROUGH/TOWNSHIP] Police, in writing, of the address change. By affixing your signature to this form, the applicant acknowledges that you have read and understood the contents of this procedure.

Date

Signature

Important Note from the Authors: To determine whether this release alone is sufficient to conduct a background investigation, please refer to the section on Background Checks of the Introduction (page 5) to this Manual.

Waiver and Release for Background Investigation

I, _____, am presently applying for employment as a police officer with [BOROUGH/TOWNSHIP], which I acknowledge and understand must thoroughly investigate my employment background, criminal history, personal background, education and references in order to evaluate my qualifications for a position as a police officer. I understand that it is in the public's interest that all relevant information in this regard, including my personal and employment history with my current and former employers, be disclosed to [BOROUGH/TOWNSHIP].

By this release, I hereby authorize any representative of all of my former employers, which have been fully disclosed and identified in my employment application, to divulge any information in its files pertaining to my employment records and history, and I further authorize the release of such information upon request to any representative of [BOROUGH/TOWNSHIP]. I also authorize all former employers identified in my employment application to permit a review and full disclosure of all records, or any part thereof, concerning myself and my employment with those former employers, by and to any duly authorized agent of [BOROUGH/TOWNSHIP], whether said records are of public, private, or confidential nature.

The intent of this authorization is to permit all former employers identified in my employment application to provide, and for [BOROUGH/TOWNSHIP] to obtain, full and free access to the background and history of my personal life and my employment history and performance, for the specific purpose of permitting [BOROUGH/TOWNSHIP] to conduct a thorough background investigation regarding me that will provide pertinent data for consideration by [BOROUGH/TOWNSHIP] in determining my suitability for employment as a police officer. It is my specific intent to provide [BOROUGH/TOWNSHIP] with access to personnel information, however personal or confidential it may appear to be.

I authorize all former employers, which have been fully disclosed and identified in my employment application, to release any and all public and private information that it may have concerning me, my work record, my background and reputation, my military service records, educational records, my financial status, my criminal history record, including my arrest record(s) and records compiled during or as the result of a criminal investigation(s) of me, efficiency ratings, complaints or grievances filed by or against me, the records or recollections of attorneys at law, or other counsel, whether representing me or another person in any case, either criminal or civil, in which I presently have, or have had, an interest, attendance records, polygraph examinations, and any internal affairs investigations and discipline, including any files which are deemed to be confidential and/or sealed.

I hereby release all former employers identified in my employment application, and, if applicable, their elected and appointed officials, employees and agents and all others from liability or damages that may result from furnishing the information requested, including any liability or damage pursuant to any state or federal laws. I hereby release all former employers identified in my employment application, and, if applicable, its officers, employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, which may at any time result to me, my heirs, family, or associates because of compliance with this authorization and request to release information, or any attempt to comply with it. I direct all former employers identified in my employment application to release such information upon request of the duly accredited representative of [BOROUGH/TOWNSHIP], regardless of any agreement, written or oral, I may have made with the former employer to the contrary.

In addition, I also give [BOROUGH/TOWNSHIP] the right to thoroughly investigate my background, previous employment, education and references in order to ascertain my suitability for service as a [BOROUGH/TOWNSHIP] employee. I release and hold harmless [BOROUGH/TOWNSHIP], its elected and appointed officials, agents and employees from and against any and all liability which might result from conducting such an investigation, including any damages of whatever kind which may at any time result to me, my heirs, family or associates because of such investigation.

I recognize and understand my rights under Title 5, United States Code, Section 552a, the Privacy Act of 1974, with regard to access and disclosure of records, and I waive those rights with the understanding that information furnished by any former employer will be used by [BOROUGH/TOWNSHIP] in conjunction with employment procedures.

I understand that if a former employer refused to cooperate with this investigation by failing to provide full disclosure of any and all relevant information about me, then the [BOROUGH/TOWNSHIP] may disqualify me from further consideration for employment as a police officer.

A photocopy or facsimile of this release form will be valid as an original thereof, even though the said photocopy or facsimile does not contain an original writing of my signature. This waiver is valid for a period of one year from the date of my signature. Should there be any questions as to the validity of this release, you may contact me at the address listed on my employment application.

I agree to indemnify and hold harmless the person to whom this request is presented, as well as his agents and employees, from and against all claims, damages, losses and expenses, including reasonable attorney's fees, arising out of or by reason of complying with this request.

Dated

Signature

Essential Duties of a Police Officer

1. Running for several hundred yards;
2. Climbing over obstacles;
3. Crawling;
4. Pushing motor vehicles;
5. Pulling or carrying accident, fire or crime victims;
6. Using physical force to apprehend and subdue arrestees;
7. Withstanding prolonged exposure, as long as twelve (12) hours, to extreme weather conditions;
8. Withstanding prolonged periods of standing and sitting;
9. Withstanding frequent exposure to stress-producing situations such as encountering persons injured or killed by accidents, crimes or suicide;
10. Dealing with domestic disputes;
11. Dealing with verbal and physical abuse of the officer, including taunts, insults, and threats to the officer, family members, or fellow police officers;
12. Communicate effectively with individuals suffering from trauma;
13. Operate a motor vehicle for long periods of time;
14. Use a firearm effectively; and
15. Fill out written reports in a clear and concise manner.

I have reviewed the above list of essential job functions for a [BOROUGH/TOWNSHIP] police officer and believe that:

- I can fully perform all duties with or without reasonable accommodations.
- I cannot fully perform all duties even with accommodations.

Name

Signature

Date

Notice of Written Examination

Dear [NAME OF APPLICANT]:

Your application materials for the position of [POSITION] has been received. This letter is to notify you that the written examination portion of the examination for the position of [POSITION] will take place on [DATE] at [TIME] at [LOCATION]. The candidates will be ranked according to their scores after the written examination, and only those applicants scoring higher than seventy (70) percent and receiving one of the [NUMBER] highest scores will be eligible to proceed further in the examination process.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

**Public Announcement of Examination
and Newspaper Advertisement**

For Publication and Posting

**Examination Notice
[BOROUGH/TOWNSHIP]**

Forms required to be completed in order to apply for the position of [POSITION] are available at the [BOROUGH/TOWNSHIP] Building, [MAILING ADDRESS]. The [BOROUGH/TOWNSHIP] building is open 24 hours a day, 7 days a week. Call [PHONE NUMBER] if you have any questions.

COMPLETED APPLICATIONS MUST BE TURNED IN TO THE [BOROUGH/TOWNSHIP] MANAGER'S OFFICE DURING NORMAL BUSINESS HOURS BY [DATE].

A written examination will be held on [DATE] at [TIME] at [LOCATION]. Other mandatory components of the test are an oral examination, a background check, a fitness test, a medical examination, psychological examination, and a polygraph examination. A complete copy of the [BOROUGH/TOWNSHIP]'s hiring policy, as set forth in its Civil Service Rules, is available for inspection during regular business hours at [ADDRESS].

Notice of Successful Result for Written Examination

Dear [NAME OF APPLICANT]:

This letter is to notify you that you received a score of [SCORE]% on the written examination portion of the Civil Service Examination and that you are one of the [NUMBER] highest-scoring applicants for the position of [POSITION]. You are among the passing candidates and eligible to proceed further in the examination process.

In the near future, you will be informed, in writing, of the next step in the process.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Notice of Ineligibility After Written Examination

Dear [NAME OF APPLICANT]:

This letter is to advise you that [NAME OF AGENCY CONDUCTING WRITTEN EXAMINATION], as reported to the Commission that you achieved a score of [SCORE]% on the written portion of the Civil Service Examination { IF APPLICABLE: and did not obtain one of the [NUMBER] highest scores of all applicants}. Based upon the results reported, you did not pass the written exam as that term is defined in the Commission's Rules. Consequently, unless you submit a timely request for a hearing as set forth below and are successful in your appeal, you will be ineligible to proceed further in the examination process.

If you believe that you have a basis to appeal the result reported by [NAME OF AGENCY CONDUCTING WRITTEN EXAMINATION], you must request, in writing, a hearing before the [BOROUGH/TOWNSHIP] Civil Service Commission within ten (10) days from your receipt of this notice.

Thank you for your participation.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Notice of Successful Result for Oral Examination

Dear [NAME OF APPLICANT]:

This letter is to notify you that you received a score of [SCORE]% on the oral examination portion of the Civil Service Examination for the position of [POSITION]. You are among the passing candidates and eligible to proceed further in the examination process.

In the near future, you will be informed, in writing, of the next step in the process.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Notice of Ineligibility after Oral Examination

Dear [NAME OF APPLICANT]:

This letter is to advise you that the Board of Oral Examiners has reported to the Commission that you achieved a score of [SCORE]% on the oral portion of the Civil Service Examination for the position of [POSITION]. Based upon the results reported, you did not obtain a passing grade as that term is defined in the Commission's Rules. Consequently, unless you submit a timely request for a hearing as set forth below and are successful in your appeal, you will be ineligible to proceed further in the examination process.

If you believe that you have a basis to appeal the oral examination score reported to the Commission by the Oral Examination Board, you must request, in writing, a hearing before the [BOROUGH/TOWNSHIP] Civil Service Commission within ten (10) days from your receipt of this notice.

Thank you for your participation.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Notice of Passing Polygraph Examination

Dear [NAME OF APPLICANT]:

This is to notify you that you passed the polygraph examination you took on [DATE]. You, therefore, remain eligible to participate further in the Civil Service Examination for the position of [POSITION].

In the near future, you will be informed, in writing, of the next step in the process.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

CS-9

**Notice of Failing First Polygraph Examination
and Notice of Second Examination**

Dear [NAME OF APPLICANT]:

This letter is to inform you that under the [BOROUGH/TOWNSHIP] Civil Service Rules, applicants who fail their initial polygraph examination are eligible for a second test. You have, therefore, been scheduled for a second polygraph examination on [DATE] at [TIME AND LOCATION]. The examination will be conducted by [NAME].

Please advise me immediately if you do not intend to take this second polygraph examination. If you are unable to attend on the designated date and time, please call [NAME] directly at [PHONE NUMBER] to reschedule. The examination must be completed by [DATE].

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

**Notice of Failing Second Polygraph Examination
and Right to Appeal for Third Examination**

Dear [NAME OF APPLICANT]:

This letter is to advise you that the second polygraph examiner appointed by the Civil Service Commission has reported to the Commission that you displayed deception in your responses to one or more material questions during the examination. Based upon this report from the polygraph examiner, you did not pass the exam as that term is defined in the Commission's Rules.

The Rules permit an applicant who has failed two (2) polygraph examinations to appeal to the Civil Service Commission for a third examination. Consequently, unless you submit a timely request for a hearing as set forth below and are successful in your appeal, you will be ineligible to proceed further in the examination process.

If you believe that you have a basis to obtain a third polygraph examination, you must request a hearing, in writing, before the [BOROUGH/TOWNSHIP] Civil Service Commission within ten (10) days from the receipt of this notice.

Thank you for your participation.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

CS-11

Notice of Passing Second Polygraph Examination

Dear [NAME OF APPLICANT]:

This is to notify you that you passed the second polygraph examination administered to you on [DATE]. You, therefore, remain eligible to participate further in the Civil Service Examination for the position of [POSITION].

In the near future, you will be informed, in writing, of the next step in the process.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Notice Denying Request for Third Polygraph Examination

Dear [NAME OF APPLICANT]:

This letter is to inform you of the Commission's decision regarding your request to participate in a third polygraph examination. After the hearing held before the Commission on [DATE] regarding this matter, during which you appeared and presented your grounds in support of a third polygraph examination, the Commission voted to deny your request.

Thank you for your participation.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Notice Granting Request for Third Polygraph Examination

Dear [NAME OF APPLICANT]:

This letter is to inform you of the Commission's decision regarding your request to participate in a third polygraph examination. After the hearing held before the Commission on [DATE] regarding this matter, during which you appeared and presented your grounds in support of a third polygraph examination, the Commission voted to grant your request.

You have been scheduled for a third polygraph examination on [DATE] at [TIME AND LOCATION]. The examination will be conducted by [NAME]. Please advise me immediately if you decline to take this third polygraph examination. If you are unable to attend on the designated date and time, please call [NAME] directly at [PHONE NUMBER], to reschedule. The examination must be completed by [DATE].

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Notice of Passing Third Polygraph Examination

Dear [NAME OF APPLICANT]:

This letter is to inform you that you passed the third polygraph examination conducted by [NAME] on [DATE]. You, therefore, remain eligible to participate further in the Civil Service Examination for the position of [POSITION].

In the near future, you will be informed, in writing, of the next step in the process.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

CS-15

Notice of Failing Third Polygraph Examination

Dear [NAME OF APPLICANT]:

This letter is to inform you that you failed the third polygraph examination administered by [NAME] on [DATE]. Therefore, you are ineligible to proceed further in the examination process.

If you believe that you have a basis to appeal this result, you must request, in writing, a hearing before the [BOROUGH/TOWNSHIP] Civil Service Commission within ten (10) days of your receipt of this notice.

Thank you for your participation.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Notice of Passing Physical Agility Examination

Dear [NAME OF APPLICANT]:

This is to notify you that you passed the physical agility examination you took on [DATE]. You, therefore, remain eligible to participate further in the Civil Service Examination for the position of [POSITION].

In the near future, you will be informed, in writing, of the next step in the process.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Notice of Failing Physical Agility Examination

Dear [NAME OF APPLICANT]:

This letter is to advise you that examiners for the physical agility test have reported to the Commission that you did not pass this portion of the Civil Service Examination for the position of [POSITION]. Based upon the results reported to the Commission, you did not pass the physical agility test as that term is defined in the Civil Service Rules. Consequently, unless you submit a timely request for a hearing as set forth below and are successful in your appeal, you will be ineligible to proceed further in the examination process.

If you believe that you have a basis to appeal the results reported by the physical agility examiners, you must request, in writing, a hearing before the [BOROUGH/TOWNSHIP] Civil Service Commission within ten (10) days of your receipt of this notice.

Thank you for your participation.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Notice of Passing Background Investigation

Dear [NAME OF APPLICANT]:

This letter is to notify you that you passed the background investigation conducted by the [BOROUGH/TOWNSHIP]. Your weighted composite score, based on your written and oral examination, is [SCORE]. Your rank on the eligibility list is [RANK]. This score and rank includes any veterans' preference points to which you may be entitled.

If the [BOROUGH/TOWNSHIP] decides to appoint a new police officer, only the top three names on the eligibility list will be submitted for consideration. If the [BOROUGH/TOWNSHIP] decides to select one of these three candidates for appointment to the police force, then any offer of appointment would be contingent upon passing a medical and psychological examination. You will be notified, in writing, by the Civil Service Commission at the time your name is submitted to [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] as one of the three candidates eligible for appointment.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Notice of Failing Background Investigation

Dear [NAME OF APPLICANT]:

This letter is to advise you that [NAME OF INDIVIDUAL APPOINTED TO CONDUCT BACKGROUND INVESTIGATION], who has been appointed by the Commission to conduct a background investigation, has reported to the Commission that you are unfit for appointment as a police officer with [BOROUGH/TOWNSHIP]. Based upon the results reported to the Commission, you have failed the background investigation based upon the criteria set forth in the Commission's Rules. Consequently, unless you submit a timely request for a hearing as set forth below and are successful in your appeal, you will be ineligible to proceed further in the examination process. The reason[s] provided by the person selected by the Commission to conduct background investigations [IS/ARE] as follows: [FILL IN EXPLANATION FOR DISQUALIFICATION*].

If you believe that you have a basis to appeal this recommendation by the designated background investigator, you must request, in writing, a hearing before the [BOROUGH/TOWNSHIP] Civil Service Commission within ten (10) days of your receipt of this notice.

Thank you for your participation.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

* *Be sure to consult your solicitor when completing this part of the letter.*

Notice of Medical and Psychological Examinations

Dear [NAME OF APPLICANT]:

Congratulations. You have been selected for the appointment to the position of [POSITION]. However, your appointment is contingent upon passing both your medical and psychological examination. You have been scheduled for the medical examination portion of the Civil Service Examination for the position of [POSITION] on [DATE] at [TIME] with Dr. [NAME] at [LOCATION]. The medical examination is a mandatory part of the examination; only those candidates who pass the medical examination will be [HIRED/PROMOTED].

If you cannot attend the scheduled examination, please call Dr. [NAME] directly at [PHONE NUMBER] and arrange an alternative time. Please be advised that the examination must be completed by [DATE].

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

CS-21

**Notice of Passing Medical Examination
and Notice of Psychological Examination**

Dear [NAME OF APPLICANT]:

This letter is to notify you that you passed the medical examination given you on [DATE] by Dr. [NAME]. You are scheduled for a psychological examination on [DATE] with Dr. [NAME] at [TIME AND LOCATION].

If you cannot attend the scheduled examination, please contact Dr. [NAME] directly at [PHONE NUMBER] and arrange an alternative time. Please be advised that the examination must be completed by [DATE].

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Notice of Failing Medical Examination

Dear [NAME OF APPLICANT]:

This letter is to advise you that Dr. [NAME] has reported to the Commission that you are unfit to perform the essential functions for the position of [POSITION]. You did not pass the medical examination. Consequently, unless you submit a timely request for a hearing as set forth below and are successful in your appeal, your contingent offer of employment will be revoked and you will be disqualified from further consideration for appointment.

If you believe you have a basis to appeal this result, you must request a hearing, in writing, before the [BOROUGH/TOWNSHIP] Civil Service Commission within ten (10) days of your receipt of this notice.

Thank you for your participation.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

CS-23

Notice of Passing Psychological Examination

Dear [NAME OF APPLICANT]:

Congratulations.

This is to notify you that you passed the psychological examination you took on [DATE]. Please contact Chief [NAME] to discuss your starting date.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Notice of Failing Psychological Examination

Dear [NAME OF APPLICANT]:

This letter is to advise you that Dr. [NAME] has reported to the Commission that you are unfit to perform the essential functions for the position of [POSITION]. You did not pass the psychological examination. Consequently, unless you submit a timely request for a hearing as set forth below and are successful in your appeal, your contingent offer of employment will be revoked, and you will be disqualified from further consideration for appointment.

If you believe that you have a basis to appeal this result, you must request a hearing, in writing, before the [BOROUGH/TOWNSHIP] Civil Service Commission within ten (10) days of your receipt of this notice.

Thank you for your participation.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Chapter VI. Model Resolutions

**Civil Service Commission of
[BOROUGH/TOWNSHIP]**

RESOLUTION

WHEREAS, Section 4.3 of the Rules for the [BOROUGH/TOWNSHIP] Civil Service Commission provides for the designation of an examining agency or a qualified individual to act as examiner for the written examinations required by these Rules;

NOW, THEREFORE, BE IT RESOLVED that:

[NAME OF AGENCY OR INDIVIDUALS] shall be designated as the examining agency or examiner(s) to be retained for the purpose of administering the written examinations to applicants applying for the position of [POSITION] in the Police Department of [BOROUGH/TOWNSHIP]. Unless otherwise directed by the Commission pursuant to a later resolution, the examination shall be obtained from the [NAME TESTING SERVICE] and the examination shall be graded by the [NAME].

Approved by a majority of the Commission
this [DAY] day of [MONTH], [YEAR],
at a public meeting of the Commission:

**Civil Service Commission of
[BOROUGH/TOWNSHIP]**

RESOLUTION

Section 4.3 of the Rules for the [BOROUGH/TOWNSHIP] Civil Service Commission provides for the designation as an examining agency or a qualified individual to act as examiner for the oral examinations required by these Rules;

NOW, THEREFORE, BE IT RESOLVED that:

[NAME OF AGENCY OR INDIVIDUALS] shall be designated as the examining agency or examiner(s) to be retained for the purpose of administering the oral examinations to applicants applying for the position of [POSITION] in the Police Department of [BOROUGH/TOWNSHIP].

Approved by a majority of the Commission
this [DAY] day of [MONTH], [YEAR],
at a public meeting of the Commission:

**Civil Service Commission of
[BOROUGH/TOWNSHIP]**

RESOLUTION

Section 4.3 of the Rules for the [BOROUGH/TOWNSHIP] Civil Service Commission provides for the appointment of one or more qualified examiners to perform polygraph examinations required by these Rules;

NOW, THEREFORE, BE IT RESOLVED that:

[NAME] shall be appointed as the polygraph examiner(s) to be retained for the purpose of performing polygraph tests on applications applying for the position of [POSITION] in the Police Department of [BOROUGH/TOWNSHIP].

Approved by a majority of the Commission
this [DAY] day of [MONTH], [YEAR],
at a public meeting of the Commission:

RES-4

**Civil Service Commission of
[BOROUGH/TOWNSHIP]**

RESOLUTION

WHEREAS, Section 4.3 of the Rules for the [BOROUGH/TOWNSHIP] Civil Service Commission provides for the designation of an examining agency or a qualified individual to act as examiner for the physical agility test required by these Rules;

NOW, THEREFORE, BE IT RESOLVED that:

[NAME OF AGENCY OR INDIVIDUALS] shall be designated as the examining agency or examiner(s) to be retained for the purpose of administering the physical agility test to applicants applying for the position of [POSITION] in the Police Department of [BOROUGH/TOWNSHIP].

Approved by a majority of the Commission
this [DAY] day of [MONTH], [YEAR],
at a public meeting of the Commission:

**Civil Service Commission of
[BOROUGH/TOWNSHIP]**

RESOLUTION

WHEREAS, Section 4.3 of the Rules for the [BOROUGH/TOWNSHIP] Civil Service Commission provides for the appointment of one or more qualified examiners to make all medical examinations required by these Rules for a promotional examination.

NOW, THEREFORE, BE IT RESOLVED that:

Dr. [NAME] shall be appointed as the medical examiner to be retained for the purpose of examining applicants applying for the position of [POSITION] in the Police Department of [BOROUGH/TOWNSHIP].

Approved by a majority of the Commission
this [DAY] day of [MONTH], [YEAR],
at a public meeting of the Commission:

**Civil Service Commission of
[BOROUGH/TOWNSHIP]**

RESOLUTION

Section 4.3 of the Rules for the [BOROUGH/TOWNSHIP] Civil Service Commission provides for the appointment of one or more qualified examiners to make all psychological examinations required by an examining agency or a qualified individual to act as examiner for the written examinations required by these Rules;

NOW, THEREFORE, BE IT RESOLVED that:

Dr. [NAME] shall be appointed as the psychological examiner to be retained for the purpose of administering psychological tests to applicants applying for the position of [POSITION] in the Police Department of [BOROUGH/TOWNSHIP].

Approved by a majority of the Commission
this [DAY] day of [MONTH], [YEAR],
at a public meeting of the Commission:

**[BOROUGH COUNCIL/BOARD OF COMMISSIONERS]
of [BOROUGH/TOWNSHIP]**

RESOLUTION

WHEREAS, on [DATE], the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] of appointed [NAME] to the position of Chief of Police of the [BOROUGH/TOWNSHIP] Police Department.

WHEREAS, [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] desires to provide the job tenure rights afforded by the Civil Service Rules of [BOROUGH/TOWNSHIP] to [NAME] in the position of Chief of Police; and

WHEREAS, pursuant to Section 5.3 of the Civil Service Rules of [BOROUGH/TOWNSHIP], in order to receive civil service status in the position of Chief of Police, [HE/SHE] must undergo a noncompetitive examination administered by the Civil Service Commission.

NOW, THEREFORE, BE IT RESOLVED that:

The Civil Service Commission of [BOROUGH/TOWNSHIP] is hereby directed to subject [NAME] to a noncompetitive examination. In the event [HE/SHE] passes the examination, the Civil Service Commission is further directed to notify [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] that [HE/SHE] has done so and that [HE/SHE] is otherwise qualified to hold the position of Chief of Police under the Civil Service Rules.

Approved by a majority of the [COUNCIL/BOARD]
this [DAY] day of [MONTH], [YEAR], at a public meeting:

**Civil Service Commission of
[BOROUGH/TOWNSHIP]**

RESOLUTION

WHEREAS, on [INSERT DATE] the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] of [BOROUGH/TOWNSHIP] directed this Civil Service Commission to subject [NAME] to a noncompetitive examination for the position of Chief of Police pursuant to Section 5.3 of the Civil Service Rules; and

WHEREAS, [NAME] has successfully passed the noncompetitive examination designated by this Civil Service Commission.

NOW, THEREFORE, BE IT RESOLVED that:

The [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] of [BOROUGH/TOWNSHIP] is hereby notified that [NAME] has passed the noncompetitive examination designated by the Civil Service Commission pursuant to Section 5.3 of the Civil Service Rules of [BOROUGH/TOWNSHIP] and that [HE/SHE] is otherwise qualified to hold the position of Chief of Police with civil service status.

Approved by a majority of the Commission
this [DAY] day of [MONTH], [YEAR],
at a regular stated meeting of the Commission:

**[BOROUGH COUNCIL/BOARD OF COMMISSIONERS]
of
[BOROUGH/TOWNSHIP]**

RESOLUTION

WHEREAS, on [DATE], the [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] appointed [NAME] to the position of Chief of Police of the [BOROUGH/TOWNSHIP] Police Department.

WHEREAS, by Resolution dated [INSERT DATE], [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] directed the Civil Service Commission of [BOROUGH/TOWNSHIP] to subject [NAME] to a noncompetitive examination and certify that [HE/SHE] is qualified to hold the position of Chief of Police under Section 5.3 of the Civil Service Rules; and

WHEREAS, by Resolution dated [INSERT DATE], the Civil Service Commission notified [BOROUGH COUNCIL/BOARD OF COMMISSIONERS] that [NAME] passed the noncompetitive examination designated by the Civil Service Commission and that [HE/SHE] is otherwise qualified to hold the position of Chief of Police.

NOW, THEREFORE, BE IT RESOLVED that:

[NAME] is hereby given the job tenure protection afforded by the Civil Service Rules of [BOROUGH/TOWNSHIP] in the position of Chief of Police and that [HE/SHE] may therefore not be removed from that position except for one of the reasons prescribed by Section 6.1 of the Civil Service Rules.

Approved by a majority of the Commission
this [DAY] day of [MONTH], [YEAR],
at a regular stated meeting of the Commission:

**The Board of Commissioners of
[BOROUGH/TOWNSHIP]**

RESOLUTION

WHEREAS, Section 626 of the First Class Township Code, as amended by the Act of June 12, 2002, No. 54, as amended, 53 P.S. § 55626, and Section 2.1(b) of the Civil Service Rules of [TOWNSHIP], confer upon the Board of Commissioners the discretion and authority to appoint Alternate Commissioners to the Civil Service Commission.

NOW, THEREFORE, BE IT RESOLVED that the following individuals and residents of the Township are hereby appointed, in order of seniority, as Alternate Civil Service Commissioners:

[INSERT NAMES OF UP TO THREE (3) APPOINTEES]

BE IT FURTHER RESOLVED, that the above-named individual(s) shall serve a term six (6) years in length, which shall expire on [DATE].

The powers and duties of the Alternate Commissioners appointed hereby shall be governed by Sections 626 and 628 of the First Class Township Code, as amended, 53 P.S. §§ 55626, 55628, and Sections 2.1(b) and 2.3(b) of the Civil service Rules of [TOWNSHIP].

Approved by a majority of the Board
of Commissioners this [DAY] day
of [MONTH], [YEAR], at a public meeting:

Chapter VII. Model Notices of Appointment

**Notice of Appointment
Written Examination Administrator**

Dear [WRITTEN EXAMINATION ADMINISTRATOR]:

This letter confirms your appointment as administrator of the written examination in the civil service testing for the position of [POSITION] with the [BOROUGH/TOWNSHIP].

Enclosed is a copy of the relevant portion of the [BOROUGH/TOWNSHIP]'s Civil Service Rules and a copy of the Commission's statement of instructions and rules for conducting the written examination. Please contact me if you have any questions concerning your duties.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

**Civil Service Commission of
[BOROUGH/TOWNSHIP]**

**Statement of Instructions and Rules for Conducting
the Written Examination for the Position of [POSITION]**

The examiner should obtain a test developed by a professional testing service according to accepted professional standards.

The examiner should secure the services of a professional testing agency to score the examination.

The examiner should inform the candidates of the length of the examination, and the rules for the examination.

The examiner should maintain the security of the test materials at all times.

All candidates should identify themselves to the examiner before the examination begins.

Before the examination, the examiner should make an announcement that includes the following:

- The time the examination begins and ends.
- The number of questions on the examination.
- What each examinee is permitted to have in his or her possession, e.g., calculators, dictionaries, etc.
- How the test is scored.
- When and how the candidates will be notified of the results.
- Procedures for leaving the room during the examination.
- Regulations regarding smoking.
- Procedures to follow after finishing the examination.

After the examination, the examiner should collect the examinations and the answer sheets, and promptly mail the answer sheets to the professional testing agency for scoring.

The examiner should promptly report the results of the examination to the Commission.

**Form of Notice of Appointment
Oral Examination Administrator**

Dear [ORAL EXAMINATION ADMINISTRATOR]:

This confirms your appointment to conduct the oral examination part of the [BOROUGH/TOWNSHIP] police Civil Service Examination for the position of [POSITION]. I have enclosed a copy of the relevant portion of the [BOROUGH/TOWNSHIP] Civil Service Rules. The oral examination will take place on [DATE] at [LOCATION].

Please confirm, in writing, your charges for performing this service.

Please send your future report to me in a sealed envelope at the above address.

Please call me at [PHONE NUMBER] if you have any questions concerning the oral examination or your duties.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

**Notice of Appointment
Polygraph Examiner**

Dear [POLYGRAPH EXAMINER]:

This confirms your appointment to perform polygraph examinations as part of the [BOROUGH/TOWNSHIP] police Civil Service Examination for the position of [POSITION]. Enclosed is a copy of the relevant portion of the [BOROUGH/TOWNSHIP]'s Civil Service Rules, and a copy of the Commission's form on which you should state whether you have concluded that any applicant's responses to his personal data questionnaire were deceptive. Please note that the report of each examination must be submitted to the Commission within five (5) days of each examination. Also note that Section 4.7 requires that "The examiner shall ask questions based on the information in the personal data questionnaire."

You are specifically directed, therefore, to confine your examination to matters addressed on each applicant's personal data questionnaire. A copy of all completed personal data questionnaires are enclosed for your review.

Also enclosed is a copy of the release form signed by all candidates who are scheduled to take the polygraph examination. This confirms that you have agreed not to request candidates sign any additional release forms.

Please send your future report to me in a sealed envelope at the above address.

Please call me at [PHONE NUMBER] if you have any questions concerning the polygraph examination or your duties.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Report of Polygraph Examiner

MEMORANDUM

TO: [POLYGRAPH EXAMINER]
FROM: Secretary, [BOROUGH/TOWNSHIP]
Civil Service Commission
RE: Report Form For Candidates for Position of [POSITION]
DATE: [DATE]

Please fill out this form completely for each candidate and return it to me within five (5) days of the date of each examination for each candidate. Use an additional sheet(s) of paper if necessary.

Candidate's Name: _____

Date of Examination: _____

Did you conclude that any of the candidate's responses to questions based on the candidate's Personal Data Questionnaire were deceptive?

Check One:

Candidate passes

Candidate fails

Signed _____ Dated _____

APPT-4A

**Form of Notice of Appointment
Physical Agility Examination Administrator**

Dear [PHYSICAL AGILITY EXAMINATION ADMINISTRATOR]:

This confirms your appointment to conduct the physical agility examination section of the [BOROUGH/TOWNSHIP] police Civil Service Examination for the position of [POSITION]. I have enclosed a copy of the relevant portion of the [BOROUGH/TOWNSHIP] Civil Service Rules. The physical agility examination will take place on [DATE] at [LOCATION].

Please send your future report to me in a sealed envelope at the above address.

Please call me at [PHONE NUMBER] if you have any questions concerning the physical agility examination or duties.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Report of Physical Agility Examiner

MEMORANDUM

TO: [PHYSICAL AGILITY EXAMINER]
FROM: Secretary, [BOROUGH/TOWNSHIP]
Civil Service Commission
RE: Report Form for Candidates for Position of [POSITION]
DATE: [DATE]

Please fill out this form completely for each candidate and return it to me within fifteen (15) days of the date of the examination for each candidate. Use an additional sheet(s) of paper if necessary.

Candidate's Name: _____

Date of Examination: _____

Tests Conducted: _____

Results of Each Test: _____

Check One:

Candidate passes

Candidate fails

If candidate fails, please state the reasons for failure:

Signed _____ Dated _____

**Notice of Appointment
Medical Examiner**

Dear [MEDICAL EXAMINER]:

This confirms your appointment to perform medical examinations as part of the [BOROUGH/TOWNSHIP] police Civil Service Examination for the position of [POSITION].

Enclosed are a copy of the [BOROUGH/TOWNSHIP] Civil Service Rules relevant to that part of the examination and the Commission's medical evaluation form and the essential duties of the position for [POSITION].

Please note the Rules require that you submit a report on each candidate within fifteen (15) days of the date of each examination. Also note that if you deem a candidate unfit for performance of the duties of [POSITION] because of any medical condition, you must give a statement of your reasons on the form.

Please send your future report to me in a sealed envelope at the above address.

Please call me at [PHONE NUMBER] if you have any questions.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Report of Medical Examiner

MEMORANDUM

TO: [MEDICAL EXAMINER]
FROM: Secretary, [BOROUGH/TOWNSHIP]
Civil Service Commission
RE: Report Form for Candidates for Position of [POSITION]
DATE: [DATE]

Please fill out this form completely for each candidate and return it to me within fifteen (15) days of the date of the examination for each candidate. Use an additional sheet(s) of paper if necessary.

Candidate's Name: _____

Date of Examination: _____

Tests Conducted: _____

Results of Each Test: _____

Check One:

Candidate passes

Candidate fails

If candidate fails, please state the reasons for failure:

Signed _____ Dated _____

APPT-6A

**Notice of Appointment
Psychological Examiner**

Dear [PSYCHOLOGICAL EXAMINER]:

This confirms your appointment to perform psychological examinations as part of the [BOROUGH/TOWNSHIP] police Civil Service Examination for the position of [POSITION]. Enclosed are a copy of the [BOROUGH/TOWNSHIP]'s Civil Service Rules relevant to that part of the examination, the Commission's psychological evaluation form and the essential duties of the position.

Please note that the Rules require you submit a report on each candidate within fifteen (15) days of the date of each examination. Also note that if you deem a candidate unfit for performance of the duties of [POSITION] because of any psychological defect, you must give a statement of your reasons on the form.

Please send your future report to me in a sealed envelope at the above address.

Please call me at [PHONE NUMBER] if you have any questions.

Very truly yours,

Secretary
[BOROUGH/TOWNSHIP]
Civil Service Commission

Report of Psychological Examiner

MEMORANDUM

TO: [PSYCHOLOGICAL EXAMINER]
FROM: Secretary, [BOROUGH/TOWNSHIP]
Civil Service Commission
RE: Report Form for Candidates for Position of [POSITION]
DATE: [DATE]

Please fill out this form completely for each candidate and return it to me within fifteen (15) days of the date of the examination for each candidate. Use an additional sheet(s) of paper if necessary.

Candidate's Name: _____

Date of Examination: _____

Tests Conducted: _____

Results of Each Test: _____

Check One:

Candidate passes

Candidate fails

If candidate fails, please state the reasons for failure:

Signed _____ Dated _____

Chapter VIII.
Fair Credit Reporting Act Forms
(for Background and Credit Checks)

**Notice to Applicant
Consumer Reports
[Must be signed by the Applicant before report is requested]**

[NAME and ADDRESS OF APPLICANT]

Re: Notice of Request for Consumer Report

Dear [INSERT NAME OF APPLICANT]:

Thank you for your recent application for employment with [BOROUGH/TOWNSHIP]. This letter is to advise you that, for employment purposes, once we have received your written consent we may obtain what is known as a "Consumer Report" about you from one or more consumer reporting agencies.

Under federal law, a "Consumer Report" means a report which may include information concerning your credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living. The [BOROUGH/TOWNSHIP] may rely upon information in your Consumer Report as one factor upon which the [BOROUGH/TOWNSHIP] relies when making future decisions regarding your employment with the [BOROUGH/TOWNSHIP]. Furthermore, should you become an employee of the [BOROUGH/TOWNSHIP], the consent form you sign at this time shall authorize the [BOROUGH/TOWNSHIP] to obtain Consumer Reports at any time during your term of employment with the [BOROUGH/TOWNSHIP]. These reports may be one of the factors the [BOROUGH/TOWNSHIP] will rely upon when making future decisions regarding your employment status with the [BOROUGH/TOWNSHIP].

Sincerely,

[INSERT NAME OF APPROPRIATE
TOWNSHIP REPRESENTATIVE]

**Notice to Applicant
Investigative Consumer Reports
[Should be provided before report is requested
but no later than three (3) days after the date report is first ordered]**

[NAME and ADDRESS OF APPLICANT]

Re: Notice of Request for Investigative Consumer Report

Dear [INSERT NAME OF APPLICANT]:

Thank you for your recent application for employment with [BOROUGH/TOWNSHIP]. This letter is to advise you that for employment purposes, once we have received your written consent, we may obtain what is known as an "Investigative Consumer Report" about you from one or more consumer reporting agencies. We may do this at any time prior to your employment as part of the application process or at any time during your employment with the [BOROUGH/TOWNSHIP].

An "Investigative Consumer Report" commonly includes information regarding your character, general reputation, personal characteristics and mode of living, which may be obtained through personal interviews of your neighbors, friends, associates or other acquaintances.

Under the Federal Fair Credit Reporting Act ("FCRA"), you have a right to ask for a complete and accurate disclosure of the nature and scope of the Investigative Consumer Report we may request. Your request for this additional disclosure must be: (1) in writing and made within a reasonable period of time after you received this notice; and (2) sent to [INSERT NAME and ADDRESS OF APPROPRIATE MUNICIPAL REPRESENTATIVE].

We will send you the additional disclosure within five (5) days from the date we receive your written request or five (5) days of the date we first requested the Investigative Consumer Report on you, whichever is later.

Finally, attached to this Notice is a written "Summary of Your Rights Under the Fair Credit Reporting Act."

Sincerely,

[INSERT NAME OF APPROPRIATE
MUNICIPAL REPRESENTATIVE]

Appendix A to United States Code of Federal Regulations, Title 16, Part 601

PRESCRIBED SUMMARY OF CONSUMER RIGHTS

The prescribed form for this summary is a separate document, on paper no smaller than 8x11 inches in size, with text no less than 12-point type (8-point for the chart of federal agencies), in bold or capital letters as indicated. The form in this appendix prescribes both the content and the sequence of items in the required summary. A summary may accurately reflect changes in numerical items that change over time (e.g., dollar amounts, or phone numbers and addresses of federal agencies), and remain in compliance.

A SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT

The federal Fair Credit Reporting Act (FCRA) is designed to promote accuracy, fairness, and privacy of information in the files of every "consumer reporting agency" (CRA). Most CRAs are credit bureaus that gather and sell information about you — such as if you pay your bills on time or have filed bankruptcy — to creditors, employers, landlords, and other businesses. You can find the complete text of the FCRA, 15 U.S.C. §§ 1681-1681u, at the Federal Trade Commission's web site (<http://www.ftc.gov>). The FCRA gives you specific rights, as outlined below. You may have additional rights under state law. You may contact a state or local consumer protection agency or a state attorney general to learn those rights.

- **You must be told if information in your file has been used against you.** Anyone who uses information from a CRA to take action against you — such as denying an application for credit, insurance, or employment — must tell you, and give you the name, address, and phone number of the CRA that provided the consumer report.
- **You can find out what is in your file.** At your request, a CRA must give you the information in your file, and a list of everyone who has requested it recently. There is no charge for the report if a person has taken action against you because of information supplied by the CRA, if you request the report within 60 days of receiving notice of the action. You also are entitled to one free report every twelve months upon request if you certify that (1) you are unemployed and plan to seek employment within 60 days, (2) you are on welfare, or (3) your report is inaccurate due to fraud. Otherwise, a CRA may charge you up to eight dollars.
- **You can dispute inaccurate information with the CRA.** If you tell a CRA that your file contains inaccurate information, the CRA must investigate the items (usually within 30 days) by presenting to its information source all relevant evidence you submit, unless your dispute is frivolous. The source must review your evidence and report its findings to the CRA. (The source also must advise national CRAs — to which it has provided the data — of any error.) The CRA must give you a written report of the investigation, and a copy of your report if the investigation results in any change. If the CRA's investigation does not resolve the dispute, you may add a brief statement to your file. The CRA must normally include a summary of your statement in future reports. If an item is deleted or a dispute statement is filed, you may ask that anyone who has recently received your report be notified of the change.

- **Inaccurate information must be corrected or deleted.** A CRA must remove or correct inaccurate or unverified information from its files, usually within 30 days after you dispute it. **However, the CRA is not required to remove accurate data from your file unless it is outdated (as described below) or cannot be verified.** If your dispute results in any change to your report, the CRA cannot reinsert into your file a disputed item unless the information source verifies its accuracy and completeness. In addition, the CRA must give you a written notice telling you it has reinserted the item. The notice must include the name, address and phone number of the information source.
- **You can dispute inaccurate items with the source of the information.** If you tell anyone — such as a creditor who reports to a CRA — that you dispute an item, they may not then report the information to a CRA without including a notice of your dispute. In addition, once you've notified the source of the error in writing, it may not continue to report the information if it is, in fact, an error.
- **Outdated information may not be reported.** In most cases, a CRA may not report negative information that is more than seven years old; ten years for bankruptcies.
- **Access to your file is limited.** A CRA may provide information about you only to people with a need recognized by the FCRA — usually to consider an application with a creditor, insurer, employer, landlord, or other business.
- **Your consent is required for reports that are provided to employers, or reports that contain medical information.** A CRA may not give out information about you to your employer, or prospective employer, without your written consent. A CRA may not report medical information about you to creditors, insurers, or employers without your permission.
- **You may choose to exclude your name from CRA lists for unsolicited credit and insurance offers.** Creditors and insurers may use file information as the basis for sending you unsolicited offers of credit or insurance. Such offers must include a toll-free phone number for you to call if you want your name and address removed from future lists. If you call, you must be kept off the lists for two years. If you request, complete, and return the CRA form provided for this purpose, you must be taken off the lists indefinitely.
- **You may seek damages from violators.** If a CRA, a user or (in some cases) a provider of CRA data, violates the FCRA, you may sue them in state or federal court.

The FCRA gives several different federal agencies authority to enforce the FCRA:

For Questions or Concerns Regarding:	Please Contact:
CRAs, creditors and others not listed below	Federal Trade Commission Consumer Response Center - FCRA Washington, DC 20580 202-326-3761
National banks, federal branches/agencies of foreign banks (word "National" or initials "N.S." appear in or after bank's name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 800-613-6743
Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)	Federal Reserve Board Division of Consumer & Community Affairs Washington, DC 20551 202-452-3693
Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name)	Office of Thrift Supervision Consumer Programs Washington, DC 20552 800-842-6929
Federal credit unions (words "Federal Credit Union" appear in institution's name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 703-518-6360
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Division of Compliance & Consumer Affairs Washington, DC 20429 800-934-FDIC
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation Office of Financial Management Washington, DC 20590 202-366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator - GIPSA Washington, DC 20250 202-720-7051

Consent to Obtain Investigative Consumer Report
[Must be signed before report is requested from Reporting Agency]

CONSENT TO OBTAIN INVESTIGATIVE CONSUMER REPORT

I, the undersigned, an applicant for employment with [BOROUGH/TOWNSHIP], hereby acknowledge that I have received a separate Notice informing me that the [BOROUGH/TOWNSHIP] may obtain an Investigative Consumer Report ("the Report") about me for employment purposes, which set forth a description of: (1) what is commonly included in the Report; (2) my right to request additional disclosures concerning the Report; and (3) a summary of my rights under the Federal Fair Credit Reporting Act.

I further acknowledge that I have read and fully understand the contents of the Notice provided to me, and I authorize the [BOROUGH/TOWNSHIP] and give it my consent to order an Investigative Consumer Report about me from one or more consumer reporting agencies. I understand that the [BOROUGH/TOWNSHIP]'s analysis of any such report may affect its decision whether or not to offer employment to me and, if hired, the [BOROUGH/TOWNSHIP]'s future decisions concerning my employment. I consent to the [BOROUGH/TOWNSHIP]'s use of such reports for these purposes. Finally, should I become an employee of [BOROUGH/TOWNSHIP], I authorize the [BOROUGH/TOWNSHIP] to obtain Investigative Consumer Reports at any time during my term of employment. I authorize and consent to the [BOROUGH/TOWNSHIP]'s use of these Investigative Consumer Reports as one factor upon which the [BOROUGH/TOWNSHIP] relies when making future decisions regarding my employment with the [BOROUGH/TOWNSHIP].

Signature of Applicant

Date

Printed Name of Applicant

Street Address

City, State and Zip Code

Social Security Number

Home Phone Number

**Certification
Consumer Reports
[Provided to Reporting Agency along with request for report]**

[NAME and ADDRESS OF CONSUMER REPORTING AGENCY]

Re: Fair Credit Reporting Act Certification Requirement

Dear [INSERT APPROPRIATE CONTACT PERSON]:

Pursuant to Section 604(b)(1) of the Federal Fair Credit Reporting Act (the "FCRA"), the undersigned, on behalf of [BOROUGH/TOWNSHIP], hereby certifies the following regarding the Consumer Report (the "Report") we are requesting about [INSERT APPLICANT'S NAME] ("the Applicant"):

1. The Report is being requested and will be used for employment purposes only;
2. Prior to this request, the Applicant was provided with a clear and conspicuous written disclosure, consisting only of the disclosure, that the [BOROUGH/TOWNSHIP] could obtain the Report for employment purposes;
3. The Applicant has provided the [BOROUGH/TOWNSHIP] with written authorization permitting it to procure the Report (a copy of the authorization is attached hereto);
4. Prior to taking any adverse action on the Applicant's application for employment, the [BOROUGH/TOWNSHIP] will comply with Section 604(b)(3) of the FCRA and provide the Applicant with: (1) a copy of the Report; and (2) a written description of his/her rights under the FCRA, as prescribed by the Federal Trade Commission under Section 609(c)(3) of the statute; and
5. Any information contained in the Report will not be used in violation of any federal, state or local equal employment opportunity laws or regulations.

Sincerely,

[INSERT NAME OF APPROPRIATE
BOROUGH/TOWNSHIP REPRESENTATIVE]

Certification
Investigative Consumer Reports
[Provided to Reporting Agency along with request for report]

[NAME and ADDRESS OF CONSUMER REPORTING AGENCY]

Re: Fair Credit Reporting Act Certification Requirement

Dear [INSERT APPROPRIATE CONTACT PERSON]:

Pursuant to Section 606(a)(2) of the federal Fair Credit Reporting Act (the "FCRA"), the undersigned, on behalf of the [BOROUGH/TOWNSHIP], hereby certifies the following regarding the Investigative Consumer Report ("the Report") we are requesting about [INSERT APPLICANT'S NAME] ("the Applicant"):

1. The Report is being requested and will be used only for employment purposes;
2. Pursuant to Section 606(a) of the FCRA, not later than three (3) days after this Request, the Applicant will be given a written notice which: (a) clearly and accurately discloses to them that the Report may be requested for employment purposes, the general areas of inquiry involved with such a report; (b) includes a statement of their right to request the additional disclosures provided for under Section 606(b) of the FCRA, and (c) encloses a copy of a written description of their rights under the FCRA, as prescribed by the Federal Trade Commission under Section 609(c)(3) of the statute;
3. The Applicant has provided the [BOROUGH/TOWNSHIP] with written authorization permitting it to procure the Report (a copy of the authorization is attached hereto);
4. Within five (5) days of receiving the Applicant's written request pursuant to Section 606(b) of the FCRA, the [BOROUGH/TOWNSHIP] will make a complete and accurate disclosure of the nature and scope of the investigation to the Applicant;
5. Prior to taking any adverse action on the Applicant's application for employment, the [BOROUGH/TOWNSHIP] will comply with Section 604(b)(3) of the FCRA and provide the Applicant with: (1) a copy of the Report; and (2) a written description of his/her rights under the FCRA, as prescribed by the Federal Trade Commission under Section 609(c)(3) of the statute.
6. Any information contained in the Report will not be used in violation of any federal, state or local equal employment opportunity laws or regulations.

Sincerely,

[INSERT NAME OF APPROPRIATE
BOROUGH/TOWNSHIP REPRESENTATIVE]

**Response To Applicant's Request For Additional
Disclosures For Investigative Consumer Reports
[Must be provided within five (5) days of the request from the Applicant]**

[NAME and ADDRESS OF APPLICANT]

Re: Request for Additional Disclosures Under the Fair Credit Reporting Act

Dear [INSERT NAME OF APPLICANT]:

This advises you that we are in receipt of your [INSERT DATE OF REQUEST] request for additional disclosures concerning the Investigative Consumer Report requested about you in connection with your recent application for employment with the [BOROUGH/TOWNSHIP].

The nature and scope of the investigation the [BOROUGH/TOWNSHIP] has requested consisted of the following areas of inquiry:

[INSERT THE LIST OF THE VARIOUS TOPIC AREAS THE CONSUMER
REPORTING AGENCY WILL EXPLORE, ALONG WITH THE GENERAL
SOURCES OF INFORMATION IT RELIES UPON.]

Sincerely,

[INSERT NAME OF APPROPRIATE
BOROUGH/TOWNSHIP REPRESENTATIVE]

Notice To Applicant
Potential Adverse Action
[To be provided **before** rejection of application]

[NAME and ADDRESS OF APPLICANT]

Dear [INSERT NAME OF APPLICANT]:

This advises you that the [BOROUGH/TOWNSHIP] is considering your recent application for employment. In connection with this process, we are enclosing: (1) a copy of the [INSERT DATE OF REPORT] [Consumer Report/Investigative Consumer Report] prepared by [INSERT NAME OF CONSUMER REPORTING AGENCY], and (2) a written description of your rights under the federal Fair Credit Reporting Act.

Sincerely,

[INSERT NAME OF APPROPRIATE
BOROUGH/TOWNSHIP REPRESENTATIVE]

**Notice To Applicant
Adverse Action**

[To be provided **after/with** rejection of Application]

[NAME and ADDRESS OF APPLICANT]

Re: Notice of Employment Decision

Dear [INSERT NAME OF APPLICANT]:

Thank you for your interest in employment with the [BOROUGH/TOWNSHIP]. Unfortunately, the [BOROUGH/TOWNSHIP] is unable to offer you a position at this time. This decision was based at least in part on information contained in the [INSERT DATE OF REPORT] [Consumer Report/Investigative Consumer Report] obtained by the [BOROUGH/TOWNSHIP] during the hiring process. A copy of this report was provided to you by letter dated [INSERT DATE OF PRIOR LETTER].

The consumer reporting agency who provided the [BOROUGH/TOWNSHIP] with this Report was:

[INSERT NAME, ADDRESS and TELEPHONE
NUMBER OF CONSUMER REPORTING AGENCY]

Please be advised that the consumer reporting agency identified above played no part in the [BOROUGH/TOWNSHIP]'s decision not to offer you employment and, therefore, it is unable to provide you with any information or the specific reasons why the [BOROUGH/TOWNSHIP] made that decision.

Under Section 612 of the Federal Fair Credit Reporting Act, you have a right to obtain a free copy of your Report from the above consumer reporting agency if you request it no later than sixty (60) days after you receive this notice.

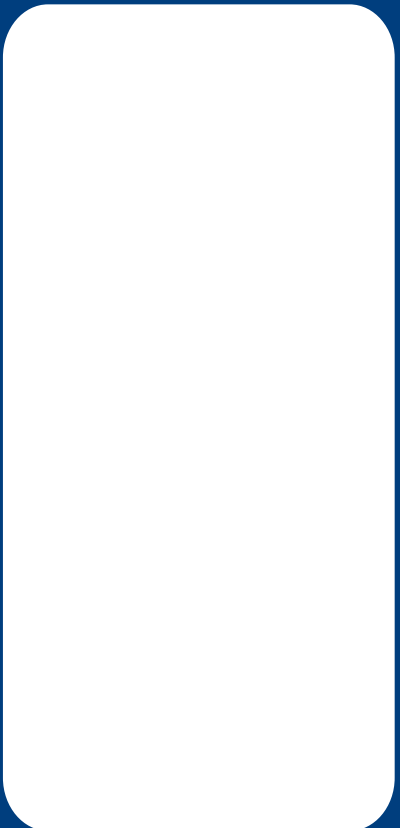
Furthermore, if you find that any information contained in the report is inaccurate or incomplete, you have the right to dispute the matter with the consumer reporting agency listed above. Information concerning such disputes and your rights under the Federal Fair Credit Reporting Act generally is set forth in the "Summary of Your Rights Under the Fair Credit Reporting Act" which was sent to you with my [INSERT DATE OF PRIOR LETTER] letter.

Sincerely,

[INSERT NAME OF APPROPRIATE
BOROUGH/TOWNSHIP REPRESENTATIVE]

Pennsylvania Department of Community & Economic Development
Governor's Center for Local Government Services
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

USPS 100
APPROVED POLY



pennsylvania
DEPARTMENT OF COMMUNITY
& ECONOMIC DEVELOPMENT