

**CITY OF BRADFORD
CIVIL SERVICE COMMISSION
RULES AND REGULATIONS**

ARTICLE I. DEFINITION OF TERMS

Section 101. **Definitions:** Unless otherwise expressly stated, the following words and phrases, wherever used in these Rules and Regulations, shall be construed to have the meaning indicated herein:

- Applicant:** A person who applies for any position in the Police or Fire Departments subject to these Rules and such application is made pursuant to Article III of these Rules.
- Chairman:** The Chairman of the Civil Service Commission of the City of Bradford.
- City:** The Third Class City of Bradford, in McKean County, Commonwealth of Pennsylvania.
- City Council:** The elected City Council of the City of Bradford.
- Commission:** The Civil Service Commission of the City of Bradford.
- Code:** The Third Class City Code.
- Departments:** The Police Department or Fire Department of the City of Bradford.
- Department Chief:** The appointed Chief of the Police and/or Fire Departments.
- Eligible:** A person whose name is recorded on a current Eligible List or Furlough List.
- Eligible List:** A list of persons determined by the Commission, in accordance with the requirements of these rules, to be eligible for consideration for a position in a Department.
- Furlough List:** The list of names of persons who were laid-off from positions in a Department.
- Police Officer:** A sworn member of the Police Department holding a rank less than a Sergeant.
- Firefighter:** A sworn member of the Fire Department
- Police Supervisory Position:** A sworn position in the Police Department with rank of Sergeant or greater, other than the Chief or Assistant Chief.
- Probationer:** A sworn member of a Department who has been appointed from an Eligible List but who has not yet completed his work test period.
- Reduction in Rank:** A change to a different position or rank which results in a decrease in salary; provided, however, that a decrease in salary without a change to a different position or rank shall not constitute a reduction in rank.
- Rules:** These Rules and Regulations adopted by the Civil Service Commission of the City of Bradford.
- Suspension:** The temporary separation of a member of a Department from his position for disciplinary reasons.
- Secretary:** The Secretary of the Civil Service Commission of the City of Bradford.
- Termination:** The permanent separation of a member of a Department.
- Medical Examination:** Any examination, procedure, inquiry or test designed to obtain information about medical history or a physical or mental condition which might disqualify an applicant if it would prevent the applicant from performing with or without reasonable accommodation, all of the essential functions of the position.
- Physician:** Shall have the meaning assigned to it in 1 PA. C.S. § 1991 (relating to definitions)
- Qualified Medical Professional:** An individual in collaboration with or under the supervision or direction of a physician, as may be required by law, who is licensed: (1) As a Physician Assistant pursuant to the Act of December 20, 1985 (P.L. 457, No. 112) known as the "Medical Practice Act of 1985", or the Act of October 5, 1978 (P.L. 1109 No. 261), known as the "Osteopathic Medical Practice Act"; or (2) As a Certified Registered Nurse Practitioner pursuant to the Act of May 22, 1951 (P.L. 317, No. 69), known as "The Professional Nursing Act".

ARTICLE II. THE COMMISSION

201. **Membership:**

The Commission shall consist of three (3) members, each of whom shall be a full time resident and qualified elector of the City and be appointed by the City Council for a term of four (4) years. Members of the Commission shall hold no elective office in the City. Before entering upon the discharge of the duties of his office, each member of the Commission shall take an oath of affirmation to perform his duties with fidelity and to support the Constitution of the Commonwealth of Pennsylvania, and of the United States of America. The term of not more than one (1) member shall expire in any year. If vacancies occur, such vacancies shall be filled by appointment by City Council, only for the unexpired portion of the term. Such appointments shall be made within sixty (60) days.

202. **Officers - Duties of Officers:**

A. Officers:

1. **Chairman and Vice Chairman:** A Chairman and a Vice-Chairman shall be elected by the members of the Commission in January of each year. Each such officer shall serve a one-year term.
2. **Secretary:** The members of the Commission may elect one (1) of their own members or appoint an employee of the City to act as Secretary. The Secretary, if elected from membership, shall serve a one-year term. If an appointed City employee, the Secretary shall serve at the pleasure of the Commission.

B. Duties of Officers:

1. **Chairman and Vice-Chairman:** The Chairman, or in his absence, the Vice-Chairman, shall preside at all meetings or hearings of the Commission, decide all points of order or procedure and perform any other duties required by the Commonwealth of Pennsylvania or by the Third class City Code.
2. **Secretary:** The Secretary or his designee shall conduct, at the direction of the Commission, all official correspondence of the Commission; shall send out all notices required by laws; shall keep a record of each meeting, examination or other official action of the Commission; and shall perform all other duties required by the Commission, the Third Class City Code, or the laws of the Commonwealth of Pennsylvania.

203. **Meetings - Procedures for Meetings:**

- A. All meetings and hearings of the Commission shall be open to the public, unless otherwise permitted by law and authorized to be closed by the Commission.
- B. Regular meetings of the Commission shall be held on a designated day as established at annual organizational meetings. The first regular meeting in January of each year shall constitute the annual organizational meeting of the Commission.
- C. Special meetings may be held upon the call of the Chairman or Vice-Chairman, provided that appropriate notice of each meeting is given to each member and to the public in accordance with the laws of the Commonwealth of Pennsylvania.
- D. A quorum shall consist of at least a majority of all members of the Commission.
- E. The Chairman, or in his absence, the Vice-Chairman, shall administer oaths, and may compel the attendance of witnesses when required by law, in accordance with the provision of the laws of the Commonwealth of Pennsylvania.
- F. The Secretary or his designee shall keep minutes of the Commission proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicate such fact.
- G. A file of all material and decisions relating to each case shall be kept by the Secretary or his designee as part of the records of the Commission.
- H. All records of the Commission shall be public records, unless otherwise permitted by law.
- I. All meetings of the Commission shall be conducted in an orderly fashion and in accordance with Robert's Rules of Order.

ARTICLE III. APPLICATION

301. **Application Form:**

No person shall be admitted to an examination for a position in the departments until such person shall have filed, on the official form prescribed by the Commission, a sworn application giving such information as the Commission may require. The form shall contain, at a minimum, the following information: 1) The applicant's full name, residence and post office address; 2) The applicant's citizenship, age, and place and date of birth; 3) The applicant's health information, including his physical capacity for public service; and 4) The applicant's business employment

and residents for at least the previous three (3) years. The official application form and all notations, references, and statements appearing in it are incorporated by reference into these Rules and shall be as much a part of these Rules as if they were fully described herein.

303. Age Qualifications:

No applicant for a position in the Police Department shall be under twenty-one (21) years of age. Minimum years of age for the Fire Department shall be eighteen (18) years of age, and maximum age for a position in the Fire Department shall be thirty-five (35) years of age. Each applicant for any position in a Department shall be accompanied by a birth certificate or other satisfactory evidence of the date of birth of the applicant.

A person who is over thirty-five (35) years of age, shall be eligible for reinstatement in the fire or police department at the discretion of the Commission if all of the following apply:

- (1) The applicant has formerly served in the Fire Department for a period of more than six months;
- (2) No charges of misconduct or other misfeasance were made against the applicant within a period of more than two years preceding the date of application;
- (3) The applicant is a resident of the City;
- (4) The applicant, providing the applicant's former term of service was satisfactory, may be reappointed to the Fire Department without examination, other than a physical examination required under Section 9. If the person is reinstated, the person shall be the lowest in rank immediately above the probationers and any temporary or part time members of the department.

304. General Qualifications - All Applicants:

Each applicant, for any position in the Departments, shall be a citizen of the United States and shall have graduated from an accredited high school or have an equivalent education acceptable to the Commission. All applicants show proof that he/she has a current and valid driver's license. Each selected applicant shall be medically fit for the performance of the duties of a Police Officer or a Firefighter in the Commonwealth of Pennsylvania, and shall be required to submit to a physical examination before being admitted to the regular examination held by the Commission. In the case of a foreign-born applicant, evidence, satisfactory to the Commission, shall be produced showing the applicant to be a naturalized citizen. Applicants for a permanent position in the Police Department will complete the Police Training Course under Act 120 as required by Pennsylvania law. All applicants for the position of Firefighter/Emergency Medical Technician must provide proof of having current certification as an Emergency Medical Technician. All applicants for the position of Firefighter/Paramedic must provide proof of having current certification as a Paramedic. All examinations shall be open to all applicants who have fulfilled the preliminary requirements required by these Rules and Regulations and by applicable state law, without regard to any applicant's place of residence at or prior to the date of application.

305. Equal Opportunity - Affirmative Action:

The City is an Equal Opportunity Employer. All persons are hired regardless of race, religion, ethnic origin, or sex. Minorities and persons of the female sex are encouraged to become applicants.

306. General Qualifications - Applicants for Police Supervisory Positions:

In addition to meeting the qualifications fixed for a position in the department, all applicants to be able to test for the Sergeant examination must have served a minimum of five (5) consecutive years with the Bradford Police Department.

To be eligible to test for the Lieutenant examination, an officer must have served a minimum of eight (8) consecutive years with the Bradford Police Department. Also, all applicants for a Police Supervisory position shall have satisfactorily completed an in-service training program for Police Officers, and shall have graduated from a recognized police academy or school and shall have demonstrated a working knowledge of police science and administration.

307. Investigation of Applicants:

At the request of the Commission, an investigation of the character and reputation of the applicant may be made by the Departments or other qualified organizations approved by the Department Chiefs and may include credit reports of investigation from recognized agencies.

308. Filing Applications:

Applications for positions in the Departments may be received at any time, during normal business hours, in the office of the City Administrator. The receipt of such applications shall be subject to the following conditions:

- A. An application shall become invalid one (1) year after the date which it was received.

309. Recording Applications:

The City Administrator shall review each application, upon receipt, for the purpose of determining that such application contains no errors or omissions. Any application containing errors or omissions shall be returned to the applicant for correction. The City Administrator shall date, number and record, in order of receipt, all applications free of errors or omissions. An application, once recorded, shall be a public record and shall not be returned to the applicant.

310. Disqualification of Applicant:

The Commission shall not examine any applicant who lacks any of the prescribed qualifications unless, in the judgment of the Commission, it can be reasonably presumed that an applicant shall have acquired the necessary qualifications prior to the date of a possible certification from the list of eligibles produced as a result of the examination. The Commission shall not examine an applicant who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which the applicant seeks appointment. An applicant may also be denied examination or, after examination, certification if he is found to be addicted to the habitual use of intoxicating liquors or drugs, or is found to be illegally using a controlled substance, as defined in Section 102 of the Controlled Substance Act (Public Law 91-513, 21 U.S.C. § 802), or has been convicted of any crime, or whose conduct is infamous or notoriously disgraceful; or who has been dismissed from the public service for delinquency or misconduct; or who has made a false statement of any material fact, or practiced or attempted to practice any deception or fraud on the application, examination, establishment of eligibility; or refuses to comply with the rules and regulations of the commission.

311. Penalty for False Statement:

The statements made by the applicant in the official application shall contain no falsification, omission, or concealment of material fact. Should any investigation disclose any material misstatement, falsification, or concealment to an application:

- A. The application shall be invalid and the applicant shall be disqualified from examinations; or
 - B. If the applicant shall have been examined, the name of such applicant shall be removed from the Eligible List; or
 - C. If the applicant shall have been appointed, such material misstatement, falsification, or concealment shall constitute grounds for dismissal from the Department.
- No person who has made a material false application shall be permitted, in the future, to be an applicant for any position in the Departments.

ARTICLE IV. ANNOUNCEMENT OF EXAMINATION

401. Public Notice:

Public Notice of the time and place of every entrance-level examination, together with the information as to the position to be filled, shall be given by publication in newspapers of general circulation in the area. The Public Notice shall be published at least six (6) weeks prior to an examination, and a copy of the Notice shall be posted on the bulletin board in the City Hall building. Additional public notice by publication, posting, or otherwise, may be given at any time at the discretion of the Commission.

402. Notice of Examination:

In addition to the Public Notice, the City Administrator shall give written notice to each applicant as follows:

- A. Oral or Written Examinations: By mailing or otherwise delivering to each applicant, a notice which shall include the date, time and place, and approximate duration of the written and oral examination. Every such notice shall be mailed or otherwise delivered at least three (3) days prior to the date fixed for examination. Only applicants receiving notices to report for any examination shall be permitted to participate in such examination, and each applicant shall present his notice to the examiner before he shall be examined. Failure to report for any examination in accordance with the instructions contained in the written notice shall disqualify the applicant.

403. Observers:

Members of the press shall be permitted to observe any of the tests administered hereunder.

ARTICLE V. MEDICAL EXAMINATION

501. Medical Requirements:

- a) All applicants for any position in any Department shall undergo a physical examination, which shall be conducted under the supervision of the physician member of the Commission, or if there be none, then by a physician appointed by the Commission. Said examiner shall certify that an applicant is free from any bodily or

mental defects, deformity or disease that might incapacitate him from the performance of the duties of the position desired before said applicant shall be permitted to take further examinations. An applicant selected from the eligibility list shall receive a conditional offer of appointment [check to see if this redundant and if it was covered somewhere else] The offer of employment shall be conditioned upon the applicant undergoing a physical and a determination by the Commission that the applicant is capable of performing all of the essential function of the position.

b) The physician or other qualified medical professional shall be appointed by the council and shall render an opinion as to whether the conditional appointee has a physical condition which calls into question the person's ability to perform all of the essential functions of the position for which the person was conditionally appointed.

c) If the opinion rendered by the physician or other qualified medical professional calls into question the conditional appointee's ability to perform all essential functions of a position, a person designated by the appointing officer shall meet with the conditional appointee for the purpose of having one or more intricate discussions on whether the conditional appointee can, with or without reasonable accommodations, perform all the essential functions of the position.

d) If, at the conclusion of the intricate discussions under subsection (c), the appointing officer determines that the conditional appointee is not qualified, the appointing officer shall give written notice to the conditional appointee and the board.

502. Report of Physician:

The Commission shall furnish, through the City Administrator to each applicant, forms upon which the physician shall state the findings of his examination and the physical and mental condition of the applicant. The statement of each examination shall be submitted to the City Administrator by the physician for transmittal to the Commission within five (5) days from the date of examination.

503. Rejection of Medically Unfit Applicants:

If the physician shall deem any applicant medically unfit for performances of the duties of a Police Officer or Police Supervisory position or Firefighter because of any physical or mental defect, whether or not the defect shall be specifically stated as a cause for rejection in the statement of medical requirements, such applicant shall be rejected and a brief statement of the reasons for rejection shall be entered in the report of his medical examination. Insofar as practicable, however, the physician shall determine the medical fitness of an applicant by adhering to the statement of medical requirements.

504. Re-examination of Medical Fitness:

Each applicant eligible for certification to City Council for appointment to any position in the Departments shall be instructed by the City Administrator before being certified, to inform the Commission of any illness or injuries requiring the attendance of a physician or requiring hospitalization and of any surgical operations that shall have occurred after the original medical examination. If in the judgment of the Commission, there shall have been any change in the medical fitness of any applicant, whether or not such change shall have been reported by the applicant, the Commission may require the applicant to submit to further medical examination before his name shall be certified for appointment. Any such further medical examination shall be performed at the expense of the City.

ARTICLE VI. EXAMINATIONS

601. Examinations for Police Officer and Firefighter:

The examinations for the position of Police Officer and Firefighter shall consist of the following three (3) parts:

- A. Only those applicants who meet the eligibility requirements of Section 603 will be permitted to take the written examination. A written examination will include a general aptitude test for the Department of Application and such other job-related written tests as the Commission may, from time to time, require. The written test must be completed and successfully passed before a candidate may participate in an oral examination. The written examination shall have a value of 60% with regard to the entire valuation for eligibility.
- B. Only those candidates who have satisfactorily completed the written examination as set forth in Section 604 will be permitted to take part in the oral examination. The oral examination will be related to important elements of successful job performance. The oral examination shall have a value of 40% with regard to the entire evaluation of eligibility.
- C. Each applicant selected for appointment must take an agility examination which measures the applicant's physical ability to perform the required duties in his department of appointment and is job related and

consistent with business necessity. The agility test will be scheduled following receipt of the results of the physical examination. Ten (10) days before the agility test, each applicant selected for appointment will be sent by regular mail to the address appearing on the individual's application, a description of the event to be held in the physical ability test. The agility test will result in either a "pass or fail". A qualifying medical examination is a requirement for taking the agility test.

- D. Each applicant who is made a conditional offer of employment shall be given a physical and psychological medical examination in accordance with these rules.

602. Veteran's Credit:

- A. Every applicant for the position of Police Officer or Firefighter who is entitled by law to additional credit for service in the Armed Forces of the United States, and who achieved a score of 70 percent or better on the written examination, shall have his score adjusted by the addition of 10 points of the score received to the examination score. Applicants claiming Veteran's preference shall have submitted satisfactory proof of service and Honorable Separation therefrom with application form (DD 214 or photocopy).
- B. If a veteran is on the eligibility list, he or she may receive preference over the applicants.

603. Eligibility for Written Part of Examination for Police Officer or Firefighter.

Applicants who meet the basic eligibility criteria contained in Article III are eligible to take the written part of the examination upon notification as provided in Section 402.

604. Eligibility for Oral Part of Examination for Police Officer or Firefighter.

The basic minimum requirement for admission to the oral part of the examination is a score of 70 percent or higher on the written part of the examination.

605. Examinations for Police Supervisory Positions:

The examination for a Police Supervisory position shall consist of two (2) parts, namely:

- A. A written part which shall include a test of Police Department knowledge and performance and such other written tests as the Commission shall, from time to time, designate.
- B. An oral examination.

Each part of the examination shall be graded on a scale of one hundred percent (100%) and shall be weighted as follows:

- a.) For the written part of the examination, seventy (70) points, and
- b.) For the oral part of the examination, thirty (30) points.

606. Promotional Testing within Fire Department:

Vacancies in positions in the Fire Department shall be filled as far as practicable by promoting from among persons holding positions in the next lower grade in the department. Promotions shall be based upon merit, to be ascertained by tests to be provided by the Commission. The appointing officer shall notify the Commission of a vacancy in the position which the appointing officer desires to fill by promotion and shall request the certification of an eligibility list. The Commission shall certify for each vacancy the names of the three persons on the eligibility list who have received the highest average in the last promotional examination held within a period of two years preceding the date of the request for the eligibility list. If three names are not available, the Commission shall certify the names remaining on the eligibility list. The appointing officer shall make an appointment from the names certified based solely on the merits and fitness of the candidate unless the appointing officer makes objections to the Commission regarding any person on the eligibility list for any reason provided in these Rules and Regulations. No person, however, shall be eligible for promotion from the lowest grade to the next higher grade until such person shall have completed at least two years service in the next lower grade in the department.

607. Passing Grades:

The minimum passing grade after the weighing and summing of all scores for an examination for the position of Police Officer or Firefighter shall be the score of seventy (70) points. A minimum passing grade after weighing and summing of all scores for Police Supervisory positions shall be a score of seventy (70) points and each applicant for any such position shall score at least seventy percent (70%) on each part of the examination.

608. Notice of Applicant's Grade:

When the final grading of examinations is completed, the City Administrator shall give each applicant who took the examination, written notice of his grade.

609. Ineligibility for Future Examinations for Six Months:

If an applicant fails to obtain a passing grade in any examination, he shall not be eligible for subsequent examination for any position in the Department for a period of six (6) months.

610. Administering Examinations:
The Commission shall designate any recognized examining agency to act as examiner for the written examinations. The Commission shall reserve the right to accept or reject, in whole or in part, the recommendations of the regularly appointed examining agency. The oral examination and evaluation of the service or performance record of any applicant shall be the responsibility of the Commission, and the Commission shall designate such persons qualified in oral examination procedures and techniques, or qualified to evaluate performance or service records, as are considered necessary to assist in such examinations and evaluations.
611. Conduct of Written Examinations:
The Commission shall prepare a statement of instructions and rules for the conduct of written examinations. The regularly appointed examiner shall carry on each such examination in accordance with the instructions of the Commission and be responsible for enforcing the rules of conduct for written examinations.
612. Penalty for Improper Conduct:
Should any applicant be found guilty of any act tending to defeat the proper conduct or the result of any examination, his name shall be removed from the Eligible List, if any, resulting from the examination and the applicant shall not be permitted to make any future application for any position in the Departments.
613. Applicant Appeal:
If any applicant is aggrieved by the refusal of the Commission to examine or certify the applicant as eligible, as provided in this Section, the Commission shall, at the request of the applicant, appoint a time and place for a public hearing, at which time the applicant may appear with or without counsel, and the Commission shall take testimony and review its refusal to provide examination or certification. The Commission shall subpoena, at the expense of the applicant, any competent witnesses requested by the applicant. Following the public hearing, the Commission shall file the testimony taken in its records and shall again make a decision, which decision shall be final.

ARTICLE VII. ELIGIBLE LISTS

701. Preparation of Eligible Lists:
As soon as possible, after completion of the examinations, the Secretary of the Commission shall prepare the Eligible List upon which shall appear the name of each applicant who received a passing grade in the examinations. The names on the Eligible List shall be arranged, from the highest to the lowest, in order of the final weighted score received by each such applicant. The Eligible List shall be filed in the office of the City Administrator and a copy posted on the bulletin board in the City Hall and shall indicate thereon the appointments made from the lists.
702. Breaking Tie Scores:
When two (2) or more qualified applicants shall receive the same final weighted scores, the order in which the names of such persons shall appear on the Eligible List shall be determined by their scores on the part of the examinations assigned the greatest weight. In the event that two (2) or more qualifying applicants also receive identical scores on the part of the examinations assigned the greatest weight, the order of listing shall be determined by the order in which the applications were numbered for recording purposes.
703. Life of Eligible Lists:
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 months. In the absence of a lawful extension by the commission, the list shall expire.
704. Furlough Lists:
Whenever City Council causes a furlough of Police Officers, the Commission shall prepare a list of the names of all such furloughed personnel together with the position held by each person at the time of furlough. The names on the Furlough List shall be arranged in the order of the length of service, from the longest to the shortest, or each furloughed person in the Departments.

ARTICLE VIII. CERTIFICATION AND APPOINTMENTS

801. Filling Vacancies:
When a vacancy is to be filled in a Department, the appointing officer shall submit a written request to the Commission for certification of eligible persons. In making the request, the appointing officer shall state the title of the position to be filled.
802. Furlough List to Fill Appointments in Police Department:
Upon receipt of a request from the Department Chief, the Commission shall first certify the names of those eligible

persons who were furloughed. In filling a vacancy from the Furlough List, the Commission shall certify the top name only. If more than one vacancy is to be filled, the Commission shall certify, from the top of the list, that number of names equal to the number of vacancies to be filled.

803. Certification from Eligible Lists:

The Commission shall certify the names of the three persons who received the highest averages at the last preceding examination. The appointing officer shall with sole reference to the relative merit and fitness of the candidates, make a conditional appointment from the three names certified on the eligibility list. If the appointing officer makes objections to the Commission to one or more of the persons named for any of the reasons stated in Section 310, and if such objections are sustained by the Commission, or if a conditional appointee is determined to be unqualified in accordance with the procedures set forth in Section 310 of this Act, the Commission shall strike the name of the person from the eligibility list, and certify the next highest name from such person stricken off. If any name shall be three times rejected from the same or another position, the name shall be stricken from the list. When there are a number of positions of the same kind to be filled at the same time, each appointment shall be made separately and in accordance with the foregoing provisions.

804. Removal of Names from the Furlough List or Eligible List:

In addition to other reasons stated as grounds for removal in these rules, the name of any person appearing on a Furlough List or an Eligible List shall be removed by the Commission if such person:

- A. Is appointed to a position in a Department; or
- B. Declines, in writing, an appointment to a permanent position in a Department; or
- C. Fails to make a reply, in writing, to the City Administrator within seven (7) days from the date of mailing of a Notice of Certification; or
- D. Indicates availability for appointment and is appointed to fill a vacancy but fails to report for duty at the time prescribed by the City Administrator, unless in the opinion of the Commission, such person can show good and sufficient reasons for failing to report.

Nothing in this section, however, shall be construed as authorizing the removal of the name of any persons on any Furlough List or Eligible List who refuses or accepts a position of a lower rank than that for which he has qualified.

805. Appointment Procedures:

When the name of any person is certified to the City Administrator from the Furlough List or the Eligible List, the person shall be notified immediately of his certification. The notice shall state that the person certified make a written reply within seven (7) days from the date of mailing of such notice. In addition, the certified person must submit to a urine test to determine the presence of non-prescription illegal drugs. The presence of such drugs in the urine shall be grounds for disqualification.

806. Probationary Period:

Appointments to a position in the Fire Department shall include a probationary period of six (6) months. Appointments to the Police Department shall include a probationary period of one (1) year. The Department Chief shall investigate the adjustment, performance, and general acceptability of each such probationer during the probationary period and prepare a final report not less than ten (10) calendar days nor more than fifteen (15) calendar days before the end of the probationary period. The report shall be placed in the probationer's personnel file. Within ten (10) calendar days from the date of the final report, the City Administrator shall notify the Commission and the probationer, in writing, of the decision to retain or reject the probationer.

ARTICLE IX. SUSPENSION, REMOVALS AND REDUCTIONS IN RANK, HEARINGS

901. Procedures:

Whenever any member of the Departments except the Chief of Police or the Fire Chief is suspended, terminated, or reduced in rank in accordance with the Third Class City Code, the specific charges warranting such action shall be stated in writing. The charges shall be stated clearly and in sufficient detail to enable the person accused to understand the charges made against him and to answer them. As soon as practicable, the statement of charges shall be filed, in duplicate, with the Commission. Within ten (10) calendar days of such filing; the original copy of the statement of charges shall be served on the person accused either by personal service or mailed by certified or registered mail to the person's address as noted in the personnel file of the City. The charges shall be deemed served when personally delivered or at the time of the mailing.

902. Request for Hearing:

Any member of the Departments, except the Chief of Police or Fire Chief, suspended, terminated, or reduced in rank may file, with the Commission, a written request for a hearing. Such written request and any statement of

written answers to the charges made against the person accused shall be filed no later than seven (7) calendar days from the date upon which the statement of charges were personally served or mailed. Within the period fixed by law, the Commission shall grant a hearing to any person accused who complies with the provisions of this section. Each such hearing shall be open to the public.

903. Notice of Hearing

Notice of the date, time and place for each hearing shall be given in the following manner:

By either personal service or by certified or registered mail to each person making charges, other than the City, and to the person accused.

904. Oaths:

All testimony shall be taken under oath. The Chairman or, in his absence, the Vice-Chairman shall administer the oaths.

905. Subpoenas:

The Chairman or, in his absence, the Vice-Chairman may compel the attendance of witnesses and the production of records and papers pertaining to any hearing. Further, upon the written request of the person accused or any person making charges, the Chairman or, in his absence, the Vice-Chairman shall order the attendance of any witness or production of any pertinent document, provided that such written request be filed with the Commission's Secretary at least five (5) calendar days before the date scheduled for the hearing.

906. Hearing Procedure:

Each hearing shall be conducted in the following manner:

- A. City Council shall provide the Commission with advisory legal counsel of the Commission's choice.
- B. The Chairman shall state the general purpose of the hearing; and next
- C. The Secretary, upon direction of the Chairman, shall read the written charges against the accused, together with the record of action taken against such person; and next
- D. The Secretary shall read any written reply on the person accused; and next
- E. The Chairman shall afford each party making charges, or his counsel, an opportunity to make any further statement in support of the charges and to produce any witness and present evidence; and next
- F. The Chairman shall afford the person accused, or his counsel, an opportunity to question or cross-examine any person making charges and to question or cross-examine any witness produced by such person; and next
- G. The Chairman shall afford each party of his counsel, including the City to make a summation; and next
- H. The Chairman shall afford the person accused, or his counsel, an opportunity to produce any witness and to present evidence. The Commission, at any time during the course of the hearing, may question or cross-examine any person making charges, the person accused, and any witnesses; and
- I. The Commission shall have the right to request and have present a court reporter for the taking of testimony.

907. Decision of the Commission:

Within thirty (30) calendar days after the hearing, the Commission shall issue its decision in the form of a written order approved by at least two (2) members of the Commission. The written order shall include all findings of fact. If, during the public hearing, the opposing facts are presented, the Commission shall include in its written order its decision as to the correct facts. The findings and decision of the Commission shall be certified to any person making charges, to the accused, the City Administrator and to City Council.

ARTICLE X. APPLICABILITY

1001. Applicability:

These Rules and Regulations shall apply to all personnel in the position of Police Officer or Firefighter or Police Supervisory positions, but shall not apply to persons in the positions of Police Chief or Fire Chief. In the event that a Chief of the Department has been promoted from within the Departments and has resigned his Civil Service Status to accept such appointment, is removed from his position for reasons other than personal misconduct; an opportunity will be given to him to return to the Civil Service rank last held.

ARTICLE XI. INTERPRETATION

Section 1101: In these rules, the following word usage shall apply unless the context clearly indicates otherwise:

- A. Gender: Words implying the masculine gender only shall also mean and include the feminine and neuter genders and shall also apply to firms, associations, corporation, and other artificial persons.
- B. Number: Words implying the singular number only shall include the plural number, and words implying the

plural number only shall include the single number.

C. "Shall". "May": The word "shall" is mandatory, and the word "may" is permissive.

ARTICLE XII. AMENDMENTS

1201. Amendments: The Commission, with the approval of City Council, may from time to time, amend any part of these rules.

ARTICLE XIII. AUTHORITY

1301. Authority: The foregoing rules are in accordance with the powers granted by the Civil Service Sections of the Third Class City Code.

ATTEST:

**CITY OF BRADFORD
CIVIL SERVICE COMMISSION**

SECRETARY

CHAIRMAN

AMENDMENTS TO RULES & REGULATOINS:

City Council approved amendment to Section 304 on July 30, 1990.

City Council approved amendments to Section 402, 501, 601 and 603 on July 7, 1992.

City Council approved amendment to Section 304 on July 14, 1992.

City Council approved amendments to Section 306 and 605 on June 27, 1995.

City Council approved amendments to Section 304, 308, 501, 602, 604, 609 and 806 on October 14, 1997.

City Council approved amendments to Section 601 and 602 on July 25, 2000. (Resolution 24241)

City Council approved amendments to Section 303 on November 8, 2005. (Resolution 27261) (Age qualifications)

City Council approved amendments to Section 304 on February 13, 2007. (Resolution 27967) (EMT & Paramedic certification requirements)

City Council approved amendments to Article I: Definition of Terms & Article III, Sections 301, Section 303, Section 304, Section 310, Section 403, Section 606, Section 701, Section 703 and Section 803 on April 12, 2011 (Resolution 30538) (To comply with House Bills 1516 & 1517 of 2009)