

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 51 - 2021

INTRODUCED BY

JUNE 2, 2021

AN ORDINANCE

Amending the Civil Service Board (CSB) Rules for Police Officers that were adopted pursuant to the provisions of Article 155 of the Codified Ordinances by revising the Part II, Rule 1, Section 4 by revising and adding automatic disqualifiers for the hiring process for Rules Governing Appointment of Police Officers Pursuant to the Competitive Examination Process and also revising the same rules in Part III, Rule I, Section 4 of the Rules Governing Appointment of Police Officers Without Competition.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That the City Council adopts by ordinance the rules of the Allentown Civil Service Board by revising the Part II, Rule 1, Section 4 by revising and adding automatic disqualifiers for the hiring process for Rules Governing Appointment of Police Officers Pursuant to the Competitive Examination Process and also revising the same rules in Part III, Rule I, Section 4 of the Rules Governing Appointment of Police Officers Without Competition.

**RULES OF THE CITY OF ALLENTOWN CIVIL SERVICE BOARD GOVERNING THE APPOINTMENT
AND PROMOTION OF POLICE OFFICERS AND FIRE FIGHTERS THROUGH THE COMPETITIVE
EXAMINATION PROCESS**

(15355 §1 4/05/17; 15600 §1 3/04/20)

PART I: GENERAL PROVISIONS

Section 4. Automatic Eligibility Disqualifications

The Board shall not examine an applicant or, after examination, shall not place an applicant upon the eligibility list or certify the applicant for employment if it determines that one or more of the following disqualifications applies to the applicant:

- a) Does not meet any of the established preliminary requirements or has not filed all of the documents listed in the preceding sections.
- b) Does not meet the standards established by the Municipal Police Officers' Education and Training Commission.
- c) Was dishonorably discharged from any branch of the military service.
- d) Failed to register with the Selective Service System.
- e) Intentionally falsified, omitted, concealed or misrepresented any material information during any portion of the current or any prior employment application process for a position with the Allentown Police Department, including, without limitation, polygraph and interview.
- f) Has been convicted in any state of an offense for which more than one year in prison can be imposed as a punishment.
- g) Has been convicted of False Swearing (18 Pa.C.S. §4903), Unsworn Falsification to Authorities (18 Pa.C.S. §4904) or an equivalent offense in another state.
- h) Has been convicted in any state of an offense that results in a prohibition against possession of a firearm.
- i) Has engaged in the following drug usage:
 - ~~1. Use of marijuana or steroids (oral or injected) within three years of the application date.~~
 - ~~2. Within five years of the application date, use without a prescription any of the drugs that are considered controlled substances under 35 P.S. Section 780-104.~~
 - ~~3. Use of cocaine, barbiturates, inhalants, designer drugs, synthetic drugs or hallucinogens within five years of application date.~~
 - ~~4. Use, at any time, of methamphetamine, heroin or an injected controlled substance.~~
 1. Any use of Marijuana within (1) year preceding their date of application for employment, regardless of the location of use (even if marijuana usage was legal in that jurisdiction). "Marijuana" is defined as any form of marijuana containing tetrahydrocannabinol (THC), including without limitation, cannabis, hashish and hash oil, in either synthetic or natural forms.
 2. The sale, distribution, manufacture or transport of any illegal drug or controlled substance for profit, without legal authorization.
 3. The use of a prescription drug considered a controlled substance, without a prescription, within one (1) year preceding their date of application for employment.
 4. A pattern of abuse of a prescription drug considered a controlled substance, without a prescription, that occurs at any time within five (5) years preceding their date of application.
 5. The use, at any time, of methamphetamine, heroin, cocaine or any derivative of these drugs.

6. The use of an anabolic steroid without a prescription within five (5) years preceding their date of application for employment.
 7. The illegal use of any other drug or controlled substance not mentioned above within five (5) years preceding their date of application for employment.
- j) Has two or more convictions for driving under the influence of alcohol or controlled substance or an equivalent offense in another state.
 - k) Has been convicted within five years of the application date of driving under the influence of alcohol or controlled substance or an equivalent offense in another state.
 - l) Has been placed on Accelerated Rehabilitative Disposition (or equivalent disposition in another state) within one year of the application date for driving under the influence of alcohol or controlled substance or an equivalent offense in another state.
 - m) Has at any time had his or her driver's license revoked in any state.
 - n) Has at any time incurred three or more suspensions of his or her driver's license (including a combination of suspensions in any state), excluding suspensions based upon non-payment of parking tickets.
 - o) Has within three years of the application date incurred a second suspension of his or driver's license (including a combination of suspensions in any state), excluding suspensions based upon non-payment of parking tickets.
 - p) Displays or demonstrates anti-government, racist or hate related ideologies, or maintains membership in a group that displays or demonstrates anti-government, racist or hate related ideologies.
 - q) Has been disqualified on two (2) prior occasions when applying for a Civil Service Position with the City of Allentown Police Department.
 - r) In addition to any of the other Automatic Eligibility Disqualifications, has two or more convictions of any of the following offenses (or equivalent offenses in another state) within seven years of the application date:
 1. Accidents involving damage to attended vehicle or property (75 Pa.C.S. §3743).
 2. Driving without lights to avoid identification or arrest (75 Pa.C.S. §3734).
 3. Drivers required to be licensed (75 Pa.C.S. §1501).
 4. Required financial responsibility (75 Pa.C.S. §1786).
 5. Obedience to authorized persons directing traffic (75 Pa.C.S. §3102).
 6. Meeting or overtaking school bus (75 Pa.C.S. §3345(a)).
 7. Maximum speed limit (31 miles per hour and over) (75 Pa.C.S. §3362).
 8. Racing on highway (75 Pa.C.S. §3367).
 9. Reckless driving (75 Pa.C.S. §3736).
 10. Accidents involving damage to unattended vehicle or property (75 Pa.C.S. §3745).
 11. False reports (75 Pa.C.S. §3748).

LEGISLATIVE TEMPLATE

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Police Department and the Civil Service Board. The Civil Service Board approved these changes at a regularly scheduled meeting on May 7, 2021.

- **Summary and Facts of the Bill**

Changes were made to both sets of automatic disqualifiers for the competitive and not competitive process.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City’s Vision/Mission/Priorities**

These changes are proposed in an effort to be able to recruit and hire qualified Police applicants that demonstrate professionalism and strong moral character.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

There is no cost for this.

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

There is no cost for this.

- **Priority status/Deadlines, if any**

These changes are a high priority because we cannot begin a new application process until they are approved.

- **Why should Council unanimously support this bill?**

The Civil Service Board spend considerable time in reviewing these proposed changes and unanimously approved these changes on May 7, 2021.