

ORDINANCE NO. 15489

FILE OF CITY COUNCIL

BILL NO. 69 - 2018

October 3, 2018

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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 allowing the application fee to be refunded to the applicant only if the applicant provides the Human Resources Department with written verification that he or she is a member of the military and due to the performance of a duty in the military is unable to participate in an examination or test required by these Rules provided the verification is received by the Human Resources Department prior to the administration of the examination or test; correcting the spelling of "Marshal;" changing the minimum requirement for Fire Marshal from 7 years to 5 years; and adding a new policy governing the experience required for the position of Captain that states: an applicant for the position of Captain shall have a minimum of five years of experience as a Sergeant in his or her respective grade in the Allentown Police Department and twelve (12) years of service with the Allentown Police Department.

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 automatic disqualifiers for the hiring process, places the conditional offer of employment before the background investigation in the hiring process, and reinstates the oral exam into the promotion testing process.

**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**

**PART I: GENERAL PROVISIONS**

**RULE I Equal Opportunity**

It is the policy of the City of Allentown and the Board to grant equal employment opportunities to qualified persons. Therefore, applicants for positions in the Allentown Police Department and the Allentown Fire Department shall be evaluated without regard to race, religion, color, national origin, gender, age, veteran status, sexual orientation, gender identity or non-job related physical or mental disability.

**PART II: RULES GOVERNING APPOINTMENT OF POLICE OFFICERS**

**RULE I Applications and Qualifications**

Section 1. The City of Allentown Civil Service Board (hereinafter referred to as the "Board") has established these Rules in order to give as many individuals as possible the opportunity to apply for the position of Police Officer with the City of Allentown, and to assure that all applicants receive equal treatment in the application process.

Section 2. Every applicant must secure an application from the Human Resources Department. It is the applicant's responsibility to assure that the Human Resources Department receives the completed, signed application and the required attachments by 4:30 P.M. of the established deadline. An application that does not include the required attachments, or that is not received by the required deadline, will not be accepted. Public notice of the final date for receiving applications will be given at least thirty (30) days in advance and will be conspicuously posted in City Hall and other public agencies and institutions and announced through the media.

The application form is reproduced as Appendix A of these Rules. In order for the application to be considered, the applicant shall provide all information required in the application, shall submit the application fee in the form of a certified check or money order payable to "City of Allentown," and shall submit photocopies of the following:

- a) High school diploma or graduate equivalency diploma.
- b) A completed Form DD214 from any of the military services, including the specific type and date of discharge, if you have military service.
- c) Certificate of Naturalization, if applicable.
- d) Current valid motor vehicle operator's license.

The application fee shall be non-refundable. The application fee shall be refunded to the applicant only if the applicant provides the Human Resources Department with written verification that he or she is a member of the military and due to the performance of a duty in the military is unable to participate in an examination or test required by these Rules. The written verification must be received by the Human Resources Department prior to the administration of the examination or test.

### Section 3. General Qualifications

Every applicant shall:

- a) Be a citizen of the United States.
- b) Be at least 20 years old when he/she files an application and at least 21 years old to be appointed to the position of Police Officer.
- c) Possess a high school diploma or a graduate equivalency diploma.
- d) Possess a valid motor vehicle operator's license prior to appointment.
- e) Shall be of good moral character and shall not have engaged in conduct inconsistent with the standard of conduct expected of a police officer.

### 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.
- 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) 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).

## **RULE II           Examinations and Grading**

Section 1. Prior to the expiration of the current eligibility list, the Human Resources Department, in consultation with the Board, shall schedule the appropriate examinations and procedures. Eligible applicants will be notified of the examination schedule by letter postmarked at least fourteen (14) days prior to the test (s) and sent by first class mail to the most current address provided by the applicant.

Section 2. All applicants must successfully complete the application procedure in order to be eligible for consideration in the selection process.

### **Section 3. Physical Performance Test**

- a) Every applicant shall participate in the Pennsylvania Chiefs of Police Association Fitness Test Battery in order to assess the applicant's ability to perform job-related physical activities.
- b) Each applicant must sign a release before taking the physical performance test.
- c) The method of scoring for the physical performance test will be pass/fail.

### **Section 4. Written Cognitive Examination**

- a) Every applicant who passes the physical performance test will be given a written examination designed to assess their cognitive ability to perform police functions. A passing grade of 70% will be required.
- b) Before proceeding to answer questions on the written examination, each applicant shall complete and sign a declaration sheet, giving his/her full name and address and such other information as may be required by the Board, and to place his/her sheet, after it has been marked with an identification number, in the official           envelope. Each applicant shall seal said envelope. The exterior of the envelope shall bear only the identification number of the applicant. At the close of examination, all of the envelopes containing the declaration sheets shall be retained by the person conducting the examination and shall not be opened by anyone until the examinations have been scored. Each applicant shall mark his/her identification number on the title sheet of his/her examination.

### **Section 5. Grading Procedure**

- a) The written cognitive examination shall be graded on a 100-point scale.
- b) Any applicant who qualifies as a "soldier" under the Veterans Preference Act shall receive an additional 10 points on top of his/her total score if the applicant has successfully completed all phases of the testing procedure.

## Section 6. Formation of Eligibility List

An eligibility list will be established consisting of candidates in sequential order of their final score.

## **RULE III          Certification of Eligibility List, Selection and Appointment Procedure**

### Section 1. Certification of Eligibility List

- a) Final scores will be grouped mathematically (by the testing company approved by the Board) and a single sliding band of statistically proximate results will be developed for submission to and approval by the Board.
- b) The Eligibility List will be valid for two years from the date of approval by the Board. The Board may, in its sole discretion, extend the list for up to an additional twelve-month period. The Board may, in its sole discretion, void the list at any time for any reason.

### Section 2. Selection Procedure

- a) A three-member panel, consisting of the Chief of Police, the Director of Human Resources and the Mayor, or their designees, may fill a vacancy in the position of Police Officer by selecting applicants from the sliding band.
- b) There is no order of selection in sliding band. An applicant from any position in the band may be selected without regard to numerical, chronological order.
- c) Whenever the top score whole number or whole number and fraction thereof in the band is reduced to the next lowest whole number, the bottom of the band will expand proportionately to include those candidates having statistically proximate results to those applicants remaining in the band.
- d) Criteria for selection from the top band shall include, but shall not be limited to, consideration of the following:
  - 1. Veteran's preference.
  - 2. Act 120 certified applicants.
  - 3. Previous police experience.
  - 4. Previous experience as an Allentown Police Cadet.
  - 5. Specialized, pertinent training or bilingual ability.

### Section 3. Certification of Selection and Conditional Offer of Appointment

- a) After an applicant has been selected from the sliding band, the Board, upon written request from the Chief of Police, shall issue a memorandum certifying the selection of the applicant and authorizing the City Human Resources Department to send the applicant a conditional offer of appointment to the position of police officer.
- b) After the applicant has received a conditional offer of employment, the applicant shall submit to a background investigation, as provided in these Rules. If the applicant passes the background

investigation, he or she shall submit to a physical examination, as provided in these Rules. If the applicant passes the physical examination, he or she shall submit to a psychiatric and/or psychological examination, as provided in these Rules. The appointment of the applicant to the position of police officer shall be contingent upon the applicant passing the background investigation, the physical examination, and the psychiatric and/or psychological examination.

- a) **Background Investigation:** The applicant shall undergo a background investigation conducted by the Chief of Police or the Chief's designees. The background investigation shall include, without limitation, a criminal history check, including the submission of fingerprints to the Central Repository for the Commonwealth of Pennsylvania and the Federal Bureau of Investigation; interviews with people who have personal knowledge of the applicant; an investigation of the applicant's credit history; an investigation of the applicant's driving record; and a polygraph examination. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation. The appropriateness of the applicant for appointment to the position of police officer shall be based on a consideration of the criteria set forth in Part II, Rule I, Sections 3 and 4.
- b) **Physical Examination:** The applicant shall undergo a physical examination (to include a drug screen) by a Pennsylvania-licensed physician selected by the Board. The physician shall determine whether an applicant possesses the physical attributes required to sustain the labors and exposures of the position of police officer.

The applicant shall meet the following visual standards: visual acuity of at least 20/70, uncorrected in the stronger eye, correctable to at least 20/20; and at least 20/200, uncorrected in the weaker eye, correctable to at least 20/40. In addition, the applicant shall have normal depth and color perception and be free of any other significant visual abnormality.

- c) **Psychiatric and/or Psychological Examination:** The applicant shall undergo examination by a Pennsylvania-licensed psychologist or psychiatrist selected by the Board. The psychologist or psychiatrist shall determine whether the applicant is mentally capable of performing the duties of a police officer. The evaluation shall include the following elements:
  - 1. **Interview and history.** The psychologist or psychiatrist shall personally interview the applicant. The interview shall include a review of the applicant's personal, educational, employment and criminal history.
  - 2. **Required psychological test.** The psychologist or psychiatrist shall administer to the applicant the current standard form of the Minnesota Multiphasic Personality Inventory (MMPI).
  - 3. **Other evaluation methods.** The psychologist or psychiatrist may employ other appropriate evaluation methods which, in his or her discretion, are necessary in order to form a professional opinion regarding whether the applicant is mentally capable of performing the duties of a police officer. The psychologist or psychiatrist shall submit a form to the Human Resources Department which indicates what evaluation methods have been used and the results thereof. This form shall be maintained in the custody of the Human Resources Department.

## Section 4. Appointment Procedure

- a) The name of the applicant to be hired shall then be submitted to City Council in the form of a resolution. A vote for final approval shall be conducted at a regularly scheduled Council meeting.
- b) If, prior to final approval of the applicant by City Council, the Board determines that the applicant, based on a consideration for the criteria set forth in Part II, Rule I, Sections 3 and 4, is not qualified to be a Police Officer, the Board shall decertify the applicant.
- c) After approval of the resolution by City Council, the applicant will receive a final offer of employment outlining the details of employment. This final offer and the continuation of said employment will be contingent upon the applicant obtaining and maintaining a valid Pennsylvania Municipal Police Officers' Education and Training Commission certification in accordance with Act 120.

## Section 5. Rejection of Applicant

Should City Council on three (3) separate occasions reject an applicant whose name has been placed before Council for appointment, the Board shall decertify the applicant.

### **RULE IV      Temporary Appointments**

Section 1. When there are urgent reasons for filling a vacancy and there is no list of persons eligible for appointment after competitive examination, a temporary appointment may be made without examination. Such appointment may not continue longer than ten (10) days after the establishment of a suitable eligibility list and in no case shall it continue longer than three (3) months.

The Board empowers a committee composed of 1) the Chief of Police; 2) the Director of\_ Human Resources; and, 3) a member of City Council, or their designee, to make temporary appointments should such a situation arise.

Section 2. In case of riot or other public emergency, temporary appointments of police officers may be made without examination. Such appointments shall terminate as soon as the public emergency, which led to the appointments, is at an end.

The Board empowers a committee composed of 1) the Chief of Police; 2) the Director of\_Human Resources; and, 3) a member of City Council, or their designee, to make temporary appointments should such a situation arise.

### **RULE V      Probation**

Section 1. All appointees shall serve a probationary period of eighteen (18) months, shall have no seniority rights during this period, and may be disciplined, terminated, or laid off at any time at the sole discretion of the City. Nevertheless, the aforesaid right to discipline or terminate shall be for just cause. The probationary employee shall have no rights to appeal the discipline or the termination other than through Civil Service. Upon satisfactory completion of the probationary period, the employee shall acquire seniority status retroactive to the employee's hour and date of employment.

Section 2. No officer during the probationary period will be permitted to carry a firearm under any circumstances, on or off duty, outside of Act 120 training until that officer has satisfactorily passed firearms

training and received a valid Pennsylvania Municipal Police Officers' Education and Training Commission certification in accordance with Act 120.

### **PART III: RULES GOVERNING PROMOTION OF POLICE OFFICERS**

#### **RULE I Public Notice**

The Mayor or his designee shall notify the Board of a vacancy in a position in the Allentown Police Department to be filled by promotion, and request certification of an eligibility list in accordance with these Rules.

An announcement of the promotional testing, including the time and place of examination, information regarding the position to be filled, the requirements for that position, where applications may be obtained, and the deadline for filing those applications, shall be posted in Allentown City Hall and distributed to all active Allentown police officers.

#### **RULE II Qualifications—Applicants for Promotion**

- a) General Qualifications: An applicant for a promotional position shall meet the General Qualifications set forth in Part II, Rule I, Section 3, and is subject to the Automatic Eligibility Disqualifications set forth in Part II, Rule I, Section 4.
- b) Discipline:
  - 1) An applicant for a promotional position shall not have received an adjudication for a suspension of ten (10) or more days in the three (3) years prior to the deadline for submitting an application.
  - 2) An applicant for a promotional position shall not have received an adjudication for a suspension of between four (4) and nine (9) days in the two (2) years prior to the deadline for submitting an application.
  - 3) An applicant for a promotional position shall not have received an adjudication for a suspension of between one (1) and three (3) days in the one (1) year prior to the deadline for submitting an application. A suspension resulting from one on-duty accident shall not be considered.
  - 4) When an applicant has appealed a suspension which renders him or her ineligible for a promotional position and the appeal has not been finally adjudicated, the applicant shall be permitted to participate in the examination process for inclusion on the eligibility list, but shall not be eligible to be placed on the certified eligibility list for appointment until the final adjudication of the appeal renders him or her eligible for the promotional position or the ineligibility period due to the suspension has expired.
- c) Experience: An applicant for a promotional position shall, as of the date on which the announcement of the promotional testing is posted, meet the following experience prerequisites:
  - 1) Sergeant: an applicant for the position of Sergeant shall have a minimum of five (5) consecutive years of experience as a Patrolman with the Allentown Police Department.



- 2) Lieutenant: an applicant for the position of Lieutenant shall have a minimum of three (3) consecutive years of experience as a Sergeant in his or her respective grade in the Allentown Police Department.
- 3) Captain:
  - a. an applicant for the position of Captain shall have a minimum of one (1) year of experience as a Lieutenant in his or her respective grade in the Allentown Police Department; or
  - b. an applicant for the position of Captain shall have a minimum of five (5) years of experience as a Sergeant in his or her respective grade in the Allentown Police Department and twelve (12) years of service with the Allentown Police Department.
- 4) Assistant Chief:
  - a. an applicant for the position of Assistant Chief shall have a minimum of one (1) year of experience as a Captain in his or her respective grade in the Allentown Police Department; or
  - b. an applicant for the position of Assistant Chief shall have a minimum of three (3) years of experience as a Lieutenant in his or her respective grade in the Allentown Police Department.
- 5) Waiver: If the application period closes without any eligible applicants who meet the experience prerequisites, the Board may waive the experience prerequisites upon good cause shown.
- 6) Interim Appointment: Nothing herein shall prohibit the use of an interim appointment until a qualified applicant is appointed in accordance with these Rules.

### **RULE III      General Examination Requirements**

The Human Resources Department, in consultation with the Board, shall schedule all required examinations. An applicant who, without preauthorization from the Board, fails to present himself/herself for examination on the date, at the time, and in the place specified in the notice of examination shall be disqualified from the current promotional process.

### **RULE IV      Examination Process for Sergeant and Lieutenant**

The examination for the positions of Sergeant and Lieutenant shall include a written examination and an oral examination, with the written examination representing seventy percent (70%) of the final score and the oral examination representing thirty percent (30%) of the final score.

- a) Written Examination:

- 1) Eligible applicants shall be notified of the date, time and location of the written examination by letter postmarked at least thirty (30) days prior to the written examination and sent by First Class Mail to the mailing address provided by the applicant.
- 2) The written examination shall be validated and administered by an outside vendor approved by the Board. The contents of the written examination shall be reviewed and approved by the Board.
- 3) The written examination shall be graded on a 100-point scale and an applicant must score at least seventy percent (70%) in order to continue in the application process. Applicants scoring less than seventy percent (70%) scores shall be disqualified.
- 4) Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their written examination score.

b) Oral Examination:

- 1) Every applicant who scored at least seventy percent (70%) on the written examination shall be notified of the date, time and location of the oral examination by letter postmarked at least thirty (30) days prior to the oral examination and send by First Class Mail to the mailing address provided by the applicant.
- 2) The oral examination shall be graded on a 100-point scale and an applicant must score at least seventy percent (70%) in order to continue in the application process. Applicants scoring less than seventy percent (70%) scores shall be disqualified.
- 3) The oral examination shall be conducted by a three-person oral examination panel approved by the Board. The oral examination panel shall consist of the Chief of Police or his/her designee and two (2) current Allentown Police officers holding the rank of Lieutenant or higher.
- 4) The Board may approve the use of additional oral examination panels, if, in the discretion of the Board, it is impractical for one oral examination panel to evaluate all of the eligible applicants.
- 5) The contents of the oral examination shall be approved by the Board and shall involve questioning applicants on how they would handle situations relevant to police work and the promotional position to which the applicant seeks appointment.
- 6) Within thirty (30) days after the administration of the oral examination, all applicants shall be given written notice of their oral examination score and final overall score.

**RULE V Examination Process for Captain and Assistant Chief**

The examination for the positions of Captain and Assistant Chief shall consist of an oral examination which shall be graded on a one hundred (100) point scale representing one hundred percent (100%) of the final score.

The oral examination shall be conducted by a three-person panel approved by the Board, the panel shall consist of the Chief of Police or his/her designee, a current Allentown police officer holding the rank of

Captain or higher, and one current police officer holding the rank of Captain or higher from a City of the First, Second or Third Class (excluding the City of Allentown).

The Board may approve the use of additional oral examination panels if, in the discretion of the Board, it is impractical for one oral examination panel to evaluate all of the eligible applicants.

The contents of the oral examination shall be approved by the Board and shall involve questioning applicants on how they would handle situations relevant to police work and the promotional position in question.

Within thirty (30) days after the administration of the oral examination, all applicants shall be given written notice of their oral examination and total overall scores, and each passing applicant shall be informed of the next step in the examination process.

#### **RULE VI            Creation of Eligibility List and Certified Eligibility List for Appointment**

- a) Eligibility List: Upon completion of the examination requirements, the Board shall rank all passing applicants on a list with the applicant receiving the highest passing score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list.
- b) Certified Eligibility List for Appointment: The Board shall certify for each vacant promotional position the names of the three persons on the eligibility list who have received the highest average in the last preceding promotional examination held within the period of two years preceding the date of the request for the eligibility list. In the event of a tie score, preference shall be given to the applicant with the most seniority on the Allentown Police Department's "Seniority List." If three names are not available, the Board shall certify the names remaining on the eligibility list.

#### **RULE VII           Appointment and Certification of Appointment**

- a) Appointment: The mayor or his designee may fill a vacancy in a promotional position by making an appointment from the names certified, based solely on the merits and fitness of the applicants.
- b) Certification of Appointment: After an applicant has been appointed to a vacant promotional position, the Board, upon written request from the Mayor or his designee, shall issue a memorandum certifying the applicant for the position to which he or she has been appointed.

#### **RULE VIII           Probationary Period**

The applicant promoted to a promotional position shall serve an eighteen (18) month probationary period. The probationary period may be extended for an additional six (6) months in the sole discretion of the Chief of Police. If a promoted officer is involuntarily demoted, he or she has the right to file a grievance in accordance with the Collective Bargaining Agreement between the City of Allentown and the Fraternal Order of Police, Queen City Lodge No. 10.

### **PART IV: RULES GOVERNING APPOINTMENT OF FIRE FIGHTERS**

#### **RULE I Applications**

Section 1. The Fire Civil Service Board encourages all qualified applicants to apply to be placed on the Fire Fighter Eligibility List, which will expire no later than two (2) years after the date it is established. To

give as many applicants as possible the opportunity to apply and to assure that all applicants receive equal treatment in the application process, the Board has established these Rules.

Section 2. Every applicant must secure an application issued by the Human Resources Department. The applicant must complete and sign the application. It is the applicant's responsibility to assure that the Human Resources Department receives the application and required attachments by the deadline. An application that does not include the required attachments will not be accepted. Public notice of the final date for receiving Fire Fighter eligibility list applications will be given at least thirty (30) days in advance and will be conspicuously posted in City Hall and other public agencies and institutions and announced through the media.

The application forms are included as Appendix B and Appendix C in these Rules. In order for the application to be considered, the applicant shall provide all information required in the application, shall submit the application fee in the form of a certified check or money order payable to "City of Allentown," and shall submit photocopies of the following:

- a) High school diploma or graduate equivalency diploma.
- b) A completed Form DD214 from any of the military services, including the specific type and date of discharge, if you have military service.
- c) Certificate of Naturalization, if applicable.
- d) Current valid motor vehicle operator's license.

The application fee shall be non-refundable. The application fee shall be refunded to the applicant only if the applicant provides the Human Resources Department with written verification that he or she is a member of the military and due to the performance of a duty in the military is unable to participate in an examination or test required by these Rules. The written verification must be received by the Human Resources Department prior to the administration of the examination or test.

Section 3. No questions in the application or at any pre-offer examination shall require information concerning the race, color, creed, religion, sex, sexual preference, disability, national origin, ancestry, marital status, income, or political opinions or affiliations of the applicant. Such disclosures are forbidden except for information regarding disabilities and requested reasonable accommodations. Information may be requested, provided it is kept apart from other records, in order to satisfy equal employment opportunity reporting requirements.

#### Section 4. General Qualifications

Every applicant shall be:

- a) a citizen of the United States: and
- b) age 18 years of age or older.

Section 5. The Board may refuse to examine an applicant or, after examination, to place upon the eligibility list an applicant who:

- (a) Lacks any of the established requirements for the position(s) for which he/she applies; or

- (b) Has recently or is currently using illegal drugs or is illegally using prescription drugs that are controlled substances or whose background check indicates a pattern of abuse of alcoholic beverages, illegal drugs, or other controlled substances; or
- (c) Has been found guilty of any crime or of immoral or disgraceful conduct which has been determined to be job related; or
- (d) Has been dismissed from the public service for delinquency or misconduct; or
- (e) Has made a false statement of any material fact or practice or attempted to practice any deception or fraud in his/her application, in his/her examination, or in securing his/her eligibility; or
- (f) Does not possess a high school diploma or its equivalent certified by a State Department of Education; or
- (g) Does not have a validated driver's license.

## **RULE II                      Calling of Examinations**

Prior to the expiration of the current eligibility list, the Board will schedule the appropriate examinations and procedures. Eligible applicants will be notified of the examination schedule by letter postmarked at least fourteen (14) days prior to the test and sent by regular mail to the most current address provided by the applicant.

## **RULE III                      Selection Process (listed in chronological order)**

### **Section 1. Written Examination**

- (a) Applicants shall be given a written examination to determine their position on the Eligibility List. The passing score for this examination is 70%.
- (b) Before proceeding to answer questions on the written examination, each applicant shall complete and sign a declaration sheet, giving his/her full name and address and such other information as may be required by the Board, and to place this sheet, after it has been marked with an identification number, in the official envelope. Each applicant shall seal said envelope. The exterior of the envelope shall bear only the identification number of the applicant. At the close of the examination, all the envelopes containing the declaration sheets shall be retained by the person conducting the examination and shall not be opened by anyone until the examinations have been scored. Each applicant shall mark his/her identification number on the answer sheet of his/her examination.

### **Section 2. Completion of Scores and Formation of Eligibility List**

- (a) The written test score will be compiled to determine the final score. Final scores will be grouped mathematically (by the testing company) and a single sliding band of statistically proximate results will be developed for submission to and approval by this Board.

There is no order of selection in a sliding band. A candidate from any position in the band may be selected without regard to numerical, chronological order.

Whenever the top score whole number or whole number and fraction thereof in the band is reduced to the next lowest whole number, the bottom of the band will expand proportionately to include those candidates having statistically proximate results to those candidates remaining in the band.

Criteria for selection from the top band will include but not be limited to consideration of the following:

1. Veteran's preference must be given to all candidates within a band
  2. A college degree, college credits, or seminar hours in a fire related field
  3. A valid CDL Class A or B driver's license
  4. Prior firefighting, emergency medical and/or emergency communication dispatching experience
  5. Certified in one or more of the National Fire Protection Association's Standard for Professional Qualifications, such as Fire I, II, Fire Officer I, etc.
  6. Other specialized pertinent training
- (b) Any applicant (defined as a "soldier" or a spouse of a deceased or disabled "soldier") who 1/ served since July 27, 1953, in the Armed Forces of the United States or in any women's organization connected with the Armed Forces; 2/ completed his/her initial military service commitment; 3/ received an Honorable Discharge from active duty; and 4/ passed the written examination to qualify for the Fire Fighter Eligibility List shall have his/her written test score increased by 10 points. Veterans' Preference is computed as: (passing test score) + (10 points) = Veterans' Total Score.

### Section 3. Physical Agility Test

Each applicant whose name appears on the Eligibility list, as he/she approaches nomination, will be given a physical agility test, which shall be graded on a pass-fail basis. Each applicant will be required to sign a Release before taking the physical agility test and to have a signed release from his/her physician stating he/she is medically fit to perform the physical agility test.

### Section 4. Character Background Investigation

Each applicant whose name appears on the Eligibility List shall, if he/she approaches nomination, be the subject of a character background investigation prior to being offered employment. Should this investigation reveal that the applicant does not meet any of the eligibility requirements in Part IV, Rule I, or that the applicant has engaged in misrepresentation during any phase of the selection process, he/she shall be declared ineligible by the Board.

### Section 5. Conditional Offer of Employment

If the applicant passes the background investigation, he/she may be offered employment as a Fire Fighter contingent upon the successful completion of a drug/alcohol screening, physical examination, psychiatric/psychological examination, and a driver record check as stipulated in these Rules.

If the applicant during the drug and alcohol screening is found to test positive for any of the following levels, the applicant shall be disqualified:

Alcohol level is 0.02 or greater

Initial urine drug screening is performed at the following detection sensitivities:

Amphetamine	1,000 ng/ml
Barbiturates	300 ng/ml
Benzodiazepines (Valium)	300 ng/ml
THC (marijuana metabolite)	100 ng/ml
Cocaine metabolite	300 ng/ml
Methadone	300 ng/ml
Opiates	300 ng/ml
Phencyclidine	75 ng/ml
Propoxyphene (Darvon)	300 ng/ml

Confirmation by GC/MS is detected at the following levels (minimum reporting concentration):

Amphetamines	500 ng/ml
Methamphetamine	500 ng/ml
Barbiturates	300 ng/ml
Benzodiazepines	300 ng/ml
THC (marijuana metabolite)	20 ng/ml
Cocaine or cocaine metabolite	100 ng/ml
Methadone	100 ng/ml
Methaqualone	100 ng/ml
Opiates - Total	300 ng/ml
Codeine	150 ng/ml
Morphine	150 ng/ml
Phencyclidine	25 ng/ml
Propoxyphene	300 ng/ml

## Section 6. Physical Examination

After an offer of employment has been made, each applicant shall undergo a physical examination by a licensed, practicing physician of the Board's choice and on a form furnished by the Board.

- (a) The applicant must be certified as physically able to perform the essential job functions of a Fire Fighter.
- (b) The applicant is required to have 20/20 vision corrected, with or without a reasonable accommodation, to perform the essential functions of the job. Each candidate must not be color blind.
- (c) The applicant must disclose fully any record of mental disturbance or illness.
- (d) Any cause for rejection as the result of the physical examination must be related to the essential functions of the position.

The Board reserves the right to withdraw an offer of employment based on the results of the physical examination.

## Section 7. Psychiatric/Psychological Examination

After an offer of employment has been made, each applicant shall be evaluated by a board-certified psychiatrist and/or psychologist selected by the Board. If the psychiatrist's and/or psychologist's report

identifies an applicant as unstable or limited in perception or judgment, the Board, Fire Chief, and Human Resources Director or designee shall review that applicant's report. The Board reserves the right to withdraw an offer of employment based on the results of the psychiatric/psychological evaluation.

#### **RULE IV                    Rejection of Names on the Eligibility List**

If an applicant is rejected three (3) times for the same or another position, such applicant shall be stricken from the list.

#### **RULE V                    Temporary Appointments**

Temporary appointments may be made under the following circumstances:

- (a) When there are urgent reasons for filling a vacancy and there is no list of persons eligible for appointment after competitive examination, a temporary appointment may be made without examination. Such appointment may continue not longer than ten (10) days after the establishment of a suitable eligibility list and in no case shall it continue longer than three (3) months.
- (b) In case of riot or other public emergency, temporary appointments of Fire Fighters may be made without examination. Such appointments shall terminate as soon as the public emergency which led to the appointments is at an end.

#### **RULE VI                    Probation**

All appointees shall serve a probationary period. At any time during the probationary period, the probationer may be dismissed for just cause in the manner provided in Section 10 of the Fire Civil Service Act applicable to Third Class Cities in Pennsylvania. If at the close of such probationary term the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified in writing that he/she will not receive permanent appointment, whereupon his/her employment shall cease.

In order to be accepted as permanent employees, probationers must meet the requirements of the driving certification program established by the Allentown Fire Department and must maintain their Pennsylvania driving privileges during their employment.

### **PART V: RULES GOVERNING PROMOTION OF FIRE FIGHTERS**

#### **RULE I Public Notice**

The Mayor or his designee shall notify the Board of a vacancy in a position in the Allentown Fire Department to be filled by promotion, and request certification of an eligibility list in accordance with these Rules.

An announcement of the promotional testing, including the time and place of examination, information regarding the position to be filled, the requirements for that position, where applications may be obtained, and the deadline for filing those applications, shall be posted in Allentown City Hall and the City's fire stations.

#### **RULE II Qualifications—Applicants for Promotion**



- a) General Qualifications: The Board may refuse to examine an applicant or, after examination, may refuse to place an applicant on an eligibility list if the applicant:
- 1) does not meet all of the eligibility requirements set forth in Part IV, Rule I.
  - 2) is physically disabled to the extent that he or she is unfit to perform the duties of the promotional position to which he or she seeks appointment;
  - 3) is addicted to intoxicating alcohol or drugs;
  - 4) has been found guilty of any crime involving immoral or disgraceful conduct related to his or her employment;
  - 5) has been dismissed from the public service for delinquency of duties or misconduct;
  - 6) has made a false statement of material fact or engaged in fraud or deception during the application and/or examination process for the promotional position to which he or she seeks appointment; or
  - 7) has failed to obtain a passing grade on three (3) prior examinations for the promotional position to which he or she seeks appointment.
- b) Experience: An applicant for a promotional position shall, as of the date on which the announcement of the promotional testing is posted, meet the following experience prerequisites:
- 1) Fire Marshal: an applicant for the position of Fire Marshall shall have a minimum of ~~seven (7)~~ five (5) years of experience in the Allentown Fire Department.
  - 2) Fire Lieutenant: an applicant for the position of Fire Lieutenant shall have a minimum of five (5) years of experience in the Allentown Fire Department.
  - 3) Fire Captain (Public Affairs):
    - a. an applicant for the position of Fire Captain (Public Affairs) shall have a minimum of two (2) years of experience as a Fire Officer in the Allentown Fire Department; and
    - b. Upon appointment to the position of Fire Captain (Public Affairs), he or she shall acquire Fire Inspector I level certification within eighteen (18) months after appointment to this position.
  - 4) Fire Captain (Suppression): an applicant for the position of Fire Captain (Suppression) shall have a minimum of four (4) years of experience as a Fire Lieutenant in the Allentown Fire Department, but may use a maximum of two (2) years of experience as a Specialist in order to meet this experience prerequisite.
  - 5) Battalion Chief: an applicant for the position of Battalion Chief shall have a minimum of two (2) years of experience as a Fire Captain (Suppression) in the Allentown Fire Department.
  - 6) Assistant Chief of Training:

- a. an applicant for the position of Assistant Chief of Training shall have a minimum of two (2) years of experience as a fire officer and be a Pennsylvania State certified suppression instructor; or
  - b. an applicant for the position of Assistant Chief of Training shall have a minimum of seven (7) years of experience as a firefighter with grade seniority and be a Pennsylvania State certified suppression instructor.
- 7) Assistant Chief of Fire Prevention: an applicant for the position of Assistant Chief of Fire Prevention shall have a minimum of two (2) years of experience as a Fire Marshal in the Allentown Fire Department.
  - 8) Deputy Fire Chief: an applicant for the position of Deputy Fire Chief shall have a minimum of two (2) years of experience as Captain of Public Affairs, Captain of Suppression, or Assistant Chief in the Allentown Fire Department.
  - 9) Waiver: If the application period closes without any eligible applicants who meet the experience prerequisites, the Board may waive the experience prerequisites upon good cause shown.

### **Rule III General Examination Requirements**

The Human Resources Department, in consultation with the Board, shall schedule all required examinations. An applicant who, without preauthorization from the Board, fails to present himself/herself for examination on the date, at the time, and in the place specified in the notice of examination shall be disqualified from the current promotional process.

### **Rule IV Examination Process for Fire Marshal; Fire Lieutenant; Fire Captain (Public Affairs); Fire Captain (Suppression); Battalion Chief; Assistant Chief of Training; and Assistant Chief of Fire Prevention**

The examination process for the positions of Fire Marshal, Fire Lieutenant, Fire Captain (Public Affairs), Fire Captain (Suppression), Battalion Chief, Assistant Chief of Training, and Assistant Chief of Fire Prevention shall include a written examination representing fifty percent (50%) of the final score; a physical examination graded pass/fail; a command agility test representing thirty percent (30%) of the final score; and an oral examination representing twenty percent (20%) of the final score.

#### **a) Written Examination:**

- 1) Eligible applicants shall be notified of the date, time and location of the written examination by letter postmarked at least thirty (30) days prior to the written examination and sent by First Class Mail to the mailing address provided by the applicant.
- 2) The written examination shall be validated and administered by an outside vendor approved by the Board. The contents of the written examination shall be reviewed and approved by the Board.
- 3) The written examination shall be graded on a 100 point scale and an applicant must score seventy percent (70%) in order to continue in the application process. Applicants scoring less than seventy percent (70%) scores shall be disqualified.

- 4) Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their examination results, and each passing applicant shall be informed of the next step in the examination process.

b) Physical Examination:

- 1) Every applicant who scored seventy percent (70%) or higher on the written examination shall undergo a general health physical examination by a licensed practicing physician approved by the Board.
- 2) The physical examination shall be graded pass/fail.
- 3) The applicant's vision must be correctable to 20/20 vision.
- 4) The report of physical examination shall be furnished on a form approved by the Board.
- 5) The applicant shall undergo a second physical examination at the time of appointment to the promotional position if more than one year has elapsed since the applicant's original physical examination.
- 6) Any reason given for failing the physical examination must be job-related.
- 7) Within thirty (30) days after the administration of the physical examination, all applicants shall be given written notice of their examination results, and each passing applicant shall be informed of the next step in the examination process.

c) Command Agility Test:

- 1) Every applicant who scored seventy percent (70%) or higher on the written examination and passed the physical examination shall undergo a command agility test.
- 2) The command agility test covers operational situations and decision-making that is germane to the rank of the promotion with established metrics. The contents of the command agility test shall be reviewed and approved by the Board.
- 3) The command agility test shall be graded on a 100 point scale and an applicant must score seventy percent (70%) in order to continue in the application process. Applicants scoring less than seventy percent (70%) scores shall be disqualified.
- 4) Within thirty (30) days after the administration of the command agility test, 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.

d) Oral Examination:

- 1) Every applicant who scored seventy percent (70%) or higher on the written examination, passed the physical examination, and scored seventy percent (70%) or higher on the command agility test 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.

- 2) The contents of the oral examination shall be approved by the Board and shall involve questioning applicants on how they would handle situations relevant to firefighting and the promotional position to which the applicant seeks appointment.
- 3) The oral examination shall be conducted by a three-person oral examination panel approved by the Board. The oral examination panel shall consist of the Fire Chief or his designee and two current fire officials holding the rank of Assistant Chief or above from a City of the First, Second or Third Class (excluding the City of Allentown).
- 4) The Board may approve the use of additional oral examination panels if, in the discretion of the Board, it is impractical for one oral examination panel to evaluate all of the eligible applicants.
- 5) Within thirty (30) days after the administration of the oral examination, all applicants shall be given written notice of their oral examination and total overall scores, and each passing applicant shall be informed of the next step in the examination process.

#### **RULE V Examination Process for Deputy Chief**

The examination for the position of Deputy Chief shall consist of an oral examination which shall be graded on a one hundred (100) point scale representing one hundred percent (100%) of the final score.

The contents of the oral examination shall be approved by the Board and shall involve questioning applicants on how they would handle situations relevant to firefighting and the promotional position to which the applicant seeks appointment.

The oral examination shall be conducted by a three-person oral examination panel approved by the Board. The oral examination panel shall consist of the Fire Chief or his designee and two current fire officials holding the rank of Assistant Chief or above from a City of the First, Second or Third Class (excluding the City of Allentown).

The Board may approve the use of additional oral examination panels if, in the discretion of the Board, it is impractical for one oral examination panel to evaluate all of the eligible applicants.

Within thirty (30) days after the administration of the oral examination, all applicants shall be given written notice of their oral examination and total overall scores, and each passing applicant shall be informed of the next step in the examination process.

#### **RULE VI Creation of Eligibility List and Certified Eligibility List for Appointment**

- a) Eligibility List: Upon completion of the examination requirements, the Board shall rank all passing applicants on a list with the applicant receiving the highest passing score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list.
- b) Certified Eligibility List for Appointment: The Board shall certify for each vacant promotional position the names of the three persons on the eligibility list who have received the highest average in the last preceding promotional examination held within the period of two years preceding the date of the request for the eligibility list. In the event of a tie score, preference shall be given to the

applicant with the most seniority on the Allentown Fire Department's "Seniority List." If three names are not available, the Board shall certify the names remaining on the eligibility list.

## **RULE VII Appointment and Certification of Appointment**

- a) Appointment: The mayor or his designee may fill a vacancy in a promotional position by making an appointment from the names certified, based solely on the merits and fitness of the applicants.
- b) Certification of Appointment: After an applicant has been appointed to a vacant promotional position, the Board, upon written request from the Mayor or his designee, shall issue a memorandum certifying the applicant for the position to which he or she has been appointed.

## **RULE VIII Probationary Period**

The applicant promoted to a promotional position shall serve a six (6) month probationary period. If at the close of the probationary term the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified in writing that he or she will not receive permanent appointment and will be returned to prior rank. The probationer may be returned to prior rank only for just cause.

## **PART VI: APPEALS**

### **RULE I Notice of Appeal**

An applicant aggrieved by his or her disqualification from the hiring or promotion process may appeal the disqualification to the Board by filing a written notice of appeal which:

- a) is filed with the Human Resources Department, City Hall, 435 Hamilton Street, Room 233, Allentown, PA 18101 no later than fifteen calendar days after the date on the written notice of disqualification (deemed filed on the postmark date if sent by regular mail); and
- b) is signed and dated by the aggrieved applicant.

### **RULE II Notice of Hearing**

The Board shall provide the aggrieved applicant with written notice of the date, time and location of the hearing on the appeal.

### **RULE III Pre-Hearing Statement**

The aggrieved applicant shall file a written pre-hearing statement which:

- a) is filed with the Human Resources Department, City Hall, 435 Hamilton Street, Room 233, Allentown, PA 18101 at least five (5) calendar days prior to the date of the hearing (deemed filed on the postmark date if sent by regular mail);
- b) is signed and dated by the aggrieved applicant;
- c) states the basis for the appeal; and

- a) includes any documentary evidence which the aggrieved applicant will submit at the hearing in support of the appeal.

**RULE IV        Waiver**

An aggrieved applicant who fails to comply with the requirements of Part VI, Rules I and III shall be deemed to have waived the right to appeal his or her disqualification from the hiring or promotion process.

**RULE V        Hearing**

The Board shall conduct the hearing on the aggrieved applicant's appeal in accordance with the procedures set forth in the Pennsylvania Local Agency Law.

**RULE VI        Decision**

The Board shall render a written decision on the aggrieved applicant's appeal within forty-five (45) days after the conclusion of the last hearing before the Board.

**PART VII: ADOPTION OF RULES**

**THE CITY OF ALLENTOWN CIVIL SERVICE BOARD HEREBY ADOPTS THE FOREGOING RULES THIS 8th DAY OF APRIL, 2015.**

The foregoing rules were approved by Allentown City Council on the 6<sup>th</sup> day of May, 2015, pursuant to Bill No. 25-2015.

Amendments adopted by the City of Allentown Civil Service Board on June 22, 2015, and approved by Allentown City Council on the 19<sup>th</sup> day of August, 2015, pursuant to Resolution No. 29102

Amendments adopted by the City of Allentown Civil Service Board on December 15, 2015, and approved by Allentown City Council on the 20<sup>th</sup> day of January, 2016, pursuant to Bill No. 2-2016.

Amendments adopted by the City of Allentown Civil Service Board on March 1, 2017, and approved by Allentown City Council on the 5<sup>th</sup> day of April, 2017, pursuant to Bill No. 14-2017.

**Amendments adopted by the City of Allentown Civil Service Board on January 10, 2018 and March, 14, 2018, and approved by Allentown City Council on**

SECTION TWO: That this Ordinance will take effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION FOUR: The Police Chief shall report to City Council on the effect of the change to the provisions for the position of Captain (1b), no later than one year after the effective date of this ordinance. City Council will evaluate the provision after the Police Chief makes the report.

**AMENDMENT TO ADD THE FOLLOWING TO SECTION FOUR: The Police Chief shall report to City Council on the effect of the change to the provisions for the position of Captain (1b), no later than one year after the effective date of this ordinance. City Council will evaluate the provision after the Police Chief makes the report, PASSED 6 – 1 (Zucal)**

	Yea	Nay
Candida Affa, VP	X	
Julio A. Guridy	X	
Daryl Hendricks	X	
Cynthia Y. Mota	X	
Courtney Robinson	X	
Ed Zucal		X
Roger MacLean, Pres.	X	
TOTAL	6	1

**I hereby certify that the foregoing Ordinance was passed by City Council on October 17, 2018 and signed by the Mayor on October 23, 2018.**

  
\_\_\_\_\_  
CITY CLERK



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

Human Resources / Civic Service Board

3 rule changes to the Civil Service Board Rules that were approved by the board.

- **Summary and Facts of the Bill**

1.) The Civil Service Board voted to add the wording below to the rules for Applications and Qualifications for Appointment of Police Officers and Fire Fighters, Part I, Rule I, Section 2 (pg.2) and Part IV, Rule I, Section 2 (pg.13).

"The application fee shall be refunded to the applicant only if the applicant provides the Human Resources Department with written verification that he or she is a member of the military and due to the performance of a duty in the military is unable to participate in an examination or test required by these Rules. The written verification must be received by the Human Resources Department prior to the administration of the examination or test."

2.) The Civil Service Board voted to correct the spelling of "Marshal" and also change the minimum requirement for Fire Marshal from 7 years to 5 years in Part V, Rule II, Section b (pg.19).

3.) The Civil Service Board voted to add part b to the rules for Part III, Rule II, b), governing the experience required for the position of Captain:

" b. an applicant for the position of Captain shall have a minimum of five (5) years of experience as a Sergeant in his or her respective grade in the Allentown Police Department and twelve (12) years of service with the Allentown Police Department."

- **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**

N/A

