

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 558

(Duly Adopted December 23, 2019)

AN ORDINANCE APPROVING AMENDMENTS TO THE CIVIL SERVICE RULES AND REGULATIONS OF THE BOROUGH OF ALBURTIS, AS RECENTLY ADOPTED BY THE ALBURTIS CIVIL SERVICE COMMISSION, PROVIDING THAT APPLICATIONS FOR THE ENTRY-LEVEL POSITION OF PATROL OFFICER SHALL BE SUBMITTED THROUGH THE ANNUAL PROCESS OF THE LEHIGH COUNTY CHIEFS OF POLICE ASSOCIATION CONSORTIUM (“CONSORTIUM”), THAT THE CONSORTIUM SHALL CONDUCT THE WRITTEN EXAMINATION AND PHYSICAL FITNESS TEST, THAT THE PHYSICAL FITNESS TEST SHALL BE REVISED TO THE CONSORTIUM’S PHYSICAL PERFORMANCE TEST BATTERY, AND MAKING CONFORMING CHANGES.

WHEREAS, Section 1170 *et seq.*, of the Borough Code, 8 PA. CONS. STAT. § 1170 *et seq.*, establishes civil service requirements for certain police officers in Boroughs which has three or more regular police officers who devote their normal working hours to police duty; and

WHEREAS, the Borough employs more than three regular police officers who devote their normal working hours to police duty, and has established a Civil Service Commission under Section 1172 of the Borough Code, 8 PA. CONS. STAT. § 1172; and

WHEREAS, Section 1176 of the Borough Code, 8 PA. CONS. STAT. § 1176, authorizes the Civil Service Commission to prescribe, amend, and enforce civil service rules and regulations, provided they are approved by Borough Council; and

WHEREAS, the Civil Service Commission adopted Civil Service Rules and Regulations on February 26, 1996, which were approved by Borough Council by Ordinance No. 329, adopted March 27, 1996; and

WHEREAS, the Civil Service Rules and Regulations have been amended from time to time thereafter and codified to Chapter 13 of the Alburdis Codified Ordinances; and

WHEREAS, by Resolution 2019-1 on December 4, 2019, the Civil Service Commission adopted amendments to the Civil Service Rules and Regulations, subject to the approval of Borough Council; and

WHEREAS, Borough Council approves of the amendments to the Civil Service Rules and Regulations adopted by the Civil Service Commission, as set forth in this Ordinance;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Chapter 13 of the Codified Ordinances (relating to Police Civil Service) is amended by amending sections 13-207, 13-501, 13-503, 13-505(b)(12), 13-508, 13-510, 13-603, 13-604, 13-605, and 13-608, and adding a new section 13-208.1, as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

Chapter 13 — Police Civil Service

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Article II — Definitions

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§ 13-207 Applicant.

The term “Applicant” shall mean any individual who applies in writing to the Commission, or through the Consortium in accordance with the procedures established by the Consortium, in response to a legally advertised notice of vacancy and/or examination for any position in the Police Department.

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§ 13-208.1 Consortium.

The term “Consortium” shall mean the Lehigh County Chiefs of Police Association Consortium.

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Article V — Applications & Qualifications

§ 13-501 Applications.

(a) **Timely Application Required.** In order to be eligible for participation in any competitive examination for an entry-level patrol officer position, an Applicant must submit a completed application through the Consortium in accordance with its procedures before its annual deadline. In order to be eligible for participation in any other competitive examination for ~~any~~ a position with the Police Department, an Applicant must submit a completed application to the Commission before the deadline stated by the Commission for that specific examination.

(b) **Form of Application.** An application submitted through the Consortium shall be in the form specified by the Consortium. ~~The~~ An application submitted directly to the Commission shall be in the form prescribed by the Commission for that specific examination, and shall include information relating to:

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(c) **Notarization.** ~~The~~ An application submitted directly to the Commission must be supported by Applicant's statement under oath or affirmation before a Notary Public that the responses provided in the application are true, correct, and complete.

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§ 13-503 Availability.

(a) **Applications Through the Consortium.** In the case of an application to be submitted through the Consortium, the manner of submitting an application and any materials necessary in connection with the application shall be as prescribed and made available by the Consortium.

(b) Applications Directly to the Commission. In the case of an application to be submitted directly to the Commission: Application forms shall be available to all interested persons in the office of the Borough Manager, and from such other offices and officers that the Commission, from time to time, may choose to designate. Application forms may be mailed upon written or telephone request. However, the Commission assumes no responsibility for missed filing deadlines due to a delay in the mail.

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§ 13-505 General Qualifications for All Applicants.

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(b) Essential Job Functions. Each of the following are essential functions of a Police Officer:

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(12) Communicating effectively with individuals suffering from trauma, and communicating with all persons in a professional, courteous manner;

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§ 13-508 Recording & Filing Applications.

(a) Applications Through the Consortium. In the case of an application to be submitted through the Consortium, the manner of submitting, correcting, recording, and filing an application shall be as prescribed by the Consortium.

(b) Applications Directly to the Commission. In the case of an application to be submitted directly to the Commission: Applications ~~for positions in the Police Department~~ shall be received at the Borough offices only after an examination has been properly advertised and before the

deadline for receiving applications which must be set forth in the public advertisement. Applications will be received by the Borough Manager. The Borough Manager will record the receipt of all applications and provide each Applicant with notice of the time and place for the first portion of the testing procedure, the written examination. Any application containing material errors or omissions may, at the discretion of the Commission, be returned to the Applicant for correction prior to the deadline for filing applications, after which no new applications or amended applications will be accepted.

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§ 13-510 Public Notice.

(a) Applications Through the Consortium. In the case of an application to be submitted through the Consortium, the Consortium shall provide public notice as required by law. The Borough or the Commission may provide additional public notice by posting or other means at any time.

(b) Applications Directly to the Commission. In the case of an application to be submitted directly to the Commission: At least two weeks prior to the close of the application period, the Commission shall post in a conspicuous location in the Borough offices notice of the time and place of every examination, together with the information as to the type of position to be filled, the requirements for that position, where applications may be obtained for the examination, and the deadline for filing those applications. In addition, at least two weeks prior to each examination, the Commission shall publish the notice in at least one newspaper of general circulation in the Borough. Additional public notice by publication, posting, or other means may be given at any time at the discretion of the Commission.

Article VI — Examination & Grading Procedure

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§ 13-603 Administering Examinations.

(a) Written Examinations. The Consortium shall conduct the written examination for all applicants for the entry-level position of patrol officer. The Commission may designate the Department of Community Affairs, Municipal Consulting Services Division, the State Civil Service Commission of the Commonwealth of Pennsylvania, or any other recognized examining agency to act as examiner for ~~the~~ other 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.

(b) Oral Examinations. The Commission may conduct the oral examination and the evaluation of the service or performance record of any Applicant, *and/or* the Commission may designate, from time to time, such persons (other than members of Borough Council) qualified in oral examining procedures and techniques, or qualified to evaluate performance or service records, as are considered necessary to assist in or perform such examination and evaluations.

(c) Physical Fitness Test. The Consortium shall conduct the physical fitness test for all applicants for the entry-level position of patrol officer. The Commission may designate agents to administer other physical fitness tests.

(d) General Requirements. All written and oral examinations shall be practical in character and shall relate to such matters and include such inquiries as will fairly test the merit and fitness of the persons examined to discharge the duties of the employment sought by them. Except as otherwise provided in these Rules, the content and structure of the examinations shall be determined by the designated examiners. While the content and structure may be different for different positions or for the same position at different times, they shall be the same for all Applicants tested at any specific time for any specific position. ~~The Commission may designate agents to administer physical fitness examinations.~~

§ 13-604 Written Examinations.

The written examination shall be graded on a 100 point scale, and an Applicant must score seventy percent (70%) or higher in order to continue in the application process. Applicants scoring less than seventy (70) percent shall be rejected. ~~Within thirty (30) days after~~ After the administration and grading of the written examination, all Applicants shall be given written notice of their test results and passing Applicants shall be scheduled for ~~an oral examination appointment~~ the physical fitness test.

§ 13-605 Oral Examinations.

~~Every Applicant who scored seventy percent (70%) or higher in the written examination shall be given an oral examination which~~

(a) **Entry-Level Patrol Officer Positions.** Whenever the Commission desires to proceed with oral examinations for the position of entry-level patrol officer, the Commission shall request the Consortium to provide a list of the ten (10) persons who applied for a position with the Borough's Police Department through the Consortium and remain available for appointment, passed the written examination and physical fitness test, and have the highest written examination scores for the current examination cycle, *provided* that the number of persons on the list shall be increased as necessary to insure that either—

(1) there are at least three (3) persons on the list who qualify for veterans' preference points under § 13-607, or

(2) all applicants for a position in the Borough Police Department who remain available for appointment, qualify for veterans' preference points under § 13-607, and passed the written examination and physical fitness test for the current examination cycle, are on the list provided by the Consortium.

Of course, if there are fewer than ten (10) persons who applied for a position in the Borough Police Department, passed the written examination and physical fitness test for the current examination cycle, and remain available for appointment, the Commission need only provide a list of all such

persons. After receiving the list from the Consortium, the Commission shall schedule an oral examination for each person on the list.

(b) Other Positions. For all positions other than entry-level patrol officer, the Commission shall schedule an oral examination for each applicant who passed the written examination and the physical fitness test.

(c) The Examination. The oral examination will be graded on a 100 point scale, with a score of seventy percent (70%) or higher necessary for passing. Applicants scoring less than seventy percent (70%) shall be rejected. The Chief of Police, or his representative, shall develop a set of questions, which may be included, in whole or in part, in the oral examination. Applicants will not be graded by the Chief of Police or his representative. The oral examination shall involve questioning applicants on how they would handle situations relevant to police work, and, in the case of promotional examinations, how they handled similar situations in the past. Within thirty (30) days after an Applicant's oral examination, the Commission shall inform the Applicant of his/her score in the oral examination and the total overall score in the written and oral examinations (*see* § 13-606), ~~and shall inform each passing Applicant of the date for physical fitness testing.~~

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§ 13-608 Physical Fitness Testing.

An Applicant for any position as a Police Officer must pass a physical fitness test ~~demonstrating the ability to satisfy each of following requirements consisting of the following five (5) exercise test events~~, which are job-related and consistent with business necessity. Each event is immediately preceded by a warm-up session with intermittent rest periods to ensure the safety of the applicants. The physical fitness test is designed to measure the cumulative effect on each applicant. Therefore, a failure on any one of the test events constitutes a failure of the entire physical fitness test, and excludes the applicant from further processing.

~~(a) Body Drag. An Applicant is required to remove a simulated motor vehicle operator weighing approximately 200 lbs. from behind the~~

steering wheel of a motor vehicle and drag the simulated operator to a point 50 feet from the vehicle.

~~(b) **Quarter Mile Run.** An Applicant is required to run a distance on one quarter mile on a pre-measured course in less than 110 seconds.~~

~~(c) **Pull-ups.** An Applicant is required to perform three (3) pull-ups in thirty (30) seconds.~~

~~(d) **Push-ups.** An Applicant is required to perform twenty-five (25) push-ups in sixty (60) seconds.~~

~~(e) **Sit-ups.** An Applicant is required to perform twenty (20) sit-ups in sixty (60) seconds.~~

(a) **Vertical Jump.** The Applicant must perform a vertical jump of at least fifteen and one-half (15.5) inches, given three (3) valid attempts. This is a measure of lower body explosive strength, an important part of any physical exertion scenario (e.g., vaulting or jumping during a pursuit).

(b) **Sit-ups.** The Applicant must perform at least thirty (30) repetitions of sit-ups within one (1) minute. This is a test of the muscular endurance of the trunk, including the abdominal muscles and hip flexors, an important factor in the use of force scenario and minimizing lower back problems (e.g., gaining control of a suspect). The Applicant starts by lying on his/her back, knees bent at approximately 90°, feet flat on the ground, hands behind the head with fingers interlaced. The Applicant's feet will be held firmly in place. For a repetition to be counted, the Applicant must touch his/her knees with his/her elbows and then return to the lying position so that the shoulder blades touch the ground. During the exercise, the Applicant may not raise his/her hips or "kip," and may only rest in the "up" position.

(c) **300 Meter Run.** The Applicant must complete a three hundred (300) meter run within sixty-six (66) seconds. This is a measure of anaerobic power, an important factor in exerting short bursts of energy (e.g., a foot pursuit).

(d) **Push-ups.** The Applicant must perform at least twenty-five (25) repetitions of push-ups. This is a measure of dynamic upper body strength, an important part of any dynamic physical exertion scenario (e.g., gaining

physical control of a suspect or clearing a roadway). Palms are flat on the ground, feet are together or up to six (6) inches apart, and the Applicant must remain in a straight plank position from head to heels throughout the event. The “up” position has a straight or “soft lock” of the elbows, and the “down” position occurs when the upper part of the arm (humerus bone) is parallel to the ground (approximately three (3) inches off the ground). The Applicant may rest in the “up” position only. There is no time limit for this test event. If any part of the Applicant’s body (other than palms and feet) touches the ground during the test event, the Applicant fails the event.

(e) **1.5 Mile Run.** The Applicant must complete a one and one-half (1.5) mile run within fifteen (15) minutes and fifty-four (54) seconds. This is a measure of aerobic power or VO2 max, the foundation for almost all physical tasks (e.g., use of force incident or administering one person CPR). The Applicant may not leave the running surface prior to successfully completing the course.

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SECTION 2. This ordinance shall also be considered a resolution of Borough Council under 8 PA. CONS. STAT. § 3301.1(c)(4).

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Albur-
tis, this 23rd day of December, 2019, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURTIS

Ronald J. DeIaco, President

Attest:

Sharon Trexler, Borough Manager

AND NOW, this 23rd day of December, 2019, the above Ordinance is hereby AP-
PROVED.

Kathleen Palmer, Mayor