

**BOROUGH OF SCOTTDALE
SPECIAL MEETING
NOVEMBER 20, 2023**

The special meeting of Scottsdale Borough Council convened at 6:30 pm with President Donald Stansak presiding.

ROLL CALL – Mr. Bell, Mr. Chronowski, Mrs. Colebank, Mrs. Robson, Mr. Siwula, President Stansak, Borough Manager Pallone and Solicitor Falatovich were in attendance.

Mr. Hovis, Mr. Pinskey, Engineer Eby and Mayor King were absent.

PUBLIC COMMENT PERIOD – No one in attendance.

NEW BUSINESS/ACTION ITEMS

Approval of Revised Civil Service Commission Rules and Regulations – Solicitor Falatovich explained the changes to the Civil Service Commission rules and regulations. The passing grade has been reduced to 60%. The minimum age has been reduced to 18 years of age. If a candidate fails the testing, they will be allowed to take the tests again without a wait time.

Moved by Mr. Chronowski, second by Mr. Siwula to approve Resolution No. 2023-14 Revised Civil Service rules and regulations. Motion passed.

RESOLUTION NO. 2023-14

A RESOLUTION OF THE CIVIL SERVICE COMMISSION OF THE
BOROUGH OF SCOTTDALE, COUNTY OF WESTMORELAND,
COMMONWEALTH OF PENNSYLVANIA APPROVING RULES AND
REGULATIONS FOR THE SCOTTDALE CIVIL SERVICE COMMISSION

WHEREAS, the Scottsdale Borough Civil Service Commission (the “Commission”) was duly organized and appointed by the Council of the Borough of Scottsdale; and

WHEREAS, the Commission is obligated under the Pennsylvania Borough Code to promulgate rules and regulations for its operations; and

WHEREAS, the Commission drafted rules and regulations for its operations and submitted same to the Council of Scottsdale Borough in the form attached hereto as Exhibit “A” for preliminary review and approval; and

WHEREAS, the Commission has experienced difficulties in obtaining applicants under its current rules by requiring applicants to have Act 120 certification as a prerequisite for applying for positions within the Department; and

WHEREAS, the Commission desires to amend its Rules and Regulations relating to the qualifications of applicants to increase the number of persons eligible for positions within the Borough police force, the Rules and Regulations containing such Amendments with deleted language struck through and added language underlined being attached hereto, made a part hereof and marked Exhibit "A"; and

WHEREAS, the Commission approved the proposed amendment to the Commission's Rules and Regulations by motion at a public meeting held November 17, 2023; and ; and

WHEREAS, the Commission desires to submit the proposed amendments to the Council of Scottsdale Borough for consideration and approval at a public meeting to be held November 20, , 2023; and

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE CIVIL SERVICE COMMISSION OF THE BOROUGH OF SCOTTDALE, COUNTY OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA HEREBY RESOLVES AS FOLLOWS:

1. THAT, the attached Amendments to the Rules and Regulations of the Civil Service Commission attached hereto as Exhibit "A", be and are hereby approved;
2. THAT, the members of the Commission be and are hereby authorized to submit the amendments to such Rules and Regulationsto Scottdale Borough Council and the Mayor of Scottdale Borough for consideration and approval. ;
3. THAT, all other Rules and Regulations not otherwise affected by these amendments shall continue and remain in full force and effect unless and until same are modified by Resolution of the Commission hereafter.

THIS RESOLUTION IS APPROVED AND ADOPTED BY THE SCOTTDALE BOROUGH CIVIL SERVICE COMMISSION AT A PUBLIC MEETING HELD THE 17th DAY OF NOVEMBER, 2023.

ATTEST:

THE SCOTTDALE BOROUGH
CIVIL SERVICE COMMISSION

Secretary

Chairman

EXHIBIT "A"

RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION OF THE BOROUGH OF SCOTTDALE

SECTION 1. DEFINITION OF TERMS

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

Appointing Authority. The Council of the Borough of Scottsdale, Westmoreland County, Pennsylvania.

Borough Secretary. The Secretary of the Borough of Scottsdale.

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

Chairperson. The Chairperson of the Civil Service Commission of the Borough of Scottsdale, Westmoreland County, Pennsylvania.

Commission. The Civil Service Commission of the Borough of Scottsdale, Westmoreland County, Pennsylvania.

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

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

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

Furlough List. The list containing the names of persons temporarily laid off from positions in the police department because of a reduction in the number of full time officers.

Police Officer. For purposes of these Rules and Regulations, an entry level sworn full-time or part-time position in a police department.

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

Reduction in rank. A change to a different position or rank of a full-time officer where the employee fulfilled all of the requirements of these Rules and Regulations for both the prior and current position or rank. However, a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank.

Removal. The permanent separation of a full-time police officer from the police department.

Secretary. The Secretary of the Civil Service Commission of the Borough of Scottsdale, Westmoreland County, Pennsylvania.

Suspension. The temporary separation without pay of a full-time police officer from the police department.

1.2 GENDER

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

SECTION 2. THE COMMISSION

2.1 CIVIL SERVICE COMMISSION

The Commission shall consist of three (3) commissioners who shall be qualified electors of the Borough of Scottsdale and shall be appointed by Borough Council initially to serve for the terms of two, four and six years, and as terms thereafter expire shall be appointed for terms of six years.

Any vacancy occurring in the Commission for any reason whatsoever shall be filled by Borough Council for the unexpired term within the period of thirty (30) days after such vacancy occurs. In the event that the term of office of any sitting member of the Commission shall expire but Borough Council shall fail to make a new appointment, then the sitting member shall continue to serve until replaced by action of Borough Council.

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

2.2 OFFICES INCOMPATIBLE WITH CIVIL SERVICE COMMISSIONER

No Commissioner shall at the same time hold an elective or appointed office under the United States Government, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth, except that one member of the Commission may be a

member of Borough Council. In addition, an individual employed as a public school teacher shall be qualified to serve as a member of the Commission.

2.3 ORGANIZATION OF COMMISSION; QUORUM

The Commission first appointed shall organize within ten (10) days of its appointment and shall elect one of its members as its chairperson, one as vice-chairperson and one as the secretary. The Commission shall thereafter meet and organize on the first Monday of February of each even-numbered year. Two members of the Commission shall constitute a quorum and no action of the Commission shall be valid unless it shall have the concurrence of at least two members.

2.4 DUTIES OF CHAIRPERSON

The chairperson, or in his or her absence, the vice-chairperson shall preside at all meetings and hearings of the Commission, decide all points of order or procedure, and perform any duties required by law or these Rules and Regulations.

2.5 DUTIES OF SECRETARY

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

2.6 MEETINGS

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

2.7 CLERKS AND SUPPLIES

The governing body shall furnish the Commission with such supplies and clerical assistance as may be necessary for the Commission to fulfill its duties. In addition, the Commission may retain counsel, and any other consultants or experts, including physicians and psychiatrists, as are necessary. At the discretion of the Commission, in those instances where such service shall not constitute a conflict of interest, the Borough Solicitor may provide legal counsel and assistance to the Commission. The elected and appointed officials of the Borough shall assist the Commission with all reasonable and appropriate efforts including compensation for any counsel or experts retained by the Commission.

2.8 AMENDMENT OF RULES AND REGULATIONS

The Commission may amend, revise, void or replace these Rules and Regulations for any reason by action of a majority of the Commission at any properly convened meeting of the Commission. Before any changes to these Rules and Regulations become effective, those changes must be approved by Borough Council. These Rules and Regulations, and any amendments thereto shall be made available to the public for distribution or inspection.

2.9 MINUTES AND RECORDS

The Commission shall keep minutes of its proceedings and records of examinations and other official action. All records of the Commission shall be preserved and disposed of according to the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued by the Local Government Records Committee under the authority of the Municipal Records Act, 1968 P.L. 961, No. 428, 53 P.S. 9001.

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

2.10 INVESTIGATIONS

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

2.11 SUBPOENAS

The Commission shall have the power to issue subpoenas over the signature of the chairperson, or designee, to acquire the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of such witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for the incidental expense of the Commission.

All officers in public service and employees of the Borough shall attend and testify when required to do so by the Commission.

If any person shall refuse or neglect to obey any subpoena issued by the Commission, upon conviction of such refusal or neglect in a summary proceeding, that person shall be sentenced to pay a fine not to exceed one hundred dollars (\$100), and in default of the payment of such fine and cost shall be imprisoned not to exceed thirty (30) days.

If any person shall refuse or neglect to obey any subpoena, the Commission may apply by petition to the Court of Common Pleas of Westmoreland County for its subpoena, requiring the attendance of such persons before the Commission or the court to testify and to produce any records and papers necessary, and in default thereof shall be held in contempt of court.

2.12 ANNUAL REPORT

The Commission shall make an annual report to the Borough Council containing a brief summary of its work during the year and a full accounting for any expenditures of public monies. The annual report shall be available for public inspection.

SECTION 3. APPLICATIONS AND QUALIFICATIONS

3.1 ELIGIBILITY FOR EXAMINATION

In order to be eligible for participation in any examination for any position with the police department, every applicant must submit a completed application form to the Commission before the deadline stated by the Commission for that specific examination. The application form is attached as Appendix A-1 and incorporated into these Rules and Regulations. The applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa. C. S. A. Section 4904 relating to unworn falsification to authorities.

3.2 DISCRIMINATION

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

3.3 AVAILABILITY

Application forms shall be available to all interested persons in the office of the Borough Secretary, and from such other offices and officers that the Commission from time to time may choose to designate.

3.4 AGE REQUIREMENT

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

3.5 GENERAL QUALIFICATIONS - ALL APPLICANTS

Each applicant for any position in the Police Department shall be at least eighteen (18) years of age, a citizen of the United States and shall have been graduated from an

accredited high school, or show satisfactory evidence of having an equivalent education, including, but not limited to, a "GED" certificate. Each applicant shall be medically fit for the performance of the duties of a police officer, of good moral character, and licensed to operate a motor vehicle in the Commonwealth of Pennsylvania. In case of a foreign born applicant, evidence satisfactory to the Commission shall be produced showing the person to be a naturalized citizen. All applicants must have received and be certified, pursuant to the Municipal Police Officers' Education and Training Program commonly known as Act 120 of 1974 on or before the date they are hired. The failure to obtain certification under Act 120 of 1974 on or before the date of hire may cause such applicant to be disqualified and rejected for employment. [Revised 9/--/2023 by Resolution No. _____] No applicant shall be eligible for any position in the Police Department if he or she has been convicted of a felony, misdemeanor or crimen falsi.

3.5.1 GENERAL QUALIFICATIONS -APPLICANTS FOR PROMOTIONS

(a) In addition to meeting the qualifications in Section 3.5 above, all applicants for a promotional position, except chief, shall not have received a formal written reprimand for one year prior to the deadline for submitting applications. Any formal written reprimand or suspension to which the applicant has timely appealed pursuant to a grievance procedure or these Rules and Regulations shall be disregarded unless the appeal is resolved prior to the creation_ of the eligibility list.

(b) All applicants shall have continuous prior service with the Police Department of the Borough of Scottdale, including overall satisfactory annual performance reviews, as follows:

(c) If no candidate is eligible in the next inferior rank due to the inability to meet service requirements, this service requirement may be waived by the Commission.

(d) An investigation of the character and reputation of the applicant shall be made by the Commission and may include credit reports and reports of investigations from recognized agencies.

3.6 REJECTION OF APPLICANT

The Commission may refuse to examine, or if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these Rules and Regulations for the particular position for which the applicant has applied. In addition, the Commission may refuse to examine, or if examined, may refuse to certify, any applicant who is physically or mentally unfit to perform the full duties of the position applied for, or who is a habitual substance abuser, who is guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency, conduct unbecoming an officer, or misconduct in office, or who is affiliated with any

group whose policies or activities are subversive to the forms of government set forth in the constitutions and laws of the United States and the Commonwealth of Pennsylvania.

3.7 RECORDING AND FILING APPLICATIONS

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 municipal officer designated in the public advertisement or that officer's designee. That person shall record the receipt of all applications and provide each applicant with notice of the time and place for the first portion of the testing procedure, the written examination. A copy of the form for that notice is attached as Appendix A-2 and incorporated into these Rules and Regulations. 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. Applicants shall be responsible to pay all costs associated with the testing process.

3.8 HEARING FOR DISQUALIFIED APPLICANTS

Any applicants or other persons who believe that they are aggrieved by the actions of the Commission, in refusing to examine or to certify them as eligible after examination, may request a hearing before the Commission. Within ten (10) days after such request, the Commission shall designate a time and place for the hearing which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. C. S. A. Section 101 et seq. The applicant or aggrieved party must make their request for a hearing in writing within ten (10) days of the date when the party knew or should have known of the Commission's action which is being challenged.

3.9 PUBLIC NOTICE

The Commission shall conspicuously post in the Borough building 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, publication of the notice shall occur in at least one newspaper of general circulation or a newspaper circulating generally in the Borough. A model notice for posting and publication is attached as Appendix A-3 and incorporated into these Rules and Regulations.

SECTION 4. EXAMINATION AND GRADING PROCEDURE

4.1 GENERAL EXAMINATION REQUIREMENTS FOR THE POSITION OF POLICE OFFICER

The examination for police officer will consist of a written examination and oral 9 interview. The Commission shall, from time-to-time designate the form of the written

examination and examining agency or examining individual to carry out the written exam. In addition, each applicant will undergo a physical fitness test either prior to or following the written examination. . These tests and investigation will be graded on a pass/fail basis for every applicant. Final appointment shall be contingent upon the applicant passing a physical and psychological examination.

4.1.1 The initial examination for police officers will consist of a written examination and a physical fitness test. These tests will be graded on a pass/fail basis for every applicant. Applicants who have passing grades on their written and physical examinations will move on to an oral interview and, if so qualified, a background check. If an applicant has been extended an offer of employment, final appointment shall be contingent upon the applicant passing a physical and psychological examination.

4.2 NOTICE OF EXAMINATION

The Commission shall appoint and designate a written examination administrator, an oral examination administrator or administrators, a physical fitness examiner or examiners, a medical/physical examiner and a psychological examiner to conduct the appropriate examination required by these Rules and Regulations.

Model resolutions of appointment for the appointment of each of these examiners are attached as Appendix B-1 through B-5, respectively, and model notices of appointment of these examiners are attached as Appendix C-1 through C-5, respectively, and all are incorporated into these Rules and Regulations. As and when said Resolutions are adopted, copies thereof shall be maintained with these Rules and Regulations and, generally, in the Scottsdale Borough Offices.

4.3 WRITTEN EXAMINATIONS

The written examination shall be graded on a point scale based on the number of questions on the examination. An applicant must score sixty (60%) percent or higher and remain one of the top-scores including ties in order to continue in the application process. Applicants scoring less than sixty (60%) percent shall be rejected. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their test results and passing applicants shall be scheduled for an oral interview. A model letter informing a passing applicant of the written score and date for an oral examination is attached as Appendix A-4, and a model letter for a failing applicant is attached as Appendix A-5, both of which are incorporated into these Rules and Regulations.

4.4 ORAL INTERVIEW

Every applicant who scored sixty (60%) percent or higher in the written examination shall then be subject to an oral interview which will be graded on the same point scale as the written examination, with a score of sixty (60%) percent or higher

necessary for passing.¹The oral interview shall involve the questioning of applicants on how they would handle situations relevant to police work. The score of the Applicant on their oral interview shall be added to the score on their written examination to determine their total overall score. Within thirty (30) days after the applicants' oral examination, they shall be informed of the score in their oral interview and total overall score. A model letter informing a passing applicant of the oral score and the date for physical fitness testing is attached as Appendix A-6 and a model letter for failing applicant is attached as Appendix A-7, and both are incorporated into these Rules and Regulations.

4.5 VETERAN'S PREFERENCE POINTS

Pursuant to the Veteran's Preference Act, any applicant for the position of patrolman who qualifies as a "soldier" under this Act, shall receive an additional ten (10) points on top of their total score if that applicant had received passing scores under Sections 4.1, 4.3, and 4.5.

4.6 PHYSICAL FITNESS TESTING

The compliance requirements for Physical Fitness Testing are set forth in Addendum "A" hereto.

If the applicant has received and been certified, pursuant to the Municipal Police Officer's Education and Training Program within two (2) years of the date of the filing of the complete application for employment, then the physical fitness test required herein shall be waived. A model letter informing applicants that they passed the physical agility test attached as Appendix A-8, and a model letter informing applicants that they failed the physical agility test is attached as Appendix A-9, and both are incorporated into these Rules and Regulations.

4.7 BACKGROUND INVESTIGATION

The Commission shall request the mayor or the mayor's designee to conduct a background investigation on each applicant who passes the written, physical and oral examination. The background investigation shall include interviews with the applicant's family, acquaintances, current and former employers, current and former neighbors, references and current and former teachers and school officials. In addition, the applicant's credit history and record of criminal convictions will be investigated. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

¹ This section acknowledges that the number of questions on a written examination may vary depending on the examination used and requires the scaling for the oral interview to match the scaling of the written examination. For example, if the written examination has 80 questions with one point awarded for each correct answer, the scoring is on a "1 to 80 scale" and a score of 48 or higher would be passing. The oral interview would then be scaled on a "1 to 80 basis", with a total score of 48 required to pass.

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

Appropriateness of the applicant shall be based on the criteria set forth in Section 3.5 of these Rules and Regulations. This recommendation shall be in writing and if the recommendation is to disqualify, then a detailed written explanation of the reasons for disqualification must be included. The Commission shall make the final determination on whether the information collected during the background investigation warrants rejection of the candidate.

Within thirty (30) days after the Commission considers the recommendation of the mayor or designee, each applicant will be informed of whether they have passed the background investigation. A model letter informing an applicant that a background investigation has been successfully completed is attached as Appendix A-10 and a model letter informing an applicant failing the background investigation is attached as Exhibit A-11, and both are incorporated into these Rules and Regulations.

4.8 NOTICE OF APPLICANT'S GRADE

When the grading of each examination is completed, the Secretary shall give each applicant written notice of his grade.

4.9 RETESTING

No applicant who obtains a failing score on any examination shall be precluded from participating in any subsequent application and testing program conducted by the Commission. Provided, however, that for any applicant who fails to obtain a passing grade on any examination taken thirty (30) days prior to the date of any change or amendment to these Rules and Resolutions, the Commission may consider the applicant's test scores under the amended Rules and Regulations to determine whether they have obtained a passing grade.

4.10 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 any eligible list resulting from the examination and the applicant shall not be permitted to make any future application for any position in the Police Department.

SECTION 5. CERTIFICATION OF THE LIST OF ELIGIBLES AND APPOINTMENT

5.1 CREATION OF ELIGIBILITY LIST

At the completion of the examination requirements set forth in Section 4, written examination, oral interview, background investigation and physical fitness test, the Commission shall rank all passing applicants on a list with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list. Applicants who qualify for veterans preference points shall have those points added to their passing score prior to being ranked on the eligibility list. In the case of tied score, the tie will be broken by giving preference to the applicant who submitted a final completed application first. If both tied applicants submitted their complete applications on the same day, then the applicants shall be ranked in alphabetical order by surname.

The eligibility list should 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, by a vote of the majority of the Commission at a duly authorized Commission meeting, extend the list for an additional year. The Commission may, at its sole discretion, void an eligibility list at any time for any reason.

A separate eligibility list shall be kept for full-time employment and part-time employment. Further, an applicant shall at the time of filing his application, designate whether said applicant desires to be placed on the full-time employment list, part-time employment list, or both.

5.2 APPOINTMENT

(a) The appointing authority of the Borough may fill any vacancy in an existing position in the police department which occurs as a result of expansion of the police force, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the police department who had been furloughed. Except for physical and psychological examinations, no other testing shall be required for a furloughed employee or a rehired or reappointed employee.

(b) If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, every position, except that of chief of police, shall be filled only in the following manner:

(1) The appointing authority of the Borough shall notify the Commission of any vacancy which is to be filled and shall request the certification of three (3) names from the list of eligibles.

(2) If three (3) names are not available, then the Commission shall 13
certify the name(s) remaining on the list.

(3) Borough Council shall make an appointment from one of the three names certified with reference to the merits and fitness of the candidates. However, when one of the three applicants on the certified list is a veteran, that veteran shall be given preference over other eligible candidates.

(4) Borough Council may, at its sole discretion, appoint any applicant who has passed the required examinations for appointment although the applicant's name does not appear on the certified list of three when the applicant qualifies for veteran's preference. This includes appointment to both part-time and full-time positions.

(c) The Borough Council or Board of Commissioners may object to one or more of the persons certified for the reasons set forth in Section 3.5 of these Rules and Regulations. If the candidate to whom the Borough Council or Board of Commissioners objects fails to timely exercise the rights of appeal under Section 3.8 or if the Commission declines to uphold the appeal, the Commission shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three candidates for each name stricken off.

5.4 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS AND DRUG TESTING

After the appointing authority selects a candidate from the certified list of three for appointment to the vacant position, that candidate shall submit to a drug test, a physical examination and a psychological examination by medical experts designated and appointed by the Commission. If the candidate successfully passes the drug test, physical and psychological examinations, then that employee shall be appointed to the vacant position in the police department which the application was submitted. The appointment shall be contingent upon successfully passing the drug test, physical and psychological examinations. Failure to pass any examination shall result in the candidate being rejected from consideration. The rejected candidate may appeal this decision under Section 3.9

Model letters informing a candidate of passing the physical examination, failing the physical examination, passing the psychological exam and failing the psychological exam, passing the drug test and failing the drug test, respectively, as Appendix A-12 to A-18 and are incorporated into these Rules and Regulations. The Commission shall then certify another name to be included with the two previously certified names for consideration by the appointing authority pursuant to Section 5.2.

5.5 PROBATIONARY PERIOD

Every successful applicant to the position of patrolman or to a promotional position with the police department shall serve a six (6) month probationary period. During the probationary period, a newly hired officer may only be dismissed for cause for the reasons set forth in Section 3.6. However, at the end of the six (6) month probationary period, if the conduct of the probationer has not been satisfactory to the Board of Commissioners,

the probationer shall be notified in writing that the appointment will not be permanent. At that time, a newly hired officer's employment shall end, and a promoted officer shall return to a previous rank. Any officer who is not informed in writing that their performance has been unsatisfactory shall receive a permanent appointment to the new position. Any probationer who is notified in writing that appointment will not be made permanent has no rights of appeal under these Rules and Regulations.

SECTION 6. SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK

6.1 GROUND FOR DISCIPLINARY ACTION

(a) No person appointed to a position in the police department pursuant to these Rules and Regulations may be suspended without pay or removed and no person promoted in rank pursuant to these Rules and Regulations may be reduced in rank except for the following reasons:

- (1) physical or mental disability affecting the officer's ability to continue in service in which case the officer shall receive an honorable discharge from service;
- (2) neglect or violation of any official duty;
- (3) violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony;
- (4) inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming an officer;
- (5) intoxication while on duty; or
- (6) engaging or participating in or conduction of any political or election campaign other than the officer's exercise of the right of suffrage.

(b) No officer shall be removed for religious, racial or political reasons. A statement of any charges made against any officer so employed shall be furnished to the officer within five (5) days after those charges have been adopted by the Borough Council.

6.3 NOTICE OF SUSPENSION, REMOVAL OR REDUCTION IN RANK

Whenever a full-time police officer is suspended, removed or reduced in rank, the specific charges warranting such actions shall be stated in writing by the Borough Council. The charges shall be stated clearly and in sufficient detail to enable the officer to understand the charges and to allow the officer an opportunity to respond to those charges. The charges shall specify the subsection of Section 6.1 which provides the basis for the disciplinary action as well as an explanation of the factual circumstances upon which the appointing authority relied in finding a violation of Section 6.1.

Within five (5) days after the Borough Council has voted to impose the disciplinary action, a written statement of the charges shall be delivered to the officer either by personal service or by certified and registered mail. In addition, the charges shall notify the officer of the right to appeal under Section 6.4 of these Rules and Regulations. A copy of the statement of charges shall also be served upon the members of the Civil Service Commission.

6.4 HEARINGS ON SUSPENSION, REMOVALS AND REDUCTIONS IN RANK

(a) The officer who has been suspended, removed or reduced in rank may appeal the decision of the appointing authority by written notice to the Secretary of the Commission in care of the Borough of Scottsdale, 77 Greensburg Street, Scottsdale, PA 15626, requesting a hearing. This request shall be received the Commission within ten (10) days after the officer received notice of the discipline. The officer may make written answers to any charges filed not later than the date fixed for the hearing. Failure of the officer to provide written answers to any of the charges shall not be deemed an admission by the officer.

(b) The Commission shall schedule a hearing within ten (10) days from the officer's written request for a hearing unless continued by the Commission for cause at the request of the Commission, the Borough Council or the officer. At any such hearing, the officer against whom the charges have been made may be present and represented by counsel, may call witnesses and present testimony and documentation in defense. The Borough may also be represented by counsel, call witnesses and present evidence as is necessary to support the charges. A stenographic record of all testimony shall be taken at every hearing and preserved the Commission. In the event the charges are dismissed, the record shall be sealed and not be available for public inspection.

(c) In conducting the hearing, the Commission's standard of review shall be to determine whether sufficient evidence has been presented to support the statutory reason for the disciplinary action. If the Commission finds that sufficient evidence has been introduced to support the charge, the Commission shall not modify the penalty imposed by the Borough Council unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Council's discretion. In considering the appropriateness of the discipline, the Commission shall not substitute its judgment for that of the Borough Council. The Commission may

request post hearings briefs, and shall issue a written decision containing specific findings of fact and conclusions of law within sixty (60) days of receipt of the hearing transcript.

6.5 HEARING PROCEDURE

(a) All testimony shall be given under oath administered by the chairperson, or in absence of the chair, the vice-chairperson. The Commission shall have power to issue subpoenas as set forth in Section 2.11. The hearing shall be open to the public unless, prior to the commencement of the hearing, a written or oral request to close the hearing is made by either the charged officer or the Borough.

(b) If the Commission sustains the charges, the officer who was suspended, removed or reduced in rank may file an appeal with the Court of Common Pleas within thirty (30) days from the date of entry by the Commission of its final order. No order of suspension shall be made by the Commission for a period longer than one year. In the event that the Commission fails to uphold the charges, then the person sought to be suspended, removed or demoted shall be reinstated with full pay for the period of the suspension, removal or demotion, and no charges related to the suspension, removal or reduction in rank shall be officially recorded in the officer's record.

SECTION 7. RESOLUTION FOR ADOPTION

The foregoing Rules and Regulations which are in accordance with powers granted by the civil service section of the Borough Code, Sections 1171-1195, enacted by the General Assembly of the Commonwealth of Pennsylvania, and further in accordance with the authority granted by the Council of the Borough of Scottdale, were adopted by the Civil Service Commission of the Borough of Scottdale, PA, as Civil Service Commission Resolution No. _____

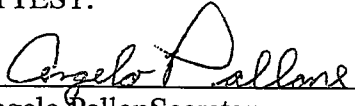
C. J. DeFrank, Chairman

Vice-Chairman

Nicole Seese, Secretary

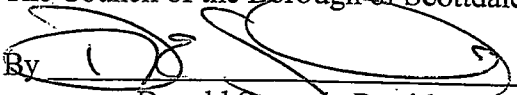
Approved at a public meeting duly assembled by a majority vote of the Council of the Borough of Scottdale, Pennsylvania, on the _____ day of _____, 2021.

ATTEST:



Angelo Pallon Secretary

The Council of the Borough of Scottdale

By 

Donald Stansak, President

(Seal of the Borough)

Authorization to Prepare Modifications to the 2019, 2020 and 2021 CDBG Programs to Revise the Sanitary Sewer Activity to a Stormwater Sewer Activity – Moved by Mrs. Colebank, second by Mr. Chronowski to prepare modifications to the 2019, 2020 and 2021 CDBG programs to revise the sanitary sewer activity to a stormwater sewer activity. Motion passed.

Authorization to Request a Six Month Contract Extension for the 2019 CDBG Program from February 12, 2024 to August 31, 2024 – Moved by Mrs. Colebank, second by Mr. Chronowski to authorize Urban Design Ventures to request a six month contract extension for the 2019 CDBG program from February 12, 2024 to August 31, 2024. Motion passed.

Decide if the Work on the Fire Station Roof and Window Replacement Will Be Completed Within the Next Six Months or Reallocate Funding to the Storm Sewers from the 2019 CDBG Program – Moved by Mr. Chronowski, second by Mrs. Colebank to approve using the 2019 CDBG program monies for the fire station roof and window replacement before August 31, 2024. Motion passed.

Authorization to Apply for a State Grant for the Preparation of an Update to the Borough's Comprehensive Plan – Moved by Mrs. Colebank, second by Mr. Siwula to authorize Urban Design Ventures to apply for a state grant as long as no match is needed from the General Fund. Motion passed.

Alternate Snow Plow Drivers – Moved by Mrs. Colebank, second by Mr. Chronowski to approve Buzzy Myers, Caden Coppetti and Ethan Smith to be alternate snow plow drivers with the wages based on the union contract. Motion passed.

Quote for Generator Fencing – Moved by Mrs. Colebank, second by Mr. Chronowski to approve the quote of \$797.00 for fencing around the generator to be paid for with ARPA funds. Motion passed.

Aluminum Handicap Ramp – Council discussed and President Stansak stated that it has been allocated to be put on the back porch of the Police Department.

Forgive Back Property Taxes on 115 Pioneer Way – Solicitor Falatovich reported that the buyer of the property would like to have the back taxes exonerated. The Borough taxes amount to about \$3,670.00.

Moved by Mr. Chronowski, second by Mrs. Colebank to approve the sales agreement as is without the tax exonerated. A roll call vote was taken. Motion passed unanimously.

Approve Invoice to Nevaeh for Electrical Repairs at the Borough Building – Moved by Mr. Chronowski, second by Mr. Siwula to approve the invoice for Nevaeh in the amount of \$4,980.00 for electrical repairs at the Borough Building to be paid for with ARPA funds. Motion passed.

Approve Revised 2024 Preliminary Budget – Borough Manager Pallone explained the changes to the preliminary budget.

Moved by Mr. Siwula, second by Mr. Chronowski to approve the revised 2024 preliminary budget as the proposed budget to be considered for approval at the December 11, 2023 regular Council meeting. Motion passed.

OLD BUSINESS

Council discussed street cuts.

EXECUTIVE SESSION – Council went into Executive Session at 7:35 p.m.

Council reconvened the regular meeting at 7:42 p.m.

ADJOURN – Moved by Mr. Siwula, second by Mr. Chronowski to adjourn the meeting at 7:43 p.m. Motion passed.

Borough Secretary