

Chapter 1

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Part 1**Authorities, Boards and Commissions****A. Planning Commission****§1-101. Planning Commission Established.**

A Borough Planning Commission, composed of seven members, appointed in the manner provided by law, is created and established in and for the Borough. The Planning Commission shall perform all of the duties and may exercise any and all of the powers vested by law in planning agencies in boroughs. Provided; the persons constituting the Planning Commission now functioning in the Borough shall constitute the Planning Commission created by this Part 1A and nothing in this Part 1A shall affect the tenure of that present Borough Planning Commission. All vacancies occurring in the Planning Commission in the future, regardless of the cause, shall be filled in accordance with the provisions of the law governing planning agencies in Boroughs at the time of the occurrence of the vacancy.

(*Ord. 775, 7/11/1978, 2-3001; as amended by Ord. 849, 8/13/1985, §1*)

§1-102. Special Powers and Duties of Planning Commission.

The Planning Commission shall have access to the maps, files and other papers of the Borough, and if Council by motion so decides, may keep on file those maps, plans and other pertinent materials. Within the limitations prescribed and appropriations provided for the purpose, Council may, on motion, authorize maps and plans to be made under the supervision of the Planning Commission, and likewise authorize changes and additions to be made to the maps and plans. The Commission may recommend such changes and additions as it may deem proper, but those recommendations shall not restrict the right of Council to initiate like proceedings on its own.

(*Ord. 775, 7/11/1978, 2-3002*)

B. Zoning Hearing Board**§1-111. Zoning Hearing Board Created.**

The Borough creates a Zoning Hearing Board, the membership of which shall consist of three residents of the Borough appointed by Council, the terms of which shall be for 3 years except that the initial members shall be appointed for 1, 2 and 3-year terms respectively.

(Ord. 711, 2/14/1978, §1)

§1-112. Powers and Functions of Zoning Hearing Board.

The Zoning Hearing Board created by this Part 1B shall have the power to hold hearings and any other functions granted to that Board by the Pennsylvania Municipalities Planning Code, 53 P.S. 10101 *et seq.*, as amended.

(Ord. 711, 2/14/1978, §2)

C. Shade Tree Commission

§1-121. Background and Findings.

1. The Borough Council of the Borough of Glassport has become aware of a program sponsored by the Commonwealth of Pennsylvania with regard to municipal beautification, including the installation of trees in the public right-of-way where the same may be appropriate.

2. The Borough Council of the Borough of Glassport wishes to take advantage of such program so as to enhance the appearance of the main business district of the Borough, and other places where the same may be appropriate, and to take formal action in regard thereto.

3. The Glassport Development Corporation is a nonprofit community development corporation operating in the Borough of Glassport which has offered its assistance to the Borough in the establishment and the implementation of a shade tree program.

4. The Borough Council wishes to formally establish the procedures under which the same will be operating in the Borough.

(Ord. 920, 5/12/1992, Preamble)

§1-122. Shade Tree Commission Created; Membership.

There is hereby created in the Borough of Glassport a Shade Tree Commission that will consist of the Borough Council and the Mayor as a whole, along with individuals designated by the Glassport Development Corporation.

(Ord. 920, 5/12/1992, §1)

§1-123. Commission to Establish Shade Tree Program.

The aforementioned Shade Tree Commission shall be empowered to establish a shade tree program in and for the Borough of Glassport including designation of areas where the shade tree installations will take place and the procedures under which the same will be implemented. The expressed desires of Borough Council are to see the program function in the main business district of the Borough, specifically Monongahela Avenue, and that the Commission will acquire trees from government sources and will deal with property owners adjacent to the public right-of-way, so as to secure the necessary permission, if necessary, to place the trees near their places of business. It is also the desire that the care and maintenance of the trees should be carried out and to that end the services of the employees of the Road Department of the Borough of Glassport will be available.

(Ord. 920, 5/12/1992, §2)

§1-124. Measures to Minimize Costs Authorized.

It is further the expressed intent of Council to minimize the costs of any shade tree program, and to utilize to the fullest extent possible volunteer services, government grants, and the like so that a beautification program, which is in the best interest of the Borough, shall not be a burden upon the Treasury of the Borough.

(Ord. 920, 5/12/1992, §3)

§1-125. Implementation Procedures; Rules and Regulations Authorized.

The proper officers of the Borough are authorized and directed to take all other necessary steps to carry out the terms and provisions of this Part, and to adopt rules and regulations with the regard to the implementation of the shade tree program.

(Ord. 920, 5/12/1992, §4)

D. Civil Service Commission**§1-131. Definition.**

1. Unless otherwise expressly stated, the following words and phrases, wherever used in these rules and regulations, shall be construed to have the meaning herein:

Appointing authority - the Borough Council of Glassport, Allegheny County, Pennsylvania.

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.

Board - the Council of the Borough of Glassport.

Certification - the submission to the appointing authority pursuant to its 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 Glassport, Pennsylvania.

Council - the Council of the Borough of Glassport.

Eligible - a person whose name is recorded on the 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 officers.

Police officer - for purpose of these rules and regulations, an entry level sworn full-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 where the employee fulfilled all the requirements of these rules and regulations for both the prior and current position or rank. However, a decrease in salary without change to a different position or rank shall not necessarily constitute a reduction in rank.

Removal - the permanent separation of a police officer from the Police Department.

Suspension - the temporary separation of a police officer from the Police Department.

Secretary - the Secretary or Manager/Secretary of the Civil Service Commission of the Borough of Glassport.

Borough Secretary - the Secretary of the Borough of Glassport.

2. *Gender*. The words "he," "his," "him" and "men" when used in these rules and regulations represent both the masculine and feminine genders.

(Ord. 1038, 5/13/2003, §1)

§1-132. The Commission.

1. *Civil Service Commission.*

A. The Commission shall consist of three Commissioners who shall be qualified electors of the Borough and shall be appointed by the Council initially to serve for the terms of 2, 4 and 6 years, and as terms thereafter expire shall be appointed for terms of 6 years.

B. Any vacancy occurring in the Commission for any reason whatsoever shall be filled by the Council for the unexpired term within the period of 30 days after such vacancy occurs.

C. Each member of the Commission, before entering upon the discharge of the duties of his office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform his official duties with fidelity. No Civil Service Commissioner shall receive compensation.

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 the Council of the Borough.

3. *Organization of Commission.* The Commission first appointed shall organize within 10 days of its appointment and shall elect one of its members as its Chairperson and one as the Secretary. The Commission shall thereafter meet and organize on the first Monday of January each even-numbered year.

4. *Duties of Chairperson and Vice-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.

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.

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.

7. *Quorum.* A quorum shall consist of two members and all actions of the Commission shall have the concurrence of at least two members in order to be valid.

8. *Order of Business.* The order of business of all meetings of the Commission shall be as follows:

A. Roll call.

- B. Approval of minutes of previous meeting.
- C. Unfinished business.
- D. Hearing of cases.
- E. New business.
- F. Communications and reports.

9. *Clerks and Supplies.* The Council 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. 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.

10. *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 or the Commission at any properly convened meeting of the Commission. Before any changes to these rules and regulations become effective, however, such changes must be approved by the Council. These rules and regulations, and any amendments thereto shall be made available to the public for distribution or inspection.

11. *Minutes and Records.* The Commission shall keep minutes of its proceedings and records of examinations and other official action for a period of at least 10 years. All recommendations of applicants for appointment to any position within the Police Department received by the Commission shall be kept and preserved for a period of 10 years. 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.

12. *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 Chairman of the Commission is authorized to administer oaths and affirmations in connection with such investigations.

13. *Subpoenas.*

A. The Commission shall have the power to issue subpoenas over the signature of the Chairperson, or his designee, to acquire the attendance of witnesses and the production of records and papers pertaining to any investigation or injury. The fees of such witnesses of attendance and travel shall be the same as for witnesses appearing in the Courts and shall be paid from appropriations for the incidental expenses of the Commission.

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

C. 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 \$600 and in default of the payment of such fine and cost shall be imprisoned for a period not to exceed 30 days. [Ord. 1077]

D. If any person shall refuse or neglect to obey any subpoena, the Commission may apply by petition to the Court of Common Pleas of Allegheny County for its subpoena, requiring the attendance of such person 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.

14. *Annual Report.*

A. The Commission shall make an annual report to the 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.

B. 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.

C. 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.

(*Ord. 1038, 5/13/2003, §2; as amended by Ord. 1077, 5/23/2006*)

§1-133. Applications and Qualifications.

1. *Eligibility for Examination.* No person shall be admitted to an examination for a position in the Police Department of the Borough of Glassport until he shall have filed, on the official form prescribed by the Civil Service Commission, a sworn application giving such information as the Commission may require. The official application form and all notations, references, and statements appearing in it are incorporated by reference into these rules as if they were fully described herein. The Candidate must take an oath or affirmation that the application is completed truthfully, and the applicant is subject to penalties of 18 Pa.C.S.A. §4904, relating to unworn falsification to authorities.

2. *Discrimination.* The Borough is an equal opportunity employer. It is the Borough's and the Commission's policy 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. *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.

4. *General Qualifications for all Applicants - Residency Requirement.* In addition to meeting the qualifications fixed for each applicant, every applicant for any position in the Police Department shall:

- A. Be a U.S. citizen.
- B. Be at least 21 years of age at the time of application.
- C. Possess a current Pennsylvania driver's license.
- D. Possess a diploma from an accredited high school or a graduate equiva-

lency diploma.

E. Be physically and mentally fit to perform the duties of a police officer.

F. Possess PA Act 120 training certificate or currently be a Pennsylvania certified police officer and have worked a minimum of 2,080 hours as a full-time or part-time police officer.

G. Applicants need not be a resident of the Borough of Glassport, but upon appointment must take up a residency within the Borough of Glassport within 6 months of attaining full-time status. [*Ord. 1056*]

H. Applicants must submit a \$45 non-refundable filing fee when they request and receive an application. Payment of this fee shall be made before an application is processed.

5. *General Qualifications-Applicants for Sergeant and Lieutenant.*

A. In addition to meeting the qualifications in subsection .4 above, all candidates for a promotional position, except Chief, shall have not received any formal written reprimand for 1 year prior to the deadline for submitting applications and shall have not been suspended without pay at any time 5 years prior to the deadline for submitting applications. Any formal written reprimand or suspension to which the candidate has timely appealed pursuant to a grievance procedure of these rules and regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

B. All candidates for Sergeant and Lieutenant shall have had continuous prior service with the Police Department of the Borough of Glassport as follows:

(1) A candidate for the position of Sergeant shall have had at least 4 years of experience as a police officer within the Police Department.

(2) A candidate for the position of Lieutenant shall have had at least 4 years of experience as a police officer within the Police Department.

C. Further, all candidates for Sergeant and Lieutenant shall:

(1) Have satisfactorily completed all mandatory in-service training requirements.

(2) Have demonstrated an ability to carry out orders from superiors.

(3) Have demonstrated a working knowledge of police science and administration as ascertained by an appropriate promotional examination.

(4) Have demonstrated an ability to supervise the work of subordinates.

6. *General Qualifications - Applicants for Chief of Police.* In the case of a vacancy in the office of Chief of Police, the Council may nominate a person to the Civil Service Commission. It shall thereupon become the duty of the Commission to subject such person to a non-competitive examination, and if such person shall be certified by the Commission as qualified, he may then be appointed to such position. Such person must demonstrate a working knowledge of police science and administration and demonstrate the ability to supervise the work of subordinates.

7. *Background Investigation.*

A. The Commission shall request the Chief of Police or the Chiefs designee to conduct a background investigation on each applicant. 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 should be investigated. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

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

C. If the recommendation is to disqualify, a detailed written explanation of the reasons for disqualification must be included. The Commission shall take the final determination on whether the information collected during the background investigation warrants rejection of the candidate. Within 30 days after the Commission considers the recommendation of the Chief of Police or the Chiefs designee each applicant will be informed of whether they have passed the background investigation.

8. *Filing Applications.* Applications for any position in the Police Department shall only be obtained during the advertised period and only during normal business hours in the office of the Borough Secretary. No application shall be accepted after 3 p.m. on the day of the close of the advertised period.

9. *Recording Applications.* The office of the Borough Secretary shall review each application, upon receipt, for the purpose of determining that the application contains the required documentation and contains no errors or omissions. The Borough Secretary shall date, number, and record, in the order of receipt, all applications in compliance with this Section. An application, once recorded, shall be a public record and shall not be returned to the applicant.

10. *Penalty for False Statement.* The statements made by the applicant on the official application shall contain no falsification, commission or concealment of material facts. Should investigation disclose any willful misstatement, falsification or concealment with respect to any application:

A. The application shall be invalid and the applicant shall be disqualified from examination.

B. If the applicant shall have been examined, the name of such applicant, if listed, shall be removed from the eligible list.

C. If the applicant shall have been appointed, such willful misstatement, falsification or concealment shall constitute grounds for dismissal from the Police Department.

No person who shall make any willful false application shall be permitted to make any future application for any position in the Police Department of the Borough.

11. *Public Notice.* Public notice of the time and place of every examination, together with the information as to position to be filled, shall be given by publication in the newspaper designated by the Council for Borough notices in the Borough. The public notice shall be published at least 2 weeks prior to an examination and a copy of the notice shall be posted on the bulletin board in the Borough Municipal Building. Additional public notice by publication, posting or otherwise, may be given at any time at the discretion of the Commission.

12. *Notice of Examination.* In addition to the public notice, the Secretary shall give written notice to each qualified applicant as follows:

A. By mailing or otherwise delivering notice which shall include the date, time and place of the physical ability and written examinations.

B. Those who successfully qualify for oral examination will be notified by mail or registered letter of the date, time and place of such oral examination.

C. By mailing or otherwise delivering to each applicant qualified for a medical examination, a notice which shall include the name of the medical examiner and the date, time and place of such medical examination.

Every such notice shall be mailed or otherwise delivered at least 3 days prior to the date fixed for examination. Only applicants receiving notices to report for an examination shall be permitted to participate in such an examination, and each applicant shall present his notice to the examiner before he shall be examined. Failure to report for any examination in accordance with the instructions contained in the written notice shall disqualify the applicant.

(*Ord. 1038, 5/13/2003, §3; as amended by Ord. 1056, --/2004, §1*)

§1-134. Examination and Grading Procedure.

1. *Physical and Psychological Examinations.*

A. *Position of Police Officer.* After the appointing authority selects a candidate from the certified list of three for appointment to the vacant position, the candidate shall submit to a physical examination and a psychological examination by the appropriate medical experts. If the candidate successfully passes the physical and psychological examinations, then that employee shall be appointed to the vacant position in the Police Department for which the application was submitted. The appointment shall be contingent upon successfully passing both the physical and psychological examinations. Failure to pass either examination shall result in the candidate being rejected from consideration. The rejected candidate may appeal this decision.

B. *Report of Medical Examiner.* The Commission shall furnish each medical examiner with forms upon which he shall state the bodily and mental condition of each applicant. The statement of each examination shall be submitted to the Commission within 5 days after the date of examination.

C. *Physical Ability Testing.* An applicant for the position of police officer must meet the following requirements:

(1) *Stretcher Carry.* Applicants shall be paired off and required to carry a stretcher with a simulated patient weighing approximately 200 pounds over a distance of 100 feet. Those applicants failing in the first attempt will be allowed to retake the exercise with a person who has successfully completed the exercise.

(2) *Body Drag.* An applicant is required to remove a simulated motor vehicle operator weighing approximately 200 pounds from behind the steering wheel of a motor vehicle and drag the simulated operator to a point 50 feet from the vehicle.

(3) *Quarter Mile Run.* An applicant is required to run a distance of ¼ mile

in a premeasured course in less than 110 seconds.

(4) *Window Climb*. An applicant is required to climb through a 6-foot high level window without assistance onto a 3-foot high level platform on the other side of the window, and then to the ground. Applicants must then circle around a marker 20 feet beyond the window and return up the 3-foot high platform and out the window onto the ground.

(5) *Thirty Second Trigger Pull*. Within a 30-second time limit per hand, an applicant is required to repeatedly pull 15 times for each hand the trigger of a double action nonfunctional revolver with arms horizontally extended.

2. *Appointment of Examiners*. The Commission shall appoint a written examination administrator, an oral examination administrator, a physical fitness examiner, a medical examiner and a psychological examiner to conduct the appropriate examinations required by these rules and regulations.

3. *Written and Oral Examinations*.

A. *Examinations for Position of Police Officer*. The examination for the position of police officer shall consist of the following four parts and shall be conducted in the following order:

- (1) Written examination.
- (2) Oral examination.
- (3) Physical agility examination.
- (4) Physical and psychological examinations.

The four examinations shall be weighed as follows:

- (1) *Written Examination*. Graded on a 100 point scale with the written examination representing 60% of the final score.
- (2) *Oral Examination*. Graded on a 100 point scale with the oral examination representing 40% of the final score.
- (3) *Physical Ability Test*. Pass or fail.
- (4) *Physical and Psychological Examination*. Pass or fail.

[Ord. 1056]

B. Applicants must score 80% or higher to pass and to be eligible to take the oral examination. Applicants scoring less than 80% shall be rejected. Applicants must score 80% or higher on the oral examination to pass and to continue in the application process. Applicants scoring less than 80% shall be rejected.

C. *Examination for Sergeant and Lieutenant*. The written and oral examination shall be graded on a 100 point scale with the written examination representing 40% of the final score and the oral examination representing 60% of the final score. The examination for the positions of Sergeant and Lieutenant shall consist of the following:

- (1) *Written Examination*. Applicant must score 80% or higher in order to pass and to be eligible to take the oral examination.
- (2) *Oral Examination*. Applicant must score 80% to pass. The Chief shall participate in the oral examination whose evaluation shall account for 10% of the score.

(3) The applicant must score 80% or higher to pass.

4. *Notice of Applicant's Grade.* When the grading of each examination is completed, the Secretary shall give each applicant written notice of his total grade within 30 days.

5. *Ineligibility for Future Examinations for Six Months.* If an applicant fails to obtain a passing grade in any examinations, he shall not be eligible for a subsequent examination for any position in the Police Department of the Borough for a period of 6 months.

6. *Administering Examinations.* The Commissioners may designate any recognized examining agency to act as examiner for the written examinations. The Commission may reserve the right to accept or reject, in whole or in part, the recommendations of the regularly appointed examining agency.

7. *Conduct of Written Examinations.* The Commission shall prepare a statement of instructions and rules for the conduct of written examinations. The regularly appointed examiner shall carry on each such examination in accordance with the instructions of the commission, and be responsible for enforcing the rules of conduct for written examinations.

8. *Penalty for Improper Conduct.* Should any applicant be found guilty of any act 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.

9. *Veterans Preference Act.*

A. Applicants for police patrol officer who are entitled by law to additional points for services in the armed forces of the United States shall present proof of such honorable service at the time of application.

B. Pursuant to the Veteran's Preference Act, any applicant for the position of patrol officer who qualifies as a "soldier" under this Part, shall receive an additional 10 points to his total score if that applicant had received passing scores on the written and oral examinations.

10. *Rejection of Candidate.* The Commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any candidate 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 candidate has applied. In addition, the Commission may refuse to examine, or if examined, may refuse to certify any candidate who is physically or mentally unfit to perform the full duties of the position to which he seeks employment, or who is a substance abuser, who is guilty of any crime involving moral turpitude, or infamous or notoriously disgraceful conduct, or who has been dismissed from a public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the constitutions and law of the United States and the Commonwealth of Pennsylvania.

11. *Hearing for Disqualified Applicants.* Any applicant or other person who believes that he is aggrieved by the action of the Commission, in refusing to examine or to certify him as eligible after examination, may request a hearing before the

Commission. Within 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. §101 *et seq.* The applicant or aggrieved party must make their request for a hearing in writing within 10 calendar days of the date when the party knew or should have known of the Commission's action that is being challenged.

(*Ord. 1038, 5/13/2003, §4; as amended by Ord. 1056, --/2004, §2*)

§1-135. Certification of the List of Eligibles and Appointment.

1. Eligible Lists.

A. *Preparation of Eligible List.* As soon as possible after the completion of each examination, the Secretary shall prepare an eligible list upon which shall appear the name of each applicant who received a passing grade in the examination. The names on the eligible list shall be arranged from the highest to the lowest, in the order of the final weighted score received by each applicant. The eligible list shall be filed in the office of the Borough Secretary and a copy posted on the bulletin board in the Borough Municipal Building.

B. *Breaking Tie Scores.* When two or more qualifying applicants receive the same final weighted score, the order in which the names of such persons shall appear on the eligible list shall be determined by their scores on the part of the examination assigned the greatest weight. The order of listing shall be determined by the order in which the applicants were numbered for recording purposes.

C. *Life of Eligible List.* The eligibility list shall be valid for 1 year from the date the Commission ranks all passing applicants, assigns points and formally adopts the eligibility list. The Commission may, at its sole discretion, 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.

D. *Furlough List.* Whenever the Board of Borough Council cause a reduction in the number of police officers, the Commission shall prepare and maintain a list of the names of all such furloughed officers together with the position held by each such officer at the time of the furlough. The names on the furlough list shall be arranged, from the greatest to the least, in the order of the length of service of each furloughed officer in the Police Department of the Borough.

2. Certification and Appointments.

A. *Filing Vacancies.* When a vacancy is to be filled in the Police Department, the Council shall submit a written request to the Commission for certification of eligibles. In making the request, the Board shall state the title of the position to be filled and the compensation to be paid.

B. *Furlough List to Fill Appointments.* Upon receipt of a request from the Board, the Commission shall first certify the names of those eligible that were furloughed because of a reduction in force. In filling a vacancy from the furlough list, the Commission shall certify from the top of the list that number of names equal to the number of vacancies to be filled.

C. *Certification From Eligible List.* If no furlough list exists or if the total

number of vacancies cannot be filled from the available names on the furlough list, the Commission shall certify names from the eligible list and a selection shall be made therefrom. The Commission shall certify for the first existing vacancy the names of the first three persons appearing on the eligible list and one additional name for each additional vacancy. If there are less than the above required number of names available on the eligible list, the Commission shall hold another examination and a selection shall be made therefrom. For initial appointment to the position of police officer, when one of the three candidates on the certified list is a veteran, that candidate shall be selected.

D. *Removal of Names from Furlough and Eligible Lists.* In addition to the other reasons stated as grounds for removal in these rules, the name of any person appearing on a furlough list or an eligible list shall be removed by the Commission if such person:

- (1) Is appointed to a position in the Police Department of the Borough.
- (2) Declines an appointment to a permanent position in the Police Department of the Borough.
- (3) Fails to make a written reply to the Commission within 7 calendar days from the date of mailing of a notice of certification.
- (4) Indicates availability for appointment and is appointed to fill a vacancy but fails to report for duty at the time prescribed by the Council unless, in the opinion of the Board, such person can show a good and sufficient reason for failing to report.

The name of any person on an eligible list also shall be removed by the Commission if he is three times certified for consideration for appointment as the top name and is not appointed. Nothing in this Section, however, shall be construed as authorizing the removal of the name of any person on any furlough list or eligible list who refuses or accepts a position of a lower rank than that for which he has qualified.

3. *Appointment Procedures.* Whenever the name of any person is certified to the Council from either the furlough list or the eligible list, the person shall be immediately notified of his certification by either certified or registered mail. The notice shall include the title of the position and the compensation to be paid, and shall also state that the person certified make a written reply within 7 days from the date of mailing such notice.

4. *Probationary Period.*

A. All original appointments to any position in the Police Department, whether the position is that of a patrol officer, sergeant or lieutenant, the Chief of Police shall make a monthly written report to the Council on the performance of said probationary officers performance so as to aid the Board in determining whether or not it wishes to retain said appointee as a permanent employee.

B. In the case of a probationary Chief of Police, the Public Safety Committee shall make a monthly written report to the Council on the performance of said probationary chief so as to aid the Board in determining whether or not it wishes to retain said appointee as a permanent Chief.

C. The final report due from the Chief or from the Public Safety Committee, whatever the case may be, shall contain a recommendation to the Council to either retain or reject the probationer.

D. The Council at its regular meeting, which will immediately precede the end of the probationary period, shall vote to retain or to reject the probationer. A majority of a quorum only shall be necessary for this decision. The Board will then notify the Commission in writing of its decision, and the Commission in turn shall notify the probationer of said decision of the Board on or before the date of the end of the probation period. The determination of the Board shall be final notwithstanding any provisions to the contrary.

E. During the probationary period, a newly hired officer may be dismissed for cause for the specific reasons set forth in §§1-334.10 and 1-336.1 hereof or if found to be generally unfit for the performance of his duties.

(Ord. 1038, 5/13/2003, §5)

§1-136. Suspensions, Removal and Reductions in Rank.

1. *Cause.* A police officer may be suspended, removed or reduced in rank for the reasons appearing in the Police Policy and Procedural Manual of the Borough of Glassport and for the following reasons:

A. Physical or mental disability affecting his ability to continue in service in which case the person shall receive an honorable discharge from service.

B. Neglect or violation of any official duty.

C. Violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony.

D. Inefficiency, neglect, intemperance, disobedience of orders, or conduct unbecoming an officer.

E. Intoxication while on duty.

F. Engaging in, participating in, or conducting any political or election campaign otherwise than to exercise his own right of suffrage.

2. No officer shall be removed for religious, racial or political reasons.

3. *Furloughs.*

A. If for reasons of economy or other reasons, it shall be deemed necessary by the Borough to reduce the number of full-time police officers in the department, then the Borough shall apply the following procedure: (1) if there are any employees eligible for retirement under the terms of any retirement or pension law, then such reductions in numbers shall be made by retirement of such employees starting with the eldest employee and following in order of age respectively; (2) if the number of full-time police officers eligible for retirement is insufficient to effect the necessary reductions in numbers, or if there are no persons eligible for retirement, or if no retirement or pension funds exists, then the reductions shall be effected by furloughing the person or persons including probationers, last appointed to the respective force.

B. Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have been accomplished. In the event that the appointing authority decides to increase the Police Department, the furloughed officers shall be reinstated in order of their seniority in the department if the furloughed officer accepts reinstatement in writing within 30 days of receiving notice of the opening. These reductions in force

provisions are not applicable to the Chief of Police.

4. *Suspension.* The Mayor and/or the Chief of Police has the right to suspend any police officer or other person working the Police Department at any time for any behavior prohibited by the Civil Service provisions of the Borough Code.

5. *Procedure.* In addition to those procedures set forth in the civil service section of the Borough Code, the provisions of the Borough of Glassport Police Policy and Procedural Manual shall govern on cases where a police officer is charged with misbehavior in office. Whenever a police officer is suspended, removed or reduced in rank, the specific charges warranting such options shall be stated in writing by the Borough. The charges shall be stated clearly and in sufficient detail to enable the officer to understand the charges against him and to allow the officer an opportunity to respond to those charges. The charges shall specify the subsection .1 which provides the basis for the disciplinary action as well as an explanation of the factual circumstances upon which the appointing authority relied upon in finding a violation of subsection.1. Within 5 days after the 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 or registered mail. In addition, the charges shall notify the officer of his appeal rights under subsection .6 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. *Hearing on Suspensions, 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 requesting a hearing. This request shall be received by the Commission within 10 days after the officer received notice of the discipline. The officer may make written answers to any charges filed against him 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 30 days from the officer's written request for a hearing unless continued by the Commission for cause at the request of the Commission, the 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 on his behalf. The Borough may also be represented by counsel, call witnesses and present evidence as is necessary to support the charges. The stenographic record of all testimony shall be taken at every hearing and preserved by 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 Council unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Council discretion. In considering the appropriateness of the discipline, the Commission shall not substitute its judgment for that of the Council. The Commission may request post hearing briefs

and shall issue a written decision containing specific findings of fact and conclusions of law within 60 days of receipt of the hearing transcript.

7. *Hearing Procedure.*

A. All testimony shall be given under oath administered by the Chairperson, or in his absence, the Vice-Chairperson. The Commission shall have power to issue subpoenas. The hearing shall be open to the public unless, prior to the commencement of the hearing, written or oral request to close the hearings 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 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 1 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 against his record.

(Ord. 1038, 5/13/2003, §6)

§1-137. Inspections.

1. *Inspection in General.* Except as otherwise provided in this Section, or by statute, none of the records of the Commission shall be open to the public. However, this shall not be construed to prevent inspection of the records by members of the Commission, or members of the Board. A member of the Commission, or any person who may, from time to time, be designated by the Commission, shall be present at all times during any inspection of any record of the Commission.

2. *Inspection of Examination Materials.*

A. All examination materials shall be confidential and shall not be open to general public inspection. Any examined applicant may inspect his examination papers, provided that:

(1) He makes a written request to the commission within 7 calendar days from the date of mailing of the written notice of his grade.

(2) He receives the written consent of the Commission to inspect his examination papers.

(3) He makes his inspection within 5 calendar days from the date of mailing of the consent of the Commission.

B. The Commission shall not consent to the request of any examined applicant to inspect any written examination paper which may be used in any subsequent written examination that may be scheduled within 90 calendar days following the date of receipt of the written request. If the Commission consents to an inspection of any of the written examination papers by any examined applicant, it shall state in its letter of consent which specific examination papers may be inspected. Before any member of the Commission, or any person designated by the Commission, permits any inspection of examination papers, he shall require the examined applicant to produce the letter indicating the consent of the Commission,

and he shall limit the inspection by the examined applicant to only those examination papers indicated in the letter of consent. No examined applicant shall be permitted to inspect any examination papers other than his own, nor shall he be permitted to make any written notes while he is inspecting any examination paper.

(Ord. 1038, 5/13/2003, §7)

§1-138. Amendments.

The Commission, with the approval of the Council, may, from time to time, amend or waive any part of these rules and regulations.

(Ord. 1038, 5/13/2003, §8)

Part 2**Police Department****§1-201. Police Department Established; Members.**

A Police Department is hereby established in and for the Borough. The Police Department shall be composed of a Chief of Police, and those other officers of those ranks and as many patrolmen as Council shall from time to time determine.

(*Ord. 773, 3/14/1978; as amended by Ord. 775, 7/11/1978*)

§1-202. Chief of Police.

The Chief of Police, under the direction of the Mayor, shall be in charge of the Police Department and shall have supervision over the members of the Police Department, in the exercise of their powers, duties and authority.

(*Ord. 773, 3/14/1978; as amended by Ord. 775, 7/11/1978*)

§1-203. Status of Existing Police Force.

The existing police force of the Borough is hereby established as the Police Department established by this Chapter.

(*Ord. 773, 3/14/1978; as amended by Ord. 775, 7/11/1978*)

§1-204. Appointment of Special Policemen by Mayor.

Nothing herein shall affect the authority of the Mayor to appoint special policemen during emergencies.

(*Ord. 773, 3/14/1978; as amended by Ord. 775, 7/11/1978*)

§1-205. Parking Enforcement Personnel.

At its discretion, Council shall have authority to appoint and employ one or more individuals as parking enforcement personnel, who shall serve under the direction of the Mayor and the police committee of Council. Those individuals shall have authority to issue parking tickets, following their work of checking parked vehicles for illegal or overtime parking. The parking enforcement personnel shall have no other powers or duties, shall not be members of the Borough's police pension fund, and shall not have civil service status. They shall serve at the discretion and pleasure of Council.

(*Ord. 773, 3/14/1978; as amended by Ord. 775, 7/11/1978*)

§1-206. Additional Part-Time Positions Authorized.

The Mayor is authorized and directed to create additional positions within the Police Department. The Mayor and the Police Committee of Council shall have the authorization to fill additional positions, as deemed necessary by the Mayor and the police committee. The positions will be part-time and will not be chosen from a civil service list and recommendations. All individuals in the aforementioned positions cannot work for more than 29 consecutive days. Those individuals will be covered by false arrest insurance, workman's compensation insurance, liability insurance covering

the operation of automobiles, unemployment insurance, and a uniform allowance in the amount of \$50 for each calendar year.

(Ord. 773, 3/14/78, §1)

§1-207. Appointments to Part-Time Positions.

All appointments to the part-time positions shall be in accordance with the Borough Code, as amended, and consistent with all provisions under the Borough Code.

(Ord. 773, 3/14/79, §2)

Part 3**Municipal Claims and Tax Collection****§1-301. Short Title.**

This Part shall be known as the “Municipal Claim and Tax Collection Ordinance.”
(*Ord. 1052, 2/10/2004, §1*)

§1-302. Delinquent Claim, Charge, Tax, Assessment, Levy or Obligation.

Hereinafter, for every delinquent claim, charge, tax, assessment, levy or obligation owed to the Borough of Glassport, there shall be added to such claim, charge, tax, assessment, levy or obligation such attorney’s fees, charges, and expenses incurred in the collection process subsequent to proper notification to taxpayers of the intent to impose attorney’s fees on delinquent obligations. Such additional charges shall be collected in the same manner and with the full authority as other municipal claims of any nature, and shall be deemed to be a municipal claim and collectable and lienable as such.

(*Ord. 1052, 2/10/2004, §2*)

§1-303. Fees.

Such fees shall be reasonable and the same are hereby established in a fee rate as attached hereto and made a part hereof as Schedule “A.” Said schedule of fees is hereby deemed to be reasonable, fair and necessary in order to allow the Borough to collect such sums due it. This schedule may be amended by ordinance.

(*Ord. 1052, 2/10/2004, §3*)

§1-304. Collection.

Any person or entity empowered to collect sums on behalf of the Borough is directed to add such fees as are incurred to the extent allowed and set forth on Schedule “A.” Such sums collected pursuant to this Part shall be in addition to any tax, penalty, interest, costs or fees already part of the delinquent account or assessment.

(*Ord. 1052, 2/10/2004, §4*)

§1-305. Attorney Fees.

Attorney fees incurred to the extent set forth on Schedule “A” shall be added to all unpaid real estate tax claims of any nature arising or imposed subsequent to the date of adoption of this Part, or which become delinquent or are re-determined to be delinquent subsequent to this date. Prior to the time when such fees are added to any underlying claim, the Tax Collector shall first give the taxpayer such notice as required by law. The Tax Collector or other collector shall so notify the taxpayer by sending such notice to the taxpayer’s last known address by mailing notices in the manner prescribed by the Act of the Pennsylvania General Assembly, known as Act 20 of 2003.

(*Ord. 1052, 2/10/2004, §5*)

Schedule A

Schedule of Legal Fees

Delinquent Tax and Municipal Claims

1. Prepare and mail 30-day delinquent notice	\$50
2. Prepare district justice complaint	\$75
3. Attend district justice hearing	\$250
4. Attend constable execution sale	\$350
5. Prepare arbitration complaint	\$150
6. Prepare general docket proceeding	\$375
7. Attend trail	\$350
8. Negotiate and prepare payment plan agreement	\$75
9. Prepare writ of scire facias sur tax lien in furtherance of sheriff tax sale	\$600
10. Prepare reissue writ	\$125
11. Title search for sheriff sale	\$150
12. Enter default judgment	\$150
13. Issue writ of execution	\$250
14. Attend sheriff sale	\$250
15. Non-litigation legal work	\$80/hour
16. Litigation legal work	\$100/hour
17. All other clerical work not itemized above	\$50/hour

Part 4**Open Records Policy****§1-401. Appointment and Designation.**

The Council of the Borough of Glassport hereby appoint and designate the Borough Secretary as the municipal contact person who shall receive all requests for public records. Any requester that is denied access to a record may file an exception directly to the Council of the Borough of Glassport. This exception should be in writing and addressed to the President of the Council.

(*Ord. 1035, -/-/2003, §1*)

§1-402. Inspection.

The regular business hours designated to inspect a public record or to file a written request for a copy of a public record are as follows:

Monday through Friday
9 a.m. to 4 p.m.
(Excluding Holidays)

(*Ord. 1035, -/-/2003, §2*)

§1-403. Fees.

The fees for any request are as follows:

Postage - will be the actual cost to the Borough.

Photocopying - a fee of \$.25 per copy will be charged for each record requested.

Conversion of an electronic record to paper - the fee for the transfer of an electronic record to a paper copy will be \$.25 per page.

Certification - the fee for a public record to be officially certified by the Borough Secretary will be \$1 per record.

Prepayment - the Borough may require prepayment if the estimated cost of fulfilling a request based on the Fee Schedule will be \$100 or more.

Other fees - other fees may be assessed only if the Borough incurs additional costs in complying with the request and such fees must be reasonable.

(*Ord. 1035, -/-/2003, §3*)

§1-404. Requests.

All requests must be made in writing, on the official Borough request for public record form.

(*Ord. 1035, -/-/2003, §4*)

§1-405. Exceptions.

The Borough contact person will fulfill all requests within 5 business days from the date the written request for a public record is received. Exceptions for any request are

as follows:

A. The Borough may use up to 30 additional days if it must remove portions of the record that are not public, retrieve records not stored on site, or obtain a legal review of records not stored on site, or obtain a legal review of records requested, is experiencing a bona fide staff shortage or if the requester has not complied with municipal policies for record access. If additional delays are needed, the municipality must notify the requester of the delay, in writing, within the 5 business days of receiving the request.

B. The Borough may request a 30-day time extension for any record that they believe may possibly not be public information. During the extension the Borough may request an opinion from its Solicitor regarding the nature of the record. The Borough may not charge a fee for the legal review of the document.

(Ord. 1035, -/2003, §5)

Request for Public Records Form

Name of Requester _____

Address _____

Telephone Number _____

Date of Request _____

Signature of Request _____

Public Record Requested _____

Preferred Method to Receive Request:

Pick-Up _____ Mail _____ Facsimile _____ E-mail _____

(Official Borough Use Only)

Date Request Received _____

Date of Response to Request _____

_____ Granted _____ Denied _____ Partial Grant/Denied

Method Used to Provide Response:

Pick-Up _____ Mail _____ Facsimile _____ E-mail _____

Reason for the Denial or Partial Denial: _____

Number of Copies _____ Postage Amount: _____ Misc. Cost _____

Total Cost: _____

