

**RESOLUTION: 2011-01**

**RULES AND REGULATIONS  
BOROUGH OF CAMP HILL POLICE CIVIL SERVICE COMMISSION  
Adopted Pursuant to Borough Code, 53 Pa.C.S. § 46176**

Effective Date: January 12, 2011

WHEREAS, the Police Civil Service Commission of the Borough of Camp Hill ("Civil Service Commission") has authority to adopt Rules and Regulations pursuant to the Borough Code, 53 Pa.C.S. § 46176; and

WHEREAS, the Civil Service Commission adopted Rules and Regulations and amendments thereto from time-to-time; and

WHEREAS, Act No. 91 of 2010 was enacted with an effective date of October 27, 2010, and amends certain sections of the Borough Code relating to Civil Service for Police; and

WHEREAS, the Civil Service Commission deems it appropriate to amend its Rules and Regulations to comply with Act No. 91 and does adopt the following Rules and Regulations subject to approval of Borough Council; and

WHEREAS, the Borough Council of Camp Hill Borough has approved the new Rules and Regulations by action taken at its duly constituted meeting held January 12, 2011.

NOW, THEREFORE, the Borough of Camp Hill Police Civil Service Commission hereby adopts the Rules and Regulations of the Borough of Camp Hill Police Civil Service Commission, effective as of January 12, 2011, and does hereby revoke and repeal all prior versions of said Rules and Regulations.

**ARTICLE I – Preliminary Provisions**

1. **DEFINITIONS:** For the purposes of these Rules and Regulations, the following words have the meanings indicated, unless the context clearly indicates otherwise:

- a. **ACCUSED:** Any Member of the Department who is the subject of a Disciplinary Action Report that comes before the Commission for disposition.
- b. **ACTIVE POLICE SERVICE:** Employment equivalent to at least forty (40) hours per week by the Department, or by another police department or governmental law enforcement agency.

- c. **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 Department or any qualified Member who responds to a notice of promotion.
- d. **APPOINTED OFFICE:** Any governmental position having such administrative and management responsibility which, by law, requires confirmation or is equivalent to a position which requires confirmation by either the United States Senate or the Senate of the Commonwealth of Pennsylvania.
- e. **BOROUGH:** The Borough of Camp Hill, Cumberland County, Pennsylvania.
- f. **BOROUGH COUNCIL:** The Borough Council of the Borough of Camp Hill.
- g. **CHAIRMAN:** The Chairman of the Commission.
- h. **CHIEF:** The Chief of Police of the Department.
- i. **COMMISSION:** The Borough of Camp Hill Police Civil Service Commission,
- j. **COMMISSIONER:** A member of the Borough of Camp Hill Police Civil Service Commission.
- k. **COMPLAINT:** A Disciplinary Action Report that comes before the Commission for disposition or such other form as the Commission may prescribe for reporting violations of these Rules and Regulations.
- l. **DEPARTMENT:** the Borough of Camp Hill Police Department.
- m. **DEPUTY CHIEF :** The Deputy Chief of Police
- n. **GOOD MORAL CHARACTER:** Character consistent with the standards of moral conduct and behavior prevalent in the Borough. The absence of good moral character may be established by, but not limited to, any of the following:
  - 1. Habitual use of intoxicating liquors, narcotics, or illegal use of controlled substance as defined in Section 102 of the Controlled Substance Act (Public Law 91-513, 21 U.S.C. § 802);
  - 2. Misconduct involving moral turpitude;
  - 3. Infamous or notoriously disgraceful conduct;
  - 4. Dismissal from any public service for delinquency or misconduct in office;
  - 5. Affiliation with, or membership in, any organization advocating the overthrow of the governments of the united States, the Commonwealth of

- 6. Pennsylvania, or any political subdivision thereof;
  - 6. Receipt of a discharge from the armed forces of the United States, or of any foreign country, under any conditions other than honorable;
  - 7. Conviction of a felony or misdemeanor involving moral turpitude.
- o. MEMBER OF THE DEPARTMENT: The Chief, or any Officer employed by the Department.
  - p. OFFICER: Any sworn Officer employed by the Department, including Probationers and provisional appointees.
  - q. PROBATIONER: Any Member of the Department who has been employed by the Department for less than one (1) year in that Member's then position or rank.
  - r. SECRETARY: The Secretary of the Commission.
  - s. VETERAN: A person who is legally entitled to the preferential status of "veteran" when seeking employment in the Commonwealth of Pennsylvania.
2. CONSTRUCTION: The normal rules of grammatical construction shall apply to these Rules and Regulations, unless the result would be clearly contrary to the intent of a specific Article or paragraph.
- a. Generally, reference to male or female shall include both genders.
  - b. Generally the singular shall include the plural and vice-versa.
  - c. Generally, the present tense shall also include the past and future.
  - d. "Shall" and "will" indicate mandatory performance. "Should" indicates recommended performance. "May" indicates permissive performance.

## **ARTICLE II — Scope and Authority**

- 1. SCOPE: These Regulations govern the actions of, and apply to the Commission, all Commissioners, and, when applicable, Members of the Department.
- 2. AUTHORITY: These Regulations are adopted pursuant to the authority granted to the Commission by the Borough Code, 53 Pa.C.S. § 46176.

### **ARTICLE III – The Commission**

1. **APPOINTMENT OF COMMISSIONERS:** The Commission shall consist of three Commissioners who shall be qualified electors of the Borough and shall be appointed by the Borough Council. Commissioners shall be appointed to terms of six years. The Borough Council shall fill any vacancy in the Commission by appointment for the unexpired term, within thirty days after such vacancy occurs.
2. **OATH:** Before entering upon the discharge of the duties of office, each Commissioner shall take an oath, or affirmation, to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform official duties with fidelity. The oath shall be administered by the President or Vice President of the Borough Board Council.
3. **CONFLICTS OF INTEREST:** No Commissioner shall receive any compensation for services as a Commissioner. No Commissioner shall hold any elective or appointed office of the United States, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth, except that one Commissioner may be a member of Borough Council.
4. **ORGANIZATION:** The Commission shall meet on the first Monday of each even-numbered year and shall elect one Commissioner as Chairman and one Commissioner as Secretary.
5. **OFFICE AND RECORDS:** The Office of the Commission shall be located in the Borough Building, 2145 Walnut Street, Borough of Camp Hill, Pennsylvania. Except as otherwise provided herein, records of the Commission shall be retained in the Police Office. The Secretary shall maintain minutes of meetings, records of examinations and records of administrative hearings for at least five (5) years.
6. **MEETING — QUORUM:** The Commission shall hold meetings at the Office, at such times as designated by the Chairman, or when requested by a Commissioner. The Secretary shall notify each Commissioner of every meeting by written notice at least five days prior to the meeting date. The Secretary may be assisted by employees of the Borough. At meetings, two Commissioners shall constitute a quorum and no action of the Commission shall be valid unless it shall have the concurrence of at least two Commissioners.
7. **ADMINISTRATIVE SUPPORT:** Employees of the Borough shall provide any clerical or other administrative support required by the Commission. Materials and supplies shall likewise be provided by the Borough.
8. **ANNUAL REPORT:** The Commission shall submit an annual report to the Borough Council at the February meeting of the Borough Council. The annual report shall contain a brief summary of the Commissions work during the previous calendar year.

## **ARTICLE IV -- Qualifications for Employment**

1. **BASIC QUALIFICATIONS:** Applicants shall have the following basic qualifications at the time of application and thereafter:
  - a. **Age:** At least twenty-one (21) years of age.
  - b. **Weight:** Reasonably proportionate to height.
  - c. **Vision:** Uncorrected eyesight meeting the requirements of the Municipal Police Officers Education and Training Commission, correctable to 20/20.
  - d. **Height:** No limit.
  - e. **Health:** Free from physical or mental condition(s) that, in the opinion of a physician, other qualified medical professional, psychiatrist or psychologist appointed by Council, call(s) into question the person's ability to perform all of the essential functions of the position, unless Council is satisfied, after an individual designated by Council conducts one or more interactive discussions with the person, that the person can perform all essential functions of the position with or without reasonable accommodation.
  - f. **Education:** High School diploma or equivalent.
  - g. **Citizenship:** Citizen of the United States of America.
  - h. **Character:** Good moral character.
  - I. **Act 120 qualified.**
  - j. **Possess a valid operators license.**
  
2. **ADVANCED QUALIFICATION:** Applicants for appointment or promotion to the positions of Sergeant, Lieutenant and Deputy Chief shall, at the time of application and thereafter, have the following qualifications:
  - a. **Basic Qualifications:** All-basic qualifications listed above.
  - b. **Sergeant:** A minimum of two (2) years of active police service with the Department.

- c. Lieutenant: A minimum of four (4) years of active police service with the Department, of which at least the last two (2) years must have been in the position of Sergeant, or equivalent.
  - d. Deputy Chief: A minimum of ten (10) years of law enforcement experience, a minimum of two (2) years of active police service with the Department, and a four year B.A. or B.S. degree from an accredited institution.
3. DEPARTMENTAL LATERAL TRANSFER QUALIFICATION: Safety Officer applicants for appointment to the position of Patrol Officer shall, at the time of application and thereafter, have the following qualifications:
- a. Basic Qualifications: All basic qualifications as previously listed under Article IV, Section 1.
  - b. Have held the position of Safety Officer with the Department for a minimum of two (2) years.

#### **ARTICLE V — Application Procedure**

1. APPLICATION FORM: Applicants shall file with the Commission an application in such form as the Commission shall prescribe. The Commission may charge a reasonable application fee to help defray the costs of processing. Such application shall be executed under oath or affirmation and shall include, but not be limited to, the following information:
- a. Name, etc.: Full name, including any prior names, and residence addresses as required and post office address, if applicable.
  - b. Citizenship: Citizenship, place and date of birth.
  - c. History: Occupation, business, and employment for the five year period immediately prior to filing the application.
  - d. Fingerprints: Three completed fingerprint cards on forms prescribed by the Commission.
  - e. Medical waiver for physical agility test.
  - f. Other: Such other information as the Commission may determine relevant and useful in examining the Applicant\*s qualifications for the position sought.

2. **TIME OF FILING:** In response to a legally advertised notice, applications for entry-level appointment may be filed with the Secretary as indicated in the advertisement. At the discretion of the Commission, applications for entry-level appointment may be accepted at other times, but in no event shall applications be considered or kept on file for more than one (1) year from the date of application. Applications for promotion will be accepted when such a vacancy exists.
  
3. **REJECTION OF APPLICANT:** The Commission may refuse to examine or, if examined, refuse to certify after examination as eligible, any Applicant who:
  - a. **Basic Qualifications:** Lacks one or more of the basic qualifications specified in Article IV.
  
  - b. **Advanced Qualifications:** In the case of Applicants for Sergeant, Lieutenant, or Deputy Chief lacks the advanced qualifications specified in Article IV.
  
  - c. Fails to attain a grade of at least eighty (80) points on the written examination.
  
  - d. Fails to attain a grade of at least eighty (80) points on the oral examination.
  
  - e. Fails the agility test.
  
  - f. Fails a background investigation. Reasons for failure include, but are not limited to, the following:
    1. Habitual use of intoxicating liquors, narcotics, or illegal use of a controlled substance as defined in section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. §802),
    2. Guilty of any crime involving moral turpitude,
    3. Infamous or notoriously disgraceful conduct,
    4. Dismissal from public service for delinquency or misconduct in office,
    5. Does not pass the polygraph examination or the voice stress analysis examination,
    6. Any act or offense that would not permit certification or result in decertification as a police officer in the Commonwealth of Pennsylvania under the rules and regulations of the Municipal Police Officers Education and Training Commission.
  
  - g. Provides false information, intentionally, knowingly or recklessly misleading information or incomplete information at any stage of the process. In the case of incomplete information, the Commission may, at its sole discretion, request the Applicant to provide complete information. If the Applicant so complies, said Applicant may continue in the process unless otherwise eliminated.

4. **HEARING:** Any Applicant aggrieved by the action of the Commission in refusing to examine him or to certify him as eligible after examination may request an administrative hearing by filing a written request with the Secretary. Within ten days after such filing, the Secretary shall schedule an administrative hearing, in accordance with Article XI. The decision of the Commission shall be final.

## **ARTICLE VI — Examination Procedure**

1. **REQUEST FOR EXAMINATION:** Upon written request of the Borough Council that a vacancy exists in the Department, the Commission shall hold an examination to test all Applicants for such vacant position. The examination shall consist of a written examination, an oral examination and an agility test.
2. **PUBLIC NOTICE:**
  - a. **Entry-Level Position:** The Secretary, or his or her designee, shall provide public notice of all examinations by publication in a newspaper of general circulation within the Borough. The date of publication shall be at least two weeks prior to the examination. The Secretary or designee shall also post notice of the examination prominently in the Borough Building.
  - b. **Promotions, other than Chief:** The Secretary, or his or her designee, shall post notice of promotions within the Department. Unless no member of the Department is eligible for promotion, public notice of promotions is not required.
  - c. **Department Lateral Appointments:** The Secretary or his or her designee, shall post notice of examination within the Department.
3. **WRITTEN EXAMINATION:** The written examination shall be practical in character and shall relate to such matters, and include such inquiries, as will fairly test the merit and fitness of the Applicant to discharge the duties of the position sought. The written examination shall be in such form as the Commission shall determine and shall be administered by their designated agents. The written examination shall be scored on a one hundred (100) point scale. For the final weighted ranking, the written examination shall constitute sixty (60) points out of one hundred (100) possible points.
4. **ORAL EXAMINATION:** Every applicant who scores eighty percent (80%) or higher on the written examination and receives one of the top ten (10) highest scores in the written examination shall be given an oral examination. The oral examination shall be conducted by a panel composed of the Commission members and no less than two (2) nor more than five (5) law enforcement supervisors selected and approved by the Commission. The Chief may be a member of the panel. The oral examination shall be designed to test the

merit and fitness of the Applicant to discharge the duties of the position sought. The oral examination may cover the Applicant's comprehension, communication skills, personal initiative, general appearance, knowledge and experience in police work and such other matters as the Commission may determine. The oral examination shall be scored on a one hundred (100) point scale. For the final weighted ranking, the oral examination shall constitute forty (40) points out of one hundred (100) possible points.

5. **AGILITY TEST:** All applicants who receive an oral examination shall be given an agility test. The agility test shall be practical in character and shall relate to the physical tasks police officers perform in the course of their duties. The agility test shall not be simply a test of physical strength or force, but shall take into consideration the actual physical characteristics of each Applicant. No grades shall be awarded and the Applicant shall either pass or not pass. In the case of a promotion or departmental lateral transfer, the agility test may be waived.

6. **PASSING GRADES AND TEST SCORING:**

a. The written examinations shall be so marked that the Applicants identity shall not be known to the Commission until the oral and written examinations for all Applicants have been completed and scored. The Commission shall notify in writing all Applicants of their grades.

b. The minimum passing grade for entry level written and oral examinations shall be achieved by scoring eight (80) points out of a possible one hundred (100) points correct on each examination. Failure to achieve a minimum of eighty (80) points out of a possible one hundred (100) points on either examination shall disqualify an applicant from proceeding to the next examination.

c. Each part of the examination shall be graded on the scale of one hundred (100) points and shall be weighed as follows to obtain the net score to be used in determining the final ranking:

1. The written examination score shall be weighted sixty percent (60%) and the oral score shall be weighted forty percent (40%).

2. Written Weighted Score:  $(60 \times \text{Test Score}) / 100$

3. Oral Weighted Score:  $(40 \times \text{Test Score}) / 100$

4. The weighted scores are then added together to obtain the total net score to be used in determining the final ranking.

7. **VETERANS:** Applicants seeking credit as a veteran shall submit a copy of such Applicant\*s military discharge certificate or Department of Defense Form DD-214 as part of the application or otherwise submit satisfactory proof of entitlement to veteran\*s preference.

- a. When applicable, Veterans shall be entitled to the same preferences as provided by the laws of the Commonwealth of Pennsylvania for persons seeking employment by the Commonwealth.
- b. Veterans who are or were members of the National Guard or Reserves are eligible for veterans preference only if the Applicant has completed both the training and service components of such military commitment.
- c. For appointment to an entry-level position, a veteran with otherwise passing grades will receive a ten (10) point markup on their final score.
- d. Veterans preference will not be awarded for promotions.

8. ELIGIBILITY LIST:

- a. All Applicants who pass the agility test, and who have achieved the minimum passing grade on the written and oral examinations, shall be placed by the Commission on an eligibility list, ranked according to grades received.
- b. The eligibility list shall be posted prominently in the Borough Building. The eligibility list shall be valid for one (1) 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.

9. CERTIFICATION OF TOP APPLICANTS/CONDITIONAL OFFER OF EMPLOYMENT:

- a. The Commission shall certify from the eligibility list to the Borough Council for each vacancy, excepting vacancies which are to be filled by promotion, the three Applicants who received the highest.
- b. Council shall make a conditional appointment from the three names certified, based solely on the merits and fitness of the candidates, unless Council makes objections to the Commission regarding one or more of the certified persons for any of the reasons stated in 53 P.S. §46183.
- c. A conditional offer of employment shall be conditioned upon the conditional appointee undergoing a physical or psychological medical examination and a determination that the conditional appointee is capable of performing all the essential functions of the position. Physical and psychological medical examinations shall not be administered prior to conditional appointment.

- d. If the conditional appointee is determined to be unqualified in accordance with the procedures for conducting physical and psychological examinations as set forth in Article VI, Section 10, the Commission shall strike the name of the person from the eligibility list and certify the next highest name for each name stricken from the eligibility list.

10. PHYSICAL AND PSYCHOLOGICAL EXAMINATION:

- a. A conditional appointee shall undergo a physical and psychological medical examination.
- b. The physical medical examination shall be performed under the direction of a physician or other qualified medical professional.
- c. The psychological medical examination shall be performed under the direction of a psychiatrist or psychologist.
- d. The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by Council.
- e. The physician or other qualified medical professional and the psychiatrist or psychologist shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question the person's ability to perform all the essential functions of the position for which the person was conditionally appointed.
- f. If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of a position, a person designated by Council shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all essential functions of the position.
- g. If, at the conclusion of the interactive discussion under subsection (f), Council determines that the conditional appointee is not qualified, council shall give written notice to the conditional appointee and the Commission.

11. BACKGROUND INVESTIGATION: Prior to certification of any Applicant to the Borough Council) the Commission, or its designee, shall investigate the background of such Applicant to determine such Applicant's moral character, loyalty, discretion, integrity, reputation and fitness for the position sought. The background investigation may be conducted by the Chief, or by any agent designated by the Chief. In the case of a promotion or departmental lateral transfer, the background investigation may be waived.

The results of any background investigation shall be confidential information. A background investigation may consist of the Applicant submitting to a polygraph examination or voice stress analysis test and of inquires at the following institutions and agencies:

- a. Federal Bureau of Investigation by name, social security number, date of birth, and fingerprint card.
  - b. Pennsylvania State Police by name, social security number, date of birth, and fingerprint card.
  - c. Local police agencies of Applicant\*s present and past residences.
  - d. Armed Forces of the United States.
  - e. Credit Bureau.
  - f. Pennsylvania Department of Transportation, Bureau of Traffic Safety.
  - g. Schools attended.
  - h. Residence check.
  - i. Any other agencies or institutions deemed advisable.
12. **OBJECTION BY BOROUGH COUNCIL:** If the Borough Council objects to any Applicant certified for failure to satisfy any basic qualifications or any applicable advanced qualifications or for failure to meet any of the requirements of these Rules and Regulations, the Commission shall notify such Applicant and review the Applicant\*s certification. If such objections are sustained by the Commission, the Commission shall thereupon strike the Applicant from the certified list and certify the Applicant next highest on the eligible list, Upon written request by the Applicant, the Commission shall hold a hearing, as provided in Article V.
13. **APPOINTMENT OF CHIEF:** In the case of a vacancy for the position of Chief, the Borough Council may nominate a person to the Commission. The Commission shall investigate such person\*s background, as provided in Section 12 of this Article. If the person nominated is a current Member of the Department, the background investigation may be waived. The Commission shall administer a non-competitive examination of a practical nature in such form as the Commission shall determine. If the Commission certifies such person to the Borough Council then such person may be appointed to the position of Chief.

14. **PROMOTIONS:**

- a. Upon notice by Borough Council of a vacancy in the police force which is to be filled by promotion, excepting the position of Chief, and upon request by Borough Council for the certification of an eligibility list, the Commission shall certify for each vacancy the names of three persons on the eligibility list who have received the highest average in the preceding promotional examination held within a period of two years preceding the date of the request for the eligibility list.
- b. If three names are not available, the Commission shall certify the names remaining on the eligibility list.
- c. The Borough Council shall make an appointment from the names certified, based solely on the merits and fitness of the candidate, unless Council makes objections to the Commission regarding one or more of the persons certified for any reason enumerated under 53 P.S. §46183.

**ARTICLE VII — Probation Period**

- 1. **PROBATIONARY PERIOD:** All original appointments to any position or rank as a Member of the Department shall be for a probationary period of one (1) year, with one additional six month extension at the option of the Borough Council. If at the close of a probationary period the conduct or fitness of the Probationer has not been satisfactory to the Borough Council for any reason or no reason at all, the Probationer shall be notified in writing that he will not receive a permanent appointment. Thereupon, his appointment will cease; otherwise, his thereafter retention shall be equivalent to a permanent appointment. Departmental lateral transfer of Safety Officer to Patrol Officer shall not be subject to an additional probationary period. The time served as a Safety Officer shall satisfy the probationary period.
- 2. **DISMISSAL OF PROBATIONERS:** Any Probationer may be dismissed at any time during the probationary period for cause as specified in 53 Pa.C.S. §46183 or because of incapacity for duty due to the use of alcohol or drugs.

**ARTICLE VIII -- Provisional Appointments**

- 1. **RIOT OR EMERGENCY:** The Borough Council may appoint temporary Officers to serve during periods of riot or other emergency. No examination or certification by the Commission shall be required for any such temporary appointment.
- 2. **VACANCY APPOINTMENT:** Whenever there are urgent reasons for filling a vacancy in any position within the Department, and there is no eligible list, the Borough Council

may nominate a person to the Commission. The Commission shall administer a noncompetitive examination of a practical nature in such form as the Commission shall determine. If the Commission certifies such person to the Borough Council, then such person may be appointed temporarily to fill such vacancy. The Commission shall hold an examination within three (3) weeks after such temporary appointment. The examination and certification procedure shall be as specified in Article VI.

**ARTICLE IX**  
**Political, Religious, or Sexual Discrimination; Residence**

1. **GENERAL:** No discrimination shall be exercised, threatened or promised by any person against, or in favor of, any Applicant or Member of the Department on the basis of religion, race, creed, political affiliation, sexual orientation or sex.
2. **EXAMINATIONS:** No question in any examination or application, whether oral or written, shall elicit information concerning religion, race, creed, political affiliation, sexual orientation or sex.
3. **RESIDENCE REQUIREMENT:** All Members of the Department, excepting Probationers, shall reside within a radius of ten miles from the Borough Building.

**ARTICLE X — Suspension, Removal and Complaints**

1. **REASONS:** Any Member of the Department may be suspended, removed or reduced in rank for any of the following reasons:
  - a. Physical or mental disability affecting such Member\*s ability to continue in service.
  - b. Neglect or violation of any official duty.
  - c. Violation of a law of Pennsylvania or any other state amounting to a misdemeanor or felony.
  - d. Inefficiency; neglect; intemperance; omission or disobedience of orders, rules, regulations, policies or procedures of the Commission or the Department; or conduct unbecoming a Member of the Department.
  - e. Intoxication while on duty.
  - f. Engaging or participating in conducting of any political or election campaign other than the exercise of such Member\*s own right of suffrage.

- g. Any other reason now or hereafter prescribed by law.
2. INTERIM SUSPENSION: The Borough Council or the Chief, when the Borough Council are not in session, may suspend any Member of the Department at any time, but in all such cases, a written Complaint, as hereinafter prescribed, shall be filed with the Commission within forty-eight hours after the beginning of such interim suspension, or the interim suspension shall automatically expire.
  3. COMPLAINTS: Complaints charging an Accused with any condition or conduct falling within the scope of Section 1 of this Article may be filed with the Commission by the President of the Borough Council, Borough Council, the Chief, or any other person.
  4. CONTENT OF COMPLAINT: Complaints shall be in writing and signed by the person or body complaining, and if made by a member of the general public shall be sworn to. Complaints shall be filed in duplicate.
  5. FORM OF COMPLAINT: Complaints shall state the name of the Accused, the nature of the condition or conduct charged, and in separate and serially numbered paragraphs such as to admit of a responsive answer, shall set forth all of the facts upon which the complainant relies in order to substantiate the charges made, one separate paragraph to each specific fact charged. The Complaint shall also state, as near as practicable, the date and the time and the place where the offense charged is alleged to have occurred, and shall give the names and addresses of all known persons who are alleged to have witnessed such occurrence.
  6. FILING AND SERVICE OF COMPLAINT: Upon the filing of a Complaint, the Complaint shall be examined by a Commissioner, and if in the opinion of such Commissioner the Complaint sets forth a condition or conduct falling within the scope of Article X, Section 1, a copy of the Complaint, together with a notification of the time when it was received by the Commission shall be served upon the Accused within five days after the Complaint is received by the Commission.
  7. REVIEW OF COMPLAINT: If the Commissioner examining the Complaint shall be of the opinion that the Complaint fails to allege a condition or conduct falling within the scope of Article X, Section 1, then and in that case the Complaint shall be considered by the Commission, and if the Commission unanimously agrees that the Complaint does not allege a condition or conduct falling within the scope of Article X, Section 1, the Complaint shall then and there be dismissed, and any suspension still in effect shall be revoked.
  8. ACTION ON COMPLAINT; REQUEST FOR HEARING: Ten days after notice of a Complaint is served upon an Accused, unless such Accused has theretofore requested an administrative hearing on such Complaint, the Commission may suspend, remove, or

reduce in rank, such Accused for the reasons specified in Article X, Section 1. Alternatively, the Commission may schedule an administrative hearing. No order for suspension shall be for a longer period than one year, including the period of any interim suspension.

#### **ARTICLE XI — Administrative Hearings**

1. **RIGHT TO HEARING:** Any Applicant or Accused who is aggrieved by any action of the Commission shall have the right to an administrative hearing by filing a written Request with the Secretary. Such person may appear personally, or with legal counsel. The Commission may also convene an administrative hearing by written request of a Commissioner, filed with the Secretary.
2. **NOTICE:** Upon receipt of a written request for an administrative hearing, the Secretary shall give to the Accused and to any other persons concerned written notice of the time and place of the administrative hearing. The administrative hearing shall be held within ten days after filing of the Complaint, or the written request for hearing. The time for the administrative hearing may be continued by the Commission for reasonable cause shown by the Commission or by the Accused. Written notice by United States mail shall be considered service of notice for all purposes. Notice to any Accused appearing with legal counsel may be addressed to such legal counsel.
3. **HEARING PROCEDURE:** The Commission shall take testimony and evidence. A stenographic record of testimony shall be preserved. Such record shall be not available for public inspection if the charges are dismissed. The Commission may consider all evidence available, without strict regard to the rules of evidence.
4. **APPEALS:** Any Accused shall have an immediate right to appeal any suspension, removal, or reduction in rank to the Court of Common Pleas of Cumberland County in accordance with Section 645 of the Borough Code, 53 Pa.C.S. § 55645.
5. **FINAL ORDERS FOR APPLICANTS AND PROBATIONERS:** Any order or action of the Commission with respect to any Applicant or Probationer shall be final.
6. **SUBPOENAS:** The Commission shall issue Subpoenas, over signature of the Chairman, to require the attendance of witnesses and the production of records, documents, and other relevant evidence. The fees and travel expenses of such witnesses shall be paid from the incidental expenses of the Commission, in the same amounts specified for witnesses appearing in the Court of Common Pleas of Cumberland County.
7. **OATHS:** The Chairman shall administer the oath to all witnesses testifying before the Commission, and any oaths otherwise required by the Commission.

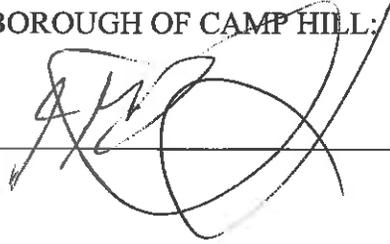
**ARTICLE XII — Adoption by Borough Council**

These Rules and Regulations adopted by the Borough Council on behalf of the Borough this 12th day of January, 2011.

ATTEST:

  
\_\_\_\_\_  
Secretary

BOROUGH OF CAMP HILL:

  
\_\_\_\_\_