

TOWNSHIP OF HAMPTON

ORDINANCE NO. 783

AN ORDINANCE AMENDING AND REVISING RULES AND REGULATIONS GOVERNING THE POLICE DEPARTMENT OF THE TOWNSHIP OF HAMPTON, SETTING FORTH STANDARDS, GUIDELINES AND REGULATIONS FOR APPOINTMENT TO THE POSITION OF PART TIME POLICE OFFICER AND FOR PROMOTIONS WITHIN THE POLICE DEPARTMENT OF THE TOWNSHIP OF HAMPTON, PROVIDING PROCEDURES WITH REGARD TO PROMOTION AND SUSPENSIONS AND DISCIPLINE OF OFFICERS, AND REPEALING PRIOR RESOLUTIONS RELATING TO THE SAME; AUTHORIZING THE EMPLOYMENT OF PART-TIME POLICE OFFICERS WITH THE POLICE DEPARTMENT OF THE TOWNSHIP OF HAMPTON, DESIGNATING THE QUALIFICATIONS AND TESTING PROCEDURES FOR SUCH POSITION, SETTING THE HOURS OF WORK AND EMPLOYMENT, COMPENSATION FOR THE SAME, AND EXTENDING THE POWERS OF ARREST TO SUCH OFFICERS UNDER CERTAIN CONDITIONS; AND FINALLY, CODIFYING EXISTING ORDINANCES RELATING TO THE POLICE DEPARTMENT OF THE TOWNSHIP OF HAMPTON.

WHEREAS, the Township of Hampton had enacted Ordinance No. 750, adopted the 27th day of June, 2012, and thereafter Codified same as Chapter 52, Article II of the Code of the Township of Hampton, which Ordinance had amended prior ordinances dealing with the Police hiring procedures of the Township; and

WHEREAS, the Township of Hampton is desirous of replacing the said Chapter 52, Article II, so as to streamline and clarify the Police Department procedures, including, but not limited to the appointment, promotion and suspension of Police Officers; and

WHEREAS, the Township of Hampton through the Township Council has determined that the interest of the Township and the health, safety and welfare of the residents will be better served by enacting and promulgating the same; and

NOW THEREFORE, BE IT ORDAINED, and it is hereby ordained as follows:

SECTION 1. REPLACEMENT

The Council of the Township of Hampton adopts the following as replacement to Chapter 52, Article II of the Code of the Township of Hampton:

“ARTICLE I. DEFINITION OF TERMS

Section 101. Definitions. Unless otherwise expressly stated, the following words and phrases, wherever used in these rules and regulations, shall be construed to have the meaning indicated herein:

Township Council - The Councilpersons of the Township of Hampton.

Certification - The approval by Township Council of the Eligible List submitted by the Chief of Police.

Chairman - The President of the Council of the Township of Hampton.

Eligible - A person whose name is recorded on a current Eligible List or Furlough List.

Eligible List - The lists of names of persons who have passed all examinations for a particular position in the Police Department which shall include Part-Time Police Officers who may later be appointed to the position of Full-Time Police Officer.

Full-Time Police Officer - Those Officers hired under the provisions of this Ordinance, specifically as Full-Time Police Officers and not as Part-Time Police Officers.

Furlough List - The list of persons who were laid off from positions in the Police Department because of a reduction in the number of Officers in the Police Department.

Manager - The person so appointed in accordance with the Administrative Code being Ordinance No. 289 of the Township of Hampton.

Part-Time Police Officer - Those Officers hired under the provisions of this Ordinance, specifically as Part-Time Police and not as Full-Time Police Officers.

Probationer - An Officer in the Police Department who has been appointed from an Eligible List, but who has not yet completed his work test period.

Qualified Candidate- Any candidate for Part-Time Police Officer who appears in the top three of the Eligible List as certified by the Township Council.

Reduction in Rank - A change to a different position or rank which results in a decrease in salary; provided, however, that a decrease in salary without a change to a different position or rank shall not constitute a reduction in rank.

Removal - The permanent separation of a Police Officer from the Police Department of the Township of Hampton.

Suspension - The temporary separation of a member of the Police Department from his position, for cause.

It should further be noted that the use of the word, "his or her" shall not restrict the designation of such person, and shall refer to members of the opposite sex as well; the use of the masculine or feminine in any particular instance shall include members of both sexes, and is not intended to limit or restrict.

ARTICLE II. APPLICATIONS FOR EXAMINATION FOR POSITION OF POLICE OFFICER

201. Council may, at its discretion, administer examinations for the position of a Part-Time Police Officer.

ARTICLE III. QUALIFICATIONS FOR APPLICANTS FOR EXAMINATION

301. Application Form. No person shall be admitted to an examination for a position of Part-Time Police Officer in the Police Department of the Township of Hampton until after he or she shall have filed, on the official form prescribed by these regulations, a sworn application giving such information as may be required. The official application form, and all notations, references and statements appearing in it are incorporated by reference into these rules and regulations and shall be as much a part of these rules as if they were fully described herein.

302. Availability. Application forms shall be available to all interested persons at the Police Department or online through the Township website.

303. Age Qualifications. Applicants for Part-Time Police Officer must be over twenty-one (21) years of age. Each applicant shall present satisfactory evidence of his date of birth.

304. General Qualifications. Each applicant for the examination for Part-Time Police Officer shall also present satisfactory evidence of:

- A. Graduation from an accredited high school;
- B. A license to operate a motor vehicle in Pennsylvania;
- C. Completion of the police academy training under the provisions of the Act of June 18, 1974 P.L. 359, No. 120, 53 P.S. Section 740 et seq, successfully graduated from the same and be certified by the Municipal Police Officers Education and Training Commission (hereinafter referred to as "MPOETC");
- D. All of the standards or requirements set out in statutes of the Commonwealth of Pennsylvania or regulations of other governmental regulatory bodies or agencies which apply to or establish minimum qualifications to be possessed by applicants for the position of Part-Time Police Officer.

Township Council may from time to time by motion, resolution or amendment to this Ordinance impose additional requirements, but the requirements set forth herein shall be continued in full force and effect, the same being minimum requirements.

Finally, in the event of a conflict between standards set out in other statutes and regulations and the standard set out in this Ordinance, the more rigid standards shall apply.

305. Recording Applications. The Chief of Police or his designee shall, within ten (10) days of receipt of the same, review each application upon receipt thereof for the purpose of determining that such application contains no errors or omissions or that the applicant has been disqualified by reference to the factors listed in Paragraph 306 herein. Any application containing errors or omissions may be returned to the applicant for correction. If there are no errors or

omissions, or after all errors or omissions have been corrected, or there are no reasons for disqualification as determined by the Chief of Police or his designees, shall date, number and record in the order of receipt, all applications free of errors or omissions. An application, once recorded, shall not be returned to the applicant.

306. Minimum Number. The minimum number of applicants sitting for examination shall be twenty (20) unless a lesser number is authorized by Township Council.

307. Penalty for False Statement. The statements made by the applicant in the official application(s) shall contain no falsification, omission or concealment of material fact. Should investigation disclose any willful misstatement, falsification or concealment with respect to an application:

- (a) The application shall be invalid and the applicant shall be disqualified from examination, or
- (b) If the applicant shall have been examined, the name of such applicant shall be removed from the Eligible List, or
- (c) If the applicants shall have been appointed, such willful misstatement, falsification or concealment shall constitute grounds for dismissal from the Police Department.

308. Disqualification. In addition to the foregoing, the following list, which is not intended to be all inclusive, shall be applicable. It is not possible to enumerate all areas that will cause question regarding the fitness of a candidate to be a Part-Time Police Officer. Each case will be judged upon its own merit. Some background defects will raise immediate question regarding the candidate's ability to proceed, such as:

- (a) Misdemeanor arrest and/or conviction.
- (b) Arrest and conviction for any of the following types of crimes:
 - (1) Any crime defined as an indexable Offense in the Uniform Crime Report.

- (2) Any crime defined as one which has a tendency to injuriously affect the administration of justice by the introduction of a falsehood or fraud. These shall include, but not be limited to:
 - a) Forgery
 - b) Perjury
 - c) Subordination of Perjury
 - d) Suppression of Testimony
 - e) Bribery
 - f) Barratry
 - g) Theft
- (3) Any crime that is defined as a sex offense or arson.
- (4) Any crime related to domestic violence.
- (5) Any offense as defined by MPOETC standards.
- (c) For the purpose of these rules a misdemeanor shall be any crime defined by the Pennsylvania Crimes Code as a misdemeanor, or any crime punishable by imprisonment in excess of ninety (90) days.
- (d) Release from any civilian police department for an infraction that would amount to a crime but was not prosecuted.
- (e) History of inability to meet debts or over extended credit.
- (f) History of heavy gambling loss.
- (g) Failure to provide support for minor children.
- (h) History of excessive use of drugs or alcohol, and a failure to undergo rehabilitation.
- (i) History of association, unless through the criminal justice system, with known criminals or "organized crime figures,"
- (j) Any deliberate false statement on the personal history statement.
- (k) History of or evidence of unstable employment.

ARTICLE IV. ANNOUNCEMENT OF EXAMINATIONS FOR POLICE OFFICER

401. Public Notice. Public notice of examinations for Part-Time Police Officer shall be given by publication in a newspaper of general circulation in the Township of Hampton. The public notice shall be published at least five (5) weeks prior to an examination and a copy of the notice shall be posted on the bulletin board in the Township of Hampton Municipal Building. Additional public notice by publications, posting, or otherwise may be given at any time at the discretion of the Manager.

402. Notice of Examination. In addition to the public notice, the Chief of Police shall give written notices to each qualified applicant as follows:

- (a) By mailing or otherwise delivering to each applicant who shall meet the prescribed qualifications for the duties of a Part-Time Police Officer as set forth in Article III herein notices which shall include the dates, times, and places and duration of the physical agility, written and oral examinations

Every such notice shall be mailed or otherwise delivered at least seven (7) days prior to the date fixed for examination. Only applicants receiving notices to report for an examination shall be permitted to participate in such 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; an applicant shall, in addition to presenting the notice to the examiner, present some type of identification with a photograph of the applicant to the examiner.

403. Additional Requirements. All applications must be submitted to the Police Department, in person, during normal business hours (8:30 a.m. until 4:30 p.m. Mondays through Fridays) along with the applicable fee as determined by the Township and which shall not exceed the cost of testing.

ARTICLE V. ADMINISTERING EXAMINATIONS

501. The Manager may designate any bona fide agency or service to act as examiner for all written examinations.

ARTICLE VI. PRELIMINARY, WRITTEN AND/OR ORAL EXAMINATIONS

601. Examination for Part-Time Police Officer. The examination for the position of Part-Time Police Officer shall consist of the following parts, and shall be conducted in the following order:

- (a) Physical Agility Test
- (b) Written Examination
- (c) Background Investigations- An investigation of the character and reputation of the applicant, made by the Chief of Police or his designee, in accordance with the standards established by the MPOETC for background investigations.
- (d) Oral Examination

The foregoing steps must be completed or passed (if such steps have standards for passing or failing) in sequence before proceeding to the next examination steps, and no applicant shall take the next ensuing test unless he shall have successfully completed or passed the previous examination.

The written examination shall be constructed to test the candidate's ability to perform the duties of a Police Officer. The exact design of the examination may be altered from time to time, but will generally contain questions that will examine the candidates:

- (a) Intellectual Skill (reasoning, language, perception)
- (b) Aptitude (creative, social)

The background investigation shall only be completed on those persons who achieve a score placing said individual in the top ten (10) of all candidate scores on the written examination. If said background investigation disqualifies any candidate, then the next candidate in line, based on the scores on the written examination, shall move into the top ten (10).

The oral examination shall only be administered to those persons who achieve a score placing such candidate in the top ten (10) of all candidates' scores on the written examination and after background investigation; in the event that less than ten (10) candidates are tested, then that number of candidates shall be eligible for the oral examinations. Those persons failing to achieve such a top ten (10) score on the written examination and after background check, shall be notified that they will no longer be considered for the position of Part-Time Police Officer with the Township of Hampton. The written examination shall receive a weighted rating of fifty (50%) percent of the total score; the oral examination shall receive a weighted rating of fifty (50%) percent of the total score. The sum of the weighted score shall not exceed one hundred (100%) percent.

The written examination shall be administered by such testing agency as the Township Council may from time to time designate. The oral examination shall be administered by the Township Manager, the Chief of Police, and the head (Superintendent or Chief) of another community Police Department situate with the County of Allegheny who shall be chosen by the Township Manager and the Chief of Police. However, at the discretion of the Township Manager and Chief of Police, Sergeants within the Hampton Township Police Department may be used in place of the Chief or Superintendent of another Department. All applicants who shall successfully pass each of the parts of the examination for Part-Time Police Officer shall be notified in writing that said applicant's name has been placed on the Eligible List of the Township, and of the applicant's standing on said list.

602. Penalty for Improper Conduct. Should any applicant be found guilty of any act tending to defeat the proper conduct or the result of any examination, his name shall be removed from any Eligible List resulting from the examination and the applicant shall not be permitted to make any future application for any position in the Police Department.

ARTICLE VII. ELIGIBLE LISTS

701. Preparation of Eligible Lists. As soon as possible, after completion of each examination for Part-Time Police Officers, the Chief of Police shall prepare an Eligible List on which shall appear the name of each applicant who received a passing grade in the examination for Part-Time Police Officer. 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 such applicant. The Eligible List shall be filed in the Office of Department of Police, and a copy posted on the bulletin board in the Township Municipal Building.

702. Breaking Tie Scores. Part-Time Police Officer- When two (2) or more qualifying applicants shall 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 success on the oral part of the examination. In the event that two (2) or more qualifying applicants also received identical scores on the oral part of the examination the order of listing shall be determined by the earliest of the applicants' date of application.

703. Life of Eligible Lists. The Council at its discretion, may void an Eligible List at any time. A certified Eligible List shall remain in effect for a maximum of two (2) years from the certified date. Council may, at its discretion, extend the life of an Eligible List that contains at least three (3) names for a period not to exceed one additional year from the normal expiration date.

704. Furlough List. Whenever the Council causes a reduction in the number of non-probationary Police Officers, the Manager shall prepare and maintain a list of names of such furloughed Officers, together with the position held by each such Officer at the time of 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 Township. Part-Time

Police Officers shall be the first to be furloughed.

705. Eligible Lists. Following the review of Police Officers' qualification and testing for the position of Part-Time Police Officer, the Chief of Police of the Township of Hampton shall submit the results of the scoring of such candidates to the Manager of the Township, showing the testing results of all of the applicants for Police Officer in the Township of Hampton.

ARTICLE VIII. CERTIFICATION, APPOINTMENT AND PROMOTION

801. Filling Vacancies. When a vacancy is to be filled in the Police Department for a Part-Time Police Officer, the Chief of Police shall submit a written request to the Council for certification of eligibles. In making the request, the Chief of Police shall state the title of the position to be filled.

802. Furlough List to Fill Vacancies. Upon receipt of a request from the Council, the Chief shall first certify the names of those eligibles who were furloughed because of a reduction in force. In filling a vacancy from the Furlough List, the Manager shall certify the top name only.

803. Certification from Eligible Lists. If no Furlough List exists or if the total number of vacancies cannot be filled from the available names on the furlough list, the Council shall certify names from the Eligible List. If there are less than three (3) available on the Eligible List, the Council may select from such lesser number of available eligibles, or may request another examination. The Chief of Police shall keep the Eligible List current and may request the top three (3) candidates from the Eligible List to submit to a follow-up oral interview with the Chief of Police, or the Chief's designee, prior to submission of the Eligible List to Council.

804. Removal of Names from Furlough and Eligible Lists. In addition to the reasons stated as grounds for removal in these rules, the name of any person appearing on the Furlough List or an Eligible List shall be removed by the Council if such person:

- (a) Is re-hired or appointed to a position in the Police Department of the

Township, or

- (b) Declines appointment to a permanent position in the Police Department, or
- (c) Fails to make written reply to the Township within ten (10) calendar days from the date of mailing of a notice of certification, or
- (d) 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 Council, such person can show good and sufficient reasons for failing to report.

805. Appointment Procedures. Upon receipt of the Furlough List referenced in Section 802, Council shall appoint the certified individual, subject to Section 804. If no Furlough List in accordance with Section 802 is forwarded to Council, Council shall receive the Eligible List referenced in Section 803 and shall appoint an individual who is a Qualified Candidate on the Eligible List, subject to Section 804, except that if one of the three (3) Qualified Candidates on the Eligible List is a Veteran, as defined by Pennsylvania law and the Act of August 1, 1975, P.L. 233, No. 92, SI, as amended, 51 Pa. C.S. §7104, then that Veteran shall be entitled to the preference set forth in that Act, 51 Pa. C.S. §7104 (a). Prior to receiving the Eligible List herein, the Chief may give a recommendation to Council as to who of the qualified candidates to appoint, but Council shall, under no circumstances, be bound by such recommendation. Whenever the name of any person is selected by the Council from either the Furlough List or Eligible List to be offered a position, the person shall be immediately notified of his appointment by certified mail. The notice shall include the title of position and the compensation to be paid. Should the applicant decline the appointment, he shall submit a written reply within ten (10) days from the date of notification of his intention to withdraw his name from the list.

806. Probationary Period. All original appointments to the position of Full-Time Police Officer shall be for a probationary period of one (1) year. Appointments to the position of the

Office of the Chief of Police shall be subject to a probationary period of six (6) months. The Chief of Police shall investigate the adjustment, performance, and general acceptability of each probationer under his supervision to determine whether such probationer is fully qualified for permanent promotion and/or hiring. The Chief of Police shall make an annual report on the performance and conduct of each probationer. This report shall be included as part of the Council's monthly report and shall be provided to the Manager as well. Each final probationary report shall include the recommendation of the Chief of Police either to retain or reject the probationer. Each report shall be submitted in writing to the Council and the Manager. In the case of the Chief of Police, the Manager of the Township shall assume the same duties relating to the probation, that is, the Chief of Police, as is set out for other probationers heretofore, and with the further provision that the Manager shall submit his report in writing to the Council. Within five (5) calendar days after the regular meeting of the Council immediately preceding the end of the probationary period, the Council shall notify the Manager, in writing, of its decision to retain or reject the probationer. The Manager, in turn, shall notify the probationer of the decision of the Council on or before the date of the close of his probationary period. The failure of the Chief of Police or Manager to make or file any written report contemplated hereunder shall not affect the validity of Council's ultimate determination regarding probationary status including, but not limited to retention or rejection.

807. Certification and Appointment of Part-Time Police Officers.

Any person appointed, pursuant to the foregoing procedures, by the Council from the Eligible List shall first be employed and appointed as a Part-Time Police Officer and shall be entitled only to those benefits established and set out in Section 908 hereafter. Each such Part-Time Police Officer shall be employed for no more than thirty-two (32) hours in any given week, shall be employed only while in attendance at various Township functions, special events and other

occurrences which take Full-Time Police Officers from regularly prescribed duties, and may be employed as substitutes for Full-Time Police Officers where there is a lack of available Full-Time Police Officer personnel because of vacations, holidays, court appearances and/or other activities, and as directed by the Chief of Police. Such Part-Time Police Officers shall sign an acknowledgment on a form prepared by the Township, wherein such Police Officers shall state that he or she understands that the appointment is as a Part-Time Police Officer and that such Police Officer shall not be entitled to or expect any benefits payable to Full Time Police Officers, and that the Officers are not employed under or covered by the provisions of the Police Tenure Act.

808. Part-Time Police Officers' Benefits and Compensation.

Any candidate for the position of Part-Time Police Officer who may be appointed under the provisions set forth above shall be entitled to only such compensation, benefits and conditions of employment as are set forth herein and as may be established by the Council, from time to time, by Resolution duly adopted at a regular meeting of the Council.

A. Vacations

The length of a Part-Time Police Officer's vacation shall be determined by the length of service to the Township. The following chart is a general policy for all regular Part-Time Officers with regard to vacation qualification:

If at least 1 year + 1 day of service	3 days vacation
If at least 5 years + 1 day of service	5 days vacation
If at least 10 years + 1 day of service	10 days vacation

The amount of remuneration to be paid for each day's vacation shall be calculated from the average number of hours worked per day over the prior six (6) month period. Therefore, if a Part-Time Police Officer who averages four (4) hours work per day for six (6) months preceding their

vacation, each vacation day would then be worth four (4) hours multiplied by their hourly rate.

B. Holidays

Part-Time Police Officers shall be paid holidays by the Township. The following are recognized as holidays:

New Year's Day	Veteran's Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
Labor Day	Day after Christmas

C. Sick Leave

Each Part-Time Police Officer shall be eligible for two (2) sick leave days per year. The payment of sick leave shall be calculated in the same manner as calculated for vacation and holidays.

D. Part-Time Police Officers shall not be eligible for any pension benefits under provisions of Act 600, or of any pension plan adopted heretofore or hereafter by the Township of Hampton, unless such benefits shall be specifically conferred upon the Part-Time Police Officers.

E. A Part-Time Police Officer may be removed by the Township at any time, and Part-Time Police Officers shall serve at the pleasure of the Council.

F. All Part-Time Police Officers employed by the Township of Hampton, while in uniform and officially on duty, shall be and are hereby authorized and empowered to make arrests in accordance with the provisions of the Penal Code of the Commonwealth of Pennsylvania, as set out in Title 18 of Purdon's Statutes, and in accordance with the Criminal Procedure Rules of the Commonwealth of Pennsylvania, (the Rules of Criminal Procedure) and such Officers shall be authorized and empowered to enforce the provisions of all the Statutes and Ordinances of the Commonwealth of Pennsylvania and the Ordinances of the Township of Hampton, including Motor Vehicle Offenses, and any and all other Enforcement Statutes, unless

such Statute specifically requires special power of appointment.

G. Part-Time Police Officers will be supplied with uniforms and such other equipment and gear as are presently afforded to Full-Time Police Officers of the Township of Hampton. Part-Time Police Officers shall be required to complete all in-service training requirements as specified by the Municipal Police Officers Education & Training Commission or any additional training as required by the Chief of Police.

H. From time to time the Council of the Township of Hampton may, by Resolution, adopt other regulations relating to the wages, may establish rates for court hearings before the minor judiciary, or in the Court of Common Pleas, and other benefits as the same may be adopted from time to time. The current pay scale established by Council at the time of adoption of this Ordinance shall not be affected hereby and Part-Time Police Officers shall continue to be paid a minimum of two (2) hours pay for court hearings before the minor judiciary, if such appearances occur during the off-duty hours of such Officer, and a minimum of four (4) hours pay for appearances before the Court of Common Pleas, if such appearances occur during the off-duty hours of such Officer - unless otherwise altered by action of the Council.

ARTICLE IX. APPOINTMENT OF FULL-TIME POLICE OFFICERS.

In the process of appointment to Full-Time Police Officer, only candidates who have been appointed under the process set forth herein for Part-Time Police Officers shall be eligible at such time or times as the Council of the Township shall determine. Appointments from Part-Time Police Officer to Full-Time Police Officer shall be based solely upon the Chief of Police recommendation and if the candidate is in good standing with the Police Department.

ARTICLE X. MEDICAL REQUIREMENTS

1001. Medical Requirements. Any applicant who successfully passes all examinations and meets all other requirements for appointment, and who, as a result thereof, shall be

conditionally selected as the successful candidate or candidates for probationary appointment to the Police Department at a regular meeting of the Council of the Township of Hampton, or a meeting held for these purposes, shall immediately be required to submit to a medical/physical and psychological examination as required herein to ensure the candidate can perform the job duties of the Part-Time Police Officer. In the event that the candidate fails to successfully meet the medical/physical and psychological standards and examinations required, then the candidate shall be notified and such candidate's name removed from the Eligible List, and the appointment shall be rescinded. In such case, an additional name or names shall then be certified to the Council from the Eligible List by the Township, and the process shall be repeated until a candidate shall successfully meet all requirements.

For purposes of establishing the standards for medical/physical and psychological evaluations contemplated hereunder, the Township incorporates by reference, as though fully set forth at length herein, the MPOETC standards of evaluation for medical/physical and psychological examination now in effect and as may be amended from time to time, or their equivalents as deemed appropriate by Council. The candidate, by signing his application for appointment to the Police Department of the Township of Hampton, agrees to undergo the medical/physical and psychological examinations set forth therein, or as the same may be amended from time to time, and the candidate shall be expected to undergo such examinations in accordance with the provisions of this Ordinance.

1002. Scheduling Medical Examinations. For purposes of completing the exam referred in Section 1001, the Township shall appoint a Medical Examiner responsible for administering the tests required herein. The appointed Medical Examiner shall notify the Manager of the Township of Hampton as quickly as possible, but no later than fifteen (15) days following the examination of the applicant, which notification shall advise the Manager if the candidate has successfully

passed or not passed the medical/physical and psychological examinations as set forth and current MPOETC standards.

If the Medical Examiner shall deem any applicant medically/physically or psychologically unfit for the performance of the duties of a Part-Time Police Officer because of any bodily or mental defect, whether or not the defect shall be specifically stated as a cause for rejection in the statement of medical requirements, such applicant shall be rejected and a brief statement of the reasons for rejection shall be entered in the report of his medical examination. Insofar as practicable, however, the Medical Examiner shall determine the medical/physical and psychological fitness of an applicant by adhering to the standards adopted herein by reference.

ARTICLE XI. PROMOTIONS

1101. Promotions - Examinations for Sergeant

The examination for the position of Sergeant shall consist of the following parts:

- (a) Written Examination
- (b) Essay of Applicant's Qualifications
- (c) Performance Rating- If the applicant has had, at any time during his or her employment with the Township, any type of disciplinary action including, but not limited to, any written reprimand or suspension, the oral examiner scorer may deduct up to 3% of the oral examination score.
- (d) Oral Examination

Each part of the written examination, essay and the oral examination shall be graded on the scale of one hundred (100%) percent and shall be weighted as follows:

- (a) Written Examination - a total of fifty (50%) percent.
- (b) Essay of Applicant's Qualifications - applicant shall submit a limited essay of their qualifications (supervisory, goals, accomplishments, additional training and community service) for a maximum of ten (10%) percent. This shall be provided as part of the written examination.

- (c) Oral Examination - The oral examination shall be conducted in the same manner as that for appointment for position of Police Officer with the Township. The weighted score shall be forty (40%) percent.

As a prerequisite of any promotion to the position of Sergeant, only current Township of Hampton Police Officers with at least five (5) years of service as Full-Time Police Officers in the Township of Hampton will be eligible to take the aforesaid examination.

Sergeants- When two (2) or more qualifying officers shall receive the same final weighted score, the order in which the names of such personal shall appear on the Eligible List shall be determined by their success on the part of the examination assigned the greatest weight. In the event the two (2) or more qualifying applicants also receive identical scores on the part of the examination assigned the greatest weight, the order of listing shall be determined by the officers' scores on the next weighted portion of the exam.

1102. Notice of Applicant's Grade. When the grading of each examiner is completed the Manager shall give each applicant written notice of his total grade.

ARTICLE XII. SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK

The "Police Tenure Act", Public Law 586 of 1951, Act No. 144, *as amended*, governs the procedures for suspensions, removals and reductions in rank, as well as appointments to the Police Department of the Township of Hampton. In addition, these subjects have been and may in the future be addressed by the applicable Township Personnel Code(s) and Collective Bargaining Agreement(s). With respect to suspensions, removals and reductions in rank, the following rules and regulations apply:

1201. Whenever any Full-Time Police Officer in the Township is suspended, removed, or reduced in rank, the specific charges warranting each such action shall be stated in writing by a Council person or persons, the Chief of Police and/or the Manager. The charges shall be stated clearly and in sufficient detail to enable the person accused to understand the charges made against

him and to answer them. As soon as practicable, the statement of charges shall be filed in duplicate with the Council and within five (5) calendar days of such filing, the original copy of the statement of the charges shall be delivered to the person accused either by personal service or by certified mail.

1202. Demand for Hearing.

A. Any Full-Time Police Officer suspended, removed or reduced in rank may file with the Council a written demand for a hearing. Such person may make written answers to any charges filed against him not later than the date for hearing as fixed by law. All such hearings shall be open to the public.

The Council shall grant him a hearing which shall be held within a period often (10) days from the filing of charges in writing, unless continued by the Council for cause at the request of the Council or the accused.

Should an Officer with a hearing pending before the Council, or awaiting a final disposition of such hearing, find it necessary to communicate with a member or members of the Council regarding his case, it shall be by letter addressed directly to all Council members, and shall be considered a part of the proceedings.

Under no circumstances shall an Officer make phone, mail or personal contact with individual members of the Council for the purpose of discussing his case, nor shall he cause any other persons to make contact with individual members of the Council on his behalf.

Any violation of the rules governing contact with the individual members of the Council for the purpose of discussing matters pertaining to an Officer's case may result in charges being filed against the offender and shall be considered a violation of official duty, and shall be a ground for immediate discharge.

B. If a violation by any Officer is such that may result in termination, or suspension

it shall be the duty of the Township Manager to hold a pre-termination hearing prior to the hearing scheduled by the Council for the purpose of affording the Officer an opportunity to refute the charges. The hearing need not be a full-scale hearing, nor should witnesses, exhibits, etc., be introduced, but rather shall constitute an opportunity for the Police Officer to state his position. The Manager, if convinced that the position of the Police Officer is such as to refute the charges, may dismiss such charges.

1203. Notice of Hearing. Notice of the date, time and place for each hearing before the Council shall be given in the following manner:

- (a) By either personal service or by certified or registered mail to each person making charges and to the person accused, and
- (b) By mailing a notice to all other parties who have stated an interest in the hearing; provided, however, that any failure to give the notice required by this subsection shall not invalidate any action taken by the Council.

1204. Oaths. All testimony shall be taken under oath. The Chairman, or in his absence the Vice-Chairman, shall administer all oaths.

1205. Subpoenas. The Chairman of the Council, or in his absence, the Vice-Chairman, may compel the attendance of witnesses and the production of records and papers pertaining to any hearing. However, upon the written request of the person accused or of any person making charges, the Chairman, or in his absence, the Vice-Chairman, shall order the attendance of any witness or the production of any pertinent document; provided that such a written request is filed with the Manager within five (5) calendar days from the date appearing on the notice of the hearing.

1206. Hearing Procedures. Each hearing shall be conducted in the following manner:

- (a) The Chairman shall state the general purpose of the hearing; and next
- (b) The Manager, upon direction of the Chairman, shall read the written charges against the person accused together with the record of action taken against such Officer; and next

- (c) The Manager shall read any written reply of the person accused; and next
- (d) The Chairman shall afford each person making charges, or his counsel an opportunity to make any farther statement in support of the charges and to produce any witness; and next
- (e) The Chairman shall afford the person accused or his counsel, an opportunity to question or cross-examine any person making charges, and to question or cross-examine any witness produced by such person to call any witnesses on behalf of the accused; and next
- (f) The Chairman shall afford each person making charges an opportunity to examine the person accused; and next
- (g) The Chairman shall afford the person accused, or his counsel, to make summation; and next
- (h) The Chairman shall permit each person making charges, or his counsel, to make a summation.
- (i) The Council at any time during the course of the hearing, may question or cross-examine any person making charges, the person accused, and any witness.

1207. Decision of the Council. The deliberations of the Council for the purpose of making a final disposition of the police hearing shall be closed to the public and within forty-five (45) calendar days after the hearing the Council shall issue its decision in the form of a written order approved by at least three (3) members of the Council. The written order shall include all findings of fact. If, during the public hearing, opposing facts are presented, the Council shall include in its written order its decision as to the correct facts.

ARTICLE XIII. MISCELLANEOUS PROVISIONS

1301. Character and Reputation Reports. All reports of investigations and inquiries into the character and reputation of applicants shall be kept in the strictest confidence and shall not be open to inspection.

1302. Inspection of Examination Material. 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:

- (a) He makes a written request to the Manager within fifteen calendar days from the date of mailing of the written notice of his grade, and
- (b) He receives the written consent of the Manager to inspect his examination papers, and
- (c) He makes his inspection within fifteen (15) calendar days from the date of the mailing of the consent of the Manager.

The Manager shall not consent to the request of an examined applicant to inspect any written examination paper which may be used in any subsequent written examination that may be scheduled within ninety (90) calendar days following the date of the receipt of the written request, If the Manager consents to an inspection of any of the written examination papers by an examined applicant, it shall state in the letter of consent the specific examination papers that may be inspected, if the records are still available.

ARTICLE XIV. INTERPRETATION AND CONSTRUCTION

The "Police Tenure Act", Public law 586 of 1951, Act No. 144, as amended, shall govern the procedure for suspensions, removals and reduction in rank, in the Police Department of the Township of Hampton. Where a conflict may exist in the provisions of this Ordinance, and that of the Police Tenure Act, the Statute shall prevail."

SECTION 2. REPEALER

This Ordinance replaces Chapter 52, Article II of the Code of the Township of Hampton, in its entirety and any provision of any Ordinance in conflict with the provisions of this Ordinance are deemed repealed to the extent of such conflict.

Adopted this 22nd day of June, 2016.

ATTEST:

THE TOWNSHIP OF HAMPTON

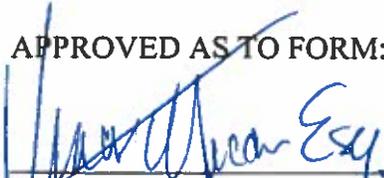


Manager



President of Council

APPROVED AS TO FORM:



SOLICITOR