

**OFFICE OF THE CITY SOLICITOR
CITY OF BETHLEHEM, PENNSYLVANIA**

SUBJECT: Amendments to the Civil Service Board Rules and Regulations
TO: Adam R. Waldron, Council President
FROM: Matthew J. Deschler, Esq., Assistant City Solicitor
DATE: May 29, 2019

Attached to this memorandum is a proposed resolution for Council's consideration. If adopted by Council, the resolution would approve two amendments to the rules and regulations for the City's civil service that were adopted by the Civil Service Board on May 22, 2019. Council's approval is necessary for these amendments to the rules and regulations to take effect. The amendments adopted by the Civil Service Board are attached as Exhibit "A" and Exhibit "B" to the proposed resolution. I would request that Council adopt the proposed resolution, thereby approving the amendments to the civil service rules and regulations that were adopted by the Board on May 22, 2019. Please do not hesitate to contact me with any questions or concerns.

/s/ Matthew J. Deschler
Matthew J. Deschler, Esq.
Assistant Solicitor

Cc: Michelle Cichocki
Mark Diluzio
Warren Achey

RESOLUTION NO. _____

A Resolution approving amendments to the Rules and Regulations for the Civil Service of the City of Bethlehem.

WHEREAS, at a duly authorized meeting of the Civil Service Board of the City of Bethlehem on May 22, 2019, the Civil Service Board adopted an amendment to the rules and regulations of the Civil Service Board titled "An Amendment to Appendix 'A' of the Civil Service Board of the City of Bethlehem General Rules and Regulations" relating to the Fire Department, which is attached to this Resolution as Exhibit "A"; and

WHEREAS, at the same aforementioned duly authorized meeting of the Civil Service Board of the City of Bethlehem on May 22, 2019, the Civil Service Board adopted an amendment to the rules and regulations of the Civil Service Board titled "An Amendment to Appendix 'B' of the Civil Service Board of the City of Bethlehem General Rules and Regulations" relating to the Police Department, which is attached to this Resolution as Exhibit "B"; and

WHEREAS, the Council of the City of Bethlehem believes that the amendments to the rules and regulations adopted by the Civil Service Board and attached to this Resolution as Exhibit "A" and Exhibit "B" provide for ascertaining and determining, so far as possible, the knowledge, skills, aptitude, mental and physical abilities, experience, education and character of all applicants for the civil service as these criteria would reasonably apply to the respective positions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bethlehem that the said Council hereby approves the amendments to the rules and regulations adopted by the Civil Service Board of the City of Bethlehem on May 22, 2019, which are attached to this Resolution as Exhibit "A" and Exhibit "B" and which shall take immediate effect.

Sponsored by _____

ADOPTED by Council this day of , 2019

President of Council

ATTEST:

City Clerk

AN AMENDMENT TO APPENDIX A OF THE CIVIL SERVICE BOARD OF THE CITY OF BETHLEHEM GENERAL RULES & REGULATIONS

THE CIVIL SERVICE BOARD OF THE CITY OF BETHLEHEM HEREBY ADOPTS THE FOLLOWING AMENDMENT TO APPENDIX A OF THE "CIVIL SERVICE BOARD OF THE CITY OF BETHLEHEM GENERAL RULES & REGULATIONS" TITLED "CIVIL SERVICE BOARD OF THE CITY OF BETHLEHEM RULES & REGULATIONS FOR THE FIRE DEPARTMENT" AS FOLLOWS:

SECTION 1: That Section 4 of the "Civil Service Board of the City of Bethlehem Rules & Regulations for the Fire Department", which presently reads as follows:

Section 4: Promotional Examinations

(a) Those candidates seeking promotion to the positions of fire inspector and lieutenant shall be examined for the position as follows: (1) submission to a written examination; (2) comparative seniority; and (3) submission to a departmental evaluation, the format of which shall be agreed to by both Local 735 and the Fire Chief and the results of which shall be graded, scored and averaged by all platoon officers. A passing score on the written examination shall be 70 points out of 100 points. An individual who fails the written test may not be promoted to the position sought. Comparative seniority for individuals passing the written test shall be calculated on the basis of length of service in the candidate's present position with the candidate having the most seniority receiving fifteen (15) points and each other candidate receive the direct proportion of fifteen (15) points that his/her seniority, measured in months, is to the months of the candidate having the most seniority. The maximum potential score on the departmental evaluation shall be fifteen (15) points. The written examination score shall be 70% of the total examination score; the comparative seniority of the candidate shall be 15% of the total examination score; and the score of the departmental evaluation agreed to by both the Fire Chief and Local 735 shall consist be 15% of the total examination score.

(b) Those candidates seeking promotion to the position of captain shall be examined for the position as follows: (1) submission to a written examination; (2) submission to an oral examination; and (3) comparative seniority. A passing score on the written examination shall be 70 points out of 100 points. A passing score on the oral examination shall be 70 points out of 100 points.

The oral examination shall be conducted by a group, selected by the Board, of fire chiefs or deputy fire chiefs from third class cities, second class A cities, second class cities, and first class cities. The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations, and standard operating procedures and guidelines. The written examination shall be conducted prior to the oral examination, and a candidate must pass the written examination to be eligible for the oral examination. A candidate must achieve passing scores on both the written and oral examinations to be eligible for promotion to the position. The written examination score shall be 70% of the total examination score; the oral examination score shall be 15% of the total examination score; and (3) the comparative seniority of the candidate shall be 15% of the total examination score.

(c) Those candidates seeking promotion to the position of captain in charge of inspections (Chief Fire Inspector) shall be examined for the position as follows: (1) submission to a written examination; (2) submission to an oral examination; and (3) comparative seniority. The written examination will be comprised of questions relating to fire investigation practices, investigation practices, and supervisory and managerial practices. A passing score on the written examination shall be 70 points out of 100 points. A passing score on the oral examination shall be 70 points out of 100 points.

The oral examination shall be conducted by a group, selected by the Board, of fire chiefs or deputy fire chiefs from third class cities, second class A cities, second class cities, and first class cities. The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations, and standard operating procedures and guidelines. The written examination shall be conducted prior to the oral examination, and a candidate must pass the written examination to be eligible for the oral examination. A candidate must achieve passing scores on both the written and oral examinations to be eligible for promotion to the position. The written examination score shall be 70% of the total examination score; the oral examination score shall be 15% of the total examination score; and (3) the comparative seniority of the candidate shall be 15% of the total examination score.

(d) Those candidates seeking promotion to the position of assistant chief shall be examined for the position as follows: (1) submission to a written examination; (2) submission to an oral examination; and (3) comparative seniority. A passing score on the written examination shall be 70 points out of 100 points. A passing score on the oral examination shall be 70 points out of 100 points. The oral examination shall be conducted by a group, selected by the Board, of fire chiefs or deputy fire chiefs from third class cities, second class A cities, second class cities, and first class cities. The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations, and standard operating procedures and guidelines. The written examination shall be conducted prior to the oral examination, and a candidate must pass the written examination to be eligible for the oral examination. A candidate must achieve passing scores on both the written and oral examinations to be eligible for promotion to the position. The written examination score shall be 45% of the total examination score; the oral

examination score shall be 45% of the total examination score; and (3) the comparative seniority of the candidate shall be 10% of the total examination score.

(e) Those candidates seeking promotion to the position of deputy chief shall be examined for the position as follows: (1) submission to an oral examination. A passing score on the oral examination shall be 70 points out of 100 points. The oral examination shall be conducted by a group, selected by the Board, of fire chiefs or deputy fire chiefs from third class cities, second class A cities, second class cities, and first class cities. The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations, and standard operating procedures and guidelines.

Shall be amended to read as follows:

Section 4: Promotional Examinations

(a) Those candidates seeking promotion to the positions of fire inspector and lieutenant shall be examined for the position as follows: (1) submission to a written examination; (2) comparative seniority; and (3) submission to a departmental evaluation, the format of which shall be agreed to by both Local 735 and the Fire Chief and the results of which shall be graded, scored and averaged by all platoon officers. A passing score on the written examination shall be 70 points out of 100 points. An individual who fails the written test may not be promoted to the position sought. Comparative seniority for individuals passing the written test shall be calculated on the basis of length of service in the candidate's present position with the candidate having the most seniority receiving fifteen (15) points and each other candidate receive the direct proportion of fifteen (15) points that his/her seniority, measured in months, is to the months of the candidate having the most seniority. **This definition of "comparative seniority" shall apply to any**

subsection of this Section 4. The maximum potential score on the departmental evaluation shall be fifteen (15) points. The written examination score shall be 70% of the total examination score; the comparative seniority of the candidate shall be 15% of the total examination score; and the score of the departmental evaluation agreed to by both the Fire Chief and Local 735 shall consist be 15% of the total examination score.

(b) Those candidates seeking promotion to the position of captain shall be examined for the position as follows: (1) submission to a written examination; (2) submission to an oral examination; and (3) comparative seniority. A passing score on the written examination shall be 70 points out of 100 points. A passing score on the oral examination shall be 70 points out of 100 points.

The oral examination shall be conducted by a group, selected by the Board, of fire chiefs **and/or** deputy fire chiefs from **Pennsylvania municipalities**, ~~third class cities, second class A cities, second class cities, and first class cities.~~ The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations, and standard operating procedures and guidelines. The written examination shall be conducted prior to the oral examination, and a candidate must pass the written examination to be eligible for the oral examination. A candidate must achieve passing scores on both the written and oral examinations to be eligible for promotion to the position. The written examination score shall be 70% of the total examination score; the oral examination score shall be 15% of the total examination score; and (3) the comparative seniority of the candidate shall be 15% of the total examination score.

(c) Those candidates seeking promotion to the position of captain in charge of inspections (Chief Fire Inspector) shall be examined for the position as follows: (1) submission to a written examination; (2) submission to an oral examination; and (3) comparative seniority. The

written examination will be comprised of questions relating to fire investigation practices, investigation practices, and supervisory and managerial practices. A passing score on the written examination shall be 70 points out of 100 points. A passing score on the oral examination shall be 70 points out of 100 points.

The oral examination shall be conducted by a group, selected by the Board, of fire chiefs and/or deputy fire chiefs from Pennsylvania municipalities. ~~third class cities, second class A cities, second class cities, and first class cities.~~ The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations, and standard operating procedures and guidelines. The written examination shall be conducted prior to the oral examination, and a candidate must pass the written examination to be eligible for the oral examination. A candidate must achieve passing scores on both the written and oral examinations to be eligible for promotion to the position. The written examination score shall be 70% of the total examination score; the oral examination score shall be 15% of the total examination score; and (3) the comparative seniority of the candidate shall be 15% of the total examination score.

(d) Those candidates seeking promotion to the position of assistant chief shall be examined for the position as follows: (1) submission to a written examination; (2) submission to an oral examination; and (3) comparative seniority. A passing score on the written examination shall be 70 points out of 100 points. A passing score on the oral examination shall be 70 points out of 100 points. The oral examination shall be conducted by a group, selected by the Board, of fire chiefs and/or deputy fire chiefs from Pennsylvania municipalities. ~~third class cities, second class A cities, second class cities, and first class cities.~~ The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations, and standard operating procedures and guidelines. The written examination shall be conducted prior to the oral

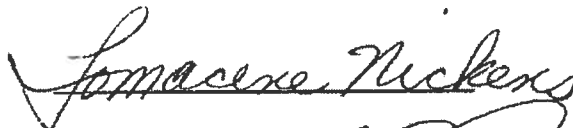
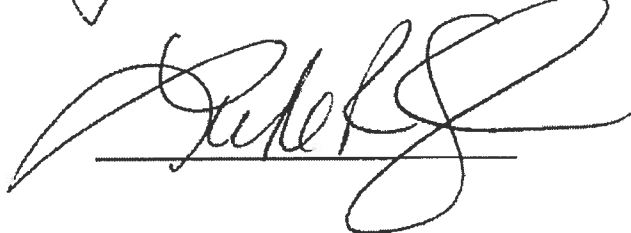

examination, and a candidate must pass the written examination to be eligible for the oral examination. A candidate must achieve passing scores on both the written and oral examinations to be eligible for promotion to the position. The written examination score shall be 45% of the total examination score; the oral examination score shall be 45% of the total examination score; and (3) the comparative seniority of the candidate shall be 10% of the total examination score.

(e) Those candidates seeking promotion to the position of deputy chief shall be examined for the position as follows: (1) submission to an oral examination. A passing score on the oral examination shall be 70 points out of 100 points. The oral examination shall be conducted by a group, selected by the Board, of fire chiefs and/or deputy fire chiefs from Pennsylvania municipalities, ~~third class cities, second class A cities, second class cities, and first class cities.~~ The group conducting the oral examination shall be familiar with all City Fire Department policies, rules and regulations, and standard operating procedures and guidelines.

SECTION 2: That all rules and regulations of the Civil Service Board and sections thereof that are inconsistent with this amendment are hereby repealed.

VOTING AYE

VOTING NAY

ATTEST:



Michelle D. Cichocki, Secretary

Date: 5/22/19

**AN AMENDMENT TO APPENDIX B OF THE CIVIL SERVICE BOARD OF THE CITY
OF BETHLEHEM GENERAL RULES & REGULATIONS**

THE CIVIL SERVICE BOARD OF THE CITY OF BETHLEHEM HEREBY ADOPTS THE FOLLOWING AMENDMENT TO APPENDIX B OF THE "CIVIL SERVICE BOARD OF THE CITY OF BETHLEHEM GENERAL RULES & REGULATIONS" TITLED "CIVIL SERVICE BOARD OF THE CITY OF BETHLEHEM RULES & REGULATIONS FOR THE POLICE DEPARTMENT" AS FOLLOWS:

SECTION 1: That subsection (j)(1) of Section 5 of the "Civil Service Board of the City of Bethlehem Rules & Regulations for the Police Department", which presently reads as follows:

(j) Controlled substance use.

(1) Marijuana/ synthetic marijuana (K-2, Spice, etc.), or any medication prescribed to applicant and used for non-therapeutic purposes except where all of the following apply:

- i. No more than 25 uses under age 25.
- ii. No use in three years preceding date of application.
- iii. No use at age 25 or older.

Shall be amended to read:

(j) Controlled substance use **as follows:-**

(1) Marijuana/ synthetic marijuana (K-2, Spice, etc.); or any medication prescribed to applicant and used for non-therapeutic purposes **within three years preceding the date of the submission of the application.** ~~except where all of the following apply:-~~

- ~~i. No more than 25 uses under age 25.~~
- ~~ii. No use in three years preceding date of application.~~
- ~~iii. No use at age 25 or older.~~

SECTION 2: That all rules and regulations of the Civil Service Board and sections thereof that are inconsistent with this amendment are hereby repealed.

VOTING AYE

Lomacene Nickens

Repe R. G. R.

Rosalene R. Sabo

VOTING NAY

ATTEST:

Michelle D. Cichocki

Michelle D. Cichocki, Secretary

Date: 5/22/19