

## ARTICLE 157

### Civil Service Board

157.01 Police Civil Service Board.

157.02 Engineering, Electrical and Building Civil Service Board.

157.03 Fire and Health Civil Service Board.

### CROSS REFERENCES

Third Class City Code Civil Service (11 Pa.C.S. §§14401-14410)

Officers and employees - See ADM. Art. 117

Employment provisions - See ADM. Art. 123

### 157.01 CIVIL SERVICE BOARD

(a) Pursuant to Sections 417 through 430 of Act 22 of 2014, the Police, Fire and Health, Engineering, Electrical, and Building Civil Service Boards are abolished. Any of these civil service boards which had a suspension, discharge, or disciplinary matter before it as of May 19, 2014, shall continue until the conclusion of the proceedings, at which point the respective Board will terminate.

All nonuniformed employees in city positions that were subject to civil service regulation immediately prior to May 19, 2014, shall continue to be subject to civil service regulation otherwise provided for in this Article that are applicable to uniformed employees.

All civil service proceedings initiated after May 19, 2014, shall be before the Civil Service Board created in Subsection (1) below.

(1) Establishment; Membership; Term. Pursuant to the provisions of the Act of March 19, 2014 (P.L. 52, No. 22), a Civil Service Board is created that shall provide for and oversee the examination of applicants for appointment and promotion to any position in the Police and Fire Departments except for the positions of police chief and fire chief.

Terms of members of the board shall be staggered. The Mayor, with advice and consent of Council, shall initially appoint to the board one person to serve for two years, one person to serve for three years, and one person to serve for four years. Upon the expiration of the term of any member a successor shall be appointed by the Mayor, with the advice and consent of city council, to serve upon the board for a term of four years. If any vacancies occur, they shall be filled by the Mayor, with the advice and consent of Council, for the unexpired term.

Each of the members, before entering upon the duties of his office, shall take and subscribe to the oath of office prescribed by the Constitution of Pennsylvania and the Act of Assembly above mentioned, 53 Pa. C.S. §1141, and file the same, duly certified by the officer administering it, with the City Clerk. No salary or other compensation shall be paid to any member of the Board. Any person who is a registered elector of the City of Bethlehem may be appointed to the board. No city officer, official or employee shall be eligible for appointment to the civil service board.

Two members of the board shall constitute a quorum necessary for the transaction of business of that board.

The board shall organize immediately after new appointments to the board are made. After organizing, the board shall elect one of its members as a chairperson and one as a secretary.

(2) Alternate Board Members

(i) The Mayor, with the advice and consent of Council, may appoint no more than three qualified electors of the city to serve as alternate members of the civil service board. The term of office of the alternate members shall be four years.

(ii) If, by reason of absence or disqualification of a member, a quorum is not reached, the chairperson shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum.

(iii) When seated pursuant to this section, an alternate shall be entitled to participate in all proceedings and discussions of the board to the extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially designated until the board has made a final determination of the matter or case.

(iv) Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

(v) Alternates shall hold no other office in the city.

(vi) Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a

member of the board unless designated as a voting alternate member pursuant to this section.

(b) Appointments and Promotions. No person or persons may be appointed to any uniformed position in the police or fire departments, excluding chiefs, without having first passed all the examinations hereinafter provided for and without having been appointed in the manner and according to the terms and provisions and conditions of this Article.

(1) Appointment. Candidates shall be examined, ranked and appointed in accordance with the rules and regulations of the Board, including those required by the General Assembly in Sections 417 through 430 of Act 22 of 2014 and its amendments.

(2) Promotions. The mayor shall notify the civil service board of a civil service vacancy in the city which is to be filled by promotion and shall request the certification of an eligibility list as provided in this article. The board shall certify for each vacancy the names of three persons on the eligibility list who have received the highest average in the last preceding promotional examination held within the period of two years preceding the date of the request for the eligibility list. If three names are not available, the board shall certify the names remaining on the list. The mayor shall make an appointment from the names certified, based solely on the merits and fitness of the candidates, unless the mayor makes objections to the board regarding one or more of the persons on the eligibility list. The mayor shall have power to determine in each instance whether an increase in salary shall constitute a promotion. The civil service and promotion provisions shall not apply to the appointment of fire and police chiefs.

(3) Veterans' Preference. In accordance with Sections 417 through 430 of Act 22 of 2014 and 51 Pa.C.S. Ch. 71, veterans will receive additional points on examinations and preference on eligibility lists, as more fully set forth in the Board's rules and regulations.

(4) Tenure. All appointments made pursuant to this section shall be for and during good behavior, and no employee hired pursuant to the provisions of this section shall be removed for any political reasons whatever.

(5) Temporary Appointments. In case of riot or emergency, temporary appointments to positions in the civil service may be made without complying with the provisions of this section.

(Ord. 2022-09. Passed 5/3/2022)

(c) Rules and Regulations. The board shall have the power and its duty shall be to prepare and adopt rules and regulations, subject to approval by Council, which, in the board's discretion, are best adapted to securing and maintaining the best service for the public for the selection, appointment and promotion of persons who are qualified to perform the work which is the subject of the civil service examination as provided in this article, and who are to be employed, appointed or promoted by the city. The rules and regulations adopted by the board shall provide for ascertaining and determining, so far as possible, the knowledge, skills, aptitude, mental and physical abilities, experience, education and character of all applicants as these criteria would reasonably apply to the respective positions; and the rules and regulations shall provide for examinations upon any and all subjects deemed proper or necessary by the board for the purpose of determining the qualifications of applicants for the respective positions sought and for which application is made.

(1) Matters subject to rules and regulations. The civil service board shall, in accordance with this Article, adopt rules and regulations concerning the following matters that may include:

- (i) minutes of proceedings;
- (ii) rules of procedure;
- (iii) records of examinations;
- (iv) annual report to council;
- (v) notice of the rules and regulations and any amendments or repeals to the rules and regulations;
- (vi) application forms;
- (vii) further provisions concerning the duties of the chairperson and secretary;
- (viii) appointment of examiners; and
- (ix) other administrative matters.

(Ordinance 2022-09.Passed 5/3/2022)

(d) Reports and Recommendations. The Civil Service Board shall make an annual report to the Mayor showing its own actions and rules and regulations, and all exceptions thereto, in force and the practical effect thereof, and any suggestions it may approve for the more effectual accomplishments of the purposes of the Act of Assembly relating to appointments to the positions referred to herein.

(e) Secretary. The civil service board shall appoint a secretary and prescribe the secretary's duties and shall have the power to change these duties. The secretary shall be subject to removal at any time by the board. Council shall establish the compensation to be paid to the secretary, and all necessary stationery and supplies for the use of the board shall be supplied by the city.

(f) Eligibility Lists. The Civil Service Board shall make and keep, in numerical order, a list containing the names of all applicants for civil service positions in the city who pass the required examinations and selection criteria. The list shall be

compiled in conformance with the rules and regulations of the board, including those required by the General Assembly in Sections 417 through 430 of Act 22 of 2014 and its amendments.

(1) Review of Eligibility Lists. The lists of eligible names kept by the civil service board shall be annually examined by the board for the purpose of deleting therefrom persons who are permanently unavailable for or disqualified for the position or positions involved, either by death, permanent removal from the area, written desire to be removed therefrom, or by other permanent cause in conformity with the board's rules and regulations.

(g) Suspension, Discharge and Discipline; Reduction of Employees; Appeals. All employees subject to civil service shall be subject to suspension, discharge and discipline by the director of the department in which the employee works for misconduct or violation of any law of this Commonwealth, ordinance of the city or regulation of the department. If it should become necessary to reduce the number of employees in said department for purposes of economy, seniority rights shall prevail, and any and all removals for such cause or causes shall be from the members last appointed, and the member or members serving the shortest time shall be removed first; but members with longer times of service may be discharged for cause.

(1) Any employee aggrieved by the suspension, discharge or discipline imposed by a department director more serious than a suspension of three days without pay may request a hearing before the city council. At the hearing, the employee may be represented by counsel.

(2) Any civil service employee aggrieved by the decision of the council shall have the right to appeal in accordance with 2 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local agency action). This review shall be exclusive. Where no such appeal is taken within the time prescribed by law, the decision by the city council shall become final in accordance with the law. The issue before the court shall be whether the action of the council shall be affirmed or be modified in any respect or whether the charges should be dismissed or whether the suspension or demotion made by the director shall be affirmed or rescinded. Where any employee has been suspended and the charges are dismissed or the suspension rescinded on appeal, the employee shall receive full compensation for the entire period of suspension.

(3) In any case in which a police officer or firefighter who is a member of a bargaining unit is subject to suspension, discharge or discipline, the police officer or firefighter shall have the option of challenging the suspension, discharge or discipline imposed by using the procedures provided in subsections (g)(1) or by a proceeding in grievance

arbitration. A choice to proceed either by subsection (g)(1) or by grievance arbitration shall foreclose the opportunity to proceed in the alternative method.

(Ordinance 2022-09. Passed 5/3/2022)

(h) Investigations and Subpoenas.

(1) The board shall have the power to make investigations concerning all matters relating to the administration and enforcement of its rules and regulations. The chairperson shall be authorized to administer oaths and affirmations for witnesses testifying in matters before the board.

(2) The board shall have the power to issue subpoenas over the signature of the chairperson or designee and to require the attendance of witnesses and the production of records and papers pertaining to matters before the board, including any background investigation conducted pursuant to any applicable rules and regulations.

(Ord. 2014-30. Passed 10/21/14)

157.02 ENGINEERING, ELECTRICAL AND BUILDING CIVIL  
SERVICE BOARD.

The Engineering, Electrical and Building Civil Service Board is abolished pursuant to Sections 417 through 430 of Act 22 of 2014.

All nonuniformed employees in city positions that were subject to civil service regulation immediately prior to May 19, 2014 shall continue to be subject to civil service regulation otherwise provided for in this Article that are applicable to uniformed employees.

(Ord. 2014-30. Passed 10/21/14)

157.03 FIRE AND HEALTH CIVIL SERVICE BOARD.

The Fire and Health Civil Service Board is abolished pursuant to Sections 417 through 430 of Act 22 of 2014.

All nonuniformed employees in city positions that were subject to civil service regulation immediately prior to May 19, 2014 shall continue to be subject to civil service regulation otherwise provided for in this Article that are applicable to uniformed employees.

(Ord. 2014-30. Passed 10/21/14)