Mayor Pacifico

Introduction: NOV 14 2018
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ORDINANCE NO. 5735

DEC 05 2018

AN ORDINANCE OF THE CITY OF ALTOONA AMENDING THE CODE OF THE CITY OF ALTOONA TO AMEND AND RESTATE CHAPTER 105 ENTITLED "POLICE CIVIL SERVICE COMMISSION", ARTICLE I ENTITLED "RULES AND REGULATIONS" TO: PROVIDE DEFINITIONS; ESTABLISH A POLICE CIVIL SERVICE BOARD AND PROVIDE MEMBERSHIP QUALIFICATIONS AND INCOMPATIBLE POSITIONS, THE BOARD'S ORGANIZATION, DUTIES OF BOARD MEMBERS AND OFFICERS; PROVIDE FOR RULES AND REGULATIONS/EXAMINATIONS FOR POLICE AND FOR THE APPOINTMENT OF EXAMINERS, THE KEEPING OF MINUTES AND RECORDS, INVESTIGATIONS AND SUBPOENA POWERS OF THE BOARD; ESTABLISH APPLICATIONS AND QUALIFICATIONS FOR FULL-TIME POLICE OFFICERS AND EXAMINATION AND GRADING PROCEDURES; PROVIDE FOR ELIGIBILITY LIST AND BACKGROUND INVESTIGATION PROCEDURES INCLUDING THE CREATION, DURATION AND REVIEW OF SUCH LIST; ESTABLISH APPOINTMENT PROCEDURES, INCLUDING PHYSICAL/ MEDICAL/WRITTEN/ORAL EXAMINATIONS, PROBATIONARY PERIOD; ESTABLISH PROCEDURES FOR FULL-TIME POLICE OFFICER RANKING POSITIONS INCLUDING EXAMINATION AND GRADING PROCEDURES AS WELL AS APPRAISAL BY POLICE CHIEF; CERTIFICATION OF LIST OF ELIGIBLES AND APPOINTMENT AND PROBATIONARY PERIOD AND APPOINTMENT PROCEDURE FOR POLICE CHIEF; ESTABLISH SUSPENSIONS, REMOVALS AND REDUCTION IN RANK/FURLOUGH PROCEDURES; PROVIDE REVOCATION; REPEAL OF ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH; SEVERABILITY OF PROVISIONS AND PROVIDING AN EFFECTIVE DATE.

Be it ordained by the Council of the City of Altoona as follows:

SECTION 1. Chapter 105, Article I of Code of the City of Altoona is hereby amended and restated in its entirety to read as follows:

CHAPTER 105: POLICE CIVIL SERVICE COMMISSION

ARTICLE I RULES AND REGULATIONS

§105-1. 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:

APPLICANT: Any individual who applies in writing to the board in response to a legally advertised notice of vacancy and/or examination for any position in the police department.

BOARD: The Civil Service Board of the City of Altoona, Blair County, Pennsylvania.

BOARD MEMBER-(ALTERNATE) - An individual appointed by the city council to serve as an "Alternate" member of the civil service board. Properly appointed "Alternate" board member shall have all the same powers and duties as a "Primary" appointed board member set forth in the Third Class City Code and as outlined in these rules and regulations.

BOARD MEMBER-(PRIMARY) - An individual appointed by the city council to serve as an "Primary" board member of the civil service board with traditional duties as set forth in the Third Class City Code and as outlined in these civil service rules and regulations.

CERTIFIED LIST OF THREE - The submission to the city manager, pursuant to his/her request for three names taken from the police officer's eligibility lists developed by the civil service board.

CHAIRPERSON - The Chairperson of the Civil Service Board of the City of Altoona, Pennsylvania.

CHIEF OF POLICE - A sworn officer who is appointed by the city manager and not appointed under the provisions of these civil service rules and regulations.

CITY COUNCIL - The City Council of the City of Altoona, Pennsylvania.

CITY MANAGER – The appointing authority, as hereby appointed by the City Council of the City of Altoona, Blair County, Pennsylvania, pursuant to the act of July 15, 1957, P.L. 901, No. 399, Cl. 11, the Optional Third Class City Charter Law, of the City of Altoona, shall have the authority to appoint, suspend, remove and reduce in rank, any member of the Altoona Police Department.

ELIGIBLE - A person whose name is recorded on a current eligibility list or furlough list.

ELIGIBILITY LIST - The list of names of persons who have passed all examinations for a particular position in the police department.

EXAMINATIONS - The series of tests given to applicants to determine their qualifications for a position in the police department.

FULL-TIME POLICE OFFICER - A qualified police officer hired under the provisions of these civil service rules and regulations.

FURLOUGH LIST - The list containing the names of persons temporarily laid off from positions in the police department because of a reduction in the number of personnel.

MPOETC - The Pennsylvania Municipal Police Officers Education and Training Commission.

MEDICAL EXAMINATIONS - Any examination, procedure, inquiry or test designed to obtain information about medical history or a physical or mental condition which might disqualify an applicant if it would prevent the applicant from performing, with or without a reasonable accommodation, all of the essential functions of the position.

PHYSICIAN - Shall have the meaning given to it in 1 Pa.C.S. § 1991 that relates to definitions.

POLICE OFFICER - Any sworn qualified police officer serving in the police department, except as specifically noted.

PROMOTION: RANKING POLICE OFFICER - A qualified Full-Time Police Officer appointed to a "ranking position" in the police department, under the provisions of these civil service rules and regulations.

PROBATIONER - A police officer who has been promotionally appointed from their respective eligibility list, but who has not yet completed the work-test period.

QUALIFIED MEDICAL PROFESSIONAL - An individual, in collaboration with or under the supervision or direction of a physician, as may be required by law, who is licensed: as a physician assistant pursuant to the act of December 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act of 1985," or the act of October 5, 1978 (P.L.1109, No.261), known as the "Osteopathic Medical Practice Act"; or as a certified registered nurse practitioner pursuant to the act of May 22, 1951 (P.L.317, No.69), known as "The Professional Nursing Law."

REDUCTION IN RANK - A change to a different position or rank where the employee fulfilled all of the requirements of these rules and regulations for both the prior and current positions or rank. However, a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank.

REMOVAL - The permanent separation of a police officer from the police department.

SECRETARY - The Secretary of the Civil Service Board of the City of Altoona, Pennsylvania.

SECRETARY (COMPENSATED) - Person or city department appointed by the board, not a member of the civil service board, to provide additional administrative assistance.

SUSPENSION - The temporary separation without pay of a police officer from the police department.

VICE CHAIRPERSON - The Vice Chairperson of the Civil Service Board of the City of Altoona.

§105-2. Gender

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

§105-3. The Civil Service Board.

A. There shall be a civil service board that shall provide for and oversee the examination of applicants for appointment to and promotion to any position in the police or fire department, except to the position of Police Chief or Fire Chief, without having first passed all the examinations herein provided for and without having been appointed in the manner and according to the strict terms and provision and conditions of these civil service rules and regulations. Thus, there shall be one civil service board for both police and fire uniformed positions in the city. The civil service board shall receive no salary or compensation.

(1) Board (Primary). The board shall consist of three board members who shall be qualified electors of the city and shall be appointed by the city council initially to serve for the terms of two, three and four years, and as terms thereafter expire shall be appointed for terms of four years. Any vacancy occurring on the board (Primary) for any reason whatsoever shall be filled by the city council for the unexpired term. Each member of the board (Primary) created by this subdivision, before entering upon the discharge of the duties of his office, shall take an oath or affirmation of office pursuant to 53 Pa.C.S. § 1141 (relating to form of oaths of office), and file the same, duly certified by the officer administering it, with the city manager.

(2) Board (Alternate). City Council may appoint no more than three qualified electors of the city to serve as alternate members of the board. The term of office shall be four years. An alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, but shall not be entitled to vote as a member of the board unless designated as a voting alternate member, pursuant to Section 14403.1 of the Third Class City Code and outlined in *Section 2.3,* c), d), of these civil service rules and regulations. "Alternate" members shall hold no other office in the city. Each member of the board (Alternates) created by this subdivision, before entering upon the discharge of the duties of his office, shall take an oath or affirmation of office pursuant to 53 Pa.C.S. § 1141 (relating to form of oaths of office).

§ 105-4. Office Incompatible with Position of Board Member.

No city officer, official or employee shall be eligible for appointment to the civil service board.

§ 105-5. Organization of Board – Quorum.

A. The board shall organize for the purpose of transacting all business immediately after the first appointment and thereafter as new appointments to the board are made. After organizing, the board shall appoint one of its members as its chairperson, one as vice chairperson, and one as its secretary.

B. Two members of the board shall constitute a quorum and no action of the board shall be valid unless it shall have the concurrence of at least two members.

C. If by reason of absence or disqualification of a member, a quorum is not reached, the chairman shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum. 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. Designation of an alternate shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

D. For purposes of hiring and promoting police officers under these rules and regulations, each step of the hiring or promotional process requiring official action by the board shall be considered a separate "matter or case" under Subsection c), above, and each step of the hiring or promotional process need not be voted upon or approved by the same composition of "Primary" board members or "Alternate" board members, as the case may be, provided that the quorum requirement has been satisfied.

§ 105-6. Duties of Board Chairperson.

The Board Chairperson, shall preside at all meetings and hearings of the board, decide all points of order or procedure and perform all duties required by law including these rules and regulations and shall be a voting member.

§ 105-7. Duties of Board Vice Chairperson.

The Board Vice Chairperson shall act in the absence of the Board Chairperson in carrying out the duties of the Board Chairperson and shall be a voting member.

§ 105-8. Duties of the Board Secretary.

The Board Secretary, under the direction of the board, shall work in conjunction with the compensated secretary (*Section 105-9*) in handling all official correspondence of the board, including the recording of votes cast by the board, send out all notices required by law including these rules and regulations, keeping a record of each examination or other official action of the board, and perform all other duties required by law including these rules and regulations and shall be a voting member.

§ 105-9. Duties of Secretary (Compensated).

The board shall appoint a compensated secretary or designated city department, who is not a member of the board, and prescribe the duties, and shall have the power to change these duties. The compensated secretary or designated city department, shall be subject to removal at any time by the board. The council shall establish the compensation, if any, to be paid to the compensated secretary or city department, and all necessary stationary and supplies for use of the board shall be supplied by the city.

§ 105-10. Meetings.

A. All meetings shall be held either at the call of the chairperson or at the call of two members of the board. Each board member shall be notified in writing of each and every meeting. In all cases regarding meetings, including scheduling, the board shall follow the provisions provided for pursuant to 65 Pa.C.S. Ch. 7, as amended and commonly known as the "Sunshine Law. The order of business for all meetings shall be as follows:

(1) Roll Call
(2) Public Comments (Agenda Items)
(3) Approval of Previous Meeting's Minutes

(4) Communications and Reports
(5) Unfinished Business
(6) Hearing of Cases
(7) New Business
(8) Public Comments (General)
(9) Adjourn

§ 105-11. Clerical Assistance, Supplies, Solicitor, etc.

The city shall furnish to the board, on its requisition, clerical assistance that may be necessary for the work of the board. The city shall provide a suitable and convenient room for the use of the board. The board shall order from the city the necessary stationery, postage, printing and supplies. The city shall also provide the services of a solicitor for the board to be appointed by the board and paid by the city. The city shall have the authority to place a reasonable limit on the amount allowed each year for the services of the Board Solicitor. The elected and appointed officials of the city shall aid the board in all proper ways in carrying out the provisions of these civil service rules and regulations.

§ 105-12. Rules and Regulations/Examinations.

No person or persons shall be appointed to any uniformed position in the police department, excluding the Chief of Police, without having first passed all the examinations herein provided for and without having been appointed in the manner and according to the terms and provisions and conditions provided herein. The board shall prepare and adopt rules and regulations, subject to approval of council, which in the board's discretion, are best adapted to securing and maintaining the best services for the public for the selection, appointment and promotion of persons who are qualified to perform the work which is subject to the civil service examinations, as provided herein, 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.

§ 105-13. Appointment of Examiners.

The board shall appoint experienced and qualified written, oral and physical agility examination administrators to conduct appropriate examinations required by these rules and regulations. The board shall reserve the right to accept or reject, for cause in whole or in part the recommendations of the appointed examining agency provided the reason(s) for doing so is not arbitrary and is consistent with these Rules and Regulations. The city manager shall have the responsibility to appoint the physical and psychological examiner, as outlined in *Section 3.20,* of these rules and regulations.

§ 105-14. Amendment of Rules & Regulations.

The board, either itself or upon recommendation by the city, may amend, revise, void or replace these rules and regulations for any reason by action of a majority of the board. Before any changes to these rules and regulations become effective, those changes must be approved by the city council. These rules and regulations, and any amendments thereto, once approved, by the city council, shall be made available to the public for distribution or inspection, as amended.

§ 105-15. Minutes and Records.

The board shall keep minutes of its proceedings and records of examinations and other official actions. All records of the Commission shall be preserved and disposed of according to the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued by the Local Governments Committee under the authority of the Municipal Records Act, 53 Pa.C.S.A. § 1381 et seq.

§ 105-16. Investigations.

The board shall have the power to make investigations concerning all matters relating to the administration and enforcement of these rules and regulations. The chairperson of the board is authorized to administer oaths and affirmations in connection with such investigations.

§ 105-17. Subpoenas.

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 investigations conducted pursuant to any applicable rules and regulations. The fees of such witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for the incidental expenses of the board. All officers in public service and employees of the city shall attend and testify when required to do so by the board. If any person shall refuse or neglect to obey any subpoena issued by the board, upon conviction of such refusal or neglect in a summary proceeding, that person shall be sentenced to pay a fine not to exceed one hundred dollars ($100.00), and default of the payment of such fine and costs shall be imprisoned not to exceed thirty (30) days. If any person shall refuse or neglect to obey any subpoena, the board may apply by petition to the Court of Common Pleas of Blair County, Pennsylvania, for its subpoena, requiring the attendance of such persons before the board or the court to testify and to produce any records and papers as necessary, and in default, shall be held in "Contempt of Court."

§ 105-18. Full Time Police Officer.

A. Applications and Qualifications

(1) Eligibility for Examinations. In order to be eligible for participation in any examination for any full-time position with the Altoona Police Department, every applicant must submit a completed application form to the board or other offices or agencies designated by the board, before the deadline stated for that specific examination. The applicant must make an oath or affirmation that the application has been completed truthfully, and that the applicant is subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

(2) Discrimination. The City of Altoona is an equal opportunity employer. It is the city council and the board's policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, lesbian, gay, bisexual, transgender, age, veteran's status, marital status, or non-job related physical or mental handicap or disability. The city council and the board will provide equal opportunities in employment.

(3) Applications. Application forms shall be available to all interested persons in city hall and from such other offices that the board may choose to designate. Application forms may be mailed to a potential candidate upon written or telephone request. However, the board assumes no responsibility for missed filing deadline dates due to a delay in the mail or for any other reason.

(4) Age and Residency Requirements. All applicants must have reached their twenty-first (21st) birthday before the deadline for submitting completed applications. Police Officers shall not be required to live in the city, but shall be required to have no more than a forty-five minute response time from their residence.

(5) General Qualifications. At the time of application every applicant for a position in the police department shall possess the following qualifications:

(a) Possess a diploma from an accredited high school or a graduate equivalency diploma (GED).

(b) Be Act 120 Certified under the Municipal Police Officers Education and Training Commission (Act 120), (MPOETC) 53 Pa. C.S.A. §2161 et seq. or shall have successfully completed Act 120 Training and passed the final exam, prior to the certification of the eligibility list, thus being eligible for Act 120 Certification once hired by the city. Prior to soliciting applicants for new police officer positions, the city may, at its discretion, direct the board to expand the scope of this subparagraph so as to accept applicants who have not yet undertaken Act 120 Training at the time of application. In this event, once hired any such candidates shall be required to meet or exceed any and all requirements as established or required by MPOETC and the laws of Pennsylvania regarding municipal police officer qualifications and training prior to serving as a Police Officer for the City.

(c) Be a United States Citizen.

(d) Be physically and mentally fit to perform the essential duties of a police officer.

(e) Possess a valid motor vehicle operator's license.

(6) Public Notice – Notification. The board shall conspicuously post in city hall, or other conspicuous locations, an announcement of the hiring and set forth the time and place of every examination, together with the information as to the type of position to be filled, the requirements for that position, where applications may be obtained for the examination, and the deadline for filing those applications. For the entry level position(s), at least two (2) weeks prior to first examination, a publication of the notice shall be placed in at least one newspaper of general circulation in the City of Altoona, the Altoona Mirror, as a minimum, and/or any such other newspapers and in such other manner as may be directed by the board. The city manager, or other designated person, shall give, in writing, to each applicant qualified for the next step in the examination process, a notice which shall include the date, time and place the applicant shall report for the next examination in the process. In the case of physical and psychological examinations, the city manager shall notify the candidate who has been conditionally offered a position in the police department by a written notice of the date, time and place of the examinations as well as the name of the physical and psychological examiners. Every such notice shall be mailed or otherwise delivered/notified at least seven (7) days prior to the date fixed for examination. Only applicants receiving notices to report for any examination shall be permitted to participate in such examination, and each applicant shall present his or her notice to the examiner before he or she shall be examined. Failure to report for an examination in accordance with the instructions contained in the written notice shall disqualify the applicant, but in the case of a physical or psychological examinations, the physician and psychiatrist/psychologist designated in the notice may fix another date or time for such examination, provided, however, that any such date or time shall be written with the period of at least seven (7) days of the date and time established in the written notice.

§ 105-19. Recording and Filing Applications.

A. Applications for positions of Full-Time Police Officer may be received at the city building or other designated locations only after a police officer position has been properly advertised and before the deadline for receiving applications which must be set forth in the public advertisement. Applications will be received by the municipal official designated in the public advertisement or that official's designee. That person shall record the receipt of all applications and provide each applicant with notice of the time and place for the first portion of the testing procedure.

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

(1) The application shall be invalid and the applicant shall be disqualified from examination, or

(2) If the applicant shall have been examined, the name of such applicant shall be removed from the eligibility list, or

(3) If the applicant shall have been appointed, such material misstatement, falsification or concealment shall constitute grounds for dismissal from the Altoona Police Department.

(4) No person who has made a material false application shall be permitted in the future to be an applicant for any position in the Altoona Police Department.

§ 105-20. Rejection of Applicant.

A. The board may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination prescribed in these rules and regulations for the particular position for which the applicant has applied. In addition, the board may refuse to examine, or if examined, may refuse to certify any applicant who is:

(1) Found to have furnished incomplete, inaccurate, misleading or false information on the official application or in response to any portion of the hiring process,

(2) Physically unfit for the performance of the essential duties of the position of which the candidate seeks employment,

(3) Illegally using a controlled substance, as defined in section 102 of the Controlled Substance Act (Public Law 91-513, 12 U.S.C. § 802),

(4) Guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct of office,

(5) Affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitution and laws of the United States and the Commonwealth of Pennsylvania.

(6) Found to have engaged in misconduct or violation of any law of this Commonwealth, ordinance or policy of the city, or regulation, policy, or standard operating procedure of the department.

§ 105-21. Hearing for Disqualified Applicant.

A. Any applicant or other persons who believe that they are aggrieved by the actions of the board, in refusing to examine or to certify them as eligible after examination, may request a hearing before the board, within ten (10) days of receiving written notice of what is perceived as the alleged error. Within ten days after such request, the board shall designate a time and place for the hearing which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. C.S. §101, et seq., with or without counsel, at which time the board shall take testimony and review its refusal to provide examination or certification.

B. The deliberations of the board, including interim rulings on evidentiary or procedural issues, may be held in the nature of a closed executive session. The board's disposition of the matter shall constitute official action which shall occur at a public meeting held pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings). The decision of the board shall be final.

§ 105-22. Examination and Grading Procedure.

A. General Examination Requirements. The examination for Full-Time Police Officer shall consist of a physical agility test, written examination, oral examination and a background investigation. Applicants for the position of Full-Time Police Officer shall also be required to undergo a Computer Voice Stress Analyzer test. The written examination and the oral examination will be graded individually on a one hundred (100%) scale. The written examination will represent seventy percent (70%) of the final score. The oral examination will represent thirty percent (30%) of the final score. The physical agility test and the background investigation will be graded pass/fail. The testing process will be as follows:

(1) Physical Agility Test - Those candidates passing the physical agility test, as outlined in § 105-22B, will qualify to take the written examination.
Note: At the discretion of the board, the written examination may precede the physical agility testing.

(2) Written Examination - Those candidates passing the written test as outlined in § 105-22C, will qualify for the oral examination.

(3) Oral Examination - Those candidates passing the oral examination, as outlined in § 105-22D will then be placed on the eligibility list, after those qualifying for veteran's preference points, as outlined in § 105-26, have been awarded those preference points.

(4) Background Investigation - Prior to being considered for appointment on the "Certified List of Three" the applicant will undergo a complete background investigation, as outlined in § 105-23. Although a requirement, only a sufficient number of top scoring candidates necessary for consideration, as determined by the civil service board, will need to have a background investigation performed.

(5) Computer Voice Stress Analyzer - All candidates who undergo a background investigation will also be required to submit to a Computer Voice Stress Analyzer examination, as outlined in § 105-23.

B. Physical Agility Testing. All applicants must submit to a strength and agility fitness examination as follows:

(1) Applicants for an entry level position who are either Act 120 Certified or who have successfully completed Act 120 Training and passed the final exam must submit to a strength and agility fitness examination which shall be the same test and the board shall require that applicants meet or surpass the same minimum passing threshold as that required for graduation from a Pennsylvania police academy, as such requirements may

be revised from time to time by the MPOETC. Specifically, MPOETC currently requires each applicant to achieve a 50th percentile (Cooper standards) in each listed event of the Final Physical Fitness Test. The Final Physical Fitness Test includes: A. One (1) Minute Sit-Up followed by at least five (5) minutes to recover B. 300 Meter Run followed by at least five (5) minutes to recover C. One Minute Push-up test, followed by at least five (5) minutes to recover. D. 1.5 Mile Run followed by at least five (5) minutes to recover. E. All four events must be completed within a two-hour time limit.

(2) Applicants for an entry level position who have not yet undertaken Act 120 Training must submit to a strength and agility fitness examination which shall be the same test and the board shall require applicants to meet or surpass the same minimum passing threshold as that required for entrance to a Pennsylvania police academy. Specifically, based on Title 37 § 203.11, MPOETC requires each applicant to achieve a 30th percentile (Cooper standards) in each listed event of the Fitness Test Battery. The Fitness Test Battery includes: A. 300 Meter Run B. One (1) RM Bench Press C. One (1) Minute Sit-Up D. 1.5 Mile Run.

(3) The physical agility test shall be pass/fail.

(4) Applicants who have successfully passed or failed the physical agility test will be so notified at the completion of the physical agility test or by the board, in writing, within thirty (30) days after the physical agility test has been conducted.

C. Written Examination. The written examination shall be graded on a 100 point scale, and an applicant must score seventy percent 70% or higher in order to continue in the application process. Applicants scoring less than seventy percent (70%) shall be rejected. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their test results and passing applicants shall be scheduled for an oral examination appointment.

D. Oral Examination. Every applicant who scored seventy percent (70%) or higher on the written examination shall be given an oral examination in order to continue in the application process. The oral examination will be graded on a 100 point scale with a score of seventy percent (70%) or higher necessary for passing. The oral examination shall involve questioning applicants on how they would handle situations relevant to police work and behavioral-based questions relevant to police work. Within thirty (30) days after the applicants' oral examination, they shall be informed of the score in their oral examination and total overall score.

E. Veterans' Preference Points. Pursuant to the Veterans' Preference Act, any applicant for the position of police officer who qualifies as a "soldier" under this Act, shall be accorded an additional ten (10) points on top of their final score by the board, prior to being placed on the eligibility list, if that applicant qualifies under §§ 105-22 and 105-23 of these rules and regulations. Applicants claiming veteran's preference shall have submitted satisfactory proof of service and honorable discharge therefrom, such as an appropriate DD Form 214, with their application form.

§ 105-23. Eligibility List and Background Investigation.

A. Creation of Eligibility List. At the completion of the examination requirements set forth in §§ 105-22 C and D, §§ 105-23 D and E, which includes the physical agility test, the written examination, the oral examination, the background investigation, and the Computer Voice Stress Analyzer examination, the board shall rank all passing candidates on the eligibility list. The applicants having received the highest score shall be at the top of the list, with all other candidates being listed in descending order of their scores. Applicants who qualify for veteran's preference points, as outlined in § 105-22 E, shall have those ten (10) points added

to their final score prior to being ranked on the eligibility list. In the case of tied scores, the tie will be broken by giving preference to the applicant who received the highest score on the written test. In the event the qualifying applicant received identical scores, the order of listing shall be determined by the earliest application received. No one will be certified as eligible in accordance with these rules and regulations until they have successfully completed a background investigation and Computer Voice Stress Analyzer examination and received a written recommendation that the applicant is appropriate for consideration in accordance with §§ 105-23 D and E, of these rules and regulations.

B. Duration of Eligibility List. The board shall furnish to council a certified copy of the eligibility list so prepared and kept. The eligibility list shall be maintained for a period of two (2) years or until a new list is certified to council, whichever occurs first, and are public records.

C. Review of Eligibility List. The eligibility list shall be annually examined by the board for the purpose of deleting therefrom persons who are permanently unavailable for or disqualified for the position of Full-Time Police Officer, either by death, permanent removal of the area, written desire to be removed therefrom, or from other permanent cause. The board shall, by every reasonable cause, get a written notice from the candidate removed from the list and provide a notice to that candidate, in writing that the candidate will no longer be considered for the position.

D. Background Investigation. The board shall request the Chief of Police or the chief's designee to conduct a background investigation on the top scoring eligible applicants, as determined by the civil service board, prior to inclusion on the eligibility list as set forth in § 105-23 A, of these rules and regulations. The background investigation must be consistent for each applicant and shall meet, at a minimum, all the specific requirements of the MPOETC, as required by law. The applicant may be interviewed directly when the information collected requires clarification or further explanation. The Chief of Police or chief's designee may use his/her own discretion in the expansion or contracting of these items and time frames. After the background investigation is completed, the Chief of Police or the chief's designee shall make a written recommendation to the city manager on whether the applicant is appropriate for consideration for appointment as a Full-Time Police Officer for the City of Altoona. The recommendation by the Chief of Police or the chief's designee shall be based on the criteria set forth in § 105-20, of these rules and regulations and on any other relevant information developed during the background investigation. This report to the city manager shall be in writing and in compliance with the Americans with Disabilities Act and must not include any medical history information on a candidate. If the recommendation is to disqualify, then a detailed, written explanation of the reasons for disqualification must be included. The city manager shall then make a final determination on whether additional information is required or if the information collected and reported warrants acceptance or rejection of the candidate. Within thirty (30) days after the city manager considers the recommendation based on the background investigation, each applicant shall be notified as to whether they have passed or failed this portion of the examination process.

E. Computer Voice Stress Analyzer. Every applicant who undergoes a background investigation pursuant to § 105-23 D above shall also be required to submit to a Computer Voice Stress Analyzer ("CVSA") examination which shall be administered by a qualified examiner. As part of the CVSA examination, each candidate shall fill out a Personal Data Questionnaire. The Personal Data Questionnaire shall be in compliance with the Americans with Disabilities Act and must not include or request any medical history information on a candidate. The report on each examination shall be submitted to the Chief within ten (10) days after the date of the examination.

(1) The examiner shall ask questions based on the information contained in the Personal Data Questionnaire or developed during the course of the background investigation. Before administering the test, the examiner shall ask each applicant whether there is any other information related to the Personal Data Questionnaire which the applicant would like to provide. There shall also be a post-test review, during which the examiner shall again ask the participant, if deception is indicated, whether there is any information which the applicant is withholding.

(2) If the examiner shall deem any of the applicant's responses to be deceptive, the examiner must tell the applicant immediately and give the applicant an opportunity to explain, deny or admit the deception. If the applicant denies being deceptive or if the explanation is found unsatisfactory by the examiner, the applicant will be given the opportunity to retake the test with a second examiner. Notice of the opportunity to retest shall be given in writing to the applicant. The second examiner will not have access to the results of the first test prior to re-administering the CVSA. If the second examiner finds no deception, the applicant will be considered as having passed the CVSA. If the second examiner also finds the applicant deceptive, the applicant will be considered as having failed the examination.

(3) An applicant who has failed both tests may appeal to the board for a third examination and the decision to give the applicant an opportunity to take a third test resides solely with the discretion of the board. If the applicant is awarded an opportunity to take a third test and passes, then the applicant will be considered as having passed the CVSA test. If the applicant is found deceptive on a third test, the applicant will be rejected.

(4) After both the background investigation and Computer Voice Stress Analyzer is completed, the Chief of Police or the chief's designee shall make a written recommendation to the city manager on whether the applicant is appropriate for consideration for inclusion on the eligibility list as a Full-Time Police Officer for the City of Altoona. This report to the city manager shall be in writing and in compliance with the Americans with Disabilities Act and must not include any medical history information on a candidate. Within thirty (30) days after the city manager considers the recommendation based on the background investigation and results from the Computer Voice Stress Analyzer examination, each applicant shall be notified as to whether they have passed or failed this portion of the examination process.

§ 105-28. Appointment Procedure.

A. Appointing Authority. Furloughed police officers shall be given first consideration for re-employment, prior to any other hiring procedure and shall be reinstated in order of their seniority as outlined in § 105-30 E, of these rules and regulations.

(1) Except as provided above, every initial position of Full-Time Police Officer for employment in the police department shall be filled only in the following manner:

a) The city manager shall notify the board of any vacancy which is to be filled and shall request certification (Certified List of Three) from the eligibility list.

b) If three (3) names are not available, then the board shall certify the name(s) remaining on the list.

c) The city manager shall make an appointment contingent upon the appointees passing a psychological and medical exam.

d) At the time of the appointment of a Full-Time Police Officer, the city manager shall advise the mayor and city council of such appointment.

(2) Veterans Preference: The exception to the above procedure is when a qualified veteran is on the "Certified List of Three," the city manager shall appoint the veteran, conditioned upon passing a psychological and medical examination. If two or more of the names on the "Certified List of Three" are veterans, the city manager shall have the discretion to appoint anyone of those veterans, conditioned upon successfully passing a medical and psychological examination.

(3) The name of the candidate appointed shall be immediately stricken from the "Certified List of Three" or a lesser number if three names are not on the certified list. The names of the non-appointed candidates shall then immediately be restored to their proper place on the certified list and an additional candidate, with the highest score on the eligibility list, shall then be elevated to the "Certified List of Three," if qualified names remain on the eligibility list.

(4) If the name of any applicant has appeared on the "Certified List of Three," and not appointed and been rejected three times or the conditional applicant has been determined by the medical examination process to be unqualified, the applicants names shall be stricken from the certified list as eligible for appointment.

B. Physical and Psychological Medical Examinations. After the city manager selects a candidate from the "Certified List of Three" for appointment to the vacant position, that candidate shall receive a conditional offer of employment. The offer of employment shall be conditioned upon the appointee undergoing a physical and psychological medical examination and a determination that the conditional appointee is capable of performing all the essential functions of the position. Physical medical examinations shall be under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be under the direction of a psychiatrist or psychologist.

(1) The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by the city manager and shall render an opinion as to whether the conditional appointee has physical or mental condition which calls into question the person's ability to perform all of the essential functions of the position for which the person was conditionally appointed.

(2) The physical and psychological exams will be conducted in compliance with the MPOETC regulations. The completion of the required MPOETC physical and psychological forms will be provided by the city. Drug testing shall be included as one component of the requirements. In addition, the respective examiners will be given a copy of the job description and the "Essential Functions of the Job" for performing the duties of police officer. The completed forms will be certified by the examining physician(s) indicating that the candidate is physically or psychologically fit, as the case may be, to perform the duties of a Full-Time Police Officer. The completed forms shall be confidential and submitted to the appropriate city official for disposition.

(3) 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, the city manager or designee, 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 the essential functions of the position.

(4) If, at the conclusion of the interactive discussion the city manager or designee determines that the conditional appointee is not qualified, the city manager shall give written notice to the conditional appointee and the board. This written notice shall also notify the

conditional appointee of their right to appeal the decision to the board within 10 working days from the date of the written notice.

(5) The rejected candidate may appeal this decision under § 105-21, of these rules and regulations. If the candidate fails to timely exercise the rights of appeal, or if the board declines to uphold the appeal, the board shall strike the name from the eligibility list and certify the next highest name for inclusion on the "Certified List of Three."

C. Probationary Period. Every successful applicant for the position of Full-Time Police Officer shall serve a twelve (12) month probationary period. The probationary period may be extended by the Chief of Police but the extension may not exceed six (6) months. During this probationary period, a newly hired police officer may be dismissed for cause for the reasons set forth in § 105-20 of these rules and regulations or because of incapacity for duty due to the use of alcohol or drugs. In addition, a probationary police officer may be dismissed if the probationary police officer does not meet the required expectations of the position supported by accurate documentation. The Chief of Police shall submit to the city manager a final probationary report. If the conduct of the probationer has not been satisfactory, the probationer shall be notified in writing by the city manager that the appointment will not be permanent. Following receipt of this notification by the probationer, a newly hired police officer's employment shall end. Any probationer who is notified in writing by the city manager, prior to the completion of the probationary period, that his appointment will not be made permanent has no rights of appeal under these rules and regulations. At the end of the probationary period, if the probationer is not dismissed in accordance with this section, a newly hired officer shall receive permanent status within the police department.

§ 105-29. Police Promotions (Ranking Positions)

A. Applications and Qualifications.

(1) Eligibility for Examinations. All applicants for a promotional position, except the Chief of Police, shall have not received a formal written reprimand for one (1) year prior to the deadline for submitting applications, or have not been suspended without pay, demoted, or reduced in rank at any time two (2) years prior to the deadline for submitting applications. If a formal written reprimand, reduction in rank, demotion, or suspension has been timely appealed by a prospective applicant pursuant to a grievance procedure or these rules and regulations, it shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

(a) All applicants for promotion, except the Chief of Police, shall have continuous prior service in the Altoona City Police Department, as indicated below:

a) An applicant for the position of Police Corporal shall have at least four (4) years of continuous prior service as a Full-Time Police Officer with the Altoona City Police Department.

b) An applicant for the position of Police Sergeant shall have at least two (2) years of experience as a Police Corporal with the Altoona City Police Department. Corporals may apply for promotion and may be ranked on an Eligibility List prior to the completion of two (2) years of service as a Police Corporal. However, an applicant is not eligible for appointment to a promotional position until this time-in-grade requirement is met.

c) An applicant for the position of Police Lieutenant shall have at least two (2) years of experience as a Police Sergeant with the Altoona City Police Department. Sergeants may apply for promotion and may be ranked on an Eligibility List prior to the completion of two (2) years of service as a Police Corporal. However, an applicant is not eligible for appointment to a promotional position until this time-in-grade requirement is met.

d) An applicant for Deputy Police Chief shall have at least twelve (12) years of experience as Full-Time Police Officer with the City of Altoona Police Department and in addition include five years' experience in a supervisory position of Sergeant or above with the Altoona City Police Department.

(2) Discrimination. The City of Altoona is an equal opportunity employer. It is the city council's and the board's policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, lesbian, gay, bisexual, transgender, age, veteran's status, marital status, or non-job related physical or mental handicap or disability. The city council and the board will provide equal opportunities in promotions.

(3) Notification. For promotions, at least two weeks prior to the close of the application period, posting of a notice outlining the qualifications for the position, and requesting application forms and/or "Letters of Intent," to apply for the position, shall be conspicuously posted in the police department and the City Manager's Office. At the discretion of the civil service board, the board may receive documentation from the city of those eligible for a promotional exam and may notify them, in writing, of the notice and the deadline for filing applications. It is important that all applicants that meet the qualifications for promotion be notified, by the city manager or other individuals designated by the board.

(a) The city manager, or other designated person, shall give, in writing, to each applicant qualified for the next step in the examination process, a notice which shall include the date, time and place the applicant shall report for the next examination in the process.

(b) 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 any examination shall be permitted to participate in such examination, and each applicant shall present his or her notice to the examiner before he or she shall be examined. Failure to report for an examination in accordance with the instructions contained in the written notice shall disqualify the applicant.

(4) Rejection of Applicant. The board may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any promotional applicant who is found to lack any of the minimum qualifications for examination prescribed in these rules and regulations for the particular position for which the applicant has applied. In addition, the board may refuse to examine, or if examined, may refuse to certify any applicant who is:

(a) Found to have furnished incomplete, inaccurate, misleading or false information on the official application or in response to any portion of the hiring process,

(b) Physically unfit for the performance of the duties of the position of which the candidate seeks employment,

(c) Illegally using a controlled substance, as defined in section 102 of the Controlled Substance Act (Public Law 91-513, 12 U.S.C. § 802),

(d) Found to have engaged in misconduct or violation of any law of this Commonwealth, ordinance of the city, or regulation of the department.

(5) Hearing for Disqualified Applicants. Any police ranking promotional applicant, except the police chief, who believes that they are aggrieved by the actions of the board, in refusing to examine or to certify them as eligible after examination, may request a hearing before the board, within ten (10) days of receiving written notice of what is perceived as the alleged error. Within ten days after such request, the board shall designate a time and place for the hearing which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. C.S. §101, et seq., with or without counsel, at which time the board shall take testimony and review its refusal to provide examination or certification. The deliberations of the board, including interim rulings on evidentiary or procedural issues, may be held in the nature of a closed executive session. The board's disposition of the matter shall constitute official action which shall occur at a public meeting held pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings). The decision of the board shall be final.

B. Examination and Grading Procedure

(1) General Examination Requirements. The examination for a police ranking promotional position shall include a written examination, an oral examination, and an appraisal of promotional potential, which will be graded on a one hundred (100) point scale with the written examination representing fifty percent (50%) of the final score, the oral examination representing thirty percent (30%) of the final score, and the appraisal of promotional potential representing twenty percent (20%) of the final score

(2) Written Examination. The written examination shall be graded on a one hundred (100) point scale. An applicant must score at least seventy percent (70%) to be eligible for the oral exam and continue in the promotional process. Applicants who score less than seventy percent (70%) shall be disqualified. Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their examination results.

(3) Oral Examination. Every applicant for promotion who has satisfied all of the written examination requirements provided in § 105-29 B(2), above, shall be given an oral examination. An applicant must score at least seventy percent (70%) to qualify and continue in the promotion process. Any applicant who scores less than seventy percent (70%) will be disqualified. The oral examination shall involve questioning applicants on police oriented issues, including how they would handle situations relevant to police work. Within thirty (30) days after the administration of the oral they shall be informed of the score in their oral examination and total overall score.

C. Appraisal of Promotional Potential

(1) Appraisal by Chief of Police. Every applicant for promotion who has satisfied all of the written and oral examination requirements as provided in § 105-29 B (2) and (3) above shall be evaluated for promotion by the Chief of Police. The Chief of Police shall complete an Appraisal of Promotional Potential Form, which shall be based on eight (8) merit-based factors which include:

(a) Adaptability;
(b) Quality and Timeliness of Work;
(c) Safety Awareness;
(d) Quantity and Quality of Work – Traffic Enforcement, Criminal, and Patrol;
(e) Cooperation with Others;
(f) Self-Motivation/Initiative;
(g) Knowledge of the Job; and
(h) Dependability/Punctuality

(2) Each of these factors shall be evaluated on a scale of one (1) to five (5), with five (5) being the highest score for a total possible score of forty (40) points.

(3) The Chief of Police shall forward to the Civil Service Commission a completed Appraisal of Promotional Potential Form within thirty (30) days of the Chief of Police having been requested to complete the Form by the City Manager. Following receipt by the board of the Appraisal of Promotional Potential Form, the board shall calculate the percentage attained on the Appraisal of Promotional Potential Form by dividing the number of points scored by the total possible score of forty (40) (e.g. 35/40 equals 88%). The applicants' score shall then be rated pursuant to § 105-29 B(1) above to calculate the applicants' final, overall score. All applicants shall be given written notice of their Appraisal of Promotional potential scores.

D. Certification of the List of Eligibles and Appointment

(1) Creation of Eligibility List. At the completion of the examination requirements set forth in § 105-29 B and C(1) the board shall rank all passing applicants on a list with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list. In the case of tied scores, the tie will be broken by giving preference to the applicant's first "Date of Hire."

(2) Duration of Eligibility List. The board shall furnish to council a certified copy of the eligibility list so prepared and kept. The eligibility list shall be maintained for a period of two (2) years or until a new list is certified to council, whichever occurs first and are public records.

(3) Appointment Procedure. All promotional ranking positions in the police department, except the Chief of Police shall be filled only in the following manner:

(a) The board, after having established an eligibility list, furnish to the city manager, a copy of the eligibility list for all promotion positions that shall have included only those that have passed all of the components of the testing processes as outlined above.

(b) When a vacancy for any promotional position is to be filled, the city manager shall notify the civil service board of a civil service vacancy promotional position and request the names of the top three candidates on the eligibility of the respective promotional list (Certified List of Three.)

(c) The board shall then certify the top three candidates on the respective promotional list that have received the highest average in the last preceding promotional exam held within the period of two years preceding the date of the request for the eligibility list.

(d) If three (3) names are not available, then the board shall certify the name(s) remaining on the list.

(e) The city manager shall make an appointment from one of the three names certified with sole reference to the merits and fitness of the candidates.

(f) At the time of appointment of a promotional position, the city manager shall advise the mayor and city council of such appointment.

(g) The name of the candidate appointed shall be immediately stricken from the "Certified List of Three" or a lesser number if three names are not on the certified list. The names of the non-appointed candidates shall then immediately be restored to their proper place on the certified list and an additional candidate, with the highest

score on the eligibility list, shall be elevated to the "Certified List of Three," if qualified names remain on the eligibility list.

(4) Probationary Period. Every successful applicant for the promotion to any ranking position, except that of the Chief of Police, within the police department, shall serve a twelve (12) month probationary period. The probationary period will begin on the first day of the promotion to the respective ranking position.

(1) Every successful applicant for the promotion to any ranking position, except that of the Chief of Police, within the police department, may be disciplined or discharged, depending on the severity of the violation, or returned to the position from which they were promoted, for cause for the reasons set forth in Section 4.4 of these rules and regulations or because of incapacity for duty due to the use of alcohol or drugs.

(2) In addition, a probationary ranking police officer, except the Chief of Police, may be returned to their previous position, if the probationary ranking police officer does not meet the requirement expectations of the position and documentation is accurately noted.

(3) The Chief of Police shall submit to the city manager a final probationary report. If the conduct of the probationer has not been satisfactory, the probationer shall be notified in writing by the city manager that the appointment will not be permanent and the probationary ranking officer will be returned to the previous position held in the department.

(4) Any probationer who is notified in writing by the city manager prior to the completion of the twelve (12) month probationary period that their appointment will not be made permanent has no rights of appeal under these rules and regulations.

(5) At the end of the twelve (12) month probationary period, if the probationer is not notified in accordance with this section, a promoted ranking officer shall receive permanent status in their respective promotional position.

E. Appointment of Chief of Police. The Chief of Police shall be appointed by the city manager from within the ranks and may be demoted without cause in the same manner, but not to any rank lower than the rank which was held at the time of designation as Chief of Police. In the event that no qualified officer from within the ranks has applied for such designation, the Chief of Police shall be designated by the city manager, from without the ranks.

§ 105-30. Suspensions, Removals and Reduction in Rank – Furloughs

A. Grounds for Disciplinary Action.

(1) Any police officer subject to the civil service provisions herein, shall be subject to suspension, discharge and discipline, by the department head for the police department for misconduct or violation of any law of the Commonwealth, ordinance of the city, or regulations of the department.

(2) No police officer, including Chief of Police, shall be discriminated against by being removed, censured or reprimanded for any religious, racial, political or discriminatory reasons, or any other basis permitted by law.

B. Hearings on Suspension, Removal or Reduction in Rank.

(1) Any police officer aggrieved by the suspension, discharge or discipline imposed by the city manager, more serious than a suspension of three days without pay, may request a hearing before the city council.

(2) At the hearing, the police officer may be represented by counsel.

C. Appeal Process.

(1) Any police officer aggrieved by the decision of the council or the civil service board 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).

(2) This review shall be exclusive.

(3) Where no such appeal is taken within the time prescribed by law, the decision of the city council or the civil service board shall become final in accordance with the law.

(4) The issue before the court shall be whether the action of the council or the civil service board shall be affirmed or modified in any respect or whether the charges should be dismissed or whether the suspension or demotion made by the city manager, 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.

D. Election of Remedies. Where a police officer, who is a member of the bargaining unit, is subject to suspension, discharge or discipline, the police officer shall have the option of challenging the suspensions, discharge or discipline imposed, by selecting the due process procedure outlined above or by a proceeding with grievance arbitration as outlined in the Collective Bargaining Agreement A choice to proceed either by the due process outlined above or by grievance arbitration shall foreclose the opportunity to proceed in the alternative method.

E. Furloughs. If for reasons of economy or other reasons it shall be deemed necessary by the city to reduce the number of paid police officers, the following procedure shall be followed:

(1) The city shall first furlough the person or persons, including probationers, last appointed to the police department. Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have been accomplished.

(2) In the event that the city council decides to increase the size of the police department, as the case may be, the furloughed police officer shall be reinstated in order of their seniority in their respective departments. Police officers so notified of reinstatement must accept reinstatement within thirty (30) days of receipt of such notice, otherwise such employee shall be deemed to have waived any right to reinstatement.

(3) In addition, those furloughed officers reinstated, as outlined above, must be in compliance, or become compliant with the certification or recertification requirements of the MPOETC, before discharging the duties of a police officer.

SECTION 2 AMENDMENT AND RESTATEMENT/REPEAL.

Any prior enactment imposing the same or similar requirements is amended and restated in its entirety to read as stated in this Ordinance. Any other prior ordinance or part of any prior ordinance conflicting with the provisions of this Ordinance is rescinded insofar as the conflict exists. To the extent the same as any enactment in force immediately prior to adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of such prior enactment and not as a new enactment. If this Ordinance is declared invalid, any prior enactment levying a similar requirement shall remain in full force and effect and shall not be affected by

adoption of this Ordinance. If any part of this Ordinance is declared invalid, the similar part of any prior enactment imposing similar requirements shall remain in effect and shall not be affected by adoption of this Ordinance The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish offense under the authority of any enactment in force prior to adoption of this Ordinance. Subject to the foregoing provisions of this Section, this Ordinance shall amend and restate on the effective date any enactment imposing the same or similar requirements in force immediately prior to the effective date.

SECTION 3. <u>EFFECTIVE DATE</u>.

This Ordinance shall become effective upon the earliest date provided by law.

ORDAINED AND ENACTED as an Ordinance of the City of Altoona this 5th day of December, 2018.

ATTEST:

Linda Rickens Schellhammer

Linda Rickens Schellhammer, City Clerk

CITY OF ALTOONA

Matthew Pacifico, Mayor