

Resolution 2 of 2023-POLICE CIVIL SERVICE RULES

Whereas, the City of Washington has established a Civil Service Board to 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, and;

Whereas, the Civil Service Board from time to time may establish rules and regulations with the approval of City Council for the administering of said duties, now;

THEREFORE, BE IT SO RESOLVED THAT THE FOLLOWING RULES AND REGULATIONS ARE HEREBY ESTABLISHED AND SHALL SUPERCEDE ANY PRIOR FOR THE POLICE DEPARTMENT;

NOTE: SECTION 4.8 WAS CORRECTED BY RESOLUTION 13 OF 2023.

POLICE

**CIVIL SERVICE RULES
AND REGULATIONS**

**CITY OF
WASHINGTON**

**WASHINGTON COUNTY
PENNSYLVANIA**

ADOPTED BY THE CIVIL SERVICE BOARD

_____, 2022

ADOPTED BY THE CITY OF WASHINGTON CITY COUNCIL

_____, 2023

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CHAPTER 1. DEFINITION OF TERMS.

1.1 Definitions.

Unless otherwise specifically 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.

Background Investigation: - An investigation of a police officer applicant conducted after the eligibility list has been posted, but prior to inclusion on the “Certified List of Three.”

Board: – The Civil Service Board of the City of Washington, Washington 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): (Optional Provision) An individual appointed by the City Council to serve as a “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.

City Manager: - The City Manager of the City of Washington, Washington County, Pennsylvania.

City Council: – The City Council and appointing authority of the City of Washington, Washington County, Pennsylvania.

Certified List of Three: – (Certified List) The submission to the City Council pursuant to their request of top three names taken from the eligibility list developed by the Civil Service Board.

Chairperson: –The Chairperson of the Civil Service Board of the City of Washington, Washington County, Pennsylvania.

Chief of Police: - A sworn police officer heading the police department who is appointed outside the provisions of these Civil Service Rules and Regulations and in compliance with *Section 2002*, of the Third Class City Code.

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 tests and/or examinations, except for the background investigation, physical and psychological tests for a particular position in the police department, unless otherwise indicated.

Examinations: – The series of tests and/or examinations given to candidates to determine their qualifications for a position in the police department.

Full-Time Police Officer: – For purposes of these rules and regulations, an entry level, sworn, Full-Time position in the police department other than a promotional position as described herein.

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 officers.

Mayor: - The elected position of Mayor and also a member of City Council for the City of Washington, Washington County, Pennsylvania.

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.

Military Veteran: A military veteran as defined in the Veteran's Preference Act, as amended, PA Act 102 of 2020.

MPOETC: The Municipal Police Officers Education and Training Commission – Responsible state agency for mandatory basic training requirements for certification of police officers and mandatory requirements for background investigations and other regulations as it pertains to the hiring and discharge of municipal police officers.

Police Officer: - For the purposes of these rules and regulations, any sworn police officer in the City of Washington Police Department.

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

Promotion (Ranking Position): A sworn police officer who has attained the ranking position through a competitive process that is outlined in these Civil Service Rules and Regulations.

Probationer: – An officer in the police department who has been appointed from an 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 officer fulfilled all of the requirements of these rules and regulations for both the prior and current position 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 an officer from the police department.

Secretary: – The Secretary of the Civil Service Board of the City of Washington, Washington County, Pennsylvania.

Secretary (Compensated) - A secretary, not a member of the board, shall be appointed by the board to assist the board in various administrative duties of the board who may be compensated for such work.

Suspension: – The temporary separation of any sworn officer in the City of Washington Police Department, from his or her position for disciplinary reasons.

Vice Chairperson: - The Vice Chairperson of the Civil Service Board of the City of Washington, Washington County, Pennsylvania.

1.2 Gender

The word “he,” “his,” “him,” and “men” when used in these rules and regulations represent both masculine and feminine genders.

CHAPTER 2. THE BOARD.

2.1 Civil Service Board.

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.

- a) 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.

- b) 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 4403.1 of the Third Class City Code and outlined in *Section 2.3, c)*, 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 or her office, shall take an oath or affirmation of office pursuant to 53 Pa.C.S. § 1141 (relating to form of oaths of office).

- c) The Civil Service Board shall receive no salary or compensation.

2.2 Office Incompatible with Position of Board Member.

No city officer, official or employee shall be eligible for appointment to the Civil Service Board.

2.3 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 chairperson 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.

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 (b), 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.

2.4 Duties of Chairperson.

The chairperson, or in his or her absence, the vice 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 be a voting member.

2.5 Duties of Vice Chairperson.

The vice chairperson shall act in the absence of the chairperson in carrying out the duties of the chairperson.

2.6 Duties of the Secretary.

The Secretary, a member of the Civil Service Board, under the direction of the board shall handle all official correspondence of the board; send out all notices required by law and these rules and regulations. The secretary shall maintain a record of each examination or other official action of the board, and perform all other duties required by law and these rules and regulations.

2.7 Duties of Secretary (Compensated).

The board shall appoint a compensated secretary, who is not a member of the board, at any time and prescribe the duties. The secretary (compensated) shall be subject to removal at any time

by the board. The board shall have the power to change their duties. The authorization to appoint a compensated secretary, the compensation to be paid said secretary (compensated) and all necessary stationery and supplies for said board shall be approved by city council.

2.8 Meetings.

The board shall hold an annual meeting during the month of January. All other meetings shall be held either at the call of the chairperson or at the call of two members of the board. The board shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or these rules and regulations. The secretary of the board shall give each board member at least a twenty four (24) hour notice, in writing, of each and every meeting of the board. In all cases regarding meetings, including scheduling, the board shall follow the provisions provided for in Sunshine Act of 1986, P.L. 388, No. 84, as amended and commonly known as the "Sunshine Law. The order of business for all meetings shall be as follows:

- (a) Roll Call
- (b) Public Comments (Agenda Items)
- (c) Approval of Previous Meeting's Minutes
- (d) Communications and Reports
- (e) Unfinished Business
- (f) Hearing of Cases
- (g) New Business
- (h) Public Comments (General)
- (i) Adjourn

2.9 Clerical Assistance, Legal Counsel and Supplies.

The governing body shall furnish the board with such supplies and clerical assistance as may be necessary for the board to fulfill its duties. The board may appoint legal counsel who shall be the attorney for the board and shall advise the board of all legal matters, including representation and advisement at all hearings on disciplinary proceedings. The city council shall assist the board with all reasonable and appropriate efforts including compensation for any legal counsel, examiners, or experts retained or appointed by the board.

2.10 Rules and Regulations/Examinations.

No person or persons shall be appointed to any uniformed position in the police department, except 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.

2.11 Appointment of Examiners.

The board shall appoint qualified written examination administrators, oral examination administrators and physical agility examination administrators to conduct appropriate examinations required by these rules and regulations.

The city council shall have the responsibility to appoint the physical and psychological examiner, as outlined in *Section 3.20*, of these rules and regulations.

The board shall not directly participate in any of the testing procedures, but shall coordinate all of the hiring processes to assure compliance with these Civil Service Rules and Regulations.

2.12 Amendment of Rules and Regulations.

The board 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.

2.13 Minutes and Records.

The board shall keep minutes of its proceedings and records of examinations and other official action. All records of the board shall be preserved and disposed of according to the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued by the Local Government Records Committee under the authority of the Municipal Records Act of 1968, P.L. 961, No. 428, 53 P.S. 9001, as amended.

Any and all records relating to any hearing requested by applicants, shall be open to the public inspection subject to applicable regulations. The secretary shall keep minutes of the proceedings showing the vote of each member upon each question. If the member is absent or fails to vote, the secretary shall indicate that fact in the minutes.

2.14 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 for witnesses testifying in matters before the board.

2.15 Subpoenas.

The board shall have the power to issue subpoenas over the signature of the chairperson, their designee, to acquire 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

If any person shall refuse or neglect to obey any subpoena, the board may apply by petition to the Court of Common Pleas of Washington 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, may be held in “Contempt of Court” and may be fined or imprisoned by the court.

2.16 Annual Report.

The board shall make an annual report to the city council containing a brief summary of its work during the year, and shall make a full accounting for any expenditure of public monies. The annual report shall be then available for public inspection.

Such report shall be provided to the city council on or before the 31st of January of each year. Such report shall not reference the record of any hearing on dismissal or reduction where such charges have been dismissed and such records have been sealed.

CHAPTER 3. FULL-TIME POLICE OFFICER

A. APPLICATIONS AND QUALIFICATIONS

3.1 Eligibility for Examinations.

In order to be eligible for participation in the examination for Full-Time Police Officer with the City of Washington Police Department, every applicant must submit a completed application form to the board, or to other offices or agencies designated by the board, before the deadline stated for that specific examination in the examination advertisement. Applications that are incomplete, or are submitted after this deadline shall be rejected. 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.

3.2 Discrimination.

The City of Washington 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, 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 and promotion.

3.3 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.

3.4 Age Requirements and Residency Requirements.

At the time of application, all applicants must have reached their twenty-first (21st) birthday before the deadline for submitting a completed application. Full-Time Police Officers shall, after appointment, be required to obtain residency as outlined in the City's Police Collective Bargaining Agreement.

3.5 General Qualifications.

At the time of application, every applicant for any position in the City of Washington Police Department must possess the following qualifications:

- (a) Possess a diploma from an accredited high school or a graduate equivalency diploma (GED).
- (b) Every applicant must be Pennsylvania Act 120 Certified under the provisions of the Municipal Police Officer's Education and Training Commission (MPOETC), or shall have successfully completed Act 120 Certification Training and passed the final exam.
- (c) Be a United States Citizen.
- (d) Be physically and mentally fit to perform the full duties of a police officer for the City of Washington Police Department as determined by the physical and psychological testing.
- (e) Possess a valid motor vehicle operator's license issued to operate a vehicle in Pennsylvania.

3.6 Public Notice – Notification.

For the position of Full-time Police Officer, the board shall conspicuously post in the Washington City Building, or other conspicuous locations, an announcement of the hiring Full-Time Police Officer testing 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 position of Full-Time Police Officer, at least fourteen (14) days prior to first examination, a publication of the notice shall be placed in at least one newspaper of general circulation in the City of Washington, as well as in 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 examination 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.

3.7 Recording and Filing Applications.

Applications for position of Full-Time Police Officer shall be received at the Office of Chief of Police, Office of the City Manager or other offices or agencies designated by the board, only after the Full-time Police Officer's position has been properly advertised and before the deadline for receiving the applications, which must be set forth in the advertisement. That person(s) shall record the receipt of all applications, indicating the time and date received and advises each applicant with notice of the time and place for the first portion of the testing process. A non- refundable application fee, determined by the board, will be required to be paid by the applicant for Full-Time Police Officer at the time the application is submitted. No new applications or amended applications or supporting documents will be accepted after the advertised closing time and date.

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,

- (a) The application shall be invalid and the applicant shall be disqualified from examination, or
- (b) If the applicant shall have been examined, the name of such applicant shall be removed from the eligibility list, or
- (c) If the applicant shall have been appointed, such material misstatement, falsification or concealment shall constitute grounds for dismissal from the Washington Police Department.
- (d) No person who has made a materially false application shall be permitted in the future to be an applicant for any position in the City of Washington Police Department.

3.8 Rejection of Applicant.

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. In addition, the board may refuse to examine, or if examined, may refuse to certify any applicant who is:

- (a) Found to lack any of the minimum qualifications for examination prescribed in the rules and regulations or have furnished incomplete, inaccurate, misleading or false information on the official application or in response to any portion of the hiring process.
- (b) Physically or mentally unfit to perform the full 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) 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.
- (e) 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.

3.9 Hearing for Disqualified Applicants.

Any applicant aggrieved by refusal of the board to examine or certify the applicant as eligible after examination, the board shall, at the request of the applicant, within ten (10) working days, appoint a time and place for a public hearing, which shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. C.S. Section 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

3.10 General Examination Requirements.

The examination for Full-Time Police Officer shall consist of a physical agility test, written examination, oral examination, background investigation. The written examination and the oral examination will be graded individually on a one hundred percent (100%) scale. The written examination will represent 70 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:

- a) Physical Agility Test: Those candidates passing the physical agility test, as outlined in *Section 3.11*, will qualify to take the written examination.
Note: At the discretion of the civil service board, the written examination may precede the physical agility testing.
- b) Written Examination: Those candidates passing the written test as outlined in *Section 3.12* will qualify for the oral examination.
- c) Oral Examination: Those candidates passing the oral examination, as outlined in *Section 3.13*, will then be placed on the eligibility list, after those qualifying for veteran's preference points, as outlined in *Section 3.14*, have been awarded those preference points.
- d) 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 *Section*

3.18. Although a requirement, only a sufficient number of top scoring candidates necessary for consideration, as determined by the board, will need to have a background investigation performed.

Thus, any individual appearing on the initial eligibility list is subject to background investigation and no one will be certified as eligible on the “Certified List of Three” until they have successfully completed a background investigation and received a written recommendation that the applicant is appropriate for consideration in accordance with *Section 3.19*, of these rules and regulations.

3.11 Physical Agility Testing.

An applicant for the position of Full-Time Police Officer shall meet the physical agility requirements, in accordance with the criteria established by the board or other agencies designated by the board. In all cases, candidates shall be provided with the physical agility requirements prior to the time of physical agility testing.

Applicants who have successfully pass or fail 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.

3.12 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. The written test shall be a validated test administered by an experienced test administrator. 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.

3.13 Oral Examination.

Every applicant who scored seventy percent (70%) on the written examination shall be given an oral examination. 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. Within thirty (30) days after the applicants’ oral examination, they shall be informed of the score in their oral examination and total overall score.

3.14 Veterans' Preference Points.

Pursuant to the Veterans' Preference Act, as amended by Act 102 of 2020, any applicant for the position of Full-Time Police Officer who qualifies as a military veteran under this Act, shall receive an additional ten (10) points on top of their final score if that applicant qualifies under *Sections 3.10, 3.11, 3.12 and 3.13*, of these rules and regulations. Applicants claiming veteran’s preference shall have submitted satisfactory proof of service through the submission of discharge papers or separation

documents (A DD214, DD215, or NGB-22 form), or statement of service, as that term is defined in the Act, to the board with their application form.

C. ELIGIBILITY LIST AND BACKGROUND INVESTIGATION

3.15 Creation of Eligibility List.

At the completion of the examination requirements set forth in *Section 3.11, 3.12, and 3.13*, the written examination, the oral examination, and the physical agility testing, the board shall rank all passing candidates on an eligibility list. The applicant 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 *Section 3.14*, 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 order in which they were numbered for recording purposes as set forth in *Section 3.7*.

Any individual appearing on the eligibility list, as described above, is subject to a background investigation and no one will be certified in accordance with *Section 3.18*, of these rules and regulations until they have successfully completed these investigations and received a written recommendation that the applicant is appropriate for consideration in accordance with *Section 3.19*, of these rules and regulations.

3.16 Duration of Eligibility List.

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.

3.17 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.

3.18 Background Investigation.

The board shall request the Chief of Police to conduct a background investigation on the top scoring eligible applicants, as determined by the board, prior to inclusion on the certified list of those eligible as set forth in *Section 3.19*, 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 and Act 57 of 2020, as required by law.

Act 57, enacted into law on July 14, 2020, and further expanded on in amendments to the MPOETC Law, provides mandated requirements outlining the binding components of a background investigation and needs to be followed by the Police Chief or the chief's designee when conducting the background investigation. While these are mandated standards, it does not preclude the Police Chief or chief's designee from establishing higher standards if those standards are not contrary to applicable law.

In addition, Act 57, cited above, provides essential language in conjunction with amendments to the MPOETC Law that mandates the submission of specific form's requirements to be completed and submitted to the MPOETC for each police officer given a conditional offer of employment.

Note: All required "forms" and additional necessary information is available on the MPOETC Website.

Finally, the applicant may be interviewed directly when the information collected requires clarification or further explanation.

After the background investigation is completed, the Chief of Police or the chief's designee shall make a written recommendation to the commission on whether the applicant is appropriate for consideration for appointment as a Full-Time Police Officer for the City of Washington.

The recommendation by the Chief of Police or the chief's designee shall be based on the criteria set forth in *Section 3.8*, of these rules and regulations and on any other relevant information developed during the background investigation. This report to the board shall be in writing and in compliance with the Americans with Disabilities Act and must not include any physical 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 board 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 board 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.

D. APPOINTMENT PROCEDURE

3.19 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 *Section 5.5* of these rules and regulations.

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

- a) The board shall furnish to council a copy of all lists so prepared and kept.
- b) Whenever any vacancy shall occur in the police department for the position of Full-Time Police Officer, the mayor shall make written application to the chairperson of the board, who shall forthwith certify to the city council, in writing, the three names on the eligibility list, "Certified List of Three," but if there is less than three eligible names on the list, the board shall certify those names.
- c) The mayor shall nominate to the city council a person on the "Certified List" as stated above, a candidate to fill the position.
- d) If the city council approves the nomination, the person nominated shall be conditionally appointed by council to fill the vacancy.
- e) If the council does not approve the nomination then the mayor shall submit another nomination for the position from the remaining names, if any, for a conditional appointment.
- f) If the nomination is not approved by the council, the mayor shall submit the third name, if any, for a conditional appointment, who then, if qualified, shall be appointed.
- g) The person whose nomination by the mayor is approved by the city council shall be appointed to fill the position of Full-Time Police Officer conditioned upon successfully passing a medical and psychological examination as outlined in *Section 3.20*, of these Civil Service Rules and Regulations.
- h) The name of the person so appointed shall be immediately stricken from the respective eligibility list of the board and the names of the rejected persons shall immediately be restored to their proper place on the eligibility list.

Veterans Preference: The exception to the above procedure is when a qualified veteran is on the "Certified List of Three," the mayor shall submit the veteran's name to the city council who shall appoint that veteran, conditioned upon successfully passing a medical and psychological examination. If two or more of the names on the "Certified List of Three" are veterans, the mayor shall have the discretion to submit one of those names to the city council who shall appoint that veteran, conditioned upon successfully passing a medical and psychological examination.

3.20 Physical and Psychological Examinations.

After the city council 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 conditional 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.

The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by council and shall render an opinion within a reasonable degree of medical certainty 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.

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 a Full-time 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 and as outlined below. The completed forms shall be confidential and submitted to the appropriate city official for disposition.

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 mayor 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.

If, at the conclusion of the interactive discussion council determines that the conditional appointee is not qualified, council shall give written notice to the conditional appointee and the board of their decision. This written notice shall also notify the conditional appointee of their right to appeal the council's decision to the board within 10 working days from the date of the written notice.

The rejected candidate may appeal this decision under *Section 3.9*, 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."

3.21 Probationary Period.

Every successful applicant for the position of Full-Time Police Officer shall be required to successfully complete a probationary period. The probationary period shall begin on the first day for which the employee receives compensation from the city and shall continue for a period of eight (8) months.

During this probationary period, a newly hired Full-Time Police Officer may only be dismissed for cause for the reasons set forth in *Section 3.8*, of these rules and regulations, or because of incapacity for duty due to the use of alcohol or drugs. In addition, a probationary Full-Time Police Officer may be dismissed, if the probationary Full-Time Police Officer does not meet the requirements expectations of the position and documentation is accurately noted.

The Chief of Police shall submit a final probationary report, not less than ten (10) days nor more than fifteen (15) calendar days before the next regular meeting of the city council,

immediately preceding the end of the probationary period. Each report shall be submitted in writing to the city council. Within five (5) calendar days after receiving a probationary report from the Chief of Police, if the conduct of the probationer has not been satisfactory to the city council, the probationer shall be notified in writing by the city council that the appointment will not be permanent. Following receipt of this notification by the probationer, a newly hired Full-Time Police Officer's employment shall end. Any probationer who is notified in writing by the city council, prior to completion of the probationary period, that his appointment will not be made permanent, has no rights of appeal under these rules and regulations.

The city manager shall notify the board, in writing, of its decision to retain or remove the probationer of such decision within five (5) calendar days and in no event beyond the last day of the probationary period.

CHAPTER 4. PROMOTIONS (RANKING POSITIONS)

A. APPLICATION AND QUALIFICATIONS

4.1 Eligibility for Examinations.

- a) All applicants for a promotional position, except the Chief of Police shall not have been received two formal written reprimands and shall not have been suspended without pay at any time one (1) year prior to the deadline for submitting an application for the promotional position. Any formal written reprimand or suspension to which the applicant has timely appealed pursuant to a grievance procedure of these rules and regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.
- b) All applicants for promotion, except the Chief of Police, shall have continuous service in the City of Washington Police Department, at the date of the test, as indicated below:
 - 1) An applicant for the position of Police Corporal shall have at least five (5) years of continuous prior service as a Full-Time Police Officer in the City of Washington Police Department.
 - 2) An applicant for the position of Police Sergeant shall have at least two (2) years of continuous prior service as a Police Corporal in the City of Washington Police Department.
 - 3) An applicant for the position of Police Lieutenant shall have at least ten (10) years of continuous prior service as a Full-Time Police Officer and in addition shall have attained the rank of Sergeant.
 - 4) An applicant for the position of Police Captain shall have at least ten (10) years of continuous prior service in the City of Washington Police Department and in addition shall have held the rank of Lieutenant for at least three (3) years.

4.2 Discrimination.

The City of Washington 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, 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 to ranking positions.

4.3 Notification.

For a promotional position, at least two weeks prior to the close of the application period, publication of a notice outlining the qualifications for the position, and requesting application forms, to apply for the position, shall be conspicuously posted in the police department and the city office. At the discretion of the 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 duly notified, by the city manager or other individuals designated 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.

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.

4.4 Rejection of Applicant.

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:

- 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) 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,

- e) 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.

4.5 Hearing for Disqualified Applicants.

Any applicant for promotion 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.

4.6 General Examination Requirements.

The examination for promotion shall include a written examination and an oral examination, 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 fifty percent (50%), of the final score.

4.7 Written Examination.

The written test shall be a validated test administered by a qualified test administrator as determined by the board. 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.

4.8 Oral Examination.

Every applicant who has satisfied all of the written examination requirements provided in *Section 4.7*, above, shall be given an oral examination. A panel of three examiners, who have commensurate experience to the rank position for which they are evaluating the candidates for promotion, shall be designated by the board to administer the oral exam. The **oral** examination shall be graded on a one hundred (100) point scale. An applicant must score at least seventy percent (70%) to qualify and continue in the application 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. CERTIFICATION OF THE LIST OF ELIGIBLES AND APPOINTMENT

4.9 Creation of Eligibility List.

At the completion of the examination requirements set forth in *Sections 4.6, 4.7, and 4.8*, 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 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 seniority.

4.10 Duration of Eligibility List.

The eligibility list shall be valid from the last preceding promotional examination held within the period of two years from the date it is formerly adopted by the civil service board and then presented to the city council.

4.11 Appointment Procedure.

All ranking positions, except that of Chief of Police, shall be filled only in the following manner:

- a) The city council shall notify the 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.
- b) The board shall furnish to council a certified copy of the eligibility list.
- c) 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.
- d) If three names are not available, the board shall certify the names remaining on the list.
- e) The city council, by a majority vote, shall make an appointment from the names certified, based solely on the merits and fitness of the candidates, unless the city council makes objections to the board regarding one or more of the persons on the eligibility list.
- f) The city council shall have power to determine in each instance whether an increase in salary shall constitute a promotion.

4.12 Probationary Period.

Every successful promotional candidate, within the Police Department Bargaining Unit shall be required to serve a promotional period of six (6) months. A promoted Full-Time Police Officer, during probation, may be returned to the previously held rank, for cause for the reasons set forth in *Section 4.4*, of these rules and regulations, or because of incapacity for duty due to alcohol or drugs.

In addition, a promoted probationer may be returned to a previously held rank, if the promoted probationer does not meet the requirement expectations of the position and documentation is accurately noted.

The Chief of Police shall submit, to the city council, a final probationary report, not less than ten (10) days or more than fifteen (15) calendar days before the next regular meeting of the city council immediately preceding the end of the probationary period. Each report shall be submitted in writing to city council. Within five (5) calendar days after receiving a probationary report from the Chief of Police, if the conduct of the probationer has not been satisfactory to the city council, the probationer shall be notified in writing by the city council that the appointment will not be permanent and the promoted probationary Full-Time Police Officer will be returned to the previous position held, for the city.

Any probationer who is notified in writing by the city council, prior to completion of the probationary period, that their appointment will not be made permanent, has no rights of appeal under these rules and regulations.

The city manager shall notify the board, in writing, of its decision to retain or remove the probationer of such decision within five (5) calendar days and in no event beyond the last day of the probationary period.

At the end of the six (6) month probationary period, if the probationer is not notified in accordance with this section, a promoted ranking police officer shall receive permanent status in their respective promotional position.

D. CHIEF OF POLICE

4.13 Appointment of Chief of Police

The Chief of Police shall be designated by the mayor 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 mayor from without the ranks.

Note: As defined in Article XX of the Third Class City Code)

CHAPTER 5. SUSPENSIONS, REMOVALS AND REDUCTION IN RANK – FURLOUGHS

5.1 Grounds for Disciplinary Action.

- a) Any police officer subject to the civil service provisions herein, shall be subject to suspension, discharge and discipline, by the mayor for misconduct or violation of any law of the Commonwealth, ordinance of the city, or regulations of the department.
- b) No police officer, including Chief of Police or ranking officer, shall be discriminated against by being removed, censured or reprimanded for any religious, racial or political reasons.

5.2 Hearings on Suspension, Removal or Reduction in Rank.

- a) Any police officer aggrieved by the suspension, discharge or discipline imposed by the mayor, more serious than a suspension of three days without pay, may request a hearing before the city council, or by the board, if designated by ordinance.
- b) At the hearing, the police officer may be represented by counsel.

5.3 Appeal Process.

- a) Any police officer aggrieved by the decision of the council or the 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).
- b) This review shall be exclusive.
- c) Where no such appeal is taken within the time prescribed by law, the decision of the city council or the board shall become final in accordance with the law.
- d) The issue before the court shall be whether the action of the council or the 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 director shall be affirmed or rescinded. Where a police officer has been suspended and the charges are dismissed or the suspension suspended on appeal, the police officer shall receive full compensation for the entire period of suspension.

5.4 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.

5.5 Furloughs.

- a) If it should become necessary to reduce the number of police officers in the police 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.
- b) In the event that the city council decides to increase the size of the police department officer personnel, the furloughed police officers shall be reinstated in order of their seniority in the police department. Police officers so notified of reinstatement must accept reinstatement within thirty (30) days of receipt of such notice, otherwise such police officer shall be deemed to have waived any right to reinstatement.
- c) 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.

Note: Veteran's Preference: The exception to the above, in compliance with the Veteran's Preference Act, as amended, PA Act 102 of 2020, Section 7107, reads:

Whenever a reduction in force is necessary in any public position, or on public works of the Commonwealth and its political subdivisions, and personnel are discharged according to seniority, the number of years of service of any veteran shall be determined by adding the veteran's total years of service in the civil service or on public works to the veteran's total years of service as a member of the armed forces of the United States, including a reserve component or National Guard, during any period of war or armed conflict in which the United States engaged other than for periods of active duty training.

CHAPTER 6. REVOCATION/SEVERABILITY

- a) Revocations/Repeal of prior rules and regulations. These Police Civil Service Rules and Regulations shall become effective upon the final approval of same by the Washington City Council, whereupon all prior rules and regulations of the board shall be revoked and repealed.

- b) Validity/Severability. Should any section, clause, part or word of these rules and regulations be declared by a court of competent jurisdiction invalid, illegal or unconstitutional, such decision of the court shall not affect the validity or impair any of the remaining sections, clauses, parts or words of these rules and regulations; the provisions of these rules and regulations being thus severable, same are declared valid to the extent any section, subsection, subparagraph, clause, part or word is not specifically declared by the decision of the court invalid, illegal or unconstitutional.

CHAPTER 7. RESOLUTION FOR ADOPTION

The foregoing rules and regulations, which are in accordance with powers granted by the Civil Service Section of the Third Class City Code, (Act 22 of 2014) Sections 4401-4410, enacted by the General Assembly of the Commonwealth of Pennsylvania and in accordance with the authority granted by the municipal governing body of the City of Washington, Washington County, Pennsylvania, are hereby adopted by the Civil Service Board of the City of Washington on this _____, 2022.

Chairperson

Vice Chairperson

Secretary

Approved by the Washington City Council, Washington County, Pennsylvania, this _____, 2023.

Attest:

City Manager

Signed:

Mayor