

## LEET TOWNSHIP CIVIL SERVICE COMMISSION (CSC)

### Meeting Minutes

194 Ambridge Avenue, Fair Oaks, PA 15003

Special Meeting – April 19, 2023

**Present:** Donald S. Birnie, William C. Bubb, Jack Mook and Thomas P. Weber **Voting members:** Mr. Birnie, Mr. Bubb, Mr. Weber **Absent:** Katherine Longwell

**Invited Guests:** Hopewell Twp Chief Donald Sedlacek was invited to share other ways to validate our own physical agility standards. Interim Chief Brian Jameson was also present

**Members of the Public:** Donna Adipietro, Peggy Adams, and Jeff Besong

Mr. Weber called the meeting to order at 7:00 pm, and began the meeting with the Pledge of Allegiance.

#### Public Participation

No comments at this time.

#### Approval of February 15, 2023 Special Meeting Minutes

**Motion:** Mr. Bubb moved to approve the minutes for the February 15, 2023 Special Meeting as presented. Seconded by Mr. Birnie. Messrs. Birnie, Bubb and Weber voted in favor.

### Entry Level Testing for New Police Officers

#### Introduction

Mr. Weber opened the discussion by reviewing that the purpose of inviting Chief Sedlacek to join us was to advise us how we can attract and hire more experienced applicants for the position of Part-Time Officer by adopting physical agility test standards that will; 1. identify candidates who meet the fitness requirements for the position and 2. avoid discriminating on gender or age without using the current MPOETC Standard (our current test method). Any new test standard would have to be used for both full-time and part-time candidates as required by the Pennsylvania Civil Service Code for First-Class Townships, and by the Leet Township Civil Service Rules and Regulations. Mr. Weber further commented on the general shortage of applicants for these positions, and disincentive to apply created by the MPOETC Test Standard.

Mr. Birnie reviewed the special need that Leet Twp has to use experienced retired officers for part-time positions, where their work is more focused on less physically demanding assignments, such as policing sporting events and other community activities, as well as, filling out the schedule when our full-time officers aren't available. Retired officers are desirable because they don't need additional training. It's expensive to train officers right out of the academy, and difficult to retain them. However, in many cases these retired officers will not apply for a position where the MPOETC physical agility test is required. This is the problem we need to solve.

Mr. Birnie also pointed out that a document we received from Chief Sedlacek, "Physical Agility Tests recent litigation Pennsylvania Municipal League" cited only two ways to limit liability based on the PSP discrimination in 2021; 1. Use the MPOETC Standard, or 2. Create a new standard for Leet and have an expert conduct a validation study to confirm that it is work-related. This approach was also discussed in the Coopers Institute Standard – Frequently Asked Questions. We had this Coopers document in September when we adopted the MPOETC Standard as well.

### **Chief Sedlacek's Comments**

Chief Sedlacek introduced himself and reviewed his professional experience.

- Worked as a police officer for 33 years, 26 of which were at Center Twp.
- Full-time professor in criminal justice at CCBC.
- Part-time professor and Penn State, Beaver Campus.
- Masters-Degree in Administration of Criminal justice
- Graduated from National FBI Academy in 2004
- CCBC and Penn State Instructor certified in a broad range of areas including; physical testing, fire arms, defensive tactics
- Nominated by Gov. Tom Wolf to MPOETC Commission in Harrisburg. Focused on Police Academy Curriculum, Training, Certifying and Decertifying Officers.
- Chief of Police in Hopewell Twp.

Chief Sedlacek stated that LT-CSC can set any standard for physical fitness we want as long as it is job-specific (aerobic, anaerobic and mid-core strength – sit-ups, push-ups, running, sprinting). Currently, most police departments, like Philadelphia, Erie, Harrisburg, are using the MPOETC Standard (Coopers 30<sup>th</sup> percentile) because it is segmented by age and gender.

Chief Sedlacek said that to be able to hire from the pool of retired officers, we will have to change our civil service rules regarding physical agility testing. Here are his ideas.

1. We could use the Coopers 30<sup>th</sup> percentile performance level and relax the passing result (e.g., increase the time for the 1.5-mile run). This standard would be segmented by age and gender.
2. We could adopt a lower level of the Coopers fitness assessment, such as the 20<sup>th</sup> percentile level, as our standard. This standard would be segmented by age and gender.
3. We could create another police position, such as auxiliary police officer, that would have a different physical agility standard.
4. We could accept the approach that boroughs take, namely hiring part-time officers with no testing (physical agility, written, etc.).
5. Consider changing Leet Township from a First-Class Township to a Second-Class Township, where the Civil Service Laws would be different.
6. We could set lower standards for entry, but create an incentive for officers to meet the 30<sup>th</sup> percentile test periodically.

According to Chief Sedlacek what we do should be done in conjunction with our solicitor, and aimed at developing a consistent, professional testing standard. We would be acting in good faith and not trying to discriminate or be disparate with regard to any class of applicant. In Chief Sedlacek's opinion, no one would fault us for this.

An example Chief Sedlacek gave was Philadelphia, which added 2 minutes to the required time for the 1.5-mile run.

Mr. Birnie asked if Chief Sedlacek could put together a physical agility standard that would enable us to hire retired officers as part-time officers, and validate it scientifically. He said there are only a few companies that are qualified to do validation. It is very expensive. A ball park figure might be \$200,000.

### **Public Discussion of Physical Agility Testing**

Mr. Weber asked for public comments as a follow up to input at previous meetings.

Chief Jameson indicated the he will ask to hire a new officer at the next BOC Meeting. His preference would be a full-time officer.

Mr. Besong indicated that he believes that MPOETC will reduce their requirements in the next couple of years.

Chief Sedlacek stated that he believed that MPOETC will be forced to change in the near future. They need to take a stronger role in setting physical agility standard to adjust to the changing environment in law enforcement. He also stated that Hopewell uses the Cooper's 30<sup>th</sup> percentile (MPOETC) standard.

Mrs. Adipietro said she thinks the LT-CSC should take guidance for our solicitor on the standards.

Mr. Bubb said we are still talking about an end-around of the PA State Civil Service Codes. He suggested we invite Pa Representative Valerie Gados and Pa. Senator Devlin Robinson to join us to discuss changing state law to help solve the problem. Local municipalities addressing this problem individually only adds confusion and legal risk. This problem needs to be fixed in the Pa State Legislature.

Mr. Birnie asked Chief Jameson if we could just continue what we are doing, recognizing that it will take a minimum of six weeks to replace an officer who can no longer perform his duties. Chief Jameson said that that would have a negative impact on our budget. He already expects this year to be over budget on overtime. That's why he wants to hire a part-time officer now to reduce overtime costs.

Mr Besong stated that in our environment part-time officers should not be a part of a police departments staffing strategy. He has been trying to hire a part-time officer at Point Park for 11 years with out success. In his opinion, it is more expensive to try to include part-time officers than to use all full-time officers. Part-time is a thing of the past.

Chief Jameson agreed that six full-time officers would solve our current problem. Promoting a test for part-timer now might allow us to hire a graduate from one of the academies this spring as part-time officer and work to get a sixth full-time officer in the budget for 2024. It would be worth training him now and offering the potential to go full-time next year. A First Time Officer (FTO) requires 480 hours of training before they can go solo.

Chief Sedlacek said Hopewell just hired another full-time officer to offset the cost of part-time and the inability to find part-timers.

Chief Jameson said he felt we are moving in the right direction on the physical testing issue. He thanked the LT-CSC for all the research and hard work in pursuit of a solution.

**Action Points are:**

1. Set up an executive session with Mr. McTiernan to discuss Chief Sedlacek's suggestions on May 10. (Mr. Weber)
2. Cancel the May 3 meeting

3. Keep our May 17 meeting in place.
4. Get a copy of the Beaver Rules and Regulations that allow them to hire part-time without testing. (Mr. Birnie)

### **Status of the Mike Molinaro Hearing**

Mr. McTiernan notified the LT-CSC that Mr. Molinaro's attorney, Massimo Terzigni, has withdrawn from representing him in the Leet Twp Civil Service Case. Mr. McTiernan will contact Mr. Mitchell and Mr. Chesney to determine if they intend to continue the civil service process.

### **Public Participation**

Mr. Besong said that he thinks we need to put the Molinaro situation behind us, and hire Brian Jameson as the new Chief of Police for Leet Twp. "This situation has gone on way too long", he said.

### **Adjournment**

**Motion:** There being no further business, Mr. Bubb moved we adjourn at 8:35 pm. Mr. Birnie seconded. Messrs. Bubb, Weber and Birnie voted in favor.

/s/Donald S. Birnie

/s/Thomas P. Weber