

LEET TOWNSHIP CIVIL SERVICE COMMISSION (CSC)

Meeting Minutes

194 Ambridge Avenue, Fair Oaks, PA 15003

Special Meeting – May 17, 2023

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

Members of the Public: No members of the public present

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

Public Participation

No public participation.

Approval of April 19, 2023 Special Meeting Minutes

Motion: Mr. Bubb moved to approve the minutes for the April 19, 2023 Special Meeting as presented. Seconded by Mr. Birnie. Messrs. Birnie, Bubb and Weber voted in favor.

Schedule of Molinaro Appeal Hearings

Mr. Erik M. Yurkovich, Esq. notified Mr. Weber in a letter dated May 4, 2023 that he and the firm, The Worker's Rights Law Group, LLP, were representing Mr. Molinaro in the hearing before the Leet Township Civil Service Commission challenging his dismissal from the position of Leet Township Chief of Police. Mr. Yurkovich requested that we schedule the hearing at our earliest convenience.

Consistent with previous discussion of dates for the hearing Mr. McTiernan, LT-CSC Solicitor, cleared the following dates with all involved parties for 5 dates in late June. They are June 21, 23, 27, 29 and 30. After further discussion the civil service commission proposed two additional dates in July if need. They were July 11 and 13.

Motion: Mr. Weber moved that we hold public hearings in the case of Mr. Molinaro's appeal of his dismissal on the dates of June 21, 23, 27, 29, 30, and

that the additional dates of July 11 & 13 be proposed by the LT-CSC conditioned on availability of all other participating parties. The hearings would be held at 194 Ambridge Avenue, Fair Oaks, PA 15003 at 7:00 pm. And these hearings will be advertised in the Beaver County Times as soon as possible. Seconded by Mr. Bubb. By a roll call vote Messrs. Birnie, Bubb and Weber all voted in favor.

Mr. Weber asked Mr. McTiernan to determine the by next day whether the July dates were acceptable to everyone participating. He would send a request to Mrs. Rengers to submit the advertisement of the hearings to the Beaver County Times to be run on Sunday, May 21, if possible.

Mr. Weber asked Mr. McTiernan to instruct Mr. Mitchell and Mr. Yurkovich to make good use of the time in each meeting. They should be prepared to offer at least 3 hours of testimony on each hearing day to make good use of our resources.

Mr. Weber reviewed the text of the advertisement and agenda of the meeting. Mr. McTiernan noted that there will be no public participation during these hearings. These meetings will be devoted solely to allowing the attorneys to put their evidence before the LT-CSC.

Mr. McTiernan explained that signing subpoenas for witnesses will be an administrative responsibility of our Chairman, Mr. Weber.

Motion: Mr. Weber made a motion that he be granted authority to sign subpoenas, submitted by legal counsel, on behalf of the LT-CSC, subject to the objection of any party. M. Bubb seconded. By a roll call vote Messrs. Birnie, Bubb and Weber all voted in favor.

Entry Level Testing for New Police Officers

As a follow-up to our interview of Hopewell Twp. Chief Don Sedlacek on April 14, our purpose in this meeting is to get input from our solicitor Mr. McTiernan on what freedom we have to alter the MPOETC physical requirements to be able to hire and retain parttime officers. The First-Class Township Code and our Leet Twp Civil Service Rules and Regulations state that parttime and fulltime officers must be hired using the same testing, including physical agility standards, to be considered hired under civil service.

We have considered whether we could hire a parttime officer as a provisional hire, but our rules require that they be given a physical agility and written tests before they start work and subjected to a competitive test (both written and physical agility) within 90 days. This isn't what we were hoping for. We still need to test provisional parttime hires using the same physical agility test as fulltime hires according to Civil Service rules.

Mr. McTiernan stated that he is aware of many municipalities hiring parttime officers without giving them a physical agility or written test. But these officers are not considered to be hired according to Civil Service rules. And they can not be made a fulltime officer at a later date without going through competitive physical agility and written testing. He also stated that these practices sometime cause problems with fulltime officers in the bargaining unit. There is a risk of being challenged legally. But this is becoming a widespread practice due to the shortage of qualified candidates interesting in being a police officer. This is a decision the Board of Commissioners could to make if they are open to hiring police officers outside the Civil Service rules

Mr. Birnie pointed out that our rules and regulations state that the LT-CSC would only hire officers according to Civil Service rules. Mr. McTiernan said some township and borough boards make the decision to by-pass their Civil Service Commission to hire parttime officers with no or modified test standards.

We reviewed the suggestions that Chief Sedlacek gave us on April 19, shown below, with our conclusions in ***bold italics***, based on Mr. McTiernan's comments.

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 30th 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. ***These standards can't be changed without a third-party validation that the new test is based on job requirements, if you intend to hire according to Civil Service rules.***
2. We could adopt a lower level of the Coopers fitness assessment, such as the 20th percentile level, as our standard. This standard would be segmented by age and gender. ***These standards can't be changed without a third-party validation that the new test is based on job requirements, if you intend to hire according to Civil Service rules.***

3. We could create another police position, such as auxiliary police officer, that would have a different physical agility standard. ***Auxiliary officers have gone by the way side due to concerns about liability. Any municipality that use this approach is not hiring under Civil-Service rules.***
4. We could accept the approach that boroughs take, namely hiring part-time officers with no testing (physical agility, written, etc.). ***The PA Civil Service Code for Boroughs does not give them much more, if any, freedom than the First-Class Township Code doesn't offer. Those municipalities that hire parttime officers using different testing standards than fulltime are not hiring according to Civil Service rules.***
5. Consider changing Leet Township from a First-Class Township to a Second-Class Township, where the Civil Service Laws would be different. ***This would be a very expensive, time-consuming way to circumvent the law. It would be easier to become Home Rule.***
6. We could set lower standards for entry, but create an incentive for officers to meet the 30th percentile test periodically. ***These standards can't be changed without a third-party validation that the new test is based on job requirements, if you intend to hire according to Civil Service rules. There is not reason to believe the incentives would work.***

After this discussion, the LT-CSC came to the consensus that we are in the business of conducting competitive testing using validated testing standards. If the BOC wants to hire outside Civil Service laws, they can consider that with their solicitor. While we could help them by doing some non-competitive testing, it would have to be testing that complied with Civil Service rules (i.e., MPOETC Standard).

Statement of Financial Interest Form

All Leet Township Officers, creditors and vendors are required to fill out this Statement of Financial Interest Form for and return it to Mrs. Rengers. All LT-CSC members present filled it out. Mr. Weber would return them to Mrs. Rengers.

Adjournment

Motion: There being no further business, Mr. Bubb moved we adjourn at 9:00 pm. Mr. Birnie seconded. Messrs. Bubb, Weber and Birnie voted in favor.

/s/Donald S. Birnie

/s/Thomas P. Weber