

**CHAPTER 1**

**ADMINISTRATION AND GOVERNMENT**

**PART 1**

**COMPENSATION**

- §101. Compensation of Mayor**
- §102. Compensation of Members of Council and Council President**
- §103. Compensation of Tax Collector**

**PART 2**

**BOROUGH OFFICERS AND EMPLOYEES**

- A. Borough Manager**
  - §201. Creation of Office**
  - §202. Appointment; Vacancies; Removal**
  - §203. Qualifications; Residence**
  - §204. Bond**
  - §205. Compensation**
  - §206. General Powers and Duties**
  - §207. Specific Powers and Duties**
  - §208. Delegation of Authority During Illness or Vacation**
- B. Independent Auditor**
  - §211. Independent Auditor to Appointed Annually**
  - §212. Powers and Duties of Independent Auditor**
  - §213. Compensation of Independent Auditor**
- C. Parking Meter Attendant**
  - §221. Creation of Position**
  - §222. Qualifications**
  - §223. Bond**
  - §224. Duties**
  - §225. Supervision by Mayor**

ADMINISTRATION AND GOVERNMENT

PART 3

AUTHORITIES

A. Municipal Authority of the Borough of Greenville

- §301. Intention and Desire to Organize Authority
- §302. Articles of Incorporation
- §303. First Project of Authority
- §304. Additional Projects of Authority
- §305. Necessity for Enactment

B. The Horizon Hospital System Authority

- §311. Intention and Desire to Organize Authority
- §312. Articles of Incorporation
- §313. Desirability of Project
- §314. No Financial Liability on Borough
- §315. Authority's Financial Responsibility
- §316. Execution of Amendments

C. Greenville Sanitary Authority

- §321. Intention and Desire to Organize Authority
- §322. Articles of Incorporation
- §323. Extension of Term of Existence
- §324. Members of Authority Board to Receive Director's Fee or Salary

PART 4

COMMISSIONS

A. Planning Commission

- §401. Planning Commission Established

B. Historical Commission

- §411. Historical Commission Established

C. Shade Tree Commission

- §421. Shade Tree Commission Established
- §422. Membership; Tenure; Vacancies
- §423. Powers
- §424. Financing of Commission

**PART 5**

**MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM**

- §501. Nonuniformed Employees Subject to Provisions of the Municipal Employees Retirement System**
- §502. Mandatory Membership For All Permanent Nonuniformed Employees**
- §503. Credit For Prior Service**
- §504. Payment For Obligation**
- §505. System to Provide the Benefits Set Forth in Agreement**
- §506. Filing of Ordinance**

**PART 6**

**POLICE PENSION PLAN**

- §601. Police Elect To Join System**
- §602. Membership Mandatory**
- §603. Greenville Borough Police Assumes Liability for Payment for Prior Service**
- §604. Payments to be Made in Accordance With Law**
- §605. Agree to Cost of Living Raises**

**PART 7**

**FIRE DEPARTMENT**

**A. Firemen's Pension**

- §701. Full-time Fire Personnel Subject to Provisions of Municipal Employees' Retirement Law**
- §702. Mandatory Membership for all Permanent Firefighters**
- §703. Credit for Prior Service**
- §704. Payment For Obligations**
- §705. System to Provide the Benefits Set Forth in Agreement**
- §706. Filing of Ordinance**

**B. Volunteer Firemen's Relief Association**

- §711. Recognition of Firemen's Relief Association**
- §712. Certification to Auditor General**
- §713. Annual Appropriation**

**ADMINISTRATION AND GOVERNMENT**

**C. Fire Protection**

**§721. Authority for Greenville Fire Department Personnel and Equipment to be Used in Assisting Other Fire Departments**

**§722. Employment Status of Fire Department Employees Assisting Other Fire Departments**

**D. Workmen's Compensation**

**§731. Workmen's Compensation Coverage**

**E. Authorization to Recover Costs and/or Expenses for Services**

**§741. Insurance Claims**

**§742. Claims Against Property Owner Prohibited**

**§743. Construction**

**PART 8**

**PERSONNEL CODE**

**A. Short Title, General Purpose, Authority and Declaration of Policy**

**§801. Short Title**

**§802. General Purpose**

**§803. Authority**

**§804. Applicability and Coverage**

**§805. Declaration of Policy**

**B. Administration of Personnel Code**

**§811. The Council**

**§812. Borough Manager**

**§813. Civil Service**

**§814. Officers and Employees**

**C. Personnel Policies**

**§821. Rules Adopted**

**§822. Promulgation and Approval of Additional Rules by Consent**

**§823. Classification of Positions**

**§824. Recruitment**

**§825. Applications**

**§826. Applicants Eligible for Appointment**

**§827. Appointing Authority**

**§828. Appointment**

**§829. Probation Period and Examination**

- §830. Employee Performance Evaluation
- §831. Tenure Career Service Status
- §832. Conduct of Employees
- §833. Training
- §834. Employee Relations
- §835. Appeals
- §836. Employee Organization and Grievances
- §837. Discipline
- §838. Separations
- §839. Records
  
- D. General Prohibition Against Fraud, Favors, Obstruction and Political Coercion
  
- §841. General Prohibition Against Fraud, Favors, Obstruction and Political Coercion
- §842. Employee Political Actions Limited
- §843. Principles of Conflict of Interest; Disclosure
- §844. Disclosure of Financial Interest Required
- §845. Acceptance of Favors, Gifts and Gratuities Prohibited
- §846. Anti-Nepotism
  
- E. Equal Employment Opportunity, Agreements and Intergovernmental Cooperation
  
- §851. Equal Employment Opportunity
- §852. Agreements and Intergovernmental Cooperation
  
- F. Penalties For Violation
  
- §861. Penalty
  
- G. Special Consideration
  
- §871. Special Consideration

## PART 9

### PERSONNEL RULES AND REGULATIONS

- A. Title
  
- §901. Short Title
- §902. Purpose and Objective
- §903. Scope and Application

## ADMINISTRATION AND GOVERNMENT

### **B. Classification Plan**

- §911. Purpose**
- §912. Request for Reclassification**

### **C. Compensation**

- §921. General Provisions**
- §922. Beginning Pay Rate**
- §923. New Appointees**
- §924. Promotions**
- §925. Transfers**
- §926. Demotions**
- §927. Reallocations Downward**
- §928. Reinstated Employees**
- §929. Overtime**
- §930. Salary Adjustment**
- §931. Total Remuneration**
- §932. Pay Periods**

### **D. Recruitment, Applications, and Examinations**

- §941. Recruitment**
- §942. Career Examinations**
- §943. Announcements**
- §944. Application Forms**
- §945. Employment Requirements**
- §946. Acceptance of Applicants**
- §947. References**
- §948. Rejection of Applications**
- §949. Examinations**
- §950. Promotional Examinations**
- §951. Fraud in Examination**

### **E. Appointments**

- §961. Reemployment and Competitive Lists**
- §962. Reinstatement**
- §963. Permanent Positions**
- §964. Seasonal Employees**
- §965. Temporary Positions**
- §966. Student Appointments**
- §967. Emergency Appointments**
- §968. Part-time Appointments**
- §969. Conditional Employment For Individuals Reaching Retirement Age**

**F. Probationary Period**

- §971. Objective**
- §972. Duration**
- §973. Probationary Period For New Employees**
- §974. Promotional Appointments**
- §975. Interruption of Probationary Period**
- §976. Probationary Period Reports**
- §977. Restoration of Dismissed Employee To Appropriate List**
- §978. Former Employees**

**G. Promotions, Transfers and Demotions**

- §981. Promotions**
- §982. Intra-Departmental Transfers**
- §983. Inter-Departmental Transfers**
- §984. Demotions**

**H. Employee Performance Evaluation**

- §991. Purpose**
- §992. Performance Evaluation Periods**
- §993. Performance Evaluation Rating**
- §994. Review With Employees**
- §995. Merit Increase Dependent on Service Rating**
- §996. Performance Evaluation Confidential**
- §997. Changes in Evaluation**
- §998. Performance Rating A Part of Personnel File**

**I. Employee Grievances**

- §998.01. Purpose**
- §998.02. Grievable Matters**
- §998.03. Grievance Procedures**
- §998.04. Employee Presentation**
- §998.05. Violation of Grievance Procedure**

**J. Employee Discipline**

- §998.11. Disciplinary Action**
- §998.12. Reasons for Disciplinary Actions**
- §998.13. Appeals**

**K. Attendance, Leave and Holidays**

- §998.21. Hours Of Work**
- §998.22. Attendance**
- §998.23. Personal Days**

## ADMINISTRATION AND GOVERNMENT

- §998.24. Holidays**
- §998.25. Vacation Leave**
- §998.26. Sick Leave**
- §998.27. Retirement**
- §998.28. Jury Duty**
- §998.29. Bereavement**
- §998.30. Disability Leave**
- §998.31. Separation**
- §998.32. Resignation**
- §998.33. Absence Without Leave**
- §998.34. Maternity Leave**
- §998.35. Workers' Compensation Leave**
- §998.36. Lay-offs**

### **L. Pensions, Health Care and Life Insurance**

- §998.41. Purpose**
- §998.42. Responsibility**
- §998.43. Eligibility**

### **M. Longevity**

- §998.51. Purpose**
- §998.52. Longevity Schedule**

### **N. Outside Employment or Business**

- §998.61. Outside Employment or Business**

### **O. Appointment and Placement of Relatives**

- §998.71. Appointment and Placement of Relatives**

### **P. Compensation For Use of Private Vehicles And Damage to Borough Equipment And Property**

- §998.81. Compensation For Use Of Private Vehicles**
- §998.82. Damage To Borough Equipment and Property**

### **Q. Department Regulations and Records**

- §998.91. Department Regulations**
- §998.92. Personnel Transactions**
- §998.93. Maintenance of Records**
- §998.94. Destruction of Records**
- §998.95. Attendance Records**

**PART 10**

**POLICE PROTECTION**

- §1001. Police Department Established; Chief of Police in Charge**
- §1002. Subordinate Classifications in Police Department**
- §1003. Special Policemen**
- §1004. Cooperation With Hempfield Township in Police Protection Services**
- §1005. Cooperation With West Salem Township in Police Protection Services**

**PART 11**

**FIRE INSURANCE PROCEEDS**

- §1101. Use of Fire Insurance Proceeds**
- §1102. Limits of Liability**
- §1103. Insurance Company Rights Reserved**
- §1104. Construction**
- §1105. Notification of Pennsylvania Department of Community and Economic Development**
- §1106. Penalty**
- §1107. Saving Clause**

**PART 12**

**SEXUAL HARASSMENT POLICY**

- §1201. Statement of Policy**
- §1202. Statement of Prohibited Conduct**
- §1203. Penalties for Misconduct**
- §1204. Procedures for Making, Investigating and Resolving Sexual Harassment and Retaliation Complaints**

**PART 13**

**WARRANTLESS ARRESTS**

- §1301. Warrantless Arrests**

**PART 14**

**HAZARDOUS MATERIAL INCIDENTS**

- §1401. Authorization to Recover Costs**



**PART 1**  
**COMPENSATION**

**§101. Compensation of Mayor.**

The salary of the Mayor shall be \$2,000 per annum, payable monthly.

(Ord. 1327, 9/10/1996, Art. I)

**§102. Compensation of Members of Council and Council President.**

Each member of Greenville Borough Council shall receive as compensation for his/her services as councilmen the sum of \$1,500 per annum, payable monthly from the general fund of the Borough in accordance with the provisions contained in the Borough Code. The President of the Greenville Borough Council shall receive as compensation for his/her services as President of Council the sum of \$1,700 per annum, payable monthly from the general fund of the Borough in accordance with the provisions contained in the Borough Code.

(Ord. 1327, 9/10/1996, Art. II)

**§103 Compensation of Tax Collector.**

1. The salary of the elected Tax Collector of the Borough of Greenville shall be established as provided herein.
2. The salary of the elected Tax Collector of the Borough of Greenville shall be \$4,275 per year for the four year term. The yearly compensation shall be the salary for the collection of real estate taxes.
3. The Borough of Greenville shall pay the Tax Collector \$3,400 per year for expenses for the four years, other than those specifically the responsibility of the Borough of Greenville for the collection of real estate taxes.
4. The setting of the compensation of the Tax Collector and the allotment of expenses shall take effect at the beginning of the new year 1998.

(Ord. 1340, 3/11/1997)



**PART 2**

**BOROUGH OFFICERS AND EMPLOYEES**

**A. Borough Manager.**

**§201. Creation of Office.**

The office of Borough Manager is hereby created, subject to the right of the Borough, by ordinance, at any time to abolish the office.

(Ord. 829, 10/23/1963, §1)

**§202. Appointment; Vacancies; Removal.**

From time to time, and whenever there is a vacancy in the office of Manager, Council shall elect, by a vote of a majority of all its members, one person as Manager, subject to removal by Council at any time by a vote of a majority of all its members.

(Ord. 829, 10/23/1963, §2)

**§203. Qualifications; Residence.**

The Manager shall be chosen solely on the basis of his executive and administrative abilities, with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of the office as herein outlined. The Manager need not be a resident of the Borough or of the Commonwealth of Pennsylvania at the time of his appointment, but as soon as possible thereafter he shall become, and during his tenure as Manager shall remain, a resident of the Borough.

(Ord. 829, 10/23/1963, §3)

**§204. Bond.**

Upon entering upon his duties, the Manager shall give a bond to the Borough, with a bonding company as surety, in the sum of \$10,000 conditioned for the faithful performance of his duties, premium for the bond to be paid by the Borough. The bond of the Manager may be included in, and the Manager may be bonded under and covered by the blanket bond now in force and effect for all Borough employees in the aforesaid amount of \$10,000.

(Ord. 829, 10/23/1963, §4)

## ADMINISTRATION AND GOVERNMENT

### **§205. Compensation.**

The compensation of the Manager shall be fixed by Council from time to time.

(Ord. 829, 10/23/1963, §5)

### **§206. General Powers and Duties.**

The Manager shall be the chief administrative officer of the Borough, and he shall be responsible to Council as a whole for the proper and efficient administration of the affairs of the Borough. His powers and duties shall relate to the general management of all Borough business not expressly by statute or ordinance imposed or conferred upon other Borough officers. The Mayor is hereby authorized to delegate to the Borough Manager, subject to recall by written notification at any time, any of his nonlegislative powers and duties.

(Ord. 829, 10/23/1963, §6)

### **§207. Specific Powers and Duties.**

Subject to recall by ordinance, the powers and duties of the Manager shall include the following:

- A. He shall supervise and be responsible for the activities of all municipal departments except such departments the supervision of which shall not have been delegated to the Manager by the Mayor or by Council, as the case may be.
- B. He shall hire and, when he shall deem it necessary for the good of the service, shall suspend or discharge all employees under his supervision; provided, that persons covered by the civil service provisions of the Borough Code shall be hired, suspended or discharged in accordance with those provisions. Provided further, that the Manager shall report, at the next regular meeting thereafter of Council, any action taken by authority of this subsection.
- C. He shall prepare and submit to Council, on such date as Council shall determine, a budget for the next fiscal year and an explanatory budget message. In preparing the budget the Manager, or an officer designated by him, shall obtain from the head of each department, agency, board or officer estimates of revenues and expenditures and other supporting data as he requests. The Manager shall review those estimates and may revise them before submitting the budget to Council.
- D. He shall be responsible for the administration of the budget after its adoption by the Council.

- E. He shall, under the direction of the Mayor, execute and enforce the laws of the Commonwealth, and ordinances, resolutions and by-laws of the Borough.
- F. He may hold the office of Borough Secretary and if so appointed shall perform all the duties of such office.
- G. He shall attend all meetings of Council and of its committees, with the right to take part in the discussion, and he shall receive notice of all special meetings of Council and of its committees.
- H. He shall prepare the agenda for each meeting of Council and supply facts pertinent to it.
- I. He shall keep Council informed as to the conduct of Borough affairs; submit periodic reports on the condition of the Borough finances and such other reports as Council shall request and shall make such recommendations to Council as he deems necessary.
- J. He shall submit to Council, as soon as possible after the close of the fiscal year, a complete report on the financial and administrative activities of the Borough for the preceding year.
- K. He shall see that the provisions of all franchises, leases, permits and privileges granted by the Borough are observed.
- L. He may also employ, by and with the approval of Council, experts and consultants to perform work and to advise in connection with any of the functions of the Borough.
- M. He shall attend to the letting of contracts in due form of law, and he shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed upon some other Borough officer by statute.
- N. He shall see that all money owed the Borough is promptly paid and that proper proceedings are taken for the security and collection of all the Borough's claims.
- O. He shall be the purchasing officer of the Borough and he shall purchase, in accordance with the provisions of the Borough Code, all supplies and equipment for the various agencies, boards, departments and other offices of the Borough. He shall keep an account of all purchases and shall, from time to time or when directed by Council; make a full written report thereof. He shall also issue rules and regulations, subject to the approval of Council, governing the requisition and purchasing of all municipal supplies and equipment.

## ADMINISTRATION AND GOVERNMENT

- P. He shall cooperate with the Council at all times and in all matters that the best interests of the Borough and the general public may be maintained.
- Q. All complaints regarding services or personnel of the Borough shall be referred to the office of the Manager. He, or an officer designated by him, shall investigate and dispose of such complaints, and the Manager shall report thereon to Council.
- R. The Borough Manager shall be authorized to pay any bills which shall become due and payable prior to the next regular Council meeting without said Manager submitting said bills to Council. The Borough Manager shall at the next regular Council meeting notify the Borough Council of all bills which have been paid for Council approval. Any bills that are questionable may be withheld from payment by the Borough Manager and submitted to Council for approval at the next regular Council meeting. [Ord. 1089]

(Ord. 829, 10/23/1963, §7; as amended by Ord. 1089, 2/12/1980, §1)

### **§208. Delegation of Authority During Illness or Absence of Manager.**

In case of illness or absence of the Manager from the Borough, he shall delegate one qualified member of his staff who shall perform the duties of the Manager during his absence or disability. The person so designated shall not perform those duties for a period longer than two weeks without the approval of Council.

(Ord. 829, 10/23/1963, §8)

### **B. Independent Auditor.**

#### **§211. Independent Auditor to Appointed Annually.**

Hereafter, an independent auditor for the Borough shall be appointed annually by resolution of Council before the close of the Borough's fiscal year.

(Ord. 916, 1/9/1968, §2)

#### **§212. Powers and Duties of Independent Auditor.**

The independent auditor hereafter appointed by any annual resolution shall make an independent examination of the accounting records of the Borough for the fiscal year so appointed and shall perform the other duties and exercise the powers conferred upon the office of independent auditor by §§1196-1197 of the Borough Code, 53 P.S. 46196-46197.

(Ord. 916, 1/9/1968, §3)

**§213. Compensation of Independent Auditor.**

The compensation of the independent auditor shall be determined by Council and paid out of the Borough funds.

(Ord. 916, 1/9/1968, §4)

**C. Parking Meter Attendant.**

**§221. Creation of Position.**

The position of parking meter attendant is hereby created by the Borough, the number of persons to be appointed to the position by Council to be determined by Council from time to time.

(Ord. 885, 1/18/1966, §1; as amended by Ord. 1053, 9/13/1977, §2-2031)

**§222. Qualifications.**

Parking meter attendants shall be selected solely on the basis of suitability for the position, and acceptable references by members of the fire, police and traffic committee, the Mayor and the Manager.

(Ord. 885, 1/18/1966, §2; as amended by Ord. 1053, 9/13/1977, §2-2032)

**§223. Bond.**

The bond of each parking meter attendant may be included in, and may be bonded under and covered by the blanket bond now in force and effect for all Borough employees in the amount of \$10,000.

(Ord. 885, 1/18/1966, §3; as amended by Ord. 1053, 9/13/1977, §2-2033)

**§224. Duties.**

Duties of the parking meter attendants shall be to check parking meters for violations and to write tickets for such violations and such other duties as may from time to time be assigned.

(Ord. 885, 1/18/1966, §4; as amended by Ord. 1053, 9/13/1977, §2-2034)

## ADMINISTRATION AND GOVERNMENT

### **§225. Supervision by Mayor.**

Parking meter attendants shall be under direct supervision of the Mayor, who shall assign the hours of work, duties to be performed and shall determine the manner of dress and prescribe any other regulations that he shall deem necessary and in the best interest of the performance of their services.

(Ord. 885, 1/18/1966, §6; as amended by Ord. 904, 1/10/1967, §1; and by Ord. 1053, 9/13/1977, §2-2035)

**PART 3**

**AUTHORITIES**

**A. Municipal Authority of the Borough of Greenville.**

**§301. Intention and Desire to Organize Authority.**

The Council of the Borough of Greenville hereby signifies its intention and desire to organize an authority, under the "Municipality Authorities Act" according to the Act of June 28, 1935, P.L. 463, as amended by the Act of May 20, 1937, P.L. 739, as amended by the Act of May 17, 1939, 1939 P.L. 167.

(Ord. 540, 2/17/1942, §1; as reenacted by Ord. 694, 11/10/1955, §1)

**§302. Articles of Incorporation.**

The President and the Secretary of the Borough Council are hereby authorized and directed to execute on behalf of the Borough, Articles of Incorporation for said Authority in substantially the following form:

**ARTICLES OF INCORPORATION**

**TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA**

In compliance with the requirements of the Act of June 28, 1935, P.L. 463, as amended by the Act of May 20, 1937 P.L. 739, as amended by the Act of May 17, 1939, P.L. 167, known as the "Municipality Authorities Act," the Council of the Borough of Greenville desiring to incorporate an authority thereunder, does hereby certify:

- A. The name of the Authority is the "Municipal Authority of the Borough of Greenville."
- B. Said Authority is formed under the provisions of the Act of June 28, 1935, P.L. 463, as amended by the Act of May 20, 1937, P.L. 739, as amended by the Act of May 17, 1939, P.L. 167.
- C. No other Authority organized under said Act of June 28, 1935, P.L. 463, as amended by the Act of May 20, 1937, P.L. 739, as amended by the Act of May 17, 1939, P.L. 167 or under the Act of December 27, 1933 (Special Session P.L. 144) is in existence in or for the incorporating municipality, the Borough of Greenville, or for Hempfield and West Salem Townships, Mercer County, Commonwealth of Pennsylvania.

## ADMINISTRATION AND GOVERNMENT

- D. The name of the incorporating municipality is the Borough of Greenville, County of Mercer and Commonwealth of Pennsylvania, and the names and addresses of the municipal authorities are as follows:

[Here followed the names and addresses of the municipal authorities of the Borough of Greenville]

All of whom reside in the Borough of Greenville, Mercer County, Commonwealth of Pennsylvania.

- E. The names, addresses and terms of office of the first members of the Board of said Authority are as follows: [Here followed the names, addresses and terms of office of the first Board.]
- F. The term of existence of said authority shall be for a period of 50 years from the date of approval of said Articles of Amendment, unless sooner dissolved according to law. [Res. 1989-8]

(Ord. 540, 2/17/1942, §2; as reenacted by Ord. 694, 11/10/1955, §1; and as amended by Res. 1989-8, 4/11/1989)

### **§303. First Project of Authority.**

The project first to be undertaken by Greenville Borough Authority, a body corporate and politic to be duly organized under the Municipal Authorities Act of 1935, P.L. 463, as amended and supplemented, shall be the acquiring, holding, constructing, improving, maintaining, operating, owning and leasing, either in the capacity of lessor or lessee, water works, water supply works and water distribution systems in any or all of the following territories, namely, the Borough of Greenville, County of Mercer, and in territory contiguous and adjacent thereto, including Hempfield and West Salem Townships.

(Ord. 540, 2/17/1942, §3; as reenacted by Ord. 694, 11/10/1955, §1)

### **§304. Additional Projects of Authority.**

This Part shall not be construed as restricting, or attempting to restrict the right and power of the Municipal Authority of the Borough of Greenville to undertake any other project or projects which it may, by law, be authorized to undertake.

(Ord. 540, 2/17/1942, §4; as reenacted by Ord. 694, 11/10/1955, §1)

### **§305. Necessity for Enactment.**

This Part is deemed necessary for the benefit and preservation of public health, peace, comfort and general welfare of the citizens of the Borough of Greenville and the terri-

tory contiguous and adjacent thereto including the Townships of Hempfield and West Salem.

(Ord. 540, 2/17/1942, §5; as reenacted by Ord. 694, 11/10/1955, §1)

**B. The Horizon Hospital System Authority.**

**§311. Intention and Desire to Organize Authority.**

It is the desire of Council and Council signifies its intention to organize a municipal authority under the Municipality Authorities Act of May 2, 1945, P.L. 382, as amended.

(Ord. 1047, 5/10/1977, §1)

**§312. Articles of Incorporation.**

In pursuance of that desire and intention and in conformity with the terms and provisions of the Municipality Authorities Act and its amendments, the proposed Articles of Incorporation are set forth in full as follows:

ARTICLES OF INCORPORATION OF THE GREENVILLE HOSPITAL AUTHORITY,  
MERCER COUNTY, PENNSYLVANIA

To the Secretary of State of the Commonwealth of Pennsylvania, Harrisburg Pennsylvania

In compliance with the requirements of the Municipality Authorities Act of 1945, approved the second day of May, 1945, P.L. 382, as amended, and pursuant to an ordinance enacted by the proper authorities of the Borough of Greenville, County of Mercer, Pennsylvania, that a municipal authority be established under the provisions of the aforesaid mentioned law, the Borough of Greenville, County of Mercer, Pennsylvania, desiring that a municipal authority be established and that a certificate of incorporation be issued to said authority does hereby certify:

- A. The name of the authority shall be the "Horizon Hospital System Authority, Mercer County, Pennsylvania." [Ord. 1325]
- B. The authority is formed under the Act of May 2, 1945, P.L. 382, as amended.
- C. No other authority has been organized under the provisions of this Act, or the Act of June 28, 1935, P.L. 453, and is in existence in or for said County except:
  - (1) The Municipal Authority of the Borough of Greenville; and,
  - (2) The Greenville Sanitary Authority.

## ADMINISTRATION AND GOVERNMENT

- D. The name of the incorporating municipality is:

Borough of Greenville

The names and addresses of the members of Council of the Borough of Greenville are: [Here followed the names and addresses of the members of Borough Council.]

- E. The name and addresses and terms of office of the first members of the Board of said Authority are as follows: [Here followed the names, addresses and terms of office of the first Board.]

All of whom are taxpayers in, maintain a business in or are citizens of the Borough of Greenville, County of Mercer, Pennsylvania.

- F. The term of existence of the Authority is increased to date 50 years from the date of approval of these Articles of Amendments. [Ord. 1325]

- G. The amendment to the Articles of Incorporation adopted by the Borough Council of the Borough of Greenville increases the number of Board members from the existing five to a total of seven. The names, addresses and initial terms of office of the two new Board member are as follows: [Here followed the names, addresses and terms of office of the additions to the Board. [Ord. 1325]

(Ord. 1047, 5/10/1977, §2; as amended by Ord. 1325, 7/9/1996, Art. I)

### **§313. Desirability of Project.**

The acquisition and construction of the hospital facilities proposed to be undertaken by the authority for the Greenville Hospital and described in the expansion report of the Greenville Hospital, dated January 5, 1977, is hereby declared to be desirable for the health and safety of the people in the area to be served by the proposed hospital facilities.

(Ord. 1047, 5/10/1977, §3)

### **§314. No Financial Liability on Borough.**

The formation of the authority shall in no way impose a financial liability upon the Borough.

(Ord. 1047, 5/10/1977, §4)

**§315. Authority's Financial Responsibility.**

Considering the merger of Greenville Regional Hospital and Shenango Valley Medical Center, creating Horizon Hospital System, Inc., or any of its related or affiliated parties, to provide health care and health care related services or assistance within Mercer County, and it is hereby declared to be desirable for the health, safety and welfare of the people served by such facilities to have such facilities financed through the Authority.

(Ord. 1047, 5/10/1977; as added by Ord. 1325, 7/9/1996, Art. II)

**§316. Execution of Amendments.**

1. The Articles of Amendment of the Horizon Hospital System Authority, which are attached hereto as Exhibit "A"<sup>1</sup> and incorporated herein are hereby approved and adopted.
2. The Authority is authorized to undertake any projects which are permitted by the Municipality Authority Act (53 P.S. §301 et seq.
3. The proposed Articles of Amendment of said Authority shall be executed on behalf of the Borough of Greenville by the Mayor and President of Council and the Seal of the Borough shall be thereto affixed and attested by the Secretary of said Council.

(Ord. 1047, 5/10/1977; as added by Ord. 1325, 7/9/1996, Art. III; as amended by Ord. 1352, 10/26/1998)

**C. Greenville Sanitary Authority.**

**§321. Intention and Desire to Organize Authority.**

It is the desire of the Borough Council of the Borough of Greenville in the County of Mercer and the Commonwealth of Pennsylvania, and said Borough Council hereby signifies its intention, to organize an authority under the Municipality Authorities Act of May 2nd, 1945, P.L. 382.

(Ord. 716, 5/14/1956, §1)

**§322. Articles of Incorporation.**

In pursuance of said desire and intention and in conformity with the terms and provisions of said Municipality Authorities Act, the proposed Articles of Incorporation are hereby set forth in full, as follows:

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<sup>1</sup> Editor's Note: The Articles of Amendment are on file and may be seen at the Borough Office.

## ADMINISTRATION AND GOVERNMENT

### ARTICLES OF INCORPORATION OF GREENVILLE SANITARY AUTHORITY

To the Secretary of the Commonwealth of Pennsylvania:

Harrisburg, Pennsylvania.

In compliance with the requirement of the Municipality Authorities Act of 1945, approved the second of May, 1945, P.L. 382, as amended and pursuant to an ordinance adopted by the municipal authorities of the Borough of Greenville, Mercer County, Pennsylvania, that Greenville Sanitary Authority be established under the provisions of the aforementioned law, the Borough of Greenville, Mercer County, Pennsylvania, desiring that Greenville Sanitary Authority be established and that a Certificate of Incorporation be issued to said Authority, does hereby certify:

- A. The name of the Authority shall be the "Greenville Sanitary Authority."
- B. The Authority is formed under the Act of May 2, 1945, P.L. 382, as amended.
- C. An Authority under the name of the "Municipal Authority of the Borough of Greenville" was organized under the provisions of the Act of June 28, 1935, P.L. 463, and the project undertaken by said Authority and now under its supervision was and is the acquiring, holding, constructing, improving, maintaining, operating, owning and leasing, either in the capacity of lessor or lessee, water works, water supply works and water distribution systems in any or all of the following territories, namely, the Borough of Greenville, County of Mercer, and in territory contiguous and adjacent thereto, including Hempfield and West Salem Townships.
- D. The name of the incorporating municipality is the Borough of Greenville, Mercer County, Pennsylvania.

The names and addresses of the Burgess and members of the Council of the Borough of Greenville, Mercer County, Pennsylvania are as follows: [Here followed a the names and addresses of the Burgess and the members of Borough Council.]

- E. The names, addresses and terms of office of the first members of the Board of said Authority are as follows: [Here followed the names, addresses and terms of office of the first Board of the Authority.]
- F. The purpose for which said Greenville Sanitary Authority is incorporated is the acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, sewers, sewer systems, or parts thereof, and sewage treatment works, including works for treating and disposing of industrial wastes.

(Ord. 716, 5/14/1956, §2)

**§323. Extension of Term of Existence.**

The proposal of the Greenville Sanitary Authority to amend its articles of incorporation by increasing the term of its existence by a period of 50 years from and after the date of the approval of the proposed articles of amendment by the Secretary of the Commonwealth of Pennsylvania, or to the year 2024, is hereby approved, and the Greenville Sanitary Authority is authorized to execute and submit to the Secretary of the Commonwealth of Pennsylvania articles of amendment containing the proposed changes to its articles of incorporation.

(Res. 1974-15, 6/21/1974)

**§324. Members of Authority Board to Receive Director's Fee or Salary.**

The members of the Greenville Sanitary Authority shall receive a director's fee or salary effective January 1, 1971. This director's fee or salary shall be \$25 for each regular or special scheduled meeting attended during each year with a maximum of four such meetings per year. Payment of this director's fee or salary will be made in December of each year for that year from the general fund of the Greenville Sanitary Authority.

(Res. 1971-4, 5/11/1971)



**PART 4**  
**COMMISSIONS**

**A. Planning Commission.**

**§401. Planning Commission Established.**

1. A Planning Commission composed of five members is hereby established in and for the Borough, which Commission shall be vested with the powers and duties as set forth in the Pennsylvania Municipalities Planning Code.
2. All members of the Planning Commission shall be appointed by the Greenville Borough Council in accordance with the provisions of the Pennsylvania Municipalities Planning Code.
3. The term of each member of the Planning Commission shall be for four years or until his successor is appointed and qualified. No more than two members shall be reappointed or replaced during any calendar year.
4. The Chairman of the Greenville Planning Commission shall promptly notify the Borough Council whenever a vacancy occurs in the membership of the Planning Commission. Such vacancy shall be filled by the Borough Council for the unexpired term of the vacant position.
5. Any increase or reduction in number of Planning Commission members shall be by Borough ordinance.
6. All persons presently serving on the Greenville Planning Commission are hereby appointed to serve hereunder for the balance of the their terms.

(Ord. 1053, 9/13/1977, §2-4031; as amended by Ord. 1335, 12/26/1996)

**B. Historical Commission.**

**§411. Historical Commission Established.**

A Greenville Historical Commission is hereby established. The Historical Commission shall be composed of five members at large who shall be citizens of the Borough. All members of the Historical Commission shall be appointed by Council on an annual basis for a one year term. It shall be the duty of the Commission to collect, catalog and maintain items of historical interest in conjunction with Council and to maintain those items available for reasonable public inspection at a central location to be established from time to time by Council.

(Res. 1976-4, 3/9/1976)

ADMINISTRATION AND GOVERNMENT

**C. Shade Tree Commission.**

**§421. Shade Tree Commission Established.**

A commission is hereby established to be known as the "Greenville Shade Tree Commission," which shall have the exclusive custody and control of shade trees in the Borough.

(Ord. 960, 11/10/1970, §1)

**§422. Membership; Tenure; Vacancies.**

The Commission shall be composed of three residents of the Borough, who shall be appointed by Council, one for a term of three years, one for a term of four years and one for a term of five years. On the expiration of the term of any commissioner, a successor shall be appointed by Council to serve for a term of five years. Any vacancy in the office of commissioner shall be filled by Council for the unexpired term. Supplemental members may be appointed annually to assist the Commission.

(Ord. 960, 11/10/1970, §2)

**§423. Powers.**

The Commission shall have such powers as outlined in the Borough Code.

(Ord. 960, 11/10/1970, §3)

**§424. Financing of Commission.**

The Commission shall be financed by Council through an annual allotment from the general fund. Such funds will be for specific use of said Commission.

(Ord. 960, 11/10/1970, §4)

**PART 5**

**MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM**

**§501. Nonuniformed Employees Subject to Provisions of the Municipal Employees Retirement System.**

Greenville Borough, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its member benefits in that System as authorized by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, and does hereby agree to be bound by all the requirements and provisions of said law, and to assume all obligations, financial and otherwise, placed upon member municipalities. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement Law.

(Ord. 1439, 5/10/2005, §1)

**§502. Mandatory Membership For All Permanent Nonuniformed Employees.**

1. Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all full-time municipal employees of the Borough. Membership for elected officials, part-time employees, and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.
2. All existing part-time employees who are members of the Borough plan in the System shall remain members of the Borough plan in the System unless the employee elects to withdraw from the pension plan. A member election to withdraw from the plan must be made in writing and received by the Borough before July 1, 2005, and shall be irrevocable.
3. All existing part-time employees who are not enrolled in the Borough plan in the System may join the Borough plan in the System if the employee: (1) makes a written election to join the Borough plan in the System which must be received by the Borough before July 1, 2005; and (2) makes the required payment of all member contributions plus regular interest that would have been credited to those contributions had they participated in the System from their date of hire. The election, once made, is irrevocable. Failure of the part-time employee to make the required contributions and regular interest payments as determined by the System shall be considered the same as if the part-time employee had chosen not to participate in the System.

(Ord. 1439, 5/10/2005, §2)

## ADMINISTRATION AND GOVERNMENT

### **§503. Credit For Prior Service.**

Credit for prior service for original members is granted for each year or partial year thereof that the member was employed by the Borough from original date of hire or the expiration of the member's probationary period if one so existed. Benefits provided to members in the agreement dated May 10, 2005, shall accrue based on all credited service granted and earned in accordance with this Section.

(Ord. 1439, 5/10/2005, §3)

### **§504. Payment for Obligation.**

Payment for any obligation established by the adoption of this Part and the agreement between the Board and Greenville Borough shall be made by the Borough in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

(Ord. 1439, 5/10/2005, §4)

### **§505. System to Provide the Benefits Set Forth in Agreement.**

As part of this Part, the Borough agrees that the System shall provide the benefits set forth in the agreement between the Board and Greenville Borough, dated May 10, 2005. The passage and adoption of this Part by Greenville Borough is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. Greenville Borough hereby assumes all liability for any unfundedness created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

(Ord. 1439, 5/10/2005, §5)

### **§506. Filing of Ordinance.**

A duly certified copy of this Part and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employees of Greenville Borough in the Pennsylvania Municipal Retirement System shall be effective the first day of January, 1962, with the revised plan structure reflected in the agreement dated May 10, 2005, effective the first day of January, 2005.

(Ord. 1439, 5/10/2005, §7)

**PART 6**

**POLICE PENSION PLAN**

**§601. Police Elect to Join System.**

The Borough of Greenville, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to upgrade its police pension benefits in that System as authorized by the Pennsylvania Municipal Retirement Law, as amended, and does hereby agree to be bound by all the requirements and provisions of said article and the Law, as the case may be. All references hereafter shall be based on benefits negotiated between the Board and the Borough under the provisions of Article IV.

(Ord. 1074, 12/28/1978, §1; as amended by Ord. 1232, 7/10/1990, §1)

**§602. Membership Mandatory.**

Membership in the Pennsylvania Municipal Retirement System shall be mandatory for any policeman holding a full-time position.

(Ord. 1074, 12/28/1978, §2)

**§603. Greenville Borough Police Assumes Liability for Payment for Prior Service.**

Credit for prior service toward the municipal annuity of each original member shall be for all years of service to the Greenville Borough Police. The Greenville Borough Police do hereby assume the liability for payment of 100% of the original member's contributions of all years of service towards the original member's annuity for the prior service of each original member.

(Ord. 1074, 12/28/1978, §3)

**§604. Payments to be Made in Accordance With Law.**

Payment for any obligation established by the adoption of this Part and the agreement between the System and the Borough of Greenville shall be made by the Borough in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

(Ord. 1074, 12/28/1978, §4)

## ADMINISTRATION AND GOVERNMENT

### **§605. Agree to Cost of Living Raises.**

As part of this Part, the Borough agrees that the system shall provide benefits set forth in the agreement between the Board and the Borough of Greenville, dated July 10, 1990. The passage and adoption of this Part by the Council of the Borough of Greenville is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit.

(Ord. 1074, 12/28/1978, §5; as amended by Ord. 1088, 2/12/1980, §1; and by Ord. 1232, 7/10/1990, §3)

**PART 7**

**FIRE DEPARTMENT**

**A. Firemen's Pension.**

**§701. Full-Time Fire Personnel Subject to Provisions of Municipal Employees' Retirement Law.**

Greenville Borough, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its firefighter's pension benefits in that system as authorized by the Pennsylvania Municipal Retirement Law, as amended, and does hereby agree to be bound by all the requirements and provisions of said Article and Law, as the case may be, and to assume all obligations, financial and otherwise, placed upon member municipalities by said law. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement Law.

(Ord. 1362, 11/9/1999, §I)

**§702. Mandatory Membership for all Permanent Firefighters.**

Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all full-time firefighters of the Borough. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.

(Ord. 1362, 11/9/1999, §II)

**§703. Credit for Prior Service.**

Credit for prior service for original employees is granted for each year or partial year thereof that the member was employed by the Borough from original date of hire. Benefits provided to members in the agreement dated November 9, 1999, shall accrue based on all credited service granted and earned in accordance with this Section.

(Ord. 1362, 11/9/1999, §III)

**§704. Payment For Obligations.**

Payment for any obligation established by the adoption of this Part and the agreement between the system and Greenville Borough shall be made by the Borough in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

## ADMINISTRATION AND GOVERNMENT

(Ord. 1362, 11/9/1999, §IV)

### **§705. System to Provide the Benefits Set Forth in Agreement.**

As part of this Part, the Borough agrees that the system shall provide the benefits set forth in the agreement between the Board and Greenville Borough, dated November 9, 1999. The passage and adoption of this Part by Greenville Borough is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. Greenville Borough hereby assumes all liability for any unfund- edness created due to the acceptance, of the benefit structure outlined in the above ref- erenced agreement.

(Ord. 1362, 11/9/1999, §V)

### **§706. Filing of Ordinance.**

A duly certified copy of this Part and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the firefighters pension plan of Greenville Borough in the Pennsylvania Municipal Retirement System shall be effective the first day of April, 1977, with the re- vised plan structure reflected in the agreement dated November 9, 1999, effective the first day of January, 2000.

(Ord. 1362, 11/9/1999, §VII)

## **B. Volunteer Firemen's Relief Association.**

### **§711. Recognition of Firemen's Relief Association.**

1. The following association is hereby recognized as actively engaged in providing fire protection and/or emergency services in the Borough.

Greenville Volunteer Fire Company Relief Association.

The above named association has been formed for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or ac- cident suffered in the line of duty.

2. The above named Association of the Borough is designated the proper association to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(A.O.)

**§712. Certification to Auditor General.**

The Borough Council shall annually certify to the Auditor General of the Commonwealth, the name of the active associations and the percentage of service they contribute to the protection of the Borough. Such certification shall be on forms prescribed by the Auditor General.

(A.O.)

**§713. Annual Appropriation.**

There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of the Act of December 18, 1984, No. 205, §701 et seq. as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Borough Treasurer from the State Treasurer shall be distributed to the duly recognized association(s) within 60 days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

(A.O.)

**C. Fire Protection.**

**§721. Authority for Greenville Fire Department Personnel and Equipment to be Used in Assisting Other Fire Departments.**

The employees of the Greenville Fire Department are authorized when directed by the Fire Chief or his authorized representative to give aid and assistance to the fire departments of nearby political subdivisions when requested to render such aid, and Borough equipment may be used in fighting fires or giving other aid and assistance.

(Res. 1968-5, 11/12/1968, §1)

**§722. Employment Status of Fire Department Employees Assisting Other Fire Departments.**

The employees of the Greenville Fire Department when directed by the Fire Chief or his authorized representative to proceed to a nearby political subdivision to render aid and assistance shall be considered employees of the Borough of Greenville, and if injured while engaged in that activity shall have the same rights as though the injury or condi-

## ADMINISTRATION AND GOVERNMENT

tion arose while the employees were so engaged within the limits of the Borough of Greenville.

(Res. 1968-5, 11/12/1968, §2)

### **D. Workmen's Compensation.**

#### **§731. Workmen's Compensation Coverage.**

Members of the Greenville Volunteer Fire Department, including any paid fireman who is a member of a volunteer company and performs the services of a volunteer fireman during off duty hours, shall be entitled to receive worker's compensation only in cases of injuries received while actively engaged as a fireman or while going to or returning from a fire which the fire company or fire department attended including travel from and the direct return to a fireman's home, place of business or other place where he shall have been when he received the call or alarm or while participating in instruction fire drills in which the fire department or fire company shall have participated or while repairing or doing other work about or on the fire apparatus or buildings and grounds of the fire company or fire department upon the authorization of the Chief of the Greenville Fire Department or other person in charge or while answering any emergency calls for any purpose or while riding upon a fire apparatus which is owned or used by the Greenville Fire Department or while performing any other duties of such fire department as authorized by the Borough or while performing duties imposed by §15 of Act of April 27, 1927 (P.L. 465, No. 229) referred to as the Fire and Panic Act. The said volunteer fireman are not authorized to perform duties other than those set forth above.

(Ord. 1323, 6/11/1996, Art. I)

### **E. Authorization to Recover Costs and/or Expenses for Services.**

#### **§741. Insurance Claims.**

The Department is hereby authorized and directed by and through its officers and authorized representatives to ascertain what insurance coverages may be applicable and available in any given circumstance and to take all necessary and affirmative steps to apply for and receive reimbursement from any insurance carrier where a property owner is or may be insured to reimburse the Department for any costs and/or expenses incurred for supplies, services and/or equipment used for or provided to the property owner by the Department.

(Ord. 1387, 2/7/2002, §I)

**§742. Claims Against Property Owner Prohibited.**

Under no circumstances shall any property owners not covered by applicable insurance be billed by the Greenville Fire Department for fire protection or other services provided by the Department.

(Ord. 1387, 2/7/2002, §II)

**§743. Construction.**

This Part shall be liberally construed to accomplish its purpose to compensate and/or reimburse the Greenville Fire Department, from insurance proceeds only, for costs and/or expenses incurred while providing services pursuant to their duties as a Fire Department.

(Ord. 1387, 2/7/2002, §III)



**PART 8**

**PERSONNEL CODE**

**A. Short Title, General Purpose, Authority and Declaration of Policy.**

**§801. Short Title.**

This Part, any rules adopted hereunder and any directives issued in accordance with the policies herein shall be known and may be cited as the "Personnel Code of the Borough of Greenville, Pennsylvania."

(Ord. 1167, 7/17/1986)

**§802. General Purpose.**

The general purpose of this Part is to establish a "merit" system of personnel administration that meets the social, economic and program needs of the people of Greenville. This system is expected to provide the means to maintain an effective and responsive work force and thereby efficiently provide quality services to the people of Greenville.

(Ord. 1167, 7/17/1986)

**§803. Authority.**

The Borough Code, Act No. 581 of February 1, 1966, as amended, gives the Council the power to enact this Personnel Code of the Borough of Greenville.

(Ord. 1167, 7/17/1986)

**§803. Applicability and Coverage.**

1. All offices and positions of the Borough of Greenville are hereby allocated to the career class or the exempt class.
2. The career class shall be composed of all positions now existing except the following, who shall be in the exempt class:
  - A. All elected officials and members of boards, commissions and authorities.
  - B. The Manager, Secretary, Solicitor, Treasurer, Auditor, Chief of Police, fire chief, and the superintendents of the Departments of Public Works and Sanitation.

## ADMINISTRATION AND GOVERNMENT

- C. Consultants rendering temporary professional services.
  - D. Part-time employees, part-time firefighters.
  - E. Volunteer personnel and persons appointed to service without compensation.
  - F. Persons, employed to, or who conduct temporary and special inquiry, investigation or examination for the Council.
  - G. Seasonal student, trainee and emergency positions.
3. The career class shall include all other positions and offices in the Borough unless specifically placed in the exempt class by ordinance of the Borough of Greenville.
4. Unless specifically stated otherwise herein, this Part and the rules and regulations adopted hereunder, shall apply to employees only in the career service who hold positions in the career class and shall apply to the exempt service only when specifically stated otherwise.

(Ord. 1167, 7/17/1986)

### **§805. Declaration of Policy.**

The following personnel principles and policies are established for all employees of the career class:

- A. All employment and promotions of persons in the career class shall be made solely on the basis of merit and fitness of applicants to be ascertained when possible by competitive and qualifying examinations, and when not, by examination of qualifications and performance records.
- B. Just and equitable conditions of employment shall be established and maintained to promote efficiency and economy in the way services are rendered, employees are trained and to improve productivity.
- C. Appointments, promotions and personnel actions shall be based upon competitive and systematic tests and evaluation.
- D. Continued employment of any employee shall be subject to good behavior, satisfactory work performance, necessity for the performance of work, except for State or Federal make-work programs, and the availability of funds.
- E. Employment decisions shall be free of personal and political considerations and shall not discriminate on the basis of sex, race, religion, age, national origin or other non-job related characteristics.

(Ord. 1167, 7/17/1986)

**B. Administration of Personnel Code.**

**§811. The Council.**

The Council retains and reserves its power to create and abolish positions, to determine the number of positions, to set the salary range for each class of positions and to establish the total budget for personnel for each department.

(Ord. 1167, 7/17/1986)

**§812. Borough Manager.**

1. The Borough Manager shall have the basic responsibility for the personnel program set forth herein. He/She shall execute, administer and enforce the provisions relating to personnel contained in the Borough Code, this Part and all rules and directives issued pursuant to this Part.
2. In addition to the duties and powers given elsewhere, the Manager shall have the power and obligation to:
  - A. Stimulate high morale by fair administration of this Section consistent with the best interest of the Borough and the public.
  - B. Recruit and examine applicants for employment, except police and fire applicants.
  - C. Certify that all applicants are qualified and are eligible for appointment.
  - D. Make comparative studies of all factors affecting the level of compensation and recommend such changes in the compensation plans as appear warranted.
  - E. Develop and maintain a job classification plan.
  - F. Establish a system for reduction in force, layoffs, demotions, transfers, promotions and hiring.
  - G. Establish a system for discipline, grievance hearings and appeals for all employees not covered by an employee contract.
  - H. Establish a system for receipt, acknowledgment and recording of suggestions of employees for improving Borough government.

## ADMINISTRATION AND GOVERNMENT

- I. Establish procedures for maintaining attendance and leave records and actions.
- J. Maintain all employee personnel and payroll records.
- K. Prepare and recommend revisions and amendments to the Personnel Code.
- L. Certify payrolls.
- M. Conduct contract negotiations with the appointed negotiation committee.
- N. Develop and administer fringe benefits, insurance and retirement programs.
- O. Develop and maintain an affirmative action plan which will assure equal opportunity in recruitment and selection, job structure, promotion policies, training to improve job performance and upward mobility and other related procedures and practices.

(Ord. 1167, 7/17/1986)

### **§813. Civil Service.**

1. The Civil Service Commission, now existing for police and firemen as created by Council in accordance with Article XI, Section 1172 of the Borough Code, is hereby created, confirmed and appointed for all police and paid fire apparatus operators.
2. The Civil Service Commission shall be responsible for administering, supervising and executing personnel programs of accepting applications, examining applicants and certifying only qualified candidates for the positions.
3. The Manager and/or Borough Council shall notify the Commission of any vacancy which is to be filled and shall request the certification of a list of eligibles; the Commission shall certify for each existing vacancy from the eligible list the names of three persons thereon or a lesser number where three are not available who have received the highest average score. The Borough Council may make selections from such lesser numbers of available eligibles or may request that the Commission hold another examination.

(Ord. 1167, 7/17/1986)

### **§814. Officers and Employees.**

All officers and employees of the Borough of Greenville shall comply with, and in proper and lawful ways, carry out the provisions of the Personnel Code of the Borough of Greenville.

(Ord. 1167, 7/17/1986)

**C. Personnel Policies.**

**§821. Rules Adopted.**

The Borough of Greenville shall adopt by resolution, personnel rules and regulations and the same shall be subject to change from time to time by resolution.

(Ord. 1167, 7/17/1986)

**§822. Promulgation and Approval of Additional Rules by Consent.**

1. The promulgation of additional rules or amendments to these rules shall conform to the procedures and policy guidelines established in this Section and shall be implemented by resolution of Council.
2. For the purposes of adequately advising all interested parties of proposed changes or additions to the personnel policies prior to the time when they are to take effect, the Manager shall cause to be distributed to such interested parties and posted, an informative notice of his/her intention to promulgate such rules and a brief summary, setting forth the principle provisions of the rules in such reasonable detail as will give adequate notice of their contents and a reference to the place or places where copies of the proposed rules may be examined or obtained. The administrative rules issued by the Manager shall be effective and shall have the force and effect of law no sooner than five days after the next regularly scheduled Council meeting during which such proposed rules are reported or Council approves them by resolution.

(Ord. 1167, 7/17/1986)

**§823. Classification of Positions.**

1. There shall be a classification of all positions according to duties and responsibilities in the Borough. Each position shall be assigned to a job class on the basis of kind and level of its duties and responsibilities to the end that all positions in the same class shall be sufficiently alike to permit use of a singular descriptive title, the same qualification requirements and the same test for competence.
2. The classification plan may be revised from time to time upon the recommendation of the Borough Manager and with the approval of Council and said revision may include, but not be limited to, the addition, abolishment, consolidation, division and/or amendment of the existing classes.

## ADMINISTRATION AND GOVERNMENT

3. No person shall be appointed to or employed in any position in the career class under any title which has not been approved in the classification plan adopted. Council shall adopt, by resolution, a classification plan as part of the personnel rules and regulations.
4. The classification of all positions shall be based upon uniformly applied job evaluation methods.
5. Each classification shall contain a description of minimum knowledge, skills, abilities, performances and special job requirements.

(Ord. 1167, 7/17/1986)

### **§824. Recruitment.**

1. Recruiting efforts shall be planned and carried out in a manner that assures open competition. Special emphasis will be placed on recruiting efforts to attract minorities, women or other groups that are under-represented in the career service.
2. Every reasonable effort shall be made to publicize positions that become vacant so that all interested persons are informed and qualified persons are attracted to compete.

(Ord. 1167, 7/17/1986)

### **§825. Applications.**

Applications and personnel examination materials shall be designed, utilized and filed in a way that the use of data on race, sex, national origin will be avoided in the examination and certification of candidates. For purposes of affirmative action, applicants will be requested to provide such data on separate forms. The forms and design of the application and affirmative action records shall be as specified by the Manager.

(Ord. 1167, 7/17/1986)

### **§826. Applicants Eligible for Appointment.**

No applicant who fails to meet the minimum qualifications, requirements or passing scores upon any examination shall be eligible for appointment to a position in the career service. Applicants who succeed in passing all examinations and meeting the minimum requirements will rank in order of their relative scores giving equal consideration to seniority and performance in determining the relative order or ranking of the eligible persons.

(Ord. 1167, 7/17/1986)

**§827. Appointing Authority.**

The Council hereby delegates to the Manager the Council's nonlegislative responsibility to appoint, promote, demote, dismiss or discipline all employees. The Manager shall hire and discharge in accordance with the process described in this Part. The Borough Manager shall comply with all laws respecting nondiscrimination in hiring.

(Ord. 1167, 7/17/1986)

**§828. Appointment.**

The candidates for employment first will be reviewed by department heads and the Manager, and second by Manager and Council Personnel Committee before selection. Candidates shall be appointed and added to the payroll only upon the signature of the Manager on a letter of appointment.

(Ord. 1167, 7/17/1986)

**§829. Probation Period and Examination.**

1. Employee appointments shall be for a probationary period of a minimum of six months to a maximum of 12 months; provided, that the personnel rules and regulations and/or labor agreements may specify a longer or shorter period of probation for certain designated classes.
2. The work and conduct of probationary employees shall be subject to close scrutiny and evaluation, and if found to be below standards satisfactory to the appointing authority, the appointing authority may discharge or demote a probationer at any time during the probationary period if the work performed indicates that such employee is unable or unwilling to perform the duties satisfactorily or that his habits or lack of dependability do not merit continued employment. A probationary employee may not appeal this decision.
3. An employee shall be retained beyond the end of the probationary period and granted permanent status only if the appointing authority affirms that the service of the employee has been found to be satisfactory and recommends that the employee be given career status.

(Ord. 1167, 7/17/1986)

## ADMINISTRATION AND GOVERNMENT

### **§830. Employee Performance Evaluation.**

1. The Manager shall prepare a system for evaluating the work performance of all employees. The purpose of the employee performance evaluation shall be primarily to inform employees on how well they are doing their job and how they can improve their work performance. The performance evaluation may also be used as a factor in determining salary increases, order of lay-off, as a basis for training, demotion, discipline, or dismissal and for such other purposes as may be set forth herein or in the rules and regulations. (see §871 "Special Consideration.")
2. The performance of all employees shall be evaluated at least once each year by his immediate supervisor who shall make the appraisal in writing and shall discuss it with the employee.

(Ord. 1167, 7/17/1986)

### **§831. Tenure Career Service Status.**

No employee who has received an unsatisfactory evaluation report during a probationary period shall be given tenured career service status. Employees who receive a satisfactory evaluation report signed by the appointing authority shall be given tenured career service status. Employees of the tenured career service status shall be removed, or discharged from employment with the Borough only for causes specified herein and in accordance with the Personnel Code.

(Ord. 1167, 7/17/1986)

### **§832. Conduct of Employees.**

1. Every employee shall carry out his duties, comply with this Code and comply with the rules and regulations and the departmental work rules. Every employee shall carry out his duties in a lawful manner. He shall not violate local ordinances, State or Federal laws. Any employee who is asked to carry out an unlawful action shall refuse and report the same to the Manager.
2. The Manager and department heads shall issue rules of conduct as described herein the rules and regulations and/or departmental work rules to all employees.
3. These rules of conduct, if violated, are the reasons and are sufficient cause for disciplinary actions. An employee shall refrain from any outside vocation or association inconsistent with his or her Borough employment.

(Ord. 1167, 7/17/1986)

**§833. Training.**

It will be the responsibility of the department head, under the direction of the Manager to foster and promote training of employees for purposes of improving the quality of personnel services rendered to the public. The Manager and department heads shall establish standards for the training programs.

(Ord. 1167, 7/17/1986)

**§834. Employee Relations.**

1. It is the policy of the Borough that all employees shall be afforded a system that allows them to present, discuss, and process ideas, suggestions, concerns, complaints, grievances, appeals and policy whether or not it relates to a contract or a non-contract matter in a quick, simple and direct manner without fear of reprisal.
2. To facilitate communication among employees and management, the Manager shall establish written procedures in the rules and regulations. All employees shall be informed about the employee relations, policies and procedures and about their rights under contracts and State laws.

(Ord. 1167, 7/17/1986)

**§835. Appeals.**

It is the policy of the Council that all employees shall be given the right of appeal. For the protection of employees in cases where a supervisor disciplines an employee, the supervisor shall advise the employee of his right to appeal. The employee's acknowledgment will be appended to any material filed in the employee's personnel file. Similarly, in cases of demotion and dismissal, the Manager shall advise the employee of his right to appeal and obtain acknowledgments thereof.

(Ord. 1167, 7/17/1986)

**§836. Employee Organizations and Grievances.**

The employees shall have the right to organize, join and participate or to refuse to organize, join and participate in any employee organization freely and without fear of penalty or reprisal for the purpose of collective negotiations through representatives of their own choosing in terms and conditions of employment subject to the provisions of State Law. Provisions of employee contracts or agreements duly approved by Council shall be deemed to have been included in the personnel rules. Only employees covered by an agreement may utilize the grievance procedures in such agreements.

(Ord. 1167, 7/17/1986)

## ADMINISTRATION AND GOVERNMENT

### **§837. Discipline.**

1. Any employee may be reprimanded, suspended or dismissed when the employee violates the provisions specified in this Part, the rules and regulations or departmental rules of operation. Generally, unless provided otherwise in the rules and regulations, a supervisor may reprimand an employee who violates the rules of conduct, department heads may suspend employees who repeatedly violate or commit violations of the rules of conduct and the Manager may suspend, demote or dismiss an employee who violates the rules of conduct.
2. The Manager shall describe the disciplinary process in the rules and regulations and advise the employees about it.

(Ord. 1167, 7/17/1986)

### **§838. Separations.**

1. The tenure of every employee shall be conditioned on good behavior and the satisfactory performance of duties, as well as the need for the employee, Borough finances, etc. Any employee may be temporarily separated by lay-off or suspension, or permanently separated by resignation, dismissal, disability, retirement or death. An employee may be separated from the service by resignation, quitting, lay-off, dismissal, retirement and death subject to the following:
  - A. To resign in good standing an employee must give his department head at least 14 calendar days prior notice. Failure to comply with this rule shall be entered on the service record of the employee, shall result in denial of re-employment rights and a loss of unused annual leave.
  - B. An employee who fails to report to work for three consecutive work days without authorized leave shall be separated from the payroll and reported as "quitting." An employee who so quits shall not be paid for unused annual leave.
  - C. Lay-offs shall be announced by the Manager with approval of Council when he/she deems it necessary by reasons of shortage of funds or work, the abolition of the position or other material changes in the duties or organization or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The duties performed by any employee laid-off may be re-assigned to other employees already working who hold positions in appropriate classes. No career employee shall be laid off while another person in a noncareer position is employed in the same class. The lay-off of employees shall be made in an inverse order, determined on performance rating and length of service in the class and in the department or other organization unit involved. Employees separated from

the service through no fault of their own may be placed on a re-employment list in the order of ratings to be determined by their efficiency as demonstrated while employed and the length of service with the Borough. The eligibility of all candidates on a re-employment list will expire one year from the date on which they become entitled to reemployment rights which shall be the date of layoff.

- D. An employee may be separated for disability when he cannot perform the required duties because of a physical or mental impairment. An employee who has exhausted all his accumulated leave and is unwilling but able to return to work may be dismissed, or given a leave of absence without pay.
- E. Dismissals are discharges or separations made for misconduct and/or incompetence or inability to perform the work of the position satisfactorily. All dismissals are made by the appointing authority. No dismissal of a career employee shall take effect until the appointing authority gives to such employee a written statement setting forth the reasons therefor and has followed the procedures as set forth in the Personnel Code or rules and regulations.
- F. An employee shall be separated from the service by retirement. Except as provided in the Retirement Ordinance [Part 5], no employee shall continue in service beyond his 70th birthday, except that with written approval of the appointing authority, an employee may be retained in his present capacity on a year to year basis. All employees presently employed by the Borough who are at the age of 70 or over shall be retired upon their next birthday.
- G. An employee who has lost any minimum special job requirements may be dismissed from the career service or demoted to a class for which he is qualified.

(Ord. 1167, 7/17/1986)

**§839. Records.**

1. The personnel records of the Borough (except such records as are required to be held confidential for reasons of public policy) shall be public records and shall be open to public inspection; subject to reasonable regulations as to the time and manner of inspection which may be prescribed by the Manager.
2. The Manager shall establish and maintain the official records of all employees in the career service. He/She shall set forth therein for each employee his class, title, pay or status, performance evaluation and history of personnel action. All personnel actions must be made on forms as designated by the Manager.

(Ord. 1167, 7/17/1986)

## ADMINISTRATION AND GOVERNMENT

### **D. General Prohibition Against Fraud, Favors, Obstruction and Political Coercion.**

#### **§841. General Prohibition Against Fraud, Favors, Obstruction and Political Coercion.**

The following prohibitions shall be applicable to all officials and employees of the Borough:

- A. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, evaluation or appointment made under any provision of this Part or in any manner commit or attempt to commit any fraud preventing the impartial execution of this Part.
- B. No person shall directly or indirectly give, render, pay, offer, solicit or accept any money, service or other valuable thing for or in connection with any test for, appointment to, proposed appointment to, promotion to or proposed appointment to, promotion to or proposed promotion to any Borough position.
- C. No person shall define, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this law, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the career service.
- D. No person shall use or promise to use, directly or indirectly, any official authority as influence, whether possessed or anticipated, to secure or attempt to secure for any employee in the career service an increase in pay or other advantage in employment, for the purpose of influencing the vote or political action of the employee.
- E. No person shall solicit any assessment, subscription, contribution or service, or the promise of any assessment, subscription, contribution or service for any political party from any employee in the career service during the employee's working hours.

(Ord. 1167, 7/17/1986)

#### **§842. Employee Political Actions Limited.**

The following prohibitions shall apply to employees in the career service:

- A. No employee in the career service shall take part in any political campaign, except to exercise his right as citizen privately, to express his opinion and to cast his vote.

- B. No employee in the career service shall at any time or attempt to use his position with the Borough as a means of implementing or promoting the solicitation of any assessment, subscription, contribution or service for any political party.

(Ord. 1167, 7/17/1986)

**§843. Principles of Conflict of Interest; Disclosure.**

1. The following shall be applicable to all officers and employees.
2. The following principles shall guide the conduct of all municipal, elective and appointed officials:
  - A. Public office or employment shall not be used for personal financial gain beyond the ordinary compensation for that position.
  - B. No person shall offer and no official or employee shall accept anything of value on the understanding that the official's action would be influenced thereby.
  - C. Excluding campaign contributions and gifts from close relatives, no person shall offer or no official or employee shall accept from any person gifts that exceed \$100 in value in a year.
  - D. No official or employee shall have an economic interest in any contract of \$500 or more in a year with the Borough, unless it has been awarded through an open public competitive bid process.
  - E. No official or employee shall represent a person for compensation before a governmental body unless the matter is of a ministerial nature, or is a matter of public record before a court of law.
  - F. No official or employee shall represent a person before the Council for one year after he leaves office.

(Ord. 1167, 7/17/1986)

**§844. Disclosure of Financial Interest Required.**

In any case where an elected or appointed officer or official of the Borough knows, or by the exercise of reasonable diligence could know, that he or she is interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any property for the use of the Borough, or for any services to be rendered for the Borough involving the expenditure by the Borough of more than \$300 in any year, he or she shall notify Council thereof; any such contract shall not be passed and approved by

## ADMINISTRATION AND GOVERNMENT

Council except by an affirmative vote of at least 3/4 of the members thereof. In case the interested officer is a member of Council, he or she shall refrain from voting upon such contract. The provisions of this Section shall not apply to cases where such officer or official is an employee of the person, firm or corporation to which money is to be paid in a capacity with no possible influence on the transaction and in which he or she cannot possibly be benefited thereby, either financially or in any other material manner. Any officer or officials who shall knowingly violate the provisions of this Section shall be liable to the Borough upon his or her bond, if any, or personally, to the extent of the damage shown to be sustained thereby by the Borough, to ouster from office and shall be guilty of an offense and upon conviction thereof, shall be sentenced to pay a fine not exceeding \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(Ord. 1167, 7/17/1986; as amended by A.O.)

### **§845. Acceptance of Favors, Gifts and Gratuities Prohibited.**

1. No officer or employee shall accept or receive, directly or indirectly, from any person operating within the territorial limits of the Borough of Greenville, any bus line, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any person, any other service upon terms more favorable than is granted to the public generally, except that such prohibition of free transportation shall not apply to policemen or firemen in uniform. Nor shall any free service to the Borough officials heretofore provided by any franchise or ordinance be affected by this Section.
2. No employee shall accept a gift when given under the circumstances indicating the hope or expectation of receiving a favor or better treatment than that accorded the public generally.

(Ord. 1167, 7/17/1986)

### **§846. Anti-Nepotism.**

The following shall be applicable to Borough elected officials, appointing authorities, and the Manager. Unless the Council shall, by unanimous vote, determine that the best interest of the Borough is served, the following relatives of any Borough elected officials or Manager may not be appointed or promoted to a paid career service position of employment during the term for which the elective or appointive officer is elected or appointed: spouse, child, parent, grandchild, grandparent or the spouse of any of them. All relations shall include those arising from adoption.

(Ord. 1167, 7/17/1986)

**E. Equal Employment Opportunity, Agreements and Intergovernmental Cooperation.**

**§851. Equal Employment Opportunity.**

Borough officers shall give equal opportunity to all qualified applicants and to all employees with respect to initial appointment, advancement and general working conditions, without regard to age, race, religion, sex, national origin or political affiliation. The Manager shall not issue any rule that will discriminate against any person. The Manager shall include in such rules, procedures, methods and programs for the identification, positive recruitment, training and motivation of under-utilized minorities and women.

(Ord. 1167, 7/17/1986)

**§852. Agreements and Intergovernmental Cooperation.**

Subject to the approval of the Council, the Manager is authorized to enter into agreements with Federal, State and local governments to obtain or to furnish services or facilities for the administration of personnel services. Any such agreement shall provide for the reimbursement to the Borough of the reasonable cost of the services and facilities furnished.

(Ord. 1167, 7/17/1986)

**F. Penalties for Violation.**

**§861. Penalty.**

1. Any person who by himself or with others, willfully or corruptly, violates any provisions of subpart (D) of this Part, shall be guilty of an offense and, upon conviction thereof, shall be sentenced to a fine not to exceed \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. [A.O.]
2. Additionally, any person convicted under this Chapter shall be ineligible for a period of one year to hold any office or position. If he is currently an officer or employee of the Borough, he shall immediately forfeit his office or position. The appointing authority shall execute this provision of forfeiture by dismissing him forthwith, upon receiving notice of such conviction.

(Ord. 1167, 7/17/1986; as amended by A.O.)

## ADMINISTRATION AND GOVERNMENT

### **G. Special Consideration.**

#### **§871. Special Consideration.**

Any provision of a collective bargaining agreement or any State or Federal statute inconsistent with any provision herein shall prevail over the inconsistent provision set forth herein.

(Ord. 1167, 7/17/1986)

**PART 9**

**PERSONNEL RULES AND REGULATIONS**

**A. TITLE.**

**§901. Short Title.**

This Part shall be known and may be cited as the "Greenville Borough Personnel Rules and Regulations."

(Res. 1986-19, 7/17/1986)

**§902. Purpose and Objective.**

The purpose of the Greenville Borough personnel rules is to execute the orders of Borough Council, to cause the application of procedures for purposes the Council established, to further provide for fair and equitable treatment of employees.

(Res. 1986-19, 7/17/1986)

**§903. Scope and Application.**

1. All employees of the Borough of Greenville in the career class shall be subject to the application of these personnel rules. However, any provisions of employee contracts and agreements duly approved by the Borough Council shall be deemed to supersede any inconsistent provisions of these rules.
2. In the case of a conflict between this Part and the Civil Service Commission rules and regulations, whichever provision is more restrictive shall apply, except where Civil Service rules and regulations or the statutory requirements of Civil Service employees is mandatory or is controlled by the Police Tenure Act of the Commonwealth of Pennsylvania.

(Res. 1986-19, 7/17/1986)

**B. Classification Plan.**

**§911. Purpose.**

Each position will be assigned a job classification based on the duties, responsibilities and qualifications required of the position. The Borough Manager will be responsible for maintaining the classification plans and may require job information to be supplied by

## ADMINISTRATION AND GOVERNMENT

employees or supervisors periodically, or when jobs are to be filled, to assure that classifications remain accurate.

(Res. 1986-19, 7/17/1986)

### **§912. Request for Reclassification.**

Any employee who considers his position improperly classified shall first submit his request to his supervisor and/or department head who shall review such request as to its justification. If the department head or supervisor finds that there is merit in the request, it is submitted to the Borough Manager. If the department head or supervisor finds the request is not justified, he shall notify the employee of his/or her decision and also the employee's right of appeal under the grievance procedure in these rules.

(Res. 1986-19, 7/17/1986)

## **C. Compensation.**

### **§921. General Provisions.**

Council shall determine the pay rates of each class.

(Res. 1986-19, 7/17/1986)

### **§922. Beginning Pay Rate.**

The beginning pay rate for a new employee in any class shall be the basic rate for that class.

(Res. 1986-19, 7/17/1986)

### **§923. New Appointees.**

Generally, a new appointee shall be paid the minimum rate of pay for his class. The minimum rate for each class is based upon the assumption that the appointee meets the minimum qualifications stated in the class specification. Exceptions on starting salaries may be granted upon the prior approval of the Borough Council in the following cases:

- A. All new employees will meet the minimum qualifications for the job class to which they are hired. If a qualified applicant cannot be found, the job will be changed to a lower level (i.e. semi-skilled laborer instead of craftsman; laborer instead of semi-skilled laborer).

- B. New employees will normally be hired at the minimum rate for the job class. Exceptions may be made due to difficulty in locating interested applicants at the minimum rate.

(Res. 1986-19, 7/17/1986)

**§924. Promotions.**

When an employee is promoted to a position in a higher class, his salary shall be increased to the minimum rate for the higher class, except that no promoted employee shall be paid at a rate less than or equal to that which he received in his previous class. If an employee is promoted, his anniversary date becomes the date of his promotion and a probationary period will follow as specified.

(Res. 1986-19, 7/17/1986)

**§925. Transfers.**

Any employee temporarily transferred to a class at a higher grade shall be paid the minimum rate of the new salary range, except that no temporarily transferred employee shall be paid at a rate less than he received in his previous class. Temporary transfers shall be for a period of no longer than 60 work days.

(Res. 1986-19, 7/17/1986)

**§926. Demotions.**

An employee who is demoted for disciplinary reasons from one classification to another shall be reduced to the maximum rate for the new classification, or he shall continue at his same pay rate, whichever is lower, unless otherwise determined by the Manager. A written statement of the reasons for any such action shall be furnished to the affected employee by the Manager at least five days prior to the proposed effective date of the action, and a copy filed in his personnel file.

(Res. 1986-19, 7/17/1986)

**§927. Reallocations Downward.**

When an employee's position is reallocated to a lower class position, if the incumbent's salary is higher than the maximum for the new position, he shall be permitted to continue at his present rate of pay during the period of incumbency (except in event of general service-wide reductions), but shall not be entitled to a salary increase.

(Res. 1986-19, 7/17/1986)

## ADMINISTRATION AND GOVERNMENT

### **§928. Reinstated Employees.**

A reinstated employee shall be paid a salary rate within the approved salary range for the position in which he is reinstated, which shall be set by Council.

(Res. 1986-19, 7/17/1986)

### **§929. Overtime.**

1. All overtime or arrangements for overtime shall be approved in advance by the department head or supervisor.
2. As much as possible, in keeping with efficient operation, necessary overtime will be rotated and equalized among qualified, interested employees of the department where the overtime opportunity occurs.
3. For employees not covered by collective bargaining agreements, 1 1/2 times the employee's regular rate will be paid for work performed in excess of 40 hours in any work week. Compensatory time off at the appropriate rate may be granted in lieu of overtime pay. Employees who are recalled by their department head or supervisor to work after completion of their regular work day shall receive compensation in accord with FLSA rules or contracts.

(Res. 1986-19, 7/17/1986)

### **§930. Salary Adjustment.**

No employee shall be entitled to more than one increase each year except those employees who receive promotional or probationary increases. The date of the annual salary review will remain unaffected by a promotional increase. The rate of pay for employees of the Borough shall be determined by a pay schedule of the Borough. Annual salary review will occur at the end of each contract and/or Borough fiscal year.

(Res. 1986-19, 7/17/1986)

### **§931. Total Remuneration.**

The salary or wage rate for a position shall represent the total remuneration for the employee, except that it will not include reimbursement for the total expense or benefits. Except as otherwise provided in these rules, no other form of remuneration, in addition to regular compensation, shall be received from any source by employees for performance of their duties. If a reward, gift or other form of remuneration is made available to any employee, it shall be credited to a designated employee's fund. This Section

is not intended to prohibit awards given to employees under a Borough sponsored award program.

(Res. 1986-19, 7/17/1986)

**§932. Pay Periods.**

Pay periods shall be two weeks. Pay days will be every other Friday, beginning with the first pay day of the calendar year.

(Res. 1986-19, 7/17/1986)

**D. Recruitment, Applications and Examinations.**

**§941. Recruitment.**

1. The recruitment policy is to ensure the recruitment and selection of qualified persons from positions in the Borough service providing open competition, equal employment opportunity and prohibiting discrimination because of race, politics, religion, sex, national origin, age, mental or physical handicaps.
2. All procedures in recruitment and selection shall apply to all individuals who wish to obtain employment with the Borough, except former Borough employees who may be re-employed through a reinstatement process with the Manager's approval.

(Res. 1986-19, 7/17/1986)

**§942. Career Examinations.**

All positions in the career service shall be filled by examinations which result in ordering the candidates who pass such qualifying examinations in order of their examination scores and qualifications.

(Res. 1986-19, 7/17/1986)

**§943. Announcements.**

The Borough Manager shall make known all vacancies for all positions in the career service by posting announcements for such vacancies on official bulletin boards and in such other places as he/she may deem necessary and practical. Application will be solicited from as large a geographical area as the Manager deems practical to assure sufficient applicants to permit the selection of the best qualified employees. The announcements shall specify the Borough as an equal opportunity employer, the title, nature of

## ADMINISTRATION AND GOVERNMENT

work to be performed, desired qualifications of prospective applicants, closing date for receiving applications and other pertinent information.

(Res. 1986-19, 7/17/1986)

### **§944. Application Forms.**

Applications shall be made on forms provided by the Borough Manager. Such forms shall require information covering training, experience and other pertinent information. All applications must be signed by the person applying.

(Res. 1986-19, 7/17/1986)

### **§945. Employment Requirements.<sup>2</sup>**

1. All permanent positions shall be open only to persons who meet the requirements as listed on the public announcement of the vacancy. Such requirements may include, but shall not be limited to, the following factors: experience, education, age, character and physical condition. Applications will not be accepted for permanent employment from any person over 70 years of age, or from any person under 18 years of age, except in cases of high school graduation and part-time and seasonal student employees. The Borough Manager may establish restrictions on employment in jobs with other employers simultaneously during the period of employment with the Borough, as a condition of continuance in the Borough's employ.
2. As part of the pre-employment procedure, references provided by the applicants shall be investigated only as to the applicant's work history, as a precaution against obtaining undesirable employees or other pertinent information which is deemed to be necessary and directly related to the performance of the specific job.
3. Background information shall be obtained prior to an offer of employment and this information shall be made part of the applicant's file.

(Res. 1986-19, 7/17/1986)

### **§946. Acceptance of Applicants.**

Applications for employment shall be accepted at the time of public announcement of a vacancy. Each candidate for municipal employment shall make an application in the manner prescribed by the Borough Manager.

(Res. 1986-19, 7/17/1986)

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<sup>2</sup> Ord. 1407 provided that Borough employees are not required to be Borough residents unless required by Pennsylvania law.

**§947. References.**

As a part of the pre-employment procedure, former supervisors, employers and references provided by the applicant shall be checked as a precaution against hiring undesirable employees. Reference checks made by personnel by telephone contact shall be documented and made part of the applicant's file. The reference checks shall be completed prior to an offer of employment and the information shall be made part of the application file. All such information is to be handled as privileged information.

(Res. 1986-19, 7/17/1986)

**§948. Rejection of Applications.**

1. The Borough Manager may reject any application which indicates that the applicant does not possess one or more of the requirements as specified in the public announcement of the vacancy, or if the applicant does not satisfactorily complete the prescribed application forms. Applications may also be rejected if the applicant is physically unfit for the performance of the duties of the position to which he seeks appointment; if he fails to qualify on the Borough's pre-employment medical examination; is addicted to the habitual excessive use of drugs or intoxicating liquor; or is guilty of any disgraceful conduct; has ever been dismissed from public service for incompetency or misconduct; has ever been a member of any organization which advocates the overthrow of the Government of the United States by force or violence; has made false statements of any material facts; or practices, or attempted to practice any deception or fraud in his application; or if his past employment record is "unsatisfactory" as determined by a performance rating.
  - A. A record of disrespect for the requirements and processes of law, including repeated traffic offenses or disregard of summonses for traffic offenses may be grounds for disqualification, for examination or appointment.
  - B. The burden of establishing this qualification to the satisfaction of the Manager shall be upon the applicant. Any applicant who refuses to furnish the Manager with information necessary for the verification of his qualifications, or who furnishes incomplete, adulterated or false information, shall be disqualified for examination or, after examination, for employment.
2. Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the Borough Manager stating the reason therefor. Applications may also be rejected if an applicant does not reply to a mail inquiry within 10 days, or does not return a telephone inquiry within two days, or fails to accept appointment within two days, or to report for duty within the time prescribed in the offer.

(Res. 1986-19, 7/17/1986)

## ADMINISTRATION AND GOVERNMENT

### **§949. Examinations.**

The examination held to establish a list of eligibles for any class shall consist of one or more of the following parts as determined by the Borough Manager written tests, oral interview performance test, physical test, training and experience and any other tests deemed necessary.

- A. Written Test. This part, when required, shall include a written demonstration designed to show the familiarity of applicants with a knowledge involved in the class of position to which they seek appointment, their ability in the use of English, the range of their general information and/or their general educational attainments. A formal essay upon one or more subjects may be required if desirable.
- B. Oral Interview. This part, when required, shall include a personal interview with the applicants where ability to deal with others, to meet the public or other personal qualifications are to be determined. An oral test may also be used in examinations where a written test is unnecessary or impractical.
- C. Performance Test. This part, when required, shall include such tests of performance of a trade or occupation as well as determine the ability and manual skills of applicants to perform the work involved.

(Res. 1986-19, 7/17/1986)

### **§950. Promotional Examinations.**

Promotional examinations shall be open to all employees who have completed their probationary period and who meet the necessary requirements, as determined through job analysis and classification, as provided in these rules, and who are serving in an appropriate class service. Employees who do not pass the qualifying examination of probation or who do not achieve a satisfactory performance rating shall not be eligible to apply for the promotional opportunity in the same class for a period of six months from the date of return to their former position and until the date of the next examination for the same class.

(Res. 1986-19, 7/17/1986)

### **§951. Fraud in Examination.**

Any person who shall at any examination or in any document, signed or furnished by him for or in connection with any examination, by himself or in cooperation with one or more persons, make any false representation regarding himself or any of the applicants, or by impersonating anyone else or by allowing anyone else to impersonate him, or who obtains, or who uses or aids someone else in using any memorandum, printed or writ-

ten, thereby obtaining an advantage over other competitors at an examination, upon such finding of the Borough Manager, after having had a chance to be heard in his own defense, shall be ineligible for any position in the Borough of Greenville for a period of one year and, if the person is an employee at the time of the finding, he may be disciplined as provided in these personnel rules.

(Res. 1986-19, 7/17/1986)

## **E. APPOINTMENTS.**

The following types of employment may be made: career, seasonal, student, emergency, provisional, part-time and limited term.

### **§961. Reemployment and Competitive Lists.**

Appointments to permanent positions in career service of the Borough shall be filled by the Manager from a reemployment or open competitive list subject to the satisfactory completion of a probationary period.

(Res. 1986-19, 7/17/1986)

### **§962. Reinstatement.**

1. An employee who has resigned with good record may be re-hired if a vacancy exists in the same or similar position within the same department from which he resigned, within one year of the date of resignation, without qualifying in competitive examination. This is known as reinstatement. Such action originates only from departmental request. Request for the approval of the action must be submitted to the Borough Manager in the form of a letter stating name, title, salary, date of separation, date of proposed reinstatement and cause of the vacancy which the reinstatement will fill, together with a report of personnel changes that must be approved by the Borough Manager before the employee goes on duty.
2. An employee may be reinstated at the same step in the pay range which he had received or he may revert to a lower step within the range at the discretion of the Borough Manager and with the approval of the Council. He cannot be reinstated at a higher step. The reinstatement cannot be made if the department has a lay-off list for the position. Reinstated employees are considered new employees for purposes of vacation and salary increases and longevity pay. For purposes of seniority credit on promotional examination, reinstated employees are credited for service prior to resignation.

(Res. 1986-19, 7/17/1986)

## ADMINISTRATION AND GOVERNMENT

### **§963. Permanent Positions.**

Whenever feasible, vacancies shall be filled by promotion. Examinations may be required when, in the opinion of the Manager, the best interests of the Borough shall be served. Permanent positions not to be filled by promotion shall be filled by:

- A. Transfer of employees.
- B. Reemployment list.
- C. Appointment from an open competitive list.

(Res. 1986-19, 7/17/1986)

### **§964. Seasonal Employees.**

These employees are appointed from a list of applicants on file in the Manager's office, and will be laid off at the close of the season for which they have been appointed.

(Res. 1986-19, 7/17/1986)

### **§965. Temporary Positions.**

Whenever funds are available, temporary positions shall be filled, as far as is practical, from a list of candidates meeting the minimum qualifications for the position.

(Res. 1986-19, 7/17/1986)

### **§966. Student Appointments.**

Student appointments have the purpose of affording students of government and other professional areas an opportunity to gain actual work experience. Such appointments are for a definite period of time, but not to exceed 12 months.

(Res. 1986-19, 7/17/1986)

### **§967. Emergency Appointments.**

In order to prevent a stoppage of public business or loss of convenience to the public, appointment of employees on a temporary, emergency basis may be authorized by the Borough Manager.

(Res. 1986-19, 7/17/1986)

**§968. Part-time Appointments.**

Part-time employees are employees who work less than a normal work week but on a regular basis.

(Res. 1986-19, 7/17/1986)

**§969. Conditional Employment For Individuals Reaching Retirement Age.**

The normal retirement age for employees shall be 65. Upon written request of the employee and his supervisor or department head, the Borough Manager, in the interest of the Borough, may place said employee on a conditional-employment basis for a period of 12 months. At the end of each 12 month period, a new written request and appointment must be forthcoming for a 12 month extension. This may be done until the employee's mandatory retirement at the age of 70.

(Res. 1986-19, 7/17/1986)

**F. PROBATIONARY PERIOD.**

**§971. Objective.**

The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his position and for rejecting any employee whose performance is considered unsatisfactory.

(Res. 1986-19, 7/17/1986)

**§972. Duration.**

The probationary period shall be from a minimum of six months to a maximum of 12 months. The Manager shall establish a probationary period for each class of positions in the career service. If a department head and/or supervisor requests an extension of an established probationary period prior to 30 days before expiration, the Manager may extend the probationary period of a particular employee by three month intervals, to a total of six months beyond the end of the normal probationary period.

(Res. 1986-19, 7/17/1986)

## ADMINISTRATION AND GOVERNMENT

### **§973. Probationary Period for New Employees.**

1. At any time during the probationary period, a department head, with the approval of the Borough Manager, may remove an employee if, in his opinion, the performance test indicates that such employee is unable or unwilling to perform the duties of the position satisfactorily or that his habits or lack of dependability do not merit his continuance in the service. Upon such removal, the Department Head or Supervisor shall forthwith report to the Borough Manager and to the employee removed, his action and the reasons therefor.
2. If a probationary employee has committed an offense which is considered cause for disciplinary action, he may be disciplined or dismissed without prior notice.
3. A probationary employee who is found to have been appointed through fraud or error shall be removed within 10 calendar days of notification to this effect by the Borough Manager to the department head and/or supervisor.

(Res. 1986-19, 7/17/1986)

### **§974. Promotional Appointments.**

The probationary period shall be used in connection with promotional appointments in the same manner as it is used for original entrance appointments. If a person is removed during his probationary period following a promotion, he shall be entitled to return to his former position.

(Res. 1986-19, 7/17/1986)

### **§975. Interruption of Probationary Period.**

1. If an employee is laid off during a probationary period and subsequently reappointed in the same department from the same eligible list, he shall be given credit for the portion of the probationary period completed before he was laid off.
2. If an employee is transferred during his probationary period from a position in one department or administrative unit, the second department or administrative supervisor may, according to his discretion, permit the granting of credit for the portion of the probationary period previously completed. The Manager shall be notified of the decision in this matter at the time of transfer.
3. If an employee is appointed to a higher position before the completion of his probationary period in a lower position, he shall be given credit for the uncompleted portion of the probationary period if he remains in a higher position during a period equivalent to the unfinished portion.

(Res. 1986-19, 7/17/1986)

**§976. Probationary Period Reports.**

At least 20 days prior to the expiration of an employee's probationary period, the department head or supervisor shall notify the Borough Manager in writing whether or not the employee has satisfactorily completed his probationary period.

(Res. 1986-19, 7/17/1986)

**§977. Restoration of Dismissed Employee to Appropriate List.**

If an employee is removed from his position during, or at the end of, his probationary period and the Borough Manager determines that he is suitable for appointment to another position, his name may be restored to the list from which it was certified. An employee appointed from a promotional list who does not successfully complete his probationary period shall be reinstated to a position in the class occupied by the employee immediately prior to his promotion.

(Res. 1986-19, 7/17/1986)

**§978. Former Employees.**

Former employees who are re-employed are subject to the same probationary period as new employees.

(Res. 1986-19, 7/17/1986)

**G. PROMOTIONS, TRANSFERS AND DEMOTIONS.**

**§981. Promotions.**

Vacancies in career service positions shall be filled as far as practical by promotion from lower classes under the rules of examination. A change from a position in any class to a position in another class for which a higher maximum rate of pay is prescribed shall be considered a promotion.

(Res. 1986-19, 7/17/1986)

**§982. Intra-Departmental Transfers.**

The appropriate department head may at any time transfer an employee in the division under his jurisdiction from one position to another in the same class in the same department. An intra-departmental transfer to a position of another class of the same pay

## ADMINISTRATION AND GOVERNMENT

grade shall be made only with the approval of the Borough Manager. The Borough Manager shall be notified of such change of assignment.

(Res. 1986-19, 7/17/1986)

### **§983. Inter-Departmental Transfers.**

A transfer for an employee from one department to another must have the approval of both department heads and/or supervisors concerned and the Borough Manager. Requests for such transfer shall show how the employee concerned meets the qualification requirements of the class to which the transfer is proposed. In order to be considered for filling a vacancy by transfer within the same occupational classification, any career employee requesting such transfer must have his application, using the appropriate form, in a continuing file in the Borough Manager's office. Eligible employees having filed shall be given prior consideration in filling such vacancies, seniority governing and without written examination provided his performance record is satisfactory.

(Res. 1986-19, 7/17/1986)

### **§984. Demotions.**

1. An employee may be demoted to a position of lower grade for which he is qualified for any of the following reasons:
  - A. When an employee would otherwise be laid off because his position is being abolished; his position is being reclassified to a higher grade; lack of work; lack of funds; or because of the return to work from authorized leave of another employee to such a position in accordance with the rules on leave;
  - B. When an employee does not possess the necessary qualifications to render satisfactory service in the position he holds or when removed during probation;
  - C. When an employee voluntarily requests such demotion; or,
  - D. For disciplinary reasons.
2. All demotions must receive the approval of the Borough Manager and Department Heads and/or supervisors concerned. If the employee is demoted against his will, he may appeal to the Borough Manager. The Borough Manager shall carefully consider the appeal and transmit to the employee a letter containing his/her decision at the earliest possible date.
3. Further, the employee is not prohibited by this decision from seeking other relief as provided elsewhere under these rules and the laws of the Commonwealth of Pennsylvania.

(Res. 1986-19, 7/17/1986)

## **H. EMPLOYEE PERFORMANCE EVALUATION.**

### **§991. Purpose.**

The performance evaluation provides for an annual review of the employee's performance by his immediate supervisor. The purpose of the evaluation is to promote better understanding and to show the employee how to improve performance.

(Res. 1986-19, 7/17/1986)

### **§992. Performance Evaluation Periods.**

Each employee shall have his performance evaluated at the following times:

- A. Probationary Period. Each employee shall be evaluated at the conclusion of the first month of work and 30 days prior to the completion of the probationary period. Inadequate performance by the employee shall result in dismissal of the employee.
- B. Annual. Each employee shall be evaluated at least once annually, no later than 30 days prior to the employee's anniversary date.
- C. Periodic. For a specific reason, the employee's supervisor may formally evaluate the employee's job performance at any time.

(Res. 1986-19, 7/17/1986)

### **§993. Performance Evaluation Rating.**

1. Once a year, the supervisor shall review the work performance of those employees under his supervision and rate according to a set of standards, the type of service performed as unsatisfactory, satisfactory, above average or excellent. The rating shall be concerned with the individual employee's ability to perform assigned tasks, amount of supervision he requires, work habits, attendance and attitude.
2. Each Supervisor shall then review with the employee being rated the results of the rating. If the employee's performance rating does not meet the employee's expected capabilities as determined by the Supervisor, then the employee, supervisor and/or department head shall decide together a reasonable course of action to overcome work deficiencies and resolve inhibiting attitudes.

(Res. 1986-19, 7/17/1986)

## ADMINISTRATION AND GOVERNMENT

### **§994. Review With Employees.**

The supervisor shall discuss each performance evaluation with the employee being evaluated except at the time of separation of an employee from the service.

(Res. 1986-19, 7/17/1986)

### **§995. Merit Increases Dependent on Service Rating.**

An employee must receive a service rating of at least "above average" on the last appraisal in order to be eligible for a promotion. Any employee receiving a rating of "unsatisfactory" for two consecutive times shall be dismissed by the Borough Manager for incompetency.

(Res. 1986-19, 7/17/1986)

### **§996. Performance Evaluation Confidential.**

Performance evaluations shall be confidential and shall be made available only to:

- A. The employee evaluated or his representative.
- B. His supervisor or department head.
- C. Borough Manager or his representative.
- D. The Mayor and Council.

(Res. 1986-19, 7/17/1986)

### **§997. Changes in Evaluation.**

If for any reason a department head or supervisor shall request an alteration of the performance evaluation form after it has been officially submitted to the Borough Manager, such request shall be in writing and shall set forth fully the reasons for the request. Such request, when approved by the Borough Manager, shall become the official performance evaluation.

(Res. 1986-19, 7/17/1986)

**§998. Performance Rating A Part of Personnel File.**

Each performance rating conducted shall be made a part of the employee's permanent personnel file and shall be so maintained for five years.

(Res. 1986-19, 7/17/1986)

**I. EMPLOYEE GRIEVANCES.**

**§998.01. Purpose.**

It is the purpose of this rule to establish means by which employment matters of concern to the employee may be resolved in a fair and equitable manner.

(Res. 1986-19, 7/17/1986)

**§998.02. Grievable Matters.**

1. A grievance is any written complaint filed by an employee with his/her supervisor concerning alleged poor or unsafe working conditions, alleged unfair or unjust verbal or written reprimand, alleged unfair work performance evaluation or alleged unfair or improper application of the Borough personnel rules, regulations and policies.
2. Grievance on Major Disciplinary Actions. Suspensions, demotions and dismissals are not allowable grievance items to be processed through the grievance procedure.

(Res. 1986-19, 7/17/1986)

**§998.03. Grievance Procedures.**

Grievances shall be in written form and the grievance procedures shall contain the following steps:

- A. Step 1. The employee shall contact his immediate supervisor and discuss all phases of the grievance. The supervisor will take time to listen.
- B. Step 2. If the employee feels that he has not received proper attention and it appears to him that nothing will be done as a result of Step 1, the employee shall then request, in writing, a meeting outlining the grievance, within five working days after the incident, with the department head and the Borough Manager. The department head must honor this written request and will attempt to arrange a meeting within five working days of the receipt of the written request.

## ADMINISTRATION AND GOVERNMENT

- C. Step 3. Should the results of Step 2 still be unsatisfactory to the employee, the employee should request, in writing, a meeting with the appropriate department committee of Borough Council. The Borough Manager must honor this request and arrange a meeting within 20 working days from the date he receives the request, at which meeting the employee will present the grievance in writing and the department head, Borough Manager and personnel committee of Borough Council will be present.
- D. Step 4. If after the meeting, as outlined in Step 3, has been held and the employee feels that satisfactory results have not been obtained, he is entitled and should request a meeting with all of Borough Council. The Borough Manager will be responsible for arranging an executive meeting of Borough Council and will present the grievance to Borough Council for disposition. The employee, department head, and Borough Manager will be given ample opportunity to be heard and present their views. The action of Borough Council is final.

(Res. 1986-19, 7/17/1986)

### **§998.04. Employee Representation.**

The grieving employee is entitled to have a representative of his choice to accompany him during grievance hearings.

(Res. 1986-19, 7/17/1986)

### **§998.05. Violation of Grievance Procedure.**

An employee failing to follow the outlined grievance steps and defined procedures may be subject to disciplinary action.

(Res. 1986-19, 7/17/1986)

## **J. EMPLOYEE DISCIPLINE.**

### **§998.11. Disciplinary Action.**

An employee may be disciplined for misconduct and/or incompetency and/or inability to perform the work of the position satisfactorily. Disciplinary action may take the following procedure.

- A. Verbal Warning.

- (1) The supervisor or department head shall schedule a meeting with the employee to discuss the violation.
- (2) The supervisor or department head shall note in writing the violation and the discussion with the employee and place the note in the employee's file.
- (3) The supervisor or department head shall keep the record of the spoken warning for a period of time not less than three months and then may at his or her discretion remove the warning. The verbal warning shall not be a permanent part of the employee's work record unless the employee exhibits chronic disciplinary problems.

B. Written Warning.

- (1) The department head shall schedule a meeting with the employee to discuss the violation or chronic work related problems.
- (2) At the conclusion of the meeting, the department head shall prepare a letter of written reprimand, if necessary, and either present it directly to the employee or send it to the employee's home by registered mail.
- (3) The department head shall place a copy of the written reprimand in the employee's department file and forward a copy to the Borough Manager.

C. Suspension, Demotion or Dismissal.

- (1) The department head shall meet with the Borough Manager to review the employee's disciplinary problem and discuss possible disciplinary action to be taken.
- (2) If it is agreed that suspension, disciplinary demotion or dismissal may be appropriate, the department head shall schedule a disciplinary interview with the employee.
- (3) At the conclusion of the disciplinary interview, the department head shall:
  - (a) Inform the employee of the disciplinary action to be recommended.
  - (b) Shall prepare a written report of the interview to include the employee's work history, written warnings and prior disciplinary actions, the facts relating to the present disciplinary action, a summary of the employee's point of view and the recommended disciplinary action.

## ADMINISTRATION AND GOVERNMENT

- (c) Shall forward the prepared report to the disciplinary hearing board which consists of the Borough Manager and council personnel committee.
- D. The disciplinary hearing board shall:
- (1) Inform the employee in writing of the hearing date, time and place.
  - (2) Conduct the hearing, review the employee's work history, prior disciplinary actions, facts relating to the present disciplinary action, other relevant information and the recommended disciplinary action.
  - (3) Allow the employee an opportunity to present his or her point of view.
  - (4) Decide on the disciplinary action to be taken, the reasons for that action and shall verbally inform the employee of its decision at the hearing's conclusion.
  - (5) Maintain written hearing records.
  - (6) Present a letter of disciplinary action to the employee or his/her legal representative in person or by certified mail, not later than five working days after the conclusion of the hearing.
  - (7) File a copy of the letter of disciplinary action in the employee's personnel file.

(Res. 1986-19, 7/7/1986)

### **§998.12. Reasons for Disciplinary Actions.**

Listed below are some of the reasons which might be causes of disciplinary action; but disciplinary action is not limited to the offenses listed:

- A. Conviction of a crime.
- B. Insubordination (disobedience).
- C. An unreasonable amount of lost time or abuse of sick leave.
- D. Absence without leave.
- E. Excessive tardiness.
- F. Inefficiency.
- G. Abuse of Borough property.

- H. Giving false statements to supervisors or the public.
- I. Violation of State statutes, Borough ordinances, administrative regulations or departmental rules.
- J. Consumption of Drugs or Alcohol.
  - (1) Consumption of intoxicating beverages or narcotic drugs during working hours on Borough property or in Borough-owned vehicles.
  - (2) Being under the influence of alcohol or narcotic drugs during work hours.
  - (3) Possession of intoxicating beverages or narcotic drugs on Borough property or in Borough-owned vehicles.
- K. Any conduct which reflects unfavorably on the Borough as an employer.
- L. Membership in any organization which advocates the overthrow of any legally constituted government.
- M. Discovery of a false statement in an application which had not been detected previously.
- N. Failure to pay legal debts or to reimburse the Borough for funds due.
- O. Acceptance of gratuities.
- P. Refusal to be examined by a Borough-authorized physician when so directed.
- Q. Gambling.
  - (1) Possession on Borough property or in Borough vehicles of any device under any denomination by which any game of chance is played for anything of value or any other gaming device whatsoever.
  - (2) Possession on Borough property or in Borough vehicles of any lottery policy or certificate which guarantees that, in the event or on the happening of any contingency in the nature of a lottery, the possessor shall receive money, property or evidence of debt.
  - (3) Possession on Borough property or in Borough vehicles of any books, device, apparatus or paraphernalia for the purpose of receiving, recording or registering bets or wages.
  - (4) Gambling on Borough property or in Borough vehicles.

## ADMINISTRATION AND GOVERNMENT

- R. The use of Borough supplies, materials, equipment or other property for personal purposes or securing the same for others.
- S. Pursuing any non-job related activities during work hours without the permission of the department head.
- T. Failure to observe the department rules and regulations.
- U. Profane, obscene, insulting words or gestures toward the public or any Borough employee.
- V. Unlawful political or other activity as provided in these personnel rules.
- W. Loaning of money at interest to other Borough employees.
- X. Refusal or inability to perform a normal quantity and quality of work.
- Y. Failure to follow administrative orders, either written or oral, provided that nothing in this subsection shall require an employee to commit an unlawful act.

(Res. 1986-19, 7/17/1986)

### **§998.13. Appeals.**

1. **Employee Rights.** An employee who is disciplined as provided above may, within five days of notice of such action, address a request in writing to the Borough Manager for an appeal. In the event of such request, the Borough Manager shall set a time and place for a hearing to be held not less than five nor more than 30 days after the receipt of the request and shall notify the employee thereof by certified mail to the employee's last known address. The employee may be represented by an attorney at a hearing, and may present witnesses and cross examine other witnesses.
2. **Employee Notified.** The affected employee shall be promptly notified in writing by the Borough Manager of the final determination with respect to the disciplinary action.
3. **Hearing Officer or Board.** A hearing officer or hearing board may be appointed by the Borough Manager and Council to hear an appeal. Such officer or board shall, within 15 working days, make a written recommendation to the Borough Manager. A copy shall be sent to the employee.
4. Nothing in this Section shall be construed to abridge an employee's right to appeal a decision to an appropriate legal tribunal.

(Res. 1986-19, 7/17/1986)

**K. ATTENDANCE, LEAVE AND HOLIDAYS.**

**§998.21. Hours Of Work.**

The hours of work for all employees in the service of the Borough of Greenville shall be determined by the Manager and/or Council. The number of hours an employee is required to be on duty each day, week or month shall be the same for all persons occupying full-time positions in the same class under the same conditions, unless specific exception therefrom is made on order of the Manager.

(Res. 1986-19, 7/17/1986)

**§998.22. Attendance.**

Each department head and/or supervisor shall be responsible for the attendance of all persons in his or her department or administrative unit.

(Res. 1986-19, 7/17/1986)

**§998.23. Personal Days.**

1. Each employee shall be entitled to three work days off per year, except the Fire Department.
2. Each member of the Fire Department shall be entitled to one work day (24 hours) off per year or three eight hour increments, if necessary.
3. Personal days must be scheduled at least 48 hours in advance with the department head.

(Res. 1986-19, 7/17/1986)

**§998.24. Holidays.**

1. The following days are designated as official Borough holidays and all full-time Borough employees, except members of the Police and Fire Departments, shall be excused from attending their duties on these days, to-wit.

New Year's Day	Veteran's Day
Good Friday	Thanksgiving
Memorial Day	Day before Christmas

## ADMINISTRATION AND GOVERNMENT

Fourth of July

Christmas

2. Exceptions:
  - A. Easter instead of Veteran's Day – Police Department.
  - B. Easter instead of the day before Christmas and birthday instead of Good Friday – Sanitation Department.
  - C. Easter instead of Veteran's Day – Fire Department.
3. Employee must have worked (or been on vacation) on 11 of the 30 days preceding the holiday in order to be eligible for the holiday pay.
4. Determination of relationship to duty of injury or illness will be made by employee's doctor. The Borough may, in questionable cases, appoint a doctor to render an additional opinion. In case of conflict, a third impartial examination will determine eligibility.
5. An employee must work the scheduled day before and the scheduled day after the holiday in order to be eligible for the holiday pay.
6. If a holiday falls during an employee's vacation, his vacation will be extended by one day.
7. If a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday shall be observed as the holiday.
8. Employees must adhere to all conditions which are stated in their agreements or contracts under "Holidays."

(Res. 1986-19, 7/17/1986)

### **§998.25. Vacation Leave.**

Every career (full-time) employee who has completed one year of employment shall be entitled to an annual vacation with pay.

- A. After the first year of continuous employment, vacation time is figured in accordance with the following provisions:
  - (1) One week after one year of service.
  - (2) Two weeks after two years of service.
  - (3) Three weeks after five years of service.

- (4) Four weeks after 10 years of service.
- (5) Five weeks after 20 years of service.
- B. An employee must have earnings in at least 16 of the 26 pay periods in the previous year in order to qualify for vacation in the vacation year. Exception will be made for work-related illness or injury.
- C. The vacation year shall be January 1 through December 31 of each year which is the Borough fiscal year.
- D. Vacation time cannot be accumulated by any Borough employee beyond the end of the Borough fiscal year unless the Borough does not allow vacation leave to be taken, then vacation leave may be held over for three months.
- E. The head of the department or supervisor in which an employee or officer works shall designate the days the employee may take his or her annual vacation, but no department head or supervisor shall refuse to designate vacation time for an employee so as to cause said employee to lose his or her right to annual vacation in any fiscal year except under emergency conditions.
- F. When moving from one eligibility category to another, (from one week to two weeks, etc.) the additional week may be taken prior to the eligibility date in that year. If an employee takes the additional week prior to eligibility and subsequently leaves the employ of the Borough, the additional week of vacation pay will be deducted from his last pay.
- G. A one week vacation may be scheduled one day at a time at the discretion of the department head.
- H. Vacation week starts on the first scheduled work day of the vacation week.
- I. If a holiday occurs during the calendar week in which a vacation is taken by an employee, the employee's vacation period shall be extended one additional work day.
- J. Vacation shall be paid to each employee who terminates unless the employee is discharged for cause or fails to give two weeks written notice.
- K. No vacation pay shall be paid in advance and no employee shall be entitled to vacation with pay after the date of the termination of his employment.
- L. Pay will not be granted in lieu of vacation time.
- M. A day, for the purpose of this Section, shall be defined as the scheduled number of hours the employee works per day.

## ADMINISTRATION AND GOVERNMENT

N. Leave shall be authorized in units of days and hours only. Leave in fractions of an hour will not be granted.

O. Temporary Workers. Annual leave shall not be granted temporary workers.

(Res. 1986-19, 7/17/1986)

### **§998.26. Sick Leave.**

1. Rate of Leave. Sick leave with pay shall be granted to all career employees, except the firemen, at the rate of 6.67 hours for each full month of service. The Fire Department will be computed at the rate of 10 hours of each full month of service.
2. Maximum Accumulation. A total of 80 hours or 10 working days per calendar year is the maximum accumulation allowed for all Departments, except the Fire Department, which will be at the rate of five days per year, accumulation of 10 days. Sick leave shall be granted only after earned.
3. Part-Time Workers. Employees who work less than the normal work week shall be credited with leave in proportion to the amount of time worked; however, an employee who normally works less than 25 hours a week shall not be entitled to any sick leave.
4. Permissible Sick Leave.
  - A. Sick leave shall not be considered as a privilege which an employee may use at his discretion. Sick leave is absence because of illness, injury not incurred on the job or exposure to contagious disease.
  - B. No employee shall be entitled to sick leave with pay while absent from duty on account of the following cause: disability arising from any sickness or injury purposely self-inflicted or caused by any willful misconduct.
  - C. Sick leave pay allowance will not be granted due to sickness or accident while an employee is on an authorized leave of absence without pay, is laid off, is absent from work for any other reason without approval of the Manager and/or the Council.
5. Request for Sick Leave. In order to receive remuneration while on sick leave, the employee shall notify his immediate superior prior to or within two hours after the time set for beginning his or her regular duties. The supervisor shall report any absences and sick leave to the Manager.
6. Certification by Physician.
  - A. Sick leave with pay in excess of three consecutive working days, for reasons of personal illness or physical incapacity, shall be granted only after the

presentation of a written statement by a reputable physician certifying that the employee's condition prevented him from performing the duties of his position.

- B. The Borough of Greenville reserves the right of examination by a physician of its own choice in any case reported.
7. Sick leave shall never be used to enable an employee to extend his annual leave.
  8. Any employee discovered misusing the sick leave privilege shall be subject to disciplinary action by the Manager and/or Council.
  9. Records. Sick leave records will be maintained by the Manager and subject to inspection by Borough Council and the Mayor at any time.
  10. Leave of Absence. All career employees will be eligible for leaves of absence without pay for good cause for periods not to exceed six months. Requests for leaves of absence will be presented to the Borough Council in writing at least 60 days prior to the anticipated date of leave, except in emergencies when request will be made as early as possible. In granting such leave, Council will consider length of service, employment record, necessity for absence, probability of return to work and other relevant factors.
  11. Sick leave cannot be used by employee for any time off due to injury resulting from employment with or for another employer other than the Borough of Greenville when that employer is receiving Worker's Compensation, or receiving payments, or under any other statute which supplements the Worker's Compensation Act from that employer's carrier. [Res. 1989-3]

(Res. 1986-19, 7/17/1986; as amended by Res. 1989-3, 2/14/1989, §1)

#### **§998.27. Retirement.**

The Borough shall provide a pension plan with the Pennsylvania Municipal Retirement System for all full-time employees.

(Res. 1986-19, 7/17/1986)

#### **§998.28. Jury Duty.**

1. Employees called for jury duty must report such call to the Borough Manager who will grant a leave of absence. If the rate of compensation per day for such service, exclusive of car fare, is less than the employee's regular rate, the Borough will pay the employee the difference for the number of scheduled working days for which a leave of absence is granted as shown by the voucher issued for payment of jury duty.

## ADMINISTRATION AND GOVERNMENT

2. The maximum allowance is a total of two weeks in any one calendar year.
3. In most cases, jury duty does not require a full day and when this occurs, the employee is expected to spend as much time as possible at his regular duties in the office or work place.

(Res. 1986-19, 7/17/1986)

### **§998.29. Bereavement.**

1. In the event of a death occurring in the immediate family of an employee, such employee shall be granted up to three consecutive days off without loss of pay.
2. Days shall be limited to two days prior to the funeral and the day of the funeral or the day before the funeral, the day of the funeral, and the day after the funeral.
3. The immediate family is defined as spouse, children, mother, father, sister or brother.
4. For employees other than firemen, one working shift the day of the funeral will be granted to attend the funeral of the following relatives; mother-in-law, father-in-law, grandparents, grandchildren, brother-in-law and sister-in-law.
5. Firemen shall be entitled to one 24 hour period, during which the funeral is held, to attend the funeral of the following relatives; mother-in-law, father-in-law, grandparents, grandchildren, brother-in-law and sister-in-law.
6. Employee shall be entitled to time off with pay only if he is scheduled to work on those days mentioned above.
7. Part-time employees are not eligible. Permission to attend the funeral of close acquaintances may be obtained from the Manager.

(Res. 1986-19, 7/17/1986; as amended by Res. 1989-3, 2/14/1989, §2)

### **§998.30. Disability Leave.**

An employee who is temporarily disabled in the line of duty shall receive full pay for the first seven working days of his disability without charge against annual or sick leave, subject to the following conditions:

- A. Provided that the disability resulted from an injury sustained directly in the performance of the employee's work, as provided in the Workers' Compensation Act.

- B. If incapacitated for his regular assignment, the employee may be given other duties with the Borough government for the period of recuperation. Unwillingness to accept such an assignment as directed by his department head or the Borough Manager will render the employee ineligible for disability leave during the time involved.
- C. The physical ability of the employee to work is to be determined by a physician selected by the Borough Manager.
- D. Payment of disability leave is also contingent upon the assignment of worker's compensation checks to the Borough during the time the employee is receiving disability, sick and annual leave for his injury time off.

(Res. 1986-19, 7/17/1986)

**§998.31. Separation.**

- 1. All separations of employees from positions in the career service shall be designated as one of the following types: resignation, quitting, layoff, disability, death, retirement or dismissal.
- 2. At the time of separation and prior to final payment, all records, assets and other items of Borough property in the employee's custody shall be transferred to the department head or supervisor and certification to this effect shall be executed by the employee. Any amount due because of a shortage in the above shall be withheld from the employee's final compensation or collected through other appropriate action.

(Res. 1986-19, 7/17/1986)

**§998.32. Resignation.**

An employee may resign by submitting in writing the reasons therefor and the effective date to his department head or supervisor as far in advance as possible, but a minimum of two weeks notice is required. Failure to comply with this requirement may be cause for denying future employment with the Borough.

(Res. 1986-19, 7/17/1986)

**§998.33. Absence Without Leave.**

- 1. An absence of an employee from duty, including any absence for a single day or part of a day that is not authorized by a specific grant of leave of absence under the provisions of these rules shall be deemed to be an absence without leave. Any such absence shall be without pay and may be subject to disciplinary action.

## ADMINISTRATION AND GOVERNMENT

2. In the absence of such disciplinary action, any employee who is absent for three consecutive days without leave shall be deemed to have quit. Such action may be reconciled by a subsequent grant of leave if the conditions warrant.

(Res. 1986-19, 7/17/1986)

### **§998.34. Maternity Leave.**

1. An employee with more than one year continuous employment shall, upon written request, be granted a maternity leave of absence for a period not to exceed two months preceding the anticipated delivery date and two months following the termination of pregnancy.
2. The leave may be increased by the Borough Manager if medical reasons associated with the pregnancy are compelling.
3. Expectant mothers should give notice of intent to take leave of absence in writing to the Borough Manager by the end of the fifth month of pregnancy.
4. The employee may remain at her regular job until she is unable to satisfactorily perform her regularly assigned tasks. If the pregnancy or related physical difficulties cause excessive absenteeism or inability to perform normal duties, the Borough Manager may initiate the leave earlier.
5. In no case will the employee be allowed to return to her job without her doctor's authorization in writing.
6. In no case shall maternity leave exceed six months.
7. The employee granted maternity leave must notify the Borough Manager one month in advance of her intended date of return to work.
8. Maternity leave shall be without pay.

(Res. 1986-19, 7/17/1986)

### **§998.35. Workers' Compensation Leave.**

1. The immediate supervisor shall insure any employee injured on the job is promptly provided with adequate medical care and shall promptly inform the administrative office of the incident.
2. The immediate Supervisor shall complete the employee's report of occupational injury or disease and forward it to the administrative office where it will be for-

warded to the municipality's Workers' Compensation insurance carrier and a copy to the Bureau of Occupational Injury and Disease Compensation.

3. The immediate supervisor shall post the Workers' Compensation leave on the payroll records and forward it to the bookkeeper.
4. The bookkeeper shall:
  - A. Post the Workers' Compensation leave on the employee leave record.
  - B. Verify, every three months, Workers' Compensation leave figures with department records.
5. Any payment received by an employee as Workers' Compensation Act, for the same period or periods when sick pay compensation has been paid by the Borough to the employee, shall be paid over by the employee to the Borough. Sick days will be restored by dividing the total compensation payment by the employee's hourly rate.

(Res. 1986-19, 7/17/1986; as amended by Res. 1989-3, 2/14/1989, §3)

**§998.36. Lay-offs.**

1. Lay-offs shall be announced by the Borough Manager with approval of Council when he/she deems it necessary by reason of shortage of funds or work, the abolition of the position or other material changes in the duties or organization or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.
2. The duties performed by any employee laid-off may be re-assigned to other employees already working who hold positions in appropriate classes.
3. The layoff of employees shall be made in an inverse order, determined on the basis of length of service in the class and in the department involved.
4. Employees separated from the service through no fault of their own may be placed on a re-employment list in the order of ratings to be determined by their efficiency as demonstrated while employed by the Borough and the length of service with the Borough.
5. The eligibility of all candidates on a re-employment list will expire one year from the date on which they become entitled to re-employment rights.

(Res. 1986-19, 7/17/1986)

## ADMINISTRATION AND GOVERNMENT

### L. PENSIONS, HEALTH CARE AND LIFE INSURANCE.

#### **§998.41. Purpose.**

The Borough will provide all career service employees with a pension plan, a medical insurance plan and a life insurance plan.

(Res. 1986-19, 7/17/1986)

#### **§998.42. Responsibility.**

1. Borough Council. The Borough Council may amend and approve costs and benefits for the pension plan, the medical insurance plan and the life insurance plan.
2. Borough Manager. The Borough Manager and/or the pension board, as the case may be, shall review and recommend costs and benefits for the pension plan, medical insurance plan and the life insurance plan. The Borough Manager and/or the pension board, as the case may be, shall be responsible for their administration.

(Res. 1986-19, 7/17/1986)

#### **§998.43. Eligibility.**

1. Pension Plan. All career service employees shall be included in the Borough's pension plan. New employees shall be included from their date of hire.
2. Medical and Health Insurance. All career service Borough employees shall be covered by the Borough medical insurance plan from their date of hire.
3. Life Insurance Plan. All career service Borough employees shall be covered by the Borough life insurance plan from their date of hire.

(Res. 1986-19, 7/17/1986)

### M. LONGEVITY.

#### **§998.51. Purpose.**

Longevity pay is intended as incentive to employees for continuous satisfactory service.

(Res. 1986-19, 7/17/1986)

**§998.52. Longevity Schedule.**

1. The longevity schedule for career employees shall be as follows unless otherwise stated in a contract or an agreement:
  - A. Three years \$100
  - B. Six years \$200
  - C. Nine years \$300
  - D. Twelve years \$400
  - E. Fifteen years \$500
  - F. Eighteen years \$600
  - G. Twenty-one years \$700
2. Established in three year increments with \$100 increments for each three years of service.

(Res. 1986-19, 7/17/1986)

**N. OUTSIDE EMPLOYMENT OR BUSINESS.**

**§998.61. Outside Employment or Business.**

1. An employee desiring to operate a separate business or maintain outside employment shall request permission, in writing, from the Council, explaining the nature and hours of such employment and why such employment is desired or the nature of said separate business. The Council may deny such a request if it deems such employment to have an adverse effect or to be in conflict with the employee's service to the Borough. The Council has the right to review in six months any or all requests granted.
2. Preference of Borough Employment. Any employee who engages in employment outside of his regular working hours must perform his regular Borough duties first.
3. Injury or Illness. The Borough shall in no way be liable or grant sick leave in case of injury to an employee while he is engaged in outside employment or for any occupational illness attributed thereto.

(Res. 1986-19, 7/17/1986)

## ADMINISTRATION AND GOVERNMENT

### **O. APPOINTMENT AND PLACEMENT OF RELATIVES.**

#### **§998.71. Appointment and Placement of Relatives.**

1. Except with the approval of the Borough Manager, confirmed by the Council, no employee will be placed in a work group in which relatives closer than first cousins, related either through blood, marriage or adoption will exercise supervision over the employee. This provision shall in no way disqualify related employees in the service at the time of adoption of these regulations.
2. Unless the Borough Council shall officially and by unanimous vote determine that the best interest of the Borough shall be served, the following relatives of paid, elected or appointed Borough officers are disqualified from future employment with the Borough: spouse, child or their spouse, parent, grandchild or their spouse, grandparent, brother, sister, brother or sister-in-law.
3. This shall in no way disqualify employees in the service of the Borough at the time of the election into a Borough office of any of the above named relatives.

(Res. 1986-19, 7/17/1986)

### **P. COMPENSATION FOR USE OF PRIVATE VEHICLES AND DAMAGE TO BOROUGH EQUIPMENT AND PROPERTY.**

#### **§998.81. Compensation For Use Of Private Vehicles.**

Employees who use their private vehicles for official business, as authorized by their immediate supervisor, shall be compensated at the rate established by the Borough Council. Claims must be submitted monthly for the previous weeks. Employees must submit their compensation claim to the office of the Borough Manager after they receive authorization from their immediate supervisor. Automobiles must be properly insured indemnifying the Borough against liability.

(Res. 1986-19, 7/17/1986)

#### **§998.82. Damage to Borough Equipment and Property.**

1. Employees damaging Borough equipment or property regardless of circumstance shall fill out a report concerning the incident.
2. This report shall be filed with the Borough Manager to be reviewed by the Department review board.

(Res. 1986-19, 7/17/1986)

**O. DEPARTMENT REGULATIONS AND RECORDS.**

**§998.91. Department Regulations.**

1. The individual departments may draw up such additional rules and regulations as are deemed advisable by the department heads and which are not inconsistent with the provisions of these regulations.
2. Such additional rules shall be approved by the Manager and Borough Council. In the case that the approved departmental regulations provide for an instance which is covered by the personnel rules of the Borough in a different manner, the department regulations will be applicable. The Borough personnel rules, herein contained, shall prevail in instances not specifically provided for in departmental regulations. The provision which establishes the higher standard for the promotion and the protection of the health and safety of the Borough of Greenville shall prevail in cases of conflict.

(Res. 1986-19, 7/17/1986)

**§989.92. Personnel Transactions.**

1. All appointments, separations and other personnel transactions must be made on forms as designated by the Borough Manager.

(Res. 1986-19, 7/17/1986)

**§989.93. Maintenance of Records.**

The Borough Manager, or the designated representative, shall be responsible for the maintenance of all personnel records, including the original application for employment, results of all tests and examinations taken, history of employment, current status and title, commendations, records of disciplinary actions, training, absentee records, resignation and other records which he may deem pertinent to the employee's service. Said records shall be maintained on a current basis for each employee and shall not be disposed of during the employment of the individual.

(Res. 1986-19, 7/17/1986)

**§989.94. Destruction of Records.**

Employee service records, either in the original or microfilm copies, shall be kept for 20 years after the employee is separated from the service. All other records, including correspondence, applications and examinations may be destroyed after one year following separation.

## ADMINISTRATION AND GOVERNMENT

(Res. 1986-19, 7/17/1986)

### **§989.95. Attendance Records.**

Regular attendance records shall be prepared and submitted by each department of the Borough as required by the Manager.

(Res. 1986-19, 7/17/1986)

**PART 10**

**POLICE PROTECTION**

**§1001. Police Department Established; Chief of Police in Charge.**

A Police Department is hereby established in and for the Borough. The Chief of Police shall be the chief executive of the Police Department. He shall, under the direction of the Mayor, be in charge of the police force and have supervision over its members, in the exercise of their powers, duties and authority.

(Ord. 868, 3/22/1965, §1)

**§1002. Subordinate Classifications in Police Department.**

Subordinate to the Chief of Police in the Police Department, the following classifications are hereby established: lieutenant, sergeant and patrolman, or those of such classifications to which Council shall at any specific time have appointed one or more police officers. The priority of authority among such subordinate classifications shall be in the order above listed. The number of persons to serve in each of such subordinate classifications, on a full-time and/or a part time basis and the compensation of each, shall be as determined by the Council from time to time.

(Ord. 868, 3/22/1965, §2)

**§1003. Special Policemen.**

Nothing contained in §§1001 and 1002 shall affect the authority of the Mayor to appoint special policemen during emergencies.

(Ord. 868, 3/22/1965, §3)

**§1004. Cooperation With Hempfield Township in Police Protection Services.**

The Borough shall enter into a written agreement with the Township of Hempfield which will provide substantially as follows:

- A. When requested by a representative of the Police Department of the Borough to render assistance in Greenville, members of the police force of the Township of Hempfield may perform police duties in the Borough, and in that event shall have the same power of arrest and authority in the Borough as is conferred by law on police officers of the Borough.

## ADMINISTRATION AND GOVERNMENT

- B. When requested by a representative of the Police Department of the Township of Hempfield to render police assistance in the Township, members of the police force of the Borough may perform police duties in the Township, and in that event shall have the same powers including, but not limited to, the power of arrest and authority in the Township as is conferred by law on police officers of the Township.
- C. Members of the police force of the Township shall not be paid by the Borough for work performed in or for the Borough and they shall not be considered employees of the Borough for any purpose.
- D. Members of the police force of the Borough shall not be paid by the Township for work performed in or for the Township and they shall not be considered as employees of the Township for any purpose.
- E. This agreement shall likewise apply in any other municipality wherein either of the parties hereto shall, by reason of contract, furnish police protection.
- F. This agreement shall provide that it shall continue in full force and effect until terminated by either party by giving written notice thereof to the other.

(Res. 1974-9, 5/14/1974)

### **§1005. Cooperation With West Salem Township in Police Protection Services.**

- 1. Commencing on January 1, 1994, the Greenville Borough will continue to provide the following police and public safety service in and for the Township of West Salem on a 24 hour basis for the period of one year:
  - A. Answer and respond to all calls for police services received from residents, places of business, industries, West Salem Township government or any person in West Salem requiring police services or assistance of the kind normally provided by a police department.
  - B. Preventive police patrol of roads in West Salem by a police cruiser with special attention to the hours of darkness. Minimum of two patrols per day, or more if needed.
  - C. Investigation and application of proper police and public safety procedures as to all crimes or other activities or incidents in West Salem within the normal jurisdiction of a municipal police department.
  - D. Enforcement of such of the ordinances of the Township of West Salem as would normally and usually be enforced by a municipal police department.

- E. Enforcement of the Pennsylvania Motor Club throughout West Salem, with special attention to be given to areas designated by the West Salem Supervisors.
2. Greenville will prepare and send to West Salem:
    - A. A monthly report of all calls received from West Salem for police services.
    - B. A monthly report of all citations filed for Motor Vehicle Code violations in West Salem with identification of the violation and the motorist cited.
    - C. Submit to the State and Federal governments all required and necessary reports that are of a type similar in nature to those now or hereafter submitted by the Borough Police Department.
  3. The Borough will be the employer for all purposes of the members of its Police Department performing police services and public safety services in West Salem. The manner and level of performance of police services and the discipline of police officers performing such services in West Salem shall be the responsibility of the Greenville Police Department. In all matters and questions relating to policy or performance of police services by Greenville in the Township of West Salem under this contract, West Salem shall be represented by the Township Supervisor who is designated as Fire and Police Commissioner, who shall contact or meet with the Mayor of Greenville or, the designated authority acting in the capacity of the Mayor.
  4. The term of this contract shall be from January 1, 1994, until December 31, 1994; however, West Salem is hereby given the option to renew the contract for an additional period of time by giving written notice to the Borough of Greenville on or before September 1, 1994. Such renewal shall be subject to negotiations as to contract price by Greenville and West Salem. Both municipalities must agree as to length and conditions for the renewal contract. In the event that Greenville shall reduce the size of its police force below the present number of police officers, then West Salem shall have the right to renegotiate the price term of this contract.
  5. West Salem covenants and agrees to pay for the services to be provided by the Borough of Greenville under this contract in the sum of \$55,000 for the year 1994.
  6. The Borough of Greenville covenants and agrees to indemnify and save harmless the Township of West Salem from all causes of action and/or claims for injury and/or injuries to persons and/or property arising out of or resulting from the performance by Greenville police officers of the policing services performed under the terms of this contract. This indemnification and save harmless provision shall apply to any and all acts, whether acts of omission, commission, malfeasance, misfeasance and/or nonfeasance by the Greenville Police officers.

(Agr. 12/30/1993)



**PART 11**

**FIRE INSURANCE PROCEEDS**

**§1101. Use of Fire Insurance Proceeds.**

1. No insurance company, association or exchange (hereinafter "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Borough Treasurer with a certificate pursuant to 508(b) of the Insurance Company Law of 1921, as amended by Act 98 of 1992 and Act 93 of 1994 (collectively, the "Act") and unless there is compliance with the procedures set forth in 508(c) and (d) of the Act.
2. Where there are delinquent taxes, assessments, penalties or user charges against the property ("municipal claims"), or there are expenses which the Borough has incurred as a cost for the removal, repair or securing of a building or other structure on the property (collectively "municipal expenses"), the Borough Manager, or such official's designee of the Borough shall immediately render a bill for such work, if he has not already done so. Upon written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the Treasurer shall furnish a certificate within 14 working days after the request, to the insurer, a certificate (or at his discretion an oral notice confirmed in writing) either:
  - A. Stating that there are no unpaid municipal claims or municipal expenses against the property; or,
  - B. Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts.

Taxes, assessments, penalties and user charges shall be deemed delinquent for this purpose if a lien could have been filed for such claims under applicable law. Upon receipt of a certificate and bill pursuant to subsection (A) of this Section, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured, subject to the provisions of subsection (3) hereof.

3. When all municipal claims and municipal expenses have been paid pursuant to subsection (2) of this Section, or where the Treasurer has issued a certificate described in subsection (2) (A) indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

## ADMINISTRATION AND GOVERNMENT

- A. The insurer shall transfer from the insurance proceeds to the Treasurer, in the aggregate, \$2,000 for each \$15,000 of such claim or fraction thereof.
- B. If at the time a loss report is submitted by the insured, such insured has submitted to the insurer, with a copy to the Borough, a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the Treasurer from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro rata basis by all insurers insuring the building or other structure.
- C. Upon receipt of the above described portion of the insurance proceeds, the Treasurer shall do the following:
  - (1) Place the proceeds in a separate fund to be used solely as security against the total municipal expenses anticipated by the Borough to be required in removing, repairing or securing the building or structure as required by this Part. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing or any proceedings related thereto; and,
  - (2) Mail to the named insured, at the address received from the insurer, a notice the proceeds have been received by the Borough and that the procedures under this subsection shall be followed.
  - (3) After the transfer, the named insured may submit to the Borough a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, in which event the Treasurer shall, if such estimate is deemed by the Treasurer to be reasonable, return to the insured the amount of the funds transferred to the Borough in excess of that required to pay the municipal expenses; provided, the Borough has not commenced to remove, repair or secure the building or other structure, in which case the Borough will complete the work.
  - (4) Pay to the Borough Manager, or such official's designee, for reimbursement to the Borough general fund, the amount of the municipal expenses paid by the Borough.
  - (5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the Borough Manager, or such official's designee, that the repair, removal or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Borough.

- (6) Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency in the amount of municipal claims or municipal expenses recovered pursuant to this Part, or to insurance proceeds, by an action at law or in equity to enforce the codes of the Borough or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Borough may deem responsible.

(Ord. 1276, 6/9/1993; as revised by A.O.)

**§1102. Limits of Liability.**

Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make this Borough, any Borough official, a municipality or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

(Ord. 1276, 6/9/1993; as revised by A.O.)

**§1103. Insurance Company Rights Reserved.**

An insurance company, association or exchange making payment of policy proceeds under this Part for delinquent taxes or structure removal liens or removal expenses incurred by the Borough shall have a full benefit of such payment including all rights of subrogation and of assignment.

(Ord. 1276, 6/9/1993; as revised by A.O.)

**§1104. Construction.**

This Part shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

(Ord. 1276, 6/9/1993; as revised by A.O.)

**§1105. Notification of Pennsylvania Department of Community and Economic Development.**

The Secretary of the Borough shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community and Economic Development.

## ADMINISTRATION AND GOVERNMENT

(Ord. 1276, 6/9/1993; as revised by A.O.)

### **§1106. Penalty.**

Any owner of property, any named insured or insurer who violates the provisions of this Part or who shall fail to comply with any of the requirements hereof shall be sentenced, upon conviction thereof, to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day on which an offense shall continue shall be deemed a separate offense.

(Ord. 1276, 6/9/1993; as revised by A.O.)

### **§1107. Saving Clause.**

The provisions of this Part, so far as they are the same as those of ordinances enforced immediately prior to the enactment of this Part are intended as a continuation of such ordinances and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall it affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Part.

(Ord. 1276, 6/9/1993; as revised by A.O.)

## PART 12

### SEXUAL HARASSMENT POLICY

#### **§1201. Statement of Policy.**

1. Title VII of the Civil Rights Act of 1964, prohibits employment discrimination on the basis of race, color, sex, age or national origin. Sexual harassment is included among the prohibitions.
2. Sexual harassment, according to the Federal Equal Employment Opportunity Commission (EEOC) consists of unwelcome sexual advances, request for sexual favors or other verbal or physical acts of a sexual or sex based nature where submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, an employment decision is based on an individual's acceptance or rejection of such conduct or such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.
3. It is also unlawful to retaliate or take reprisal in any way against anyone who has articulated any concern about sexual harassment or discrimination, whether that concern relates to harassment of or discrimination against the individual raising the concern or against another individual. Examples of conduct that would be considered sexual harassment or related retaliation are set forth in the Statement of Prohibited Conduct which follows. These examples are provided to illustrate the kind of conduct prescribed by this policy, this list is not exhaustive.
4. Sexual harassment is unlawful and such prohibited conduct exposes not only the Greenville Borough, but individuals involved in such conduct, to significant liability under the law. Employees at all times should treat other employees respectfully and with dignity in a manner so as not to offend the sensibilities of a co-worker. Accordingly, the Greenville Borough is committed to vigorously enforcing its sexual harassment policy at all levels.

(Res. 2002-15, 8/13/2002)

#### **§1202. Statement of Prohibited Conduct.**

Greenville Borough considers the following conduct to represent some of the types of acts which violate the sexual harassment policy:

- A. Physical assaults of a sexual nature, such as:
  - (1) Rape, sexual battery, molestation or attempts to commit these assaults.

## ADMINISTRATION AND GOVERNMENT

- (2) Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.
- B. Unwanted sexual advances, propositions or other sexual comments, such as:
- (1) Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way, that such conduct in his or her presence is unwelcome.
  - (2) Preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
  - (3) Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- C. Sexual or discriminatory displays of publications in the work place, such as:
- (1) Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning or pornographic. A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work at the Greenville Borough and who has posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
  - (2) Displaying signs or other materials purporting to segregate an employee by sex in any area of the work place, other than restrooms and similar semi-private lockers/changing rooms.
- D. Retaliation for sexual harassment complaints, such as:
- (1) Disciplining, changing work assignments of, providing inaccurate work information to or refusing to cooperate or discuss work related matters with any employee because that employee has complained about or resisted harassment, discrimination or retaliation.
  - (2) Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct.
- E. Other acts:

- (1) The above is not to be construed as an all inclusive list of prohibited acts under this policy.
- (2) Sexual harassment is unlawful and hurts other employees. Any of the prohibited conduct described here is sexual harassment of any one to whom it is directed or who is otherwise subjected to it. Each incident of harassment, moreover, contributes to a general atmosphere in which all persons who share the victim's sex suffer the consequences. Sexually oriented acts or sex based conduct have no legitimate business purpose; accordingly, the employee who engages in such conduct should be and will be made to bear the full responsibility for such unlawful conduct.

(Res. 2002-15, 8/13/2002)

**§1203. Penalties for Misconduct.**

1. Any employee's commission of acts of sexual harassment or retaliation against a sexual harassment complaint will result in appropriate sanctions, up to and including dismissal, against the offending employee, depending upon the nature and severity of the misconduct.
2. A written record of each action taken pursuant to this policy will be placed in the offending employee's personnel file. The record will reflect the conduct, or alleged conduct, and the warning given, or other discipline imposed.

(Res. 2002-15, 8/13/2002)

**§1204. Procedures for Making, Investigating and Resolving Sexual Harassment and Retaliation Complaints.**

1. **Complaints.** Complaints of acts of sexual harassment and retaliation that are in violation of the sexual harassment policy will be accepted in writing or orally and anonymous complaints will be taken seriously and investigated. A complaint need not be limited to someone who was the target of harassment or retaliation. Anyone who has observed sexual harassment or retaliation should report it to the Borough Manager. In the event that it would be inappropriate to report such concerns to the Borough Manager, the report may be made to the Chairman of the Personnel Committee.
2. **Cooperation.** An effective sexual harassment policy requires the support and example of personnel in positions of authority. Greenville Borough employees who engage in sexual harassment or retaliation or who fail to cooperate with Greenville Borough sponsored investigations of sexual harassment or retaliation may be severely sanctioned by suspension or dismissal. By the same token, Greenville Borough employees who refuse to implement remedial measures, ob-

## ADMINISTRATION AND GOVERNMENT

struct the remedial efforts of other Greenville Borough employees and/or retaliate against sexual harassment complaints or witnesses may be immediately sanctioned by suspension or dismissal.

(Res. 2002-15, 8/13/2001)

**PART 13**

**WARRANTLESS ARRESTS**

**§1301. Warrantless Arrests.**

In order to comply with Act No. 1225-25, the Borough hereby authorizes its police officers, as defined in Pennsylvania Rules of Criminal Procedure No. 3, employed by the Borough of Greenville to arrest, upon view without arrest warrant, upon probable cause when there is ongoing conduct that imperils the personal security of any person or endangers public or private property for a violation of the following offenses:

- A. 18 Pa.C.S.A. §5503 (relating to disorderly conduct).
  - B. 18 Pa.C.S.A. §5505 (relating to public drunkenness).
  - C. 18 Pa.C.S.A. §5507 (relating to obstructing highways and other public passages).
  - D. 18 Pa.C.S.A. §6308 (relating to purchase, consumption or transportation of liquor or malt or brewed beverage).
  - E. In any other circumstances specifically authorized by law, including any local ordinance State or Federal law or regulation.
2. When making an arrest as set forth above, the police officer shall follow the guidelines set forth in Pennsylvania Rules of Criminal Procedure No. 70 and 71 and any amendments thereof on and after the amendment's effective date.

(Ord. 1322, 6/11/1996)



**PART 14**

**HAZARDOUS MATERIALS INCIDENTS**

**§1401. Authorization to Recover Costs.**

1. The Council of the Borough of Greenville hereby authorizes the recovery of cost of said materials from any actor necessitating the dispensing thereof as follows:
  - A. Any person, group, agency, corporation or other entity whose actions or inactions result in an incident during which materials described herewith must be deployed, shall be responsible for all reasonable cost incurred for the replacement of any materials used or expended in the abatement or control of said incident.
  - B. Any agency, group, municipality, State or Federal licensed fire department which requests the Greenville Borough to provide said materials for use outside of the Borough of Greenville shall be responsible for the replacement cost of any materials used or expended by said agency, group, municipality, a State or Federal licensed fire department.
2. The Borough of Greenville or its duly appointed agent, shall have the authority to bill a neighboring municipality for utilization of said firefighting foam and/or hazardous materials abatement material, when dispensing thereof has been requested by said municipality, regardless of the cause of said dispensing.
3. The Borough of Greenville or its duly appointed agent, shall have the authority to bill any individual, partnership, corporation (profit or nonprofit), municipal subdivision or State or Federal licensed fire department for the cost of said materials.
4. The Council of the Borough of Greenville, hereby authorizes the recovery of administrative costs of replacing said materials from any actor necessitating the dispensing thereof.

(Ord. 1396, 8/13/2002)