

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Berks County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources. This directive establishes policy to assure that only qualified candidates become sworn Deputy Sheriffs.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Berks County Sheriff's Office provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Sheriff should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Sheriff shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1000.4 SELECTION PROCESS

The Office shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) Written Tests.
- (b) Physical Agility Testing.
- (c) Oral Interview.
- (d) Conditional Offer of Employment.
- (e) Background Investigation.
- (f) Act 57 of 2020 Compliance Check
- (g) Psychological Test. (MMPI)
- (h) Obtain Pennsylvania License to Carry Firearms Permit.
- (i) County of Berks Physical Examination.
- (j) County of Berks Drug Screening.
- (k) Obtain Pennsylvania Commercial Drivers License with Passenger Endorsement

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Berks County Sheriff's Office (37 Pa. Code § 203.11). 1000.5.1

NOTICES Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d). 1000.5.2

STATE NOTICES The Berks County Sheriff's Office shall provide written notice for any candidate rejected due to his/her criminal history (18 Pa.C.S. § 9125).

- (a) A background investigation shall be completed for every applicant prior to appointment as a probationary Deputy Sheriff.
- (b) Background investigations will be conducted by the Sheriff's designee(s).
- (c) Applicants cannot have lied, falsified, or omitted significant/relevant facts from the Deputy Sheriff Application or Background Investigation, or taken any action to mislead investigators. If found, this will result in immediate disqualification.
- (d) The background investigation shall include, but is not limited to:
 - (a) Verification of qualifying credentials.
 - (b) A complete review of any criminal record (Fingerprint LIVESCAN).

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1000.5.1 FELONY CONVICTIONS

All Applicants for the position of Deputy Sheriff shall be subject to a check of their criminal history as recorded by Federal, State, County, City, Foreign or other government body. No applicant for the position of Deputy Sheriff shall have been convicted of a criminal offense classified as a felony within his/her lifetime. Pleas of Nolo Contendere shall be considered a conviction.

1000.5.2 EXCLUSIONARY MISDEMEANORS

- (a) Applicants for the position of Deputy Sheriff cannot have been convicted of crimes denoting moral turpitude, disrespect for law enforcement authorities, or crimes of an aggravated nature, including but not limited to:
 - (a) Crimes against public order and safety;
 - (b) Public morals and standards;
 - (c) Sexual offenses;
 - (d) Domestic violence;
 - (e) Crimes against children, etc.

1000.5.3 GRADED MISDEMEANORS AND ABOVE

- (a) Applicants for the position of Deputy Sheriff shall not have been convicted of any offense assigned a grading in Pennsylvania of any misdemeanor or above, including felonies, since legal adulthood (age 18 or above), nor any felonies or violent misdemeanors as a juvenile. Also, applicant cannot have committed any undetected or unprosecuted crime within the past 8 years or since completion of Act 120 or Act 2 Certification, if applicable.
- (b) For the purpose of this section, violations of traffic laws shall not be included. Pleas of Nolo Contendere shall be considered a conviction.

1000.5.4 DOMESTIC VIOLENCE

- (a) Applicants for the position of Deputy Sheriff who have been convicted for a crime of domestic violence shall be unacceptable as Applicants for the position of Deputy Sheriff. Pleas of Nolo Contendere or First Offender Status shall be considered convictions.

1000.5.5 HARASSMENT/STALKING

- (a) Applicants for the position of Deputy Sheriff shall not have been convicted of Harassment in the five (5) years preceding the application submission, or since receiving Act 120 or Act 2 certification, if applicable, and can never have been convicted of Stalking.

1000.5.6 SHOPLIFTING OR RETAIL THEFT

- (a) Applicants for the position of Deputy Sheriff cannot have been convicted of, or committed, or conspired to commit, shoplifting or retail theft or any similar or related act

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within seven (7) years, or since legal adulthood (age 18 or above), or since completion of Act 120 or Act 2 Certification, if applicable.

1000.5.7 UNDETECTED CRIMES

- (a) Applicants for the position of Deputy Sheriff shall not have committed any felony or misdemeanor, which did not lead to being arrested. The hiring authority will have discretion on a case by case basis.

1000.6 ETHICS

1000.6.1 DRUG/ALCOHOL TESTS

- (a) Applicants for the position of Deputy Sheriff cannot have refused to submit to, or avoided submission to, or fraudulently altered the specimen and/or results of any drug /alcohol test implemented by law enforcement officials, or an employer, or a prospective employer, within the past seven (7) years.

1000.6.2 ERRATIC BEHAVIOR

- (a) Applicants for the position of Deputy Sheriff cannot be found to often act in an erratic manner, have a propensity for violence, or be unable to communicate effectively. Applicant cannot be unable to engage in physical confrontations to subdue suspects because of some limitation.

1000.6.3 CONDUCT UNBECOMING

- (a) Applicants for the position of Deputy Sheriff cannot be found by investigators to have engaged in any behavior that would constitute CONDUCT UNBECOMING of a police officer; that is behavior involving acts of base immorality or of an unethical nature, not otherwise addressed in the policy.

1000.7 APPLICANTS HISTORY OF DRUG USE

1000.7.1 CONVICTIONS FOR DRUG RELATED VIOLATIONS

- (a) No Applicant for the position of Deputy Sheriff shall have in his/her lifetime, any convictions for any type of drug use. This includes but is not limited to, possession, sale, or involvement. Nolo Contendere and First Offender treatments shall be considered convictions.

1000.7.2 ILLEGAL DRUG ACTIVITY

- (a) No Applicant for the position of Deputy Sheriff shall have been involved in the felony possession of a controlled substance deemed illegal at the time of possession, regardless of the intent of the disposition of the substance.

1000.7.3 UNDETECTED CRIMES

- (a) Applicants who have by self-admission, committed crimes against the state, or any other government body, which were never detected, shall be presumed to have committed the crime or act. The class or seriousness of the violation will be determined

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by the applicable Criminal Code in effect at the time of the commission of the act/ crime, regardless of where the act was physically committed.

1000.7.4 USE OF MARIJUANA

- (a) No Applicant for the position of Deputy Sheriff shall have used Marijuana within the three (3) years prior to the date of application, OR since Applicant received Act 120 or Act 2 certification, if applicable. In addition, the applicant's history of use of Marijuana shall not display a pattern of abuse as determined by the hiring authority. For the purpose of this section, the date of application shall mean the actual date the Applicant submitted his/her application for the position of Deputy Sheriff.

1000.7.5 OTHER DRUG USE

- (a) Applicants for the position of Deputy Sheriff shall not have a history of use (defined as induction by any means into the body) of any substance defined as illegal. This includes but is not limited to, whether the user (applicant) induced the drug for the purpose of experimentation, "getting high", relieving pain, easing anxiety, depression, inducing sleep, increasing body mass, strength. This paragraph excludes drugs prescribed by a physician and intended for medicinal purposes. The hiring authority shall have discretion to review the Applicant's drug use on a case by case basis.

1000.7.6 ILLEGAL DRUG SALE AND DISTRIBUTION

- (a) Applicants for the position of Deputy Sheriff who have a history of involvement, including but not limited to, selling, possession of any substance or drug considered as controlled or illegal (which was in effect at the time of the act) shall not be acceptable as Applicants for the position of Deputy Sheriff.

1000.8 CIVIL RECORDS CHECK

1000.8.1 LAWSUITS

- (a) Applicants who are named a party in the caption of any pending lawsuit involving liability or damages will have their situation evaluated independently by the hiring authority. Divorces are specifically excluded from this section.

1000.8.2 PROTECTION FROM ABUSE ORDERS (PFA)

- (a) Applicants for the position of Deputy Sheriff cannot have an active PFA or similar order outstanding against them.
- (b) All PFA's will be evaluated independently by the hiring authority regardless of final disposition of the case.

1000.9 MOTOR VEHICLE CHECK (JNET)

1000.9.1 DRIVER'S LICENSE

Applicants for the position of Deputy Sheriff shall have a valid driver's license issued by an acceptable governing authority. The Applicant's driver's license shall not have been suspended

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or revoked for any reason other than cancellations for non-payment of insurance premiums within the past five (5) years.

1000.9.2 DRIVER'S LICENSE RESTRICTIONS

- (a) Applicant's driver's license shall not contain restrictions which would hinder and/or restrict their ability to operate emergency vehicles in accordance with the policies of this Office and the laws of this State.

1000.9.3 ASSESSED POINTS

- (a) The Applicant's driver's license shall not have been assessed more than five (5) Points from the date of the submission of the Applicant's application. In addition, the Applicant's driver's license shall not have been assessed more than five (5) Points within twelve (12) months preceding the date of submission of the Applicant's application.

1000.9.4 DRIVING UNDER THE INFLUENCE

- (a) No Applicant for the position of Deputy Sheriff shall have been convicted of the offense of Driving Under the Influence more than one time throughout his/her driving history. That conviction cannot have occurred within the five (5) year period prior preceding the submission of the Applicants application, OR since completion of Act 120 or Act 2 Certification, if applicable. For the purpose of this section, a plea of Nolo Contendere is considered a conviction.

1000.9.5 ACCIDENTS

- (a) Applicants for the position of Deputy Sheriff cannot have been the primary cause of more than three (3) reportable motor vehicle accidents in the past three(3) years. The hiring authority shall have discretion to evaluate accidents on a case by case basis.

1000.9.6 PROHIBITED TRAFFIC CONVICTIONS

- (a) Applicants for the position of Deputy Sheriff shall be deemed unacceptable for the position of Deputy Sheriff should they have convictions or pleas of Nolo Contendere for the following offenses:
 - (a) Hit and Run (or similar statute);
 - (b) Homicide by Vehicle;
 - (c) Attempting to Elude;
 - (d) Habitual Violator;

In addition, Deputy Sheriff Applicants must not have a conviction of Reckless Driving or Racing within the five (5) year period preceding the date of the submission of the Applicant's application. No Applicant may have a driving history which reflects a recurring pattern of traffic violations representing a perpetual disrespect for traffic laws.

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1000.10 PERSONAL REFERENCES

Used to determine general character of applicant.

1000.11 HOME AND NEIGHBORHOOD VISIT

Used to determine general character of applicant.

1000.12 CREDIT/FINANCIAL RESPONSIBILTY CHECK

Applicants for the position of Deputy Sheriff shall be in good credit standing, having no debts currently assigned to collections. The Applicant's history shall not reflect a pattern of credit instability. The Applicant shall not have a pending garnishment or judgment which may cause undue hardship, while employed, with this agency. The hiring authority shall have discretion to determine the status of Applicant's credit history on a case by case basis.

1000.12.1 BANKRUPTCIES

- (a) Applicants for the position of Deputy Sheriff shall not have filed bankruptcy more than one (1) time within the seven (7) year period prior to the submission of the Applicant's application. The Applicants shall not have a bankruptcy in progress. Applicants currently under a granted bankruptcy which is part of a repayment plan are deemed excluded from this section.

1000.13 EDUCATION RECORDS CHECK

Used to determine general character of applicant.

1000.14 MILITARY VERIFICATION

Applicants for the position of Deputy Sheriff who have served in the armed forces of the United States or of foreign governments shall not be considered acceptable candidates without having received an Honorable Discharge or its equivalent from foreign governments. Discharges upgraded to Honorable from another status shall be acceptable.

1000.14.1 DISCIPLINARY ACTIONS WHILE IN THE MILITARY

- (a) The military records of applicants for the position of Deputy Sheriff shall not show a pattern of violations under the Uniform Code of Military Justice including but not limited to Article 15 and Captain's Mast, etc. Applicants shall not have been convicted by a General or Special court martial.

1000.14.2 DISCHARGE

- (a) Applicants for the position of Deputy Sheriff cannot have received a "Section 8" discharge, or any other psychologically related discharge of a different name or designation, which condition would create an inherent risk in the individual performing public safety duties of a Deputy Sheriff.

1000.15 VERIFICATION OF PRIOR EMPLOYMENT

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1000.15.1 DISCIPLINARY HISTORY

1. Termination – Applicants for the position of Deputy Sheriff shall not have been fired, OR resigned in lieu of termination for just cause within the past five (5) years. The hiring authority shall have discretion to evaluate terminations on a case by case basis.
 - (a) Suspensions – Applicants for the position of Deputy Sheriff shall not have received three (3) or more unpaid suspensions in the past five (5) years of employment. The hiring authority shall have discretion to evaluate suspensions on a case by case basis.
2. Disciplinary History – Applicants for the position of Deputy Sheriff shall not have multiple disciplinary actions taken against them. Applicants who have multiple disciplinary actions taken against them may result in the Applicant being deemed unacceptable for the position of Deputy Sheriff.

1000.15.2 HARASSMENT/DISCRIMINATION

- (a) Applicants for the position of Deputy Sheriff shall not have been the subject of any action involving unlawful sexual harassment or discrimination on protected classes.

1000.15.3 CHILD PORNOGRAPHY

- (a) Applicants for the position of Deputy Sheriff shall not have been found to have repeatedly or intentionally viewed child pornography at work or at home by any medium including electronic and virtual child porn involving animation.

1000.15.4 STABLE EMPLOYMENT

- (a) Applicants for the position of Deputy Sheriff shall have a stable employment history. The quantity and type of employment history required shall be at the discretion of the hiring authority.

1000.16 COMPLETED BACKGROUND INVESTIGATION REPORT

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the Sheriff to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.16.1 NON-HIRED CANDIDATES

- (a) For non-hired candidates, Background Investigation files shall be kept for five (5) years following their completion. Background Investigation files for hired candidates shall be kept for five (5) years following their departure from the Berks County Sheriff's Office.
- (b) Applicants will only be told whether they passed or failed the background investigation. Details of background investigation findings and reasons for background investigation failures will not be shared with applicants.

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1000.17 CANDIDATES HAVING CONTACT WITH CHILDREN

The Sheriff will ensure that all candidates who may have contact with children during the course of their employment have met the requirements for certification set forth by the Pennsylvania Department of Human Services and the Commonwealth of Pennsylvania (23 Pa.C.S. § 6344.2; 23 Pa.C.S. § 6344).

1000.18 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community. Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.19 PROBATIONARY PERIODS

The Sheriff should coordinate with the County of Berks Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.