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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

August 3, 2000

Major Richard C. Mooney
Executive Director
Municipal Police Officers' Education and Training Commission
75 East Derry Road
Hershey, PA 17033

Re: Regulation #17-62 (IRRC #1956)
Administration of the Program

Dear Major Mooney:

On July 26, 2000, we discussed a problem with this final-form regulation with you and your staff. This problem could be corrected or clarified through the tolling procedure. Therefore, we recommend that you toll the review period to consider revising Section 203.11(B)(1) as discussed below.

Subsection (B)(1) exempts former municipal police officers who apply for a position within two years of their previous employment from undergoing a psychological evaluation. The statute (53 Pa.C.S.A. § 2164(8)) directs the Commission to require minimum standards for psychological evaluation as a prerequisite to employment. By exempting officers who leave the force and return within two years, the Commission is not fulfilling its statutory obligation to set minimum standards for the psychological evaluation. Subsection (B)(1) of the regulation should be amended to include language similar to that in Subsection (B)(2) which requires an evaluation for officers who did not have one during their previous employment.

If the Department chooses to toll the review period, it must deliver written notice to both the Standing Committees and the Commission on the same day. The written notice must be delivered prior to any Standing Committee action on the regulation, or before the end of the Standing Committee's review period on August 8, 2000, whichever occurs first.

As required by Section 307.5 of our regulations, written notice must include:

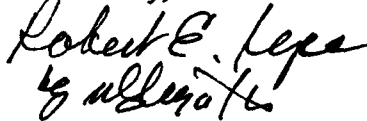
1. A citation to the section(s) the Department is considering revising,
2. A description of the revisions being contemplated, and
3. An explanation of how the revisions will satisfy our concerns.

Major Richard C. Mooney
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If the Commission objects to tolling the review period, we will notify you and the Standing Committees within two business days after receipt of your tolling notice. In that event, the review period will not be tolled and your regulation will be considered by the Commission at our public meeting on August 10, 2000. If the Commission does not object, the review period is tolled for up to 30 days beginning with receipt of your letter and ending on the day you resubmit the regulation.

If you have any questions, please contact me at 783-5506 or bobn@irrc.state.pa.us.

Sincerely,

A handwritten signature in cursive script that reads "Robert E. Nyce" with a flourish underneath.

Robert E. Nyce
Executive Director
wbg

cc: Honorable Thomas P. Gannon, Majority Chairman, House Judiciary Committee
Honorable Kevin Blaum, Democratic Chairman, House Judiciary Committee
Honorable Robert J. Thompson, Chairman, Senate Law & Justice Committee
Honorable Jack Wagner, Minority Chairman, Senate Law & Justice Committee
Thomas A. Hutton, Esq.
David J. DeVries, Esq.
Ronald E. Plesco, Esq. Pennsylvania State Police
Robert A. Nardi, Municipal Police Officers' Education and Training Commission