

**ORDINANCE NO. 2, 2017 SERIES**

**AN ORDINANCE AMENDING SECTION 40.21 AND SECTION 40.52 OF THE CITY OF FRANKFORT CODE OF ORDINANCES RELATING TO POLICE DEPARTMENT ORIGINAL APPOINTMENTS AND DETECTIVES**

WHEREAS, pursuant to the provisions of KRS 95.022, a statute that became effective on July 15, 2016, the Board of Commissioners wishes to authorize the employment of previously retired police officers to serve as current Police Officers or detectives.

WHEREAS, KRS 95.022 provides eligibility standards applicable to the retired police officers to be hired pursuant to that statute and these eligibility standards will be used by the City of Frankfort.

WHEREAS, KRS 95.022, among other things, states that the retired police officers hired pursuant to this statute are to serve for a term not to exceed one year, which term is subject to annual renewal, describes the benefits that will be available to said police officers and provides the number of retired police officers that may be hired by the City.

WHEREAS, Police Officers hired pursuant to KRS 95.022 will not be paid retirement benefits or health insurance benefits by the City of Frankfort and the City will not be required to make employer contributions to the Kentucky Retirement Systems or to state health insurance plans for these individuals.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY, that Section 40.21 and 40.52 of the City of Frankfort Code of Ordinances which relates to Police Department Original Appointments, are amended as follows.

**Section 40.21 POLICE DEPARTMENT ORIGINAL APPOINTMENTS.**

*(A) The application process.*

(1) An applicant for original appointment in the Police Department shall submit a completed application on a form to be prescribed by the City Manager and file same with the Human Resources Director, as Clerk of the Board of Civil Service, prior to the advertised application filing deadline.

(2) Whenever sufficient applications are on file, or whenever in the discretion of the City Manager an examination should be held, the Human Resources Director shall, after consultation with the Board of Civil Service, designate in writing to the Board of Civil Service a date of an examination, and shall notify each applicant whose application is on file, of the time and place of examination. No applicant for original appointment shall be entitled to take an examination unless:

(a) The applicant is a person of sobriety and integrity and is and has been an orderly, law-abiding citizen;

(b) The applicant is a high school graduate and a copy of the high school diploma or GED report certified by proper school authority is provided with the application;

(c) The applicant's age is not less than 21 years upon date of appointment, which means that the applicant shall have reached or passed his or her 21st birthday. A copy of the applicant's birth certificate issued by the state and signed by the registrar of the state in which the applicant was born must accompany the application.

(d) The applicant shall furnish evidence of possession of a valid motor vehicle operator's license and must possess a valid state operator's license as prescribed by state law.

(3) (a) All applicants shall by virtue of having made application consent to a department background investigation.

(b) Each applicant shall be responsible to notify the Human Resources Department of any change of address or contact information. Any notice sent to an applicant at the address provided shall be deemed sufficient notice.  
(70 Code, § 2.30.070)

(c) Any applicant who in any way falsifies information shall be disqualified from participating in the examination process by the City Manager.

*(B) The examination process and eligibility list.*

(1) All applicants shall be examined by the Board of Civil Service or its designee as to qualifications and fitness to fill the position of Patrol Officer in the following respects:

(a) The Police Chief shall recommend job-related physical agility standards through the Human Resources Director to the City Manager. Upon approval of the City Manager, the physical agility standards shall be included in the Department's policies or standard operating procedures. A summary of the test and/or these standards will be documented and may be made available to interested applicants.

(b) The applicant shall be required to submit to a uniform written test to be prescribed by the Police Chief, in order to test the applicant's general knowledge, aptitudes, specific skills and ability to communicate clearly. Tests shall be fairly administered and job-related to the extent that qualifying abilities may be objectively measured. Test selection and security shall be the responsibility of the Police Chief. The written test, regardless of the number of questions, shall have a total value of 100%. Each applicant shall achieve a minimum written test score of 70%, or the minimum score set by the provider of a validated test, in order to continue in the process.

(c) The applicant shall satisfy the Board of Civil Service by oral interview that the applicant knows in general the duties of the position applied for and is prepared to make the necessary personal commitment as a Patrol Officer. Oral interviews may be held by the Civil Service Board with a quorum of the Board members present. With the approval of the Board of Civil Service, the Police Chief or his designee may be allowed to participate in the interviews and score each candidate.

(d) Should the number of candidates eligible for the oral interview exceed 26 candidates, the Police Chief may determine that the interviews be conducted using the following Banding Procedure. Rather than interview and score all eligible candidates prior to creating the eligibility list, the candidate pool may be divided into multiple pools based upon written test scores, and only candidates in the pool/band with the highest written scores advance to oral interviews. The pool/band with the highest scores shall consist of at least 26 candidates. After these candidates are interviewed an Eligibility List may be created using only this pool of candidates. After more than 67% of the candidates on the Eligibility List have either been hired, have declined employment offers, have had contingent job offers withdrawn, or been removed from the Eligibility List due to suitability issues, the Police Chief will determine whether to schedule additional oral interviews for candidates not in the original band of applicants or to begin a new recruitment process. If additional candidates are scheduled for oral interviews, the Eligibility List will be reconstituted and their total scores will be integrated into the new Eligibility List.

(2) Upon completion of the examination process described above, the Clerk of the Board of Civil Service shall gather each candidate's scores and create an eligibility list of candidates with total passing scores. An applicant will be deemed to have passed the examination process if his or her total score is a minimum of 70%.

(a) The relative weight to be given to the components of the examination process shall be as follows:

1. Physical agility: pass/fail.
2. Written test: 50%.
3. Preliminary background investigation: pass/fail.
4. Oral interview: 50%.
5. Total: 100%.

(b) The passing applicants' names and total scores shall be placed, in rank order, on a Patrol Officer Recruit eligibility list. When a majority of members of the Board of Civil Service that participated in the oral interviews have signed the eligibility list, it shall be forwarded through the Human Resources Director to the City Manager. The eligibility list shall be valid and remain in full force and effect until such time as another examination is held and a new eligibility list is certified by the Board of Civil Service to the City Manager.

(70 Code, § 2.30.050) (Am. Ord. 11, 2000, passed 2-28-00; Am. Ord. 28, 2002, passed 11-7-02)

(c) The name of any applicant on an eligibility list who fails to report for an interview with the appointing authority or to make a satisfactory response to the notice, or any applicant who declines an appointment without a reason satisfactory to the City Manager, may be removed from the eligibility list. Notice of the removal shall be furnished to the applicant; and the applicant's name shall not be reinstated to the list without providing an explanation satisfactory to the City Manager.

(d) In case the Board of Civil Service or the City Manager has reason to believe that any applicant whose name is on an eligibility list should be removed therefrom on account of incapacity developed subsequent to examination, or for fraud or false statement on the applicant's part in connection with the application or examination, or misconduct of any kind evidencing unfitness or lack of loyalty, or lack of capacity for proper discipline, the City Manager may before appointing the applicant give the applicant notice to show cause before the Board of Civil Service why the applicant should not be dropped from the list, and on the notice the applicant shall be given an opportunity to be heard before the Board of Civil Service. If the applicant fails to appear for hearing, or fails to convince the Board of Civil Service that the applicant should remain on the eligibility list, the applicant shall be removed from the eligibility list.

(3) Separate from the application process described above:

(a) Applicants that have already been certified as Peace Officers by the Kentucky Law Enforcement Council may be considered for appointment at any time under an Accelerated Candidate Process. Applicants under this process must possess a minimum of two years of full time law enforcement experience and be employed with a law enforcement agency at the time of application. The applicant must be in good standing at the agency where employed and must sign a waiver that authorizes the City to contact his employer to obtain employment records. Candidates that are reviewed for potential appointment under this process must be able to pass the Peace Officer Professional Standards (POPS) physical fitness standards, and must successfully complete polygraph testing, psychological testing, physical examination and drug screen, and a background investigation. Time worked in other law enforcement agencies will not count toward Police Department seniority, and accrued leave from the other agency will not transfer to City employment.

(b) The City may hire as Police Officers those Police Officers who have retired from a law enforcement agency, including the Police Department of the City of Frankfort, in good standing and who satisfy all of the requirements of KRS 95.022 through an accelerated process. These Police Officers are also required to meet the physical standards of the position as well as the pre-employment drug screen. Police Officers hired pursuant to KRS 95.022 will be employed on a year to year basis. Any rank or seniority that was held prior to retirement shall not apply upon rehire. Officers employed under this section must complete any necessary training to update their police officer professional standards certification. Police Officers hired under the provisions of this subsection may be assigned by the Chief of Police according to the needs of the department. Officers that retired from the City of Frankfort Police Department will be subject to a background investigation but may be exempt from the other requirements detailed in paragraph 3(a) above.

(C) *The appointment process.*

(1) When a vacant Patrol Officer position needs to be filled, the Police Chief and the City Manager will seek the approval of the Board of Commissioners to extend contingent job offers to fill the position(s). Upon the approval of the Board of Commissioners, the Police Chief may make a contingent offer of employment to an applicant on the eligibility list having one of the highest five scores, or to a KLEC certified applicant pursuant to the Accelerated Candidate Process described above. The contingent employment requirements may include in depth background checks, psychological examination, polygraph examination, drug/alcohol screening

and/or medical examination to assure fitness for duty. If the applicant successfully meets all of the requirements of an approved conditional offer of employment, the candidate may be immediately appointed and begin work. If the candidate fails to meet all requirements, the Police Chief may withdraw the contingent offer of employment and seek another suitable candidate from the eligibility list. Applicants who have been given a conditional offer of employment, and subsequently are denied employment due to unsatisfactory background, polygraph or drug screen examination results shall not be eligible to be placed upon a subsequent eligibility list for a period of five years from the date the conditional offer is withdrawn.

(2) Prior to a final offer of appointment an applicant for the Police Department shall receive a job-related examination by a medical doctor of the city's choice to determine ability to perform the essential functions and required tasks of Patrol Officer.

(3) All original appointments from the eligibility list shall be for an initial probationary period of 12 months after receiving POPS certification and no original appointment shall be deemed finally made until the appointee has satisfactorily served the initial probationary period. For candidates that possess the POPS certification the initial probationary period shall be for 12 months from the date hired. The probationary period may be extended for an additional six months upon the recommendation of the Police Chief and with the approval of the City Manager. The appointee during the probationary period may be terminated with or without cause by the Board of Commissioners upon the written recommendation of the Police Chief and/or the City Manager.

(4) If the preliminary or in-depth background investigation reveals that an applicant has provided false information or does not meet the qualifications for employment as stated in state statutes or city ordinance, the City Manager shall remove the applicant from the employment process. If the applicant is on the eligibility list the City Manager shall remove the applicant from the eligibility list. If the applicant has been made a contingent job offer, the City Manager may withdraw that offer. The applicant shall be notified in writing of the decision and the reason for removal or withdrawal. The applicant may appeal the decision of the City Manager to the Board of Civil Service, which may choose to conduct a hearing for the applicant to show cause as to why the City Manager's decision should be changed. In the event the information does not come to the attention of the proper officials until after the applicant has been appointed in the Police Department, the applicant shall, notwithstanding the appointment, be subject to removal from any appointed position as the result of providing false information during the employment process.

#### **§ 40.52 DETECTIVES.**

(A) The position of detective in the Police Department is a duty assignment with temporary status only and those serving in this position shall retain their permanent rank as established by civil service procedures.

(B) The position of detective shall be 1) filled from the ranks with members having a minimum of two years total continuous service subject to established competitive qualifying procedures, or 2) filled by the Chief of Police by assigning individuals hired pursuant to paragraph 3(b) above. The detectives shall serve under the direction of the Chief of Police and shall perform other duties as may be assigned to them.

First Reading on the 27 day of February, 2017.

Final Adoption on the 27 day of March, 2017.

S/William I. May, Jr.  
T/Mayor

Attest:

S/Chermie Maxwell  
T/City Clerk

Summary: This ordinance amends Section 40.21 to enable the City to hire retired Police Officers, for a term of one year, pursuant to the requirements of KRS 95.022, which authorizes the employment of previously retired police officers meeting the applicable eligibility standards. Retired police officers hired pursuant to this ordinance are to serve for a term not to exceed one year, which term is subject to annual renewal. The ordinance describes the benefits that will be available to said Police Officers and provides the number of retired Police Officers that may be hired by the City. Police Officers hired pursuant to KRS 95.022 will not be paid retirement benefits or health insurance benefits by the City of Frankfort and the City will not be required to make employer contributions to the Kentucky Retirement Systems or to state health insurance plans for these individuals. Section 40.52 is amended to provide that retired Police Officers hired pursuant to KRS 95.022 may be assigned by the Chief of Police to serve as a detective.

S/Robert C. Moore  
T/City Solicitor

Published by summary April 9, 2017.