

ORDINANCE NO. 1, 2023 SERIES

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

WHEREAS, the City of Frankfort desires to update its appointment criteria for police officers applying under the Accelerated Candidate Program as well as update how time served in other agencies might be credited within the Police Department incentive process;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the City of Frankfort that Section 40.21 of the City of Frankfort Code of Ordinances is hereby amended as follows:

§ 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 each quarter.

(2) Each quarter, whenever 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 upon date of appointment. 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. When at least eight applicants are eligible for oral interviews, or when the Civil Service Board is convened for other interview (i.e. Fire/Police promotional interviews or Fire original appointment interviews), the Civil Service Board, with a quorum of the Board members present, will conduct interviews. 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.

(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) When a majority of members of the Board of Civil Service that participated in the oral interviews have approved and signed that quarter's list of passing applicants, the passing applicants' names and total scores from that quarter shall be placed, in rank order, on an official revolving Patrol Officer Recruit Eligibility List. In the event of a tie score, the newer applicant's name will be placed below the applicant's name with the same score. The name of the Patrol Officer Recruit will remain on the list for one year from the date of signature by the Board of Civil Service. ('70 Code, § 2.30.050) (Am. Ord. 11, 2000, passed 2-28-00; Am. Ord. 28, 2002, passed 11-7-02)

(c) Any applicant must wait one calendar year from the quarter in which they applied the previous year before applying again for a Patrol Officer position with the City. For example, if an applicant applied in the first quarter of 2019 (January through March), they would test in the second quarter of that year. They would not be allowed to apply again until the first quarter of 2020 and would not test earlier than the second quarter of 2020.

(d) 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.

(e) 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 Frankfort - Administration Process. Applicants must either be in good standing at the law enforcement agency where currently employed or, if not currently employed as a police officer, must have left the last agency while in good standing. The applicant must sign a waiver that authorizes the City to contact his current or previous employer to obtain any necessary employment records. Candidates that are reviewed for potential appointment under this process must be able to pass the Fit for Duty Process fitness standards of the department, physical examination, drug screen and background investigation, and may be required to successfully complete polygraph testing and psychological testing. 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, except that after one (1) year with the Police Department an officer's years of service may be credited towards consideration of the department's professional standards senior or master patrol pay incentive.

(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, 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 Fit for Duty 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 division may be assigned by the Chief of Police according to the needs of the department. Officers that retired from the City Police Department will be subject to a background investigation that may be exempt from the other requirements detailed in division (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, excluding any candidate that has been passed over five or more times, 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.

First Reading on the 19 day of December, 2022

Final adoption on the 23 day of January, 2023

Attest:

S/Chermie Maxwell
T/City Clerk

S/Layne Wilkerson
T/Mayor

Summary: This ordinance amends Section 40.21(B)(3) of the City of Frankfort Code of Ordinances related to Police Department original appointments to 1) Specify that applicants in the Accelerated Candidate Process are required to pass a physical examination, drug screen and background investigation and possibly psychological and polygraph examinations; 2) Change the fitness requirements for these applicants to the Police Department Fit for Duty Process rather than the Peace Officers Professional Standards; and 3) Provide that after one (1) year with the Police Department an officer's years of service with other agencies may be credited towards consideration of the department's professional standards senior or master patrol pay incentive.

S/Laura Milam Ross
T/City Attorney

Published by title & summary on January 29, 2023.