

**ORDINANCE NO. 14, 2023 SERIES**

**AN ORDINANCE AMENDING CITY OF FRANKFORT CODE OF ORDINANCES, SECTIONS 40.22 AND 40.24,  
RELATED TO FIRE DEPARTMENT AGE LIMITS AND PROMOTIONAL PROCEDURES**

WHEREAS, the Frankfort Fire Department desires to lower the applicant age requirement to 18 to assist with recruitment; and

WHEREAS, the Frankfort Fire Department desires to amend the promotional process scoring to change longevity to added points on top of the total score rather than a component of the score itself; and

WHEREAS, the Frankfort Fire Department desires to amend the promotional process to declare ineligible any employee with any suspension within the 24 months prior to testing;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FRANKFORT, KENTUCKY,** that Sections 40.22(A)(2) and 40.24 of the City of Frankfort Code of Ordinances are hereby amended as follows:

§ 40.22 FIRE DEPARTMENT ORIGINAL APPOINTMENTS.

(A) The application process.

(1) An applicant for original appointment in the Fire 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 18 years upon date of appointment, which means that the applicant shall have reached or passed his or her 18<sup>th</sup> 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.

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

§ 40.24 FIRE DEPARTMENT PROMOTIONS.

(A) (1) Upon the request of the City Manager, the Board of Civil Service shall hold competitive examinations for those employees of the Fire Department for the purpose of establishing an eligibility list for potential promotion to the ranks of Fire Sergeant, Fire Captain, and Fire Battalion Chief. Employees that will become eligible for promotion within one year following the testing date shall be eligible to take the promotional exam.

(2) Effective July 1, 2012, with the exception of individuals listed on the eligibility list existing as of that date, a candidate for promotion must serve a minimum period of time in the next lower rank with the City Fire Department before the candidate may be promoted to the next higher rank. The minimum periods of service are as follows: Fire Sergeant - at least 36 months as a Firefighter/EMT II and/or Firefighter/EMT III Fire Captain - Before July 1, 2016, at least 24 months as a Fire Sergeant Effective July 1, 2016, must have at least 36 months as a Fire Sergeant Fire Battalion Chief - at least 36 months as a Fire Captain or a combined 36 months as a Fire Captain and/or Fire Lieutenant for those serving as a Lieutenant prior to March 1, 2015, and at least ten years of full-time service in the City Fire Department. (3) No employee that has been suspended within 24 months prior to testing will be eligible to participate in the promotional process. No candidate who has received an evaluation with an overall rating of Unsatisfactory or Needs Improvement within the prior 12 months will be eligible to participate in the promotional process.

(4) Satisfying professional standards and/or receipt of professional certifications may be required as prerequisites for promotion provided that adequate notice is provided to promotional candidates.

(5) Vacancies in rank shall be filled as far as is practicable, within 90 days of occurrence. Promotions will be made from the eligibility list certified by the Board of Civil Service. Notwithstanding the above provisions, the position of Assistant Fire Chief may be filled by promotion of a member of the Fire Department holding one of the next two lower ranks (Captain or Battalion Chief). The Assistant Fire Chief position may also be filled by appointment of a qualified applicant of similar rank who is not a member of the Frankfort Fire Department should a qualified internal candidate not be available. The position of Fire Chief may be filled by promotion of a member of the Fire Department holding one of the next two lower ranks (Assistant Chief or Battalion Chief) or meeting qualifications as proposed by the Board of Commissioners. Additionally, the Fire Chief position may be filled by appointment of a qualified applicant of similar rank who is not a member of the Frankfort Fire Department.

(B) An applicant for promotional appointment in the Fire Department shall sign a completed application on a form to be prescribed by the Human Resources Director and file same with the Human Resources Director as Clerk of the Board of Civil Service at least 15 days prior to the date set for examination, provided that said deadline may be waived by the Civil Service Board for good cause. Notice of promotional examinations shall be by bulletins posted on the bulletin board in the Fire Department. All applicants who filed their applications at least 15 days prior to the time set for the examination and who will, one year from the date set for the examination, be eligible for promotion, shall be eligible to participate in the examination.

(C) Promotional process components.

(1) There shall be three separate components/examinations to determine each candidate's qualifications and fitness for promotion. Scores from the three components shall be combined to create a total score, and the components shall be weighted as follows for a total score of 100%:

(a) Written Test: 45%.

(b) Performance Assessment: 45%.

(c) Oral interviews: 10%.

(d) Longevity: Longevity points shall be added to the total score at one-half (.5) points per year of service up to 10 points.

(2) Written test: Test materials shall be those prescribed by the Fire Chief, shall be pertinent to the duties and responsibilities of the rank being tested, and shall be administered according to accepted standards of public practice. Applicants must score a minimum of 70% on the written exam to continue participating in the promotional process.

(3) Performance assessment: Assessment scenarios shall be designed to measure the applicant's interpersonal skills and judgment. They shall be standardized, realistic, job relevant situations designed to provide valid predictions of future work behavior. The scoring criteria may emphasize competencies involving both technical and nontechnical skills (including common sense, judgment, tactical knowledge and interpersonal behavior). The scoring criteria of the situational responses shall focus on competence as measured by two content scales: task orientation (a measure of the applicant's problem solving ability) and interpersonal skills (a measure of the behaviors used by applicants to relate appropriately to the situations presented).

(4) Longevity: One-half point for each year of unbroken service up to a maximum of 20 years shall be added to the cumulative score of all candidates passing the written test as described under this section.

(5) Oral interviews.

(a) Candidates will be interviewed and scored by a quorum of the Board of Civil Service. If the Board has difficulty convening a quorum, two members of the Board and a fire professional chosen by the Fire Chief may conduct and score the interviews. The applicant shall satisfy the Board that he or she knows and understands the duties of the position applied for and the rules and regulations pertaining thereto. The applicant may be questioned to determine general intelligence and to ascertain any special character traits or aptitudes. The Fire Chief, or his or her designee, may be interviewed concerning qualifications of each applicant and shall furnish the information as the Board of Civil Service may require.

(b) Any reports as may be required by the Board of Civil Service shall be made available to the Board through the Clerk of the Board. The Board may take into consideration any disciplinary actions or recognitions of performance received by any candidate during the 24 months prior to the interview.

(6) The applicant shall be scored on each of the examination components, and the total score then determined by the Human Resources Director, taking into consideration the relative weight of each of the components and any extra points added for longevity. Promotional candidates will be deemed to have passed the promotional process if his or her total score of all test components totals a minimum of 70%. Applicants with a total score of less than 70% will not be placed on the eligibility list. A promotional eligibility list for each rank, including the applicants' names and total scores shall be certified by a majority of the Board of Civil Service that participated in the oral interviews to the City Manager as being eligible for promotional appointment to a position in the Fire Department. The eligibility list shall include the final total scores of all applicants.

(7) Promotional eligibility lists shall be valid and remain in full force and effect for one year or 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.

(D) In case the Board of Civil Service or the City Manager has reason to believe that any applicant whose name is on an eligible list should be removed therefrom on account of incapacity developed subsequent to his or her examination, or for fraud or false statement on his or her part in connection with his or her application or examination, or misconduct of any kind evidencing unfitness, or lack of capacity for proper discipline, the City Manager may before promoting the applicant give him or her notice to show cause before the Board of Civil Service why his or her name should not be dropped from the list, and on the notice he or she 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 his or her name should be retained on the list, his or her name shall be removed from the eligible list.

(E) The Fire Chief, with the approval of the City Manager, shall select the candidate to be promoted from those candidates on the promotional eligibility list with the three highest scores. A candidate who has been passed over (a lower ranking candidate is promoted) shall be provided a written notice which includes the reasons for the selection that was made. The City Manager will place the promotion of the candidate on the Board of Commissioners' agenda for their approval.

(F) Notwithstanding the personnel ordinance (Chapter 37 of this code) for non-civil service positions, all employees promoted from the eligibility list shall serve a probationary period of 12 months; and no promotion shall be deemed finally made until the employee has satisfactorily served this 12 month probationary period. During the probationary period the employee may be demoted back to his or her previous rank only for good cause, and only upon written recommendation by the Fire Chief and approval by the City Manager and Board of Commissioners.

First Reading on the 10 day of July, 2023

Final adoption on the 24 day of July, 2023

S/Layne Wilkerson  
T/Mayor

Attest:

S/Chermie Maxwell  
T/City Clerk

Summary: This ordinance 1) amends Section 40.22 of the City of Frankfort Code of Ordinances to lower the age requirement for Fire Department appointments from nineteen to eighteen; and 2) amends Section 40.24 to a) redistribute the scoring percentages for Fire Department promotional examinations by raising the percentage assigned to performance assessment to 45% instead of 35%; b) delete the component percentage assigned to longevity, and instead assign one-half point for each year of service, up to 10 points, to be added to the total score; and c) change the promotional ineligibility for employees that have been suspended for three or more days within the previous 24 months to ineligibility for any suspension within the previous 24 months.

S/Laura Milam Ross  
T/City Attorney

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