LOUISVILLE METRO
POLICE MERIT BOARD
RULES AND REGULATIONS

Adopted June 16, 2003

Revised 9/21/18

TABLE OF CONTENTS

	TITLE	PAGE
1.1	**DEFINITION OF TERMS**	3 - 8
1.2	**GENERAL PROVISIONS**	9
	1.2 Authority	9
	1.3 Purpose	10
	1.4 Scope	11
	1.5 Policy of Non-Discrimination	12
	1.6 Prohibition on Political Activities	13 - 14
	1.7 Amendments	15
	1.8 Effect of Declaration of Invalidity	16
2.1	**MERIT BOARD OPERATIONS**	17 - 18
	2.1 Membership	17 - 18
	2.2 Officers and their Election	19
	2.3 Meetings	20 - 22
	2.4 Records and Files	23
3.1	**POSITION CLASSIFICATION**	24
	3.1 General Provisions	24
	3.2 Job Descriptions	25
	3.3 Use of Classification Titles	26
4.1	**APPLICATION AND SELECTION FOR EXAMINATION**	27
	4.1 Recruitment	27
	4.2 Announcements	28
	4.3 Applications	29
	4.4 Disqualification of Applicants, Eligibles and Appointees	30 - 32
5.1	**EXAMINATIONS**	33
	5.1 Character of	34
	5.2 Chief Examiner	34
	5.3 Admission	35
	5.4 Administration	36
	5.5 Promotional	37 - 38
	5.6 Physical and Medical	39
	5.7 Errors in Grading	40
	5.8 Postponement or Cancellation	41
	5.9 Passing-point Score	42
6.1	**ELIGIBILITY LISTS**	43
	6.1 General Provisions	43
	6.2 Open Competitive	44
	6.3 Promotional	45
	6.4 Reemployment Eligibility Lists	46
	6.5 Preferred Reemployment	47
	6.6 Police-Lateral Entry	48
	6.7 Police Cadet	49
	6.8 Removal of Names from Eligibility List and Disqualification of Applicants	50

7.1	**APPOINTMENT**	51
	7.1 Requisition	51
	7.2 Certification	52 - 53
	7.3 Types of Appointments	54 - 55
8.1	**PROBATION**	56
	8.1 Purpose	56
	8.2 Duration	57
	8.3 Notice of End	58
	8.4 Removal During	59
	8.5 Effect of Separation	60
	8.6 Effect of Reassignment	61
9.1	**DISCIPLINE**	62
	9.1 Causes for	62
	9.2 Types of Disciplinary Action	63
	9.3 Initiated by the Chief	64 - 65
	9.4 Disciplinary Action Initiated by Citizen Complaint	66
10.1	**APPEALS AND HEARINGS**	67
	10.1 General Provisions	67
11.1	**EFFECT OF LEAVES OF ABSENCE ON CLASSIFIED STATUS**	68
	11.1 General Provisions	68
	11.2 Military Service	69
	11.3 Service as Chief or Assistant Chief	70
12.1	**DEMOTION**	71
	12.1 General Provisions	71
	12.2 Types of Demotion	72
13.1	**LAYOFF**	73
	13.1 General Provisions	73
14.1	**DISMISSAL**	74
	14.1 General Provisions	74
15.1	**RESIGNATION**	75
	15.1 General Provisions	75
	15.2 Mandatory Retirement Age	76
	INDEX	77

1.1 DEFINITION OF TERMS

Throughout these Rules, the following terms shall have the meaning given below, unless the context clearly indicates otherwise. The meaning of terms in appendix material shall be consistent with the meanings given for these Rules, unless the Appendix material indicates otherwise.

ABSENCE WITHOUT LEAVE
An unapproved absence from work.

APPEAL
A request made by an employee to the Board to review a dismissal, suspension, reduction or demotion.

APPLICANT
A person seeking admission to the examination process.

APPOINTING AUTHORITY
Means the person or group of persons having the power of appointment to and removal from positions in the Police Merit Board.

APPOINTMENT
The selection of an eligible to fill a vacancy.

APPOINTMENT, ACTING
A temporary appointment to a higher class for a period not to exceed thirty days.

APPOINTMENT, PERMANENT
An appointment made without limitation of duration, following the satisfactory completion of appropriate examinations and probationary periods.

APPOINTMENT, PROBATIONARY
An appointment made to a position subject to KRS 67C.313(3) and (4). The probationary period for an officer is one (1) year from an officer's sworn date. It may be extended for up to six (6) months upon showing of just cause by the Chief.

BOARD
The Louisville Metro Police Merit Board.

CANDIDATE
An applicant who has met all qualifications and is completing all required examinations.

CERTIFICATION
The submission of a list of eligibles to the Chief in accordance with the Rules contained herein.

1.1 DEFINITION OF TERMS (cont.)

CHIEF

The Chief of the Louisville Metro Police Department affected by KRS 67C.301 to KRS 67C.327.

CLASS OR CLASSIFICATION

A group of positions sufficiently similar with respect to duties and responsibilities such that they may be treated similarly as to job title, requirements, examination and other personnel practices.

CLASSIFIED SERVICE

All officers of the Louisville Metro Police Department except the Chief, Assistant Chief and officers above the rank of Captain as specifically excluded by the KRS 67C.301 to KRS 67C.327.

CONTINUOUS SERVICE

The period of time in which a police officer has been employed full-time in that position with the consolidated local government police department without separation. Continuous service is not broken if an employee who has been involuntarily terminated is reinstated by legal process.

DAY

In all instances where day is referred to, it shall be understood to mean the respective days of the week. In computing any period of time prescribed by these rules, if the day on which, or by which the act is required to be done falls on a Saturday, Sunday, legal holiday, or a day on which the Board Office is closed, the act may be done on the next day which is not one of the days just mentioned.

DEMOTION

The movement of an employee from one position to another position assigned to a lower class.

DEPARTMENT

The Louisville Metro Police Department.

DISMISSAL

An involuntary separation of an employee from the service of the Louisville Metro Police Department.

ELIGIBLE

A person who has successfully completed all required numerically-rated examinations and may be considered for further selection procedures or appointment.

1.1 DEFINITION OF TERMS (cont.)

ELIGIBILITY LIST--ORIGINAL

A list of names of eligibles in order of final earned rating compiled for an entry level class based on open competitive examination.

ELIGIBILITY LIST--PROMOTIONAL

A list of names of eligibles in order of final earned rating compiled for a promotion class based on promotional competitive examination.

PREFERRED REEMPLOYMENT LIST

A list of names of former permanent employees separated from employment as a result of layoff and eligible to be considered for reemployment within one year of layoff to a position assigned to the same class as was the position from which layoff occurred.

ELIGIBILITY LIST - REEMPLOYMENT

A list of names of former permanent employees who have resigned in good standing and are eligible to be reemployed within one year of their request for reinstatement in positions assigned to the same class in which a permanent appointment was last held prior to resignation.

EMPLOYEE

Any officer who is a member of the Classified Service.

EMPLOYEE - PERMANENT

An officer who has completed his or her initial employment probationary period.

EMPLOYEE - PROBATIONARY

An employee, newly-hired or newly-promoted, who is serving a probation period in the position to which the employee seeks permanent appointment.

EQUIVALENT POSITION

A position of the same class and/or same minimum/maximum pay level.

FINAL EARNED RATING

A numerical score achieved by a candidate on the combination of all numerically-rated components of the total examination process.

1.1 DEFINITION OF TERMS (cont.)

JOB DESCRIPTION

A written statement containing the duties typically assigned to positions of a class, the essential functions and the minimum qualifications necessary for appointment to positions in the class.

LAYOFF

An involuntary separation of an employee from the service of the Louisville Metro Police Department necessitated by a reduction in workforce.

LEAVE OF ABSENCE

An approved absence from work which is not provided for by other specific leave provisions.

PASSING POINT

A numerical point value set for an examination or a segment of an examination such that all scores equal to it or above it are considered to be successful in that portion of the examination and all scores below it are considered to be unsuccessful.

POLICE OFFICER

When used with lower case letters, this term shall mean any sworn police officer of the Louisville Metro Government affected by KRS 67C.301 to KRS 67C.327. With capital letters, this term shall mean a sworn Police Officer below the rank of Sergeant.

POSITION

A group of duties and responsibilities which require the employment of one person.

PREFERRED REEMPLOYMENT

The reemployment of former permanent employees who have been laid-off and are eligible to be considered for reinstatement within one year of layoff to a position of the same class held by the employee at the time of layoff.

PROBATION PERIOD

An on-the-job working test following the Probationary Appointment, during which a newly-hired or newly-promoted employee is required to demonstrate fitness by actual performance of the duties of the position to which the employee seeks permanent appointment.

PROMOTION

The movement of an employee from one position to a position assigned to a higher class.

1.1 DEFINITION OF TERMS (cont.)

PUBLIC NOTICE

Delivering written notice to each organization which has on file with the Board a request to be notified, as well as the Chief and each Board Member. The Chief's office shall post the notice in the headquarters and each substation of the Louisville Metro Police Department.

QUALIFICATIONS

The minimum requirements necessary to perform the work of positions assigned to a class.

REASSIGNMENT

The movement of an employee from one position to another position in the same class, or an equivalent class, for which the employee is qualified.

REEMPLOYMENT

The rehiring of former employees.

REINSTATEMENT (BOARD)

The reemployment of a former employee after review by the Board of an appeal of dismissal by the employee and findings and order of the Board directing reinstatement.

RESIGNATION

A voluntary separation of an employee from the service of the Department.

SECRETARY

Means the executive secretary employed by the Louisville Metro Police Merit Board as provided by KRS 67C.301 to 67C.327.

SENIORITY

The status or priority given an employee based on total length of continuous full-time service of the employee with the department since the employee's most recent date of hire as a Police Recruit, Police Officer C, or Police Officer. For the purpose of these rules, seniority only applies in the calculation of the final earned rating of an employee in a promotional examination as provided for in the KRS 67C.319.

SEPARATION

Removal from employment as a police officer, but shall not include lawful leaves of absence from duty such as military leave, medical leave, or other lawful absences where return to duty is ordinarily expected.

1.1 DEFINITION OF TERMS (cont.)

SIMILAR POSITION

A position which is approximately equivalent to another position in the level of authority, responsibility, compensation, and minimum requirements.

SUSPENSION

An involuntary leave of absence from the service of the Department.

VALIDATION

The establishment of a relationship between the use of selection procedure(s) and the content and/or performance in the job.

VALUES

The relative weight assigned to each numerically rated component of the examination process.

1.2. GENERAL PROVISIONS

1.2 AUTHORITY

These are the rules and regulations of the Louisville Metro Police Merit Board, which is authorized under Sections 67C.301 to 67C.327 of the Kentucky Revised Statutes (KRS) to adopt rules governing the classification, qualification, examination, appointment, probation, promotion, demotion, transfer, reinstatement, suspension, and removal of officers of the Louisville Metro Police Department.

1.3 PURPOSE

The Board intends these rules to guide personnel actions of the Louisville Metro Police Department in a manner consistent with generally accepted merit principles and concepts of sound Human Resources management.

1.4 SCOPE

The police officers of the Louisville Metro Police Department of whatever rank and title, except the Chief, Assistant Chief and officers above the rank of Captain, are covered by these Rules.

The jurisdiction of the Board is limited to those matters contained in these rules and in applicable statutes. In other personnel matters of the Louisville Metro Police Department, the Board has no jurisdiction and recognizes that Louisville Metro Human Resources Policies, Civil Service Rules, the Collective Bargaining Agreements between Louisville Metro Government and the Fraternal Order of Police, and other pertinent collective bargaining agreements, where applicable, shall prevail.

1.5 POLICY OF NON-DISCRIMINATION

No person shall, in any way, be favored or discriminated against with respect to any personnel action under the authority of the Board, on the basis of race, color, sex (including sexual harassment), age, religious beliefs, national origin, physical or mental disability, or political opinion.

The Board adheres to the principles of equal employment opportunity and affirmative action as outlined in the Louisville Metro Personnel Policies Manual and the annual Affirmative Action Plan. Nothing in these rules or regulations shall be construed to supersede any applicable civil rights legislation or established objectives of the Louisville Metro Affirmative Action Plan.

1.6 PROHIBITION ON POLITICAL ACTIVITIES

As stated in the Kentucky Revised Statutes:

No officer or employee of the Louisville Metro Police Department covered by the provisions of the KRS 67C.301 to 67C.327 shall directly or indirectly solicit, receive or be in any manner whatever concerned in receiving, soliciting or publicizing any assessment, gift, subscription or contribution to or for any political party or candidate for public office while on duty or in uniform.

No person shall use or promise to use his/her personal influence or official authority to secure any appointment or promotion to any position of employment covered by the provisions of KRS 67C.301 to 67C.327, as a reward or return for personal or partisan political service.

No candidate applying for original appointment or promotion to any position of employment covered by KRS 67C.301 to 67C.327 shall sign or execute or promise to sign or execute a resignation dated or undated in advance of such appointment or promotion.

No officer or employee covered by the provisions of KRS 67C.301 to 67C.327 shall be suspended, laid-off, demoted, promoted, disciplined, threatened, or in any way changed in rank, duty or compensation for withholding or neglecting to pay or make any contribution of any sort or character, either in money, goods or services or anything of value for any political purpose whatsoever.

No examination question in any examination held by the Board shall relate to any political or religious opinion, belief, affiliation or service and no appointment, promotion, demotion, suspension, or removal shall be brought about, affected or influenced by such opinions, beliefs, affiliations or services.

No officer or employee covered by KRS 67C.301 to 67C.327 shall foster, promote, or be concerned with any actions involving political or religious controversies or prejudices while in uniform.

Nothing contained in KRS 67C.301 to 67C.327 shall be so construed as to abridge the rights of any officer or employee with respect to his or her personal opinions or beliefs or right to vote.

Uniformed officers while off duty and out of uniform, shall be entitled to:

(a) Place political bumper stickers on their privately-owned vehicles.

(b) Wear political buttons.

(c) Contribute money to political parties, political candidates and political groups of their choice.

1.6 PROHIBITION ON POLITICAL ACTIVITIES (cont.)

(d) Work at the polls on election days.

(e) Aid in registration or purgation of voters.

(f) Become members of political groups.

(g) Hold office in political groups and carry out the mandates of that group.

1.7 AMENDMENTS

1.7(1) The Louisville Metro Police Merit Board shall make, promulgate, and when necessary, amend rules for the qualifications, original appointment, probation, promotion, demotion, transfer, lay-off, reinstatement, suspension, and removal of the officers covered by KRS 67C.303, 67C.305, 67C.307, and 67C.309. No rule or regulation made, promulgated, or amended by the Louisville Metro Police Merit Board shall be inconsistent with the express provisions of KRS 67C.301 to KRS 67C.327. The Board shall publish its rules and any amendments and shall supply certified copies to the mayor, legislative council, and the police chief and shall post a copy conspicuously in the office or place where the headquarters of the Louisville Metro Government Police is maintained. The copies of the rules and amendments shall be distributed and posted in the manner prescribed within three (3) days after adoption.

The Rules shall be amended by the Board if and when necessary to clarify or improve the personnel operations of the Merit Board in the following manner:

(a) Give first reading of proposed Rule changes.

(b) Give Public Notice of proposed Rule changes and dates of hearings in newspapers and on official bulletin boards.

(c) Interested parties are afforded an opportunity to comment on the Rule changes.

(d) Give Second Reading of proposed Rule changes.

1.7(2) Changes in grammar, spelling, punctuation, numbering and other such changes which do not alter the substantive meaning of the rules may be made by the Secretary. Notice of such changes shall be reported to the Board at its next regular meeting and announcement of the changes shall be distributed as provided in the definition of Public Notice.

1.8 EFFECT OF DECLARATION OF INVALIDITY

If any part of these Rules is for any reason held to be invalid, such decision shall not affect the validity of the remaining parts of these Rules. The Board declares that it would have passed these Rules and each part irrespective of the fact that any part be declared invalid.

2.1 MERIT BOARD OPERATIONS

2.1 MEMBERSHIP

2.1(1) The Board is comprised of five members who are appointed by the Mayor subject to the approval of the Council. The Mayor serves as an ex-officio member of the Board and is entitled to vote only in instances where a tie vote has occurred.

2.1(2) Each Board member must be at least thirty years of age, a resident of Jefferson County and not related by blood or marriage to the Mayor or any member of the legislative council of the Louisville Metro Government.

2.1(3) Board members who meet the qualifications set forth in KRS 67C.305 shall serve for terms of four years, except that appointments to fill vacancies within terms shall be made only for the unexpired period of the respective term except as provided in KRS 67C.305 to establish the Police Merit Board.

2.1(4) Board members may be removed by resolution of the Council for neglect, incapacity, misfeasance or malfeasance.

2.1(5) During their term of service on the Board, members may not hold any other public office, appointive or elective. Board members shall not receive any money, gift, or consideration of any type from any person, directly or indirectly, for or on account of any recommendation, proposal, or suggestion bearing upon the business of the board or the Louisville Metro Government Police Force.

2.1(6) No more than three (3) members of the Board may be adherents of the same political party.

2.1(7) Board members, before beginning their terms, are required to subscribe, take and file an oath of office as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true as a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of Police Merit Board Member according to law: and I do further solemnly swear that since the adoption of the present Constitution, I being a citizen of this state, have not fought a duel with deadly weapons within this state, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge nor aided or assisted any person thus offending, so help me God.

2.1 MERIT BOARD OPERATIONS (cont.)

2.1 MEMBERSHIP (cont.)

2.1(8) The officers of the Louisville Metro Government Police Force shall elect for a two (2) year term, two (2) police officers of the police force with a minimum of five (5) or more years' service who shall serve as members of the board for the purpose of deciding discipline cases only, and who may vote in these cases. In case of a vacancy in a position held by a police officer, a new election shall be held within sixty (60) days of the date the vacancy occurs and the person elected shall fill the remainder of the original unexpired term.

2.2 OFFICERS AND THEIR ELECTION

2.2(1) The Officers of the Board shall be a Chairperson and a Vice-Chairperson.

2.2(2) The Board shall elect its Officers annually at the regular meeting in July and at any other time there is a vacancy in one of the offices. The Officers shall serve terms of one year, or in the event of an election to fill an Officer's unexpired term, for the duration of that term. The Officers may be re-elected to these offices.

2.2(3) The duties of the Chairperson are as follows:

- shall preside at meetings and hearings of the Board;
- shall review and sign the minutes of meetings;
- shall monitor and evaluate the work of the Secretary and report on such to the Board; and
- shall represent the Board, when necessary.

2.2(4) The duty of the Vice-Chairperson is as follows:

- to serve as Chairperson in the absence or incapacity of the Chairperson.

2.3 MEETINGS

2.3(1) The Board shall meet at least once every other calendar month, and it may meet more frequently as determined by the Board.

2.3(2) The regular meeting of the Board shall be held at a place and time designated by the Board.

2.3(3) Special meetings of the Board may be called by either the Chairperson or by a majority of the members of the Board. Public Notice of the special meeting shall be given at least twenty-four hours prior to the time of the special meeting. The notice of a special meeting shall state the date, time and place of the meeting, and what business will be considered. No other business except that stated in the notice shall be considered except by consent of a majority of the members present.

2.3(4) Quorums

(a) Non-discipline related meetings.
At least three Board members must be present at meetings of the Board to constitute a quorum.

(b) Discipline-related meetings.
In cases of discipline, four members of the Board must be present to constitute a quorum, one of whom must be a Police Officer, as provided for in 2.1(8).

(c) Business may not be conducted at a meeting unless there is a quorum of the members of the Board present.

2.3(5) Voting

A majority of Board members present and voting shall determine any question, provided that a quorum is present.

2.3(6) Minutes

The Secretary shall be responsible for preparing the minutes of all meetings of the Board. The minutes shall be submitted for approval at the next regular meeting of the Board. The minutes shall be signed by the Secretary and the Chairperson, or in the absence of the Chairperson, by the Vice-Chairperson. The minutes shall be open to public inspection immediately following the meeting of the Board at which they are approved.

2.3 MEETINGS (cont.)

2.3(7) Executive Session

The Board may retire into Executive Session at any time, subject to the provisions of the KRS, upon motion duly made and approved by a majority of members present, stating the purpose for the special meeting. Any action taken in regard to the matters discussed in the Executive Session must be taken in an open public session of the Board.

2.3(8) Parliamentary Procedure

Robert's Rules of Order shall guide the Board in its proceedings except as otherwise provided herein. All Board Members, including the Chairperson, shall have a vote and each may have recorded in the minutes said individual's approval or dissent from any action of the Board together with the reason therefore.

2.3(9) Secretary

The Board with the approval of the Mayor shall employ a Secretary who shall serve at the pleasure of the Board and who shall be responsible for:

- attending meetings and hearings of the Board, serving as the Secretary of meetings;
- enforcing and administering these Rules;
- preparing the Board's budget and submitting such;
- hiring and directing any necessary staff;
- performing all other tasks normally arising from the administration of the Rules and all other tasks assigned by the Board;
- issuing subpoenas and administering oaths at hearings; and
- reviewing timely requests for continuance of any public hearing and acting upon them in accordance with the Board's Rules and Regulations and Hearing Procedures.

2.3 MEETINGS (cont.)

2.3(10) Reports to the Board

The Chief shall notify the Secretary, in writing, of all appointments, reclassifications, disciplinary actions, transfers, reassignments, separations, vacancies and the creation and/or abolition of positions in the Classified Service.

2.4 RECORDS AND FILES

2.4(1) Unless otherwise provided for, all records and minutes of Board activities shall be considered public records.

2.4(2) Personnel Files

(a) The Director of Human Resources or his/her designee shall be the official records custodian and shall be responsible for maintaining and securing all Police Merit Board files.

(b) The provisions of the Louisville Metro Personnel Policies Manual and the applicable collective bargaining agreements relating to public records shall apply to the personnel files and employment records of covered employees.

(c) Records shall be preserved and/or destroyed based upon the current Louisville Metro record and retention schedule adopted by the Louisville Metro Government.

2.4(3) Open Records Requests

(a) All open records requests made upon the Louisville Metro Police Merit Board shall be directed to the Secretary at the Board's principal office, Suite 301, 517 Court Place, Louisville, Kentucky 40202-3305.

(b) All open records requests must be made pursuant to the Open Records Act KRS 61.870 et seq.

(c) In the event the requestor desires to have photocopies made of Merit Board public records or documents, the fee for such copying shall be determined by the Director of Human Resources.

(d) Nothing contained in this Rule shall be construed as an abrogation of the right of the Merit Board to deny, in whole or in part, inspection of any record determined to be non-disclosable under the Open Records Act, KRS 61.870 et seq. In the event of any such denial, the Board shall comply with the requirements of KRS 61.870.

3.1 POSITION CLASSIFICATION

3.1 GENERAL PROVISIONS

3.1(1) In all matters related to position classification, the Board shall have final authority.

3.1(2) The Secretary shall develop and recommend to the Board a position classification plan which provides a standardized and systematic method for describing and classifying all positions.

3.1(3) The Secretary shall conduct or direct all job analysis studies necessary to develop the classification plan and maintain it on a current basis.

3.1(4) Positions shall be classified according to the duties and level of difficulty and responsibility assigned to them.

3.1(5) Whenever new positions are created within the Classified Service, the Chief shall prepare all documents necessary for the Secretary to make a classification recommendation.

3.1(6) The Chief shall not propose any personnel action in regard to a position unless the position is classified in accordance with the classification plan approved by the Board.

3.1(7) The position classification plan shall be considered an Appendix of these Rules. Changes in the classification plan shall be made by the Board by simple resolution as outlined in Section 1.1.

3.2 JOB DESCRIPTIONS

3.2(1) The Secretary shall be responsible for the preparation of job descriptions for each position in the Classified Service.

3.2(2) The provisions of the Louisville Metro Policies Manual relating to job descriptions shall apply to all covered positions.

3.2(3) The Secretary shall notify the Board of any changes in job descriptions at its regular meeting.

3.2(4) The Classification Plan may be amended in the same manner in which it was adopted originally, in a public hearing by the Board. Action leading to such amendment shall be in writing, and may be initiated by the Board, Secretary, or an appointing authority.

3.3 USE OF CLASSIFICATION TITLES

3.3(1) The class title of a position shall be the official designation of that position in all budget documents, payroll registers, and all other official records, documents, vouchers, and communications in connection with all personnel processes and official records.

3.3(2) Working titles or informal titles may be assigned to positions at the discretion of the agency head. Such working titles shall only be used for the convenience of the department and shall not be given weight in the determination of the appropriate classification or salary range of a position.

4.1 APPLICATION AND SELECTION FOR EXAMINATION

4.1 RECRUITMENT

4.1 The Secretary shall determine appropriate procedures for recruitment of applicants, based on the number of qualified applicants needed and the principle of equal employment opportunity.

4.2 ANNOUNCEMENTS

4.2(1) Announcements of examinations shall be circulated according to procedures determined by the Secretary.

4.2(2) Announcement of a promotional examination shall be made at least ninety (90) days prior to the conduct of the examination.

4.2(3) Notice of open competitive examinations may be advertised publicly not less than (10) days prior to the filing deadline when the Secretary determines that such advertising is necessary to produce an adequate number of qualified applicants or to support the Affirmative Action Program of the Board.

4.3 APPLICATIONS

4.3(1) Application Forms

(a) Applications shall be made only on forms approved by the Secretary.

(b) Applications must be signed by the applicant. The applicant's signature shall be understood as certifying the truthfulness of all statements made on the application form.

(c) The Secretary may require applicants to provide any and all proof necessary to support claims made on the application.

(d) Applications shall not be distributed for any class unless an examination announcement has been issued for that class.

4.3(2) Qualifications of Applicants

(a) Qualifications Contained on Job Descriptions
Applications shall be accepted only from persons who meet all qualifications contained on the job description for the class which has been approved by the Board.

(b) General Qualifications
The Board shall provide for physical, mental, educational, citizenship, age requirements for new officers as well as provisions for open competitive, written, oral, and other mental and physical examinations to determine the relative fitness of all candidates for original appointment.

(c) Promotion
The Board shall provide for physical, mental, educational, citizenship, age, and length of service requirements for promotion from lower to higher rank or classification. Police Officers, since their most recent date of entry into that rank, must have five (5) years of continuous service as full-time Police Officers with the consolidated local government police department before being eligible for promotion to the rank of Sergeant. Police Sergeants must have one (1) year of continuous service as full-time Police Sergeants with the consolidated local government police department before being eligible for promotion to the rank of Lieutenant. The Board shall provide provisions for open, competitive, written, oral, and other mental and physical examinations to determine the relative fitness of all candidates for original appointment and for promotion.

4.4 DISQUALIFICATION OF APPLICANTS, ELIGIBLES AND APPOINTEES

4.4(1) The provisions of the Louisville Metro Personnel Policies Manual relating to applications and the disqualification of applicants shall apply to all covered positions.

4.4(2) The application of any applicant who makes a false statement regarding a police arrest or conviction record shall automatically be rejected. The Secretary may reject an application, may refuse to examine a candidate, may remove an eligible's name from the eligibility list, may refuse to certify the name of an eligible, and may seek to remove an employee already appointed, if it is found that the person:

(a) Does not meet the minimum special or physical requirements (with reasonable accommodation where appropriate) for the position as announced.

(b) Has made a false statement of material fact on the application.

(c) Has used or attempted to use political pressure or bribery to secure an advantage in testing or appointment.

(d) Has directly or indirectly solicited or obtained information regarding the examination to which the applicant was not entitled.

(e) Has failed to submit the application correctly or within the prescribed time limits.

(f) Has taken part in the compilation, administration, or correction of the examination for which the applicant has applied.

(g) Has been found cheating in any way on an examination.

(h) Has previously been dismissed from a position in the Classified Service for cause or has resigned while charges for dismissal for cause were pending.

(i) Has been convicted of a felony or multiple misdemeanors.

4.4 DISQUALIFICATION OF APPLICANTS, ELIGIBLES AND APPOINTEES (cont.)

(j) Has established an unsatisfactory employment or personnel record, as evidenced by reference check, of such nature as to indicate unsuitability for employment.

(k) Has practiced or attempted to practice deception or fraud in making application or taking test.

(l) Fails to notify the Board in writing of any change in address. For this purpose the return of a letter by the postal authorities, if properly addressed to the last address on record, shall be deemed sufficient grounds for this action.

(m) Fails to notify the Board of any change which would affect the eligible's availability for employment.

(n) Requests removal from the list.

(o) Fails to report for duty or scheduled selection procedures.

(p) Resigns and the eligible's name appears on a Promotional Eligibility List. In the event of reemployment, said employee's name shall not be put back on the promotional list unless said employee has successfully passed a new promotional examination.

(q) Refuses a job offer.

(r) Fails to respond to any request for information from the Police Merit Board.

(s) Waives certification more than once.

(t) Is selected for a position from an eligibility list or their term of eligibility expires.

(u) Has otherwise violated provisions of the Act or these Rules, or for such other reason considered by the Secretary to indicate that employment of the individual would be detrimental to the best interests of the Department.

(v) Fails to verify any credentials required for a given position (e.g. education, licenses, certificates).

4.4 DISQUALIFICATION OF APPLICANTS, ELIGIBLES AND APPOINTEES (cont.)

4.4.(3) Written notice of all such rejections or declinations, including the reason therefore, shall be furnished by the Secretary to the applicant upon request. Any applicant aggrieved by the action of the Secretary may request to address the Board by making such request in writing within ten (10) calendar days from the date disqualified.

5.1 EXAMINATIONS

5.1 CHARACTER OF

5.1. Examinations shall be job-related in character, practical in nature, and relevant to those factors which test thoroughly the capabilities and qualifications of the applicant to discharge both proficiently and efficiently the duties of the class. Examinations shall be guided in their design by legal and professional standards.

5.2 CHIEF EXAMINER

5.2(1) In accordance with KRS 67C.319, the Board, with the approval of the Mayor, shall employ a Chief Examiner who shall be professionally qualified and experienced in the field of testing and who shall formulate, give, grade, and administer all written or other examinations as required by the Board.

5.2(2) All examinations shall be under the direction of the Chief Examiner, shall be job related in character, and related to those matters tending fairly to test the capacity and qualifications of the applicant to discharge proficiently the duties of the position to which appointment is sought. Examinations may consist of any one or a combination of the following: written tests, selection interviews, assessment centers, physical fitness or ability tests, medical examinations, stress tests, demonstration of manual or performance skills, experience, training, or any other selection method deemed appropriate.

5.2(3) As far as practical and feasible, vacancies in the classified service shall be filled by promotion of regular employees occupying positions in the classified service. The Chief Examiner shall hold promotional examinations, which shall be open only to persons who are in the classified service and who have completed their original probationary appointment or reemployment probationary period unless determined by the Secretary not to be within the line of promotion to the class for which the examination is held.

5.3 ADMISSION

5.3 Only persons who have met all qualifications and whose applications are submitted and accepted in accordance with filing deadlines shall be admitted to participate in the examination. Qualifications for promotional exams must be met on or before one day prior to the date the new eligibility list is to be established. Qualifications for open competitive exams must be met by the filing deadline.

5.4 ADMINISTRATION

5.4(1) The Chief Examiner shall be administratively responsible for overseeing the administration, integrity and security of all examinations.

5.4(2) No candidate shall be allowed to take an examination other than at the time and place designated for such in advance, unless there are conditions which, in the opinion of the Chief Examiner, justify otherwise.

5.4(3) All examination materials shall be regarded as privileged and confidential and not available for public inspection. Any member of the Classified Service, employee of the Board or Board Member who engages in an activity which destroys the integrity, confidentiality, or security of the examination process shall be subject to immediate dismissal or removal, and, if warranted, prosecution.

5.5 PROMOTIONAL

5.5(1) Notice

Public notice shall be given at least ninety days before a promotional examination is conducted.

5.5(2) Components and Weights

Promotional tests shall be graded, as determined by the Board, to include scores on the written, oral, or other examination components. In addition, seniority shall be awarded for each year of full-time continuous service since being hired as a police recruit or police officer. If the candidate has been rehired after a period of separation, seniority for promotional exams shall be calculated from the most recent hire date. The results of the written, oral, or other examination components shall be combined with the seniority component to determine the applicant's final earned rating. The board shall determine the weight for each component of the final earned rating, including seniority. The weight assigned to seniority as a component shall not exceed ten percent (10%) of the maximum number of points attainable for all examination components combined. If the number of candidates exceeds the number of positions in the rank for which the candidates are being tested, the chief examiner may set a cut-off score on any of the tests, excluding seniority that candidates must meet or exceed in order for them to progress in the selection process. The cut-off score shall be set such that the number of candidates equals one-half (1/2) the number of positions in the rank for which the candidates are being tested, that number to be rounded up, at the time of the posting. If ties exist at the cut-off score, individuals having tied scores shall progress in the selection process.

5.5(3) Oral Examination Panels

The Chief Examiner shall select a panel to rate oral examinations of the candidates for promotion. The panel shall consist of persons of a supervisory capacity from an outside agency or agencies in the same field and of the same rank or higher to which the applicant is aspiring.

5.5(4) Physical Examination

Physical fitness for promotion is presumed unless certified to the contrary by the Chief, who shall supply the Board with evidence rebutting the presumption of physical fitness.

5.5 PROMOTIONAL (cont.)

5.5(5) Notice of Test Results

The Chief Examiner shall compile the results of all examinations. Upon completion of grading of examinations, candidates shall be informed by mail of the final evaluated rating attained and their individual ranking on the eligibility list. An applicant may, by appointment, discuss his or her examination results within the offices of the Chief Examiner during business hours at any time when such review will not interfere with the work of the board. Such review must be requested within ten (10) calendar days following the establishment of the eligibility list. The Board shall make examination questions and answers available for inspection by the applicant upon the filing of a written challenge. Promotional eligibility lists shall contain the names of successful candidates in the order of their standing through examination. An individual's results and ratings are subject to review by the individual candidate but are otherwise confidential.

5.6 PHYSICAL AND MEDICAL

5.6(1) The Board shall employ one or more medical examiners to conduct physical and medical examinations for classifications requiring medical and physical standards.

5.6(2) Performance on the physical and medical examinations shall be reported on a pass/fail basis.

5.7 ERRORS IN GRADING

5.7 Errors in grading an examination shall be corrected when they are discovered, as well as any error made in an eligibility list as a result; however, any such error shall not invalidate any appointment made prior to the discovery of the error. The Board may take such action as necessary to correct errors in grading examinations.

5.8 POSTPONEMENT OR CANCELLATION

5.8(1) The Chief Examiner, when necessary, may postpone or cancel an examination.

5.8(2) All applicants scheduled to take an examination that is cancelled or postponed shall be given notice of such cancellation or postponement.

5.9 PASSING-POINT SCORE

The passing point score for any examination shall be made by the Chief Examiner based on appropriate legal guidelines.

6.1 ELIGIBILITY LISTS

6.1 GENERAL PROVISIONS

6.1(1) The Secretary shall be responsible for the preparation of all eligibility lists following the completion of all required numerically rated examinations for a class.

6.1(2) The eligibility list shall show the name of each eligible in order of final standing in the examination process. The eligibility list shall also provide for notation of each certification, date of appointment, and such other information as may be determined necessary by the Secretary.

6.1(3) The eligibility list shall be maintained in the office of the Board and may be reviewed as outlined in the open records act.

6.1(4) In the event a candidate's name is placed on an eligibility list and the candidate changes address of residence, the candidate shall notify the Board at once, giving the new address.

6.2 OPEN COMPETITIVE

6.2(1) Open competitive eligibility lists contain the names of persons who are qualified for further selection procedures or appointment as a result of open competitive, numerically-rated examinations for positions assigned to the class covered by the list. This type of list shall be effective for one year, unless otherwise directed by the Secretary. However, no list may be extended beyond two years except as provided for in KRS 67C.327.

6.2(2) The names of all persons who have obtained a score which is equal to or greater than the passing-point score in the examination(s) shall be placed in rank order on the eligibility list for the class for which they were examined.

6.2(3) In the event that two or more persons achieve the same final earned rating the same rank shall be assigned to all persons with the same score.

6.2(4) When the Secretary deems that circumstances appear to warrant, an examination shall be given for the purpose of obtaining candidates for the open competitive list. The Secretary will have the option to allow the list to expire and create a new list or to replenish the current list.

(a) When the list is replenished, all eligibles whose names are on the existing list shall be notified of the new examination and shall be granted the option of either retaining their present score or taking the examination.

(b) When an eligible elects to not take the new examination, the eligible's name, with existing rating, shall be integrated into the new list in rank order and shall remain on the list only as long as the eligible's name would have remained on the original list.

(c) When an eligible elects to take the new examination, the eligible's name shall be placed on the eligibility list with the score attained on the new examination; that name shall remain on the list for as long as the new list shall be effective. If a candidate fails the examination re-take, the person's name shall be removed from the original list.

(d) The names of new eligibles will be integrated in rank order with the existing names on the list. Each eligible shall remain on the list only as long as the name would have remained on an original list.

6.3 PROMOTIONAL

6.3(1) Promotional eligibility lists contain the names of employees in the Classified Service who have completed all numerically-rated promotional examinations and who are eligible for promotion to positions assigned to the class covered by the list.

6.3(2) The names of all persons who have obtained a score which is equal to or exceeds the passing point score in an examination shall be placed on the eligibility list for the class for which they were examined in the order of their final earned rating.

6.3(3) The certified rank list for promotions shall be valid for two years and shall not be extended except as provided for in KRS 67C.327. All promotional vacancies shall be filled within 60 days of the vacancy. Under no circumstances shall promotional eligibility lists be consolidated with newly prepared lists.

6.4 REEMPLOYMENT ELIGIBILITY LISTS

6.4(1) Reemployment eligibility lists contain the names of former employees in the Classified Service who resigned in good standing and who requested to be placed on the reemployment eligibility list, and are approved by the Chief and the Board as eligible to be reemployed in positions assigned to any class in which the former employee last held an appointment.

6.4(2) The order in which such names are arranged on the reemployment list shall be determined by the Secretary, in accordance with the length of previous service while in the classified service of the department. No name shall remain on the reemployment list for a period longer than two years. Employees appointed from the reemployment list shall have a one (1) year probationary period and may attain regular employee status at its satisfactory conclusion.

6.4(3) Reemployment eligibility lists shall have a continuous life with the name of each eligible remaining on the list for a period of one year from the date of placement on the list.

6.4(4) In order to be placed on a reemployment eligibility list, a former employee must apply for placement on the list within one year of separation from the service. Requests for inclusion on the list must be submitted in writing to the Secretary and approved by the Chief and the Board.

6.4(5) In cases where more than one year has elapsed since an employee's resignation, he/she may have his/her name placed on the reemployment list for certification to a vacancy in the classified service provided the former employee can present the Secretary with an endorsement of such reinstatement from the current appointing authority of the classified service from which he or she resigns, or by which he/she seeks reemployment, and providing that the Secretary is given satisfactory assurance that said former employee will be physically capable of reemployment.

6.4(6) In cases where charges are pending against the resigned employee, his/her name shall not be placed on a reemployment list until after such charges have been disposed of.

6.4(7) For the purpose of certification under Rule 7.2, reemployment appointments shall be regarded as open competitive.

6.5 PREFERRED REEMPLOYMENT

6.5(1) An employee in the classified service who, at the time of lay-off, is recommended for reemployment by the appointing authority, is entitled to placement on a preferred reemployment list for certification to vacancies in the classified service. The name of the person shall be placed on the preferred reemployment list for the classification formerly held.

6.5(2) The order in which such names are arranged on the preferred reemployment list shall be the order of seniority in the classification affected. The preferred reemployment list shall remain in effect until exhausted, but not longer than one year. In the event of the expiration of such a list, candidates wishing to remain eligible for preferred reemployment consideration may again apply. The name of any person refusing reemployment within the classification from which he was laid-off shall be stricken from the list. If the lay-off occurs during the employee's probationary period, the probationary period will begin anew upon reinstatement.

6.5(3) When the appointing authority does not recommend an affected employee for reemployment, it shall notify that employee and the Board of the specific reasons therefore, in writing. The employee shall be entitled to a public hearing by the Board by submitting a written request within ten (10) calendar days of notification of this action. The employee shall have the right to introduce evidence and to be represented by counsel at this hearing.

6.5(4) The Board shall investigate and determine the justification for such proceedings, including the evidence presented. Copies of the Board's findings of fact and order shall be given to the Mayor, the appointing authority and the affected employee.

6.5(5) If the failure of the appointing authority to recommend the laid-off employee for reemployment is found not to have been justified, the Board's order shall so state and the employee shall be placed on a preferred reemployment list for certification to vacancies in the classified service.

6.5(6) Any employee in the classified service who is drafted or volunteers for military service but is not entitled to military leave shall, upon written request made within ninety (90) days after termination of such military service, be entitled to placement on a preferred reemployment list, if the Board, on the recommendation of its medical examiner, finds such person physically capable of performing the duties of the position to be assigned.

6.6 POLICE-LATERAL ENTRY

6.6(1) A lateral transfer eligibility list contains the names of sworn police officers of any other jurisdiction who meet the qualifications for employment as stated on the job description for Police-Lateral entry. Lateral transfer eligibility lists shall have a continuous life with the name of each eligible remaining on the list for a period of one year from the date of placement on the list.

6.6(2) The Board shall consider this list an open competitive original entrance list and treat it as such.

6.7 POLICE CADET

6.7(1) The Board shall consider this list an open competitive original entrance list and treat it as such.

6.8 REMOVAL OF NAMES FROM ELIGIBILITY LIST AND DISQUALIFICATION OF APPLICANTS

See Rule 4.4 Disqualification of Applicants, Eligibles and Appointees for a list of reasons to remove a name from an eligibility list.

7.1 APPOINTMENT

7.1 REQUISITION

In order to fill a vacancy in the Classified Service, the Chief shall request the Secretary to certify a list of eligibles by completion and submission of a requisition form prepared for such use by the Secretary. The Chief shall indicate on this form the desired type of eligibility list and method of appointment.

7.2 CERTIFICATION

7.2(1) After receipt of the requisition form and upon completion of final earned ratings for all required numerically-rated examinations, the Secretary shall certify to the Chief the list of eligibles prepared for the class to which the position to be filled is assigned.

7.2(2) Open Competitive
If the vacancy is to be filled through the open-competitive method, the Secretary shall certify to the Chief all of the names on the appropriate eligibility list.

A certification of a list of eligibles to fill any number of vacancies in a class at the same time shall be considered a single certification for each eligible regardless of the number of vacancies to be filled.

7.2(3) Promotion
In compiling every competitive promotion list for examinations given after the effective date of this regulation as amended, the eligible candidates shall be ranked in the order of their ratings earned in the examination given for the purpose of establishing the list.

7.2(4) Promotional eligibility lists shall contain the names of successful candidates in the order of their standing through examination. In filling promotional vacancies, the Chief of Police shall select from not more than five (5) candidates graded highest on the appropriate eligibility list. The Board shall determine the justification for not promoting a candidate with the higher evaluated rating who has been certified for promotion four (4) times. If the Board determines that the candidate's nonpromotion is unjustified or unsupported by the evidence, the candidate shall be promoted. The certified rank list for promotions shall be valid for two (2) years and shall not be extended. All promotional vacancies shall be filled within sixty (60) days of the vacancy.

7.2(5) In making certification for multiple appointments in the same classification, the number of names to be certified to the appointing authority shall be four more than the actual number of appointments to be made.

7.2(6) A certification of a list of eligibles to fill any number of vacancies in a class at the same time shall be considered a single certification for each eligible regardless of the number of vacancies to be filled. The Chief or Secretary shall instruct eligibles when to report for any pre-employment interview. The name of an eligible who fails to report for the interview shall be reported to the Secretary who shall determine whether there is adequate reason to remove the name from the eligibility list.

7.2 CERTIFICATION (cont.)

7.2(7) Eligibles shall not be permitted to waive certification or to determine the time their names will be certified.

7.3 TYPES OF APPOINTMENTS

7.3(1) Original and Promotional Appointments

(a) The Chief shall notify the Secretary, on a form prepared for such use, which eligible has been selected for appointment. The names of eligibles not selected shall be returned to the same positions on the eligibility list as were held prior to certification.

(b) The Chief may appoint only persons whose names appear on the certified list of eligibles.

(c) No person may receive more than one appointment within the Classified Service at any one time.

7.3(2) Probationary Appointment

When filling a permanent position, newly-employed and newly-promoted employees are initially granted a probationary appointment, after which they are required to serve a probation period in the class to which they are appointed.

7.3(3) Permanent Appointment

Following the successful completion of the original probation period, employees shall be granted a permanent appointment in their class after which they obtain the full status and benefits of the Classified Service.

7.3(4) Acting Appointment

The Chief may appoint employees to positions of a higher class on an acting basis for a period not to exceed thirty continuous days. The Chief shall report all such appointments in excess of five days, in writing, to the Secretary.

7.3(5) Reemployment Appointment

The Chief may appoint former employees who have resigned in good standing and who have been placed on a reemployment eligibility list to positions assigned to the same class in which they last held an appointment prior to resignation.

7.3(6) Preferred Reemployment Appointment

The Chief may appoint former employees who have been listed on the preferred reemployment list, to positions assigned to the same class in which they last held an appointment prior to layoff.

7.3(7) Police-Lateral Entry Appointment

(a) Lateral appointments shall be considered original appointments and treated as such.

7.3 TYPES OF APPOINTMENTS (cont.)

(b) A person selected for appointment as a Police-Lateral Entry must provide a complete record of previous police service, which shall become a part of the employee's permanent personnel file.

(c) For purposes of promotion, police officers who laterally transfer from a police force of another jurisdiction shall not be granted seniority credit for time served in other jurisdictions.

8.1 PROBATION

8.1 PURPOSE

The probation period shall be used as an opportunity to observe and apprise the newly-appointed or newly-promoted employee's work, to aid the employee in adjusting to the new position, and to take appropriate action to remove from the position any employee whose work performance fails to meet required standards.

8.2 DURATION

8.2(1) A probationary officer shall not be included in the merit system until that officer has satisfactorily completed his or her initial probationary period which shall be one (1) year from his or her sworn date. The one (1) year probationary period may be extended for up to six (6) months upon a showing of appropriate reasons for such by the Chief and if approved by the Board.

8.2(2) Officers covered by the provisions of KRS 67C.303 and serving promotional probationary periods shall not be deemed excluded from the merit system during the promotional probationary periods.

8.2(3) Any unpaid interruption of service during the probation period, except for required military training purposes, shall not be counted as part of the probation period, and the probation period shall be extended by the same number of days as the employee was absent.

8.2(4) Prior service in a class due to an acting appointment shall not be counted as part of the probation period.

8.2(5) The probation period may be extended for any period of time up to an additional six months, in increments of ninety (90) days or less upon request by the Chief and approval by the Board. The Chief's request for extension of a probation period shall be in writing, specifying the reasons for such action and recommended length of extension. The Board must approve such extension prior to the end of the probation period. The Chief shall notify the affected employee in writing at least ten (10) days before the end of the probationary period of the intention to extend the probation period.

8.3 NOTICE OF END

8.3(1) On or before the tenth day prior to the end of an employee's probation, the Chief shall notify the employee and the Secretary in writing, stating whether or not the employee's performance has been satisfactory and whether or not the employee is recommended for appointment.

8.3(2) The effective date of the permanent appointment shall be the day immediately following the date of the completion of the probation period.

8.3(3) In the event the Chief fails to give written notice, as specified herein, it shall be deemed that the employee did satisfactorily complete the probation period and the employee shall be granted a permanent appointment.

8.4 REMOVAL DURING

8.4(1) A police officer serving a probation period may be removed from the position by the Chief for the efficiency of the service at any time during the probation period.

8.4(2) Written notice of the removal shall be provided to the affected police officer and to the Board.

8.4(3) A police officer so removed during any initial probationary period shall be dismissed. This action is not appealable by the employee pursuant to the KRS.

8.4(4) A police officer so removed during a promotional probation period shall be demoted to the class held immediately prior to the promotion.

8.4(5) Officers covered by the provisions of KRS 67C.303 and serving promotional probationary periods shall not be deemed excluded from the merit system during the promotional probationary periods.

8.5 EFFECT OF SEPARATION

A police officer who separates from the Classified Service during the probation period and subsequently is reemployed shall begin a new probation period.

8.6 EFFECT OF REASSIGNMENT

A police officer who is reassigned during the probation period shall not be required to begin a new probation but shall complete probation in the new position. (For a definition of Reassignment, see Rule 1.1.)

9.1 DISCIPLINE

9.1 CAUSES FOR

Employees may be disciplined by the Chief for any cause which promotes the efficiency of the service. Grounds for discipline may include, but need not be limited to, one or more of the following:

(a) incompetency or inefficiency in the performance of job duties;

(b) conduct, on or off the job, unbecoming an employee of the Department;

(c) violations of departmental rules, metro-wide policies, laws of the Commonwealth of Kentucky, or the United States, and/or these Rules;

(d) behavior which has threatened or injured the health and safety of the employee or others;

(e) any absence without leave;

(f) insubordination; and

(g) solicitation or acceptance of any reward, gift or other form of remuneration aside from regular compensation for the performance of duties.

9.2 TYPES OF DISCIPLINARY ACTION

9.2(1) Reprimands

Oral and written reprimands shall be viewed as warnings issued to an employee that if unacceptable work performance or behavior continues, discipline shall be applied. The Chief shall include copies of written reprimands in the employee's personnel file. Reprimands are not appealable. An employee who has received a reprimand may make a written response to the reprimand within ten (10) days, which shall be included with the reprimand in the employee's personnel file.

9.2(2) Suspension

(a) The Chief may suspend police officers as a disciplinary measure. Disciplinary suspensions for individual offenses may be for any length of time up to thirty (30) days.

(b) Suspensions shall become effective immediately upon notification by the Chief to the employee.

(c) Disciplinary suspensions may be appealed to the Board.

9.2(3) Demotions

The Chief may demote an employee as a disciplinary measure subject to the general provisions for demotion in Rule 12.1.

9.2(4) Fines

The assessment of fines as a disciplinary action shall not be permitted.

9.2(5) Dismissal

(a) The Chief may dismiss an employee for any reason provided in Rule 9.1.

(b) Dismissals are effective as of the date of notification of the employee.

(c) Permanent employees may appeal dismissals. In the event that the Board determines that the dismissal was unjustified or unsupported by proper evidence, the employee shall be reinstated and the Board may impose such penalty or punishment as it may deem necessary and appropriate, if any.

(d) Police officers who are dismissed may not be reemployed, reinstated or rehired within the Classified Service, except by reinstatement by the Board on review of a dismissal.

9.3 INITIATED BY THE CHIEF

9.3(1) Any officer may be removed or suspended for a period not to exceed thirty (30) days, laid off, or reduced in grade by the Chief for any cause which promotes the efficiency of the service.

9.3(2) Before any such action is taken by the Chief against any officer, the Chief shall provide the officer concerned with written notice of the charge, the action to be taken, and reasons for the action. Unless otherwise stated in the notice, the effective date of the disciplinary action shall be the date of the notice from the Chief. The notice shall inform the employee of his/her rights under Rule 9.3(3) and 9.3(4) and a copy of the notice shall be provided to the Secretary.

9.3(3) Any police officer removed, suspended, laid off, reduced in grade or reprimanded by the Chief shall be allowed a period of ten (10) days from the date of notice from the Chief to file a written response to the disciplinary action which shall be made a part of the officer's permanent personnel record in the Police Department. No trial or examination of witnesses shall be required in any such case except at the discretion of the Chief.

9.3(4) Disciplinary action taken by the Chief involving suspension, demotion, or dismissal of any permanent officer shall be subject to review by the Board on an appeal by the employee. If such a review is requested in writing, within 10 (ten) days from the effective date of the disciplinary action, the Board shall schedule and conduct a public hearing to review the action of the Chief subject to the Hearing Procedures of the Board and applicable statutes.

9.3(5) Every action in the nature of a dismissal, suspension, or demotion of a non-probationary officer made by the Chief shall be subject to review by the Board at the request of any officer affected by KRS 67C.301 to 67C327. An appeal to the Board of a dismissal, demotion, or a forty (40) hour or more suspension of a non-probationary officer shall be heard by the full Board. The Board shall give notice and hold a public hearing. After the hearing, the Board shall retire in executive session to discuss the evidence introduced at the hearing and to make its determination and conclusion. While in executive session, the Board shall not receive any further evidence or communication from any source prior to reaching its determination and conclusion. The Board, while in executive session, may request and receive legal advice from Board Counsel on specific legal issues which may arise during deliberations. If a majority of the members of the Board are of the opinion that the action of the Chief is unjustified or unsupported by proper evidence, the order of the Chief may be set aside and revoked by the Board, and the Board may impose the penalty or punishment it deems necessary and appropriate, if any; provided however, the Board shall not impose a penalty or punishment in excess of the action of the Chief. No officer shall be removed or dismissed except as provided for in this section.

9.3 INITIATED BY THE CHIEF (cont.)

9.3(6) An appeal to the Board of a suspension of a non-probationary officer of less than forty (40) hours may be heard by the full board or any hearing officer secured by the Board. If the appeal is heard by a hearing officer, all rules established by the Board relating to appeals of disciplinary actions shall be applicable. After the hearing, the hearing officer shall complete and submit to the Board, no later than thirty (30) days after the hearing, a written recommended order which shall include his findings of fact, conclusions of law, and recommended disposition of the appeal, which may include recommended penalties. The recommended order shall also include a statement advising the appealing officer and Chief fully of their exception and appeal rights. A copy of the hearing officer's recommended order shall be sent to the appealing officer and Chief. Each party shall have fifteen (15) days from the date the recommended order is mailed within which to file exceptions to the recommendations with the Board. The Board shall consider the record including the recommended order in any exceptions duly filed to a recommended order, and accept and adopt or reject or modify, in whole or in part, the recommended order, or remand the appeal of the matter, in whole or in part, to the hearing officer for further proceedings as appropriate. The final order of the Board shall be in writing. If the final order differs from the recommended order, it shall include separate statements of findings of fact and conclusions of law. The Board shall render a final order in an administrative hearing within thirty (30) days after receipt of the hearing officer's recommended order.

9.3(7) (a) Every action of a dismissal, suspension, or demotion made by the Board shall be final, except that any person aggrieved may, within thirty (30) days after the action, appeal to the Circuit Court of the county in which the board meets. The Board shall be named respondent as the consolidated local government police force merit board, and service shall be had on the chairman of the board. The appeal taken to the Circuit Court shall be docketed by the clerk as a civil action with appropriate judicial review of an administrative action or decision.

(b) The judgment of the Circuit Court shall be subject to appeal of the Court of Appeals. The procedure as to the appeal to the Court of Appeals shall be the same as in any civil action.

9.4 DISCIPLINARY ACTION INITIATED BY CITIZEN COMPLAINT

9.4(1) Any citizen may make a charge of misconduct, concerning the action of any employee, in writing and under oath, to the Chief. If not satisfied with the response of the Chief, the citizen may appeal the determination of the Chief to the Board within thirty (30) days, setting forth the particulars of the charge. The written appeal must provide specific reasons why the Chief's decision is thought to be erroneous; an estimate of the amount of time the citizen needs to present his/her position; and evidentiary materials (written documentation or other evidence) that supports the citizen's position.

9.4(2) The Board shall notify the Chief of the appeal and forward to the Chief all materials filed by the citizen. The Board also shall give notice and provide copies of such materials to the officer who is the subject of the appeal.

9.4(3) The Chief has fifteen (15) days to file a written answer to said charges. The officer may respond if he or she wishes.

9.4(4) The Secretary and Legal Counsel for the Board shall review the citizen's appeal, the Chief's response, and the officer's response, if any, and determine if there is sufficient cause for additional investigation, review or hearing by the Board and shall advise the Board accordingly.

9.4(5) The Board may adopt the recommendation of the Secretary and Legal Counsel or may order further investigation or hearing. The Board shall determine the scope of the investigation or hearing.

9.4(6) If the Board requires a hearing after investigating the citizen appeal, the Board may assign the matter to a hearing officer or the Board itself may conduct the hearing. In either case, the hearing shall be conducted as indicated in these Rules and the Board's Hearing Procedures.

9.4(7) In conducting an investigation or hearing regarding a citizen appeal, the Board also shall comply with the provisions of KRS 15.520.

10.1 APPEALS AND HEARINGS

10.1 GENERAL PROVISIONS

10.1(1) Permanent police officers who are suspended, demoted, or dismissed may appeal to the Board for a review of the action as provided by statute.

10.1(2) Appeals requesting Board review must be made in writing, addressed to the Board with a copy to the Chief. The written appeal must be made within ten days of the effective date of the disciplinary action and must include a statement of the grounds for appeal.

10.1(3) A police officer who submits an appeal for Board review of a disciplinary action shall be provided a copy of the Hearing Procedures of the Board, which shall govern all hearings conducted by the Board.

10.1(4) A police officer granted a Board hearing shall have the right to be represented by legal counsel at the hearing and during the hearing process.

10.1(5) Procedural due process shall be afforded to any police officer brought before the Board. The officer shall be given a prompt hearing by the Board, have an opportunity to confront his or her accusers, and have the privilege of presenting the Board with evidence. The Board shall have the power to issue subpoenas attested in the name of its chairman, to compel the attendance of witnesses, to compel the production of documents and other documentary evidence, and so far as practicable, conduct the hearing within the Kentucky Rules of Civil Procedure. Upon a showing of proper need, the Board shall issue subpoenas to compel the attendance of witnesses, or to compel the production of documents and other documentary evidence for the benefit of the officer or the Chief at the request of the officer or the Chief.

11.1 EFFECT OF LEAVES OF ABSENCE ON CLASSIFIED STATUS

11.1 GENERAL PROVISIONS

11.1(1) Employees must submit a written request for a leave of absence from the Classified Service to the Chief, who will report the request to the Secretary.

11.1(2) In order to become effective, a leave of absence must be for a specific period of time with a specific date indicated on which the employee is expected to return to work.

11.1(3) Police officers on a leave of absence must submit a written request for return to employment to the Board prior to the date specified for return to work in the leave of absence.

11.1(4) Upon the expiration of the leave of absence, and the receipt of the request for return to employment, the officer shall be returned to the position held at the time the leave was granted or to a position of the same or similar class.

11.1(5) Failure of a police officer to return promptly at the expiration of a leave of absence shall be sufficient cause for the Chief to dismiss the officer.

11.1(6) The Chief may require an officer to return early from a leave of absence.

11.2 MILITARY SERVICE

11.2(1) Police officers of the Department shall be granted a leave of absence without pay in order to enter full-time regular service in the armed forces of the United States.

11.2(2) Police officers of the Department who have taken military service leave while in good standing may be restored to employment at the end of their military service without competitive examination, subject to the following conditions and procedures:

--- The former police officer desiring return from leave must make written request to the Chief within one year of discharge and present evidence that the military discharge was under conditions other than dishonorable.

--- The Chief shall pass the request and discharge information to the Board and shall certify the standing of the employee at the time of the granting of leave.

--- The Board shall review the submitted information and authorize reemployment in the same position or in a similar position for which the employee is qualified and shall specify the status the employee shall assume upon return from leave.

11.2(3) Employees of the Department who participate in Military Reserve, National Guard or U.S. Public Health Service Reserve training and/or active duty shall be credited with Department service time for all periods during which they are absent on military leave for such training or active duty.

11.3 SERVICE AS CHIEF OR ASSISTANT CHIEF

11.3 A police officer in the Classified Service who is appointed and serves as Chief, Assistant Chief, or in another office above the rank of Captain within the Department shall be deemed to be on a leave of absence from the Classified Service during the time of service in such a position. When the person ceases to serve in such position, that person shall be restored automatically to the same class held at the time of appointment to the position outside the Classified Service, without loss of seniority in grade.

12.1 DEMOTION

12.1 GENERAL PROVISIONS

12.1(1) Police officers to be demoted for any reason must meet the qualifications of the lower class. The Secretary shall be responsible for determining whether employees who are recommended for demotion are qualified for the lower class to which they are to be demoted. An employee who has completed a probationary period in a class to which the employee is to be demoted shall be deemed to be qualified for that class.

12.2 TYPES OF DEMOTION

12.2(1) Involuntary, Disciplinary

The Chief may demote employees as a disciplinary measure. Employees who have completed the probation period in their position may appeal disciplinary demotions.

12.2(2) Voluntary

Employees may request voluntary demotions by making written request to the Chief. The Chief shall review the request, and if a position is available, may recommend the demotion to the Secretary.

12.2(3) Voluntary, Economic

Employees notified of impending layoff from their class may request in writing a demotion to vacant positions for which they are qualified in lieu of layoff. The Chief shall review the request, and if a position is available, may recommend the demotion to the Secretary.

13.1 LAYOFF

13.1 GENERAL PROVISIONS

13.1(1) All police officers who are laid-off shall have their name placed on a Preferred Reemployment Eligibility List.

13.1(2) The Chief shall notify the Board and the affected employees in writing at least ten (10) working days prior to any intended layoff.

13.1(3) No permanent employee in a class shall be laid-off when there are probationary or temporary employees in the Department working in positions assigned to the same class.

13.1(4) Layoffs shall be made by class. The order of layoff within a class shall be based on seniority within the classification.

14.1 DISMISSAL

14.1 GENERAL PROVISIONS

14.1(1) Any police officer may be dismissed by the Chief when such dismissal promotes the efficiency of the service.

14.1(2) The Chief shall provide a police officer with a written notification of the dismissal and the reasons for such. The Chief shall provide the Secretary a copy of the written notice.

14.1(3) Dismissals shall become effective as of the date of the Chief's notice to the police officer.

14.1(4) The Board has the authority to dismiss a police officer on charges brought against the employee on its own initiative or on the initiative of any citizen, subject to the provisions of applicable statutes.

14.1(5) Police officers who are dismissed shall be ineligible to be reemployed within the Classified Service unless the dismissal is reversed by the Board or by a court of competent jurisdiction.

15.1 RESIGNATION

15.1 GENERAL PROVISIONS

15.1(1) The Chief shall report to the Secretary the name of any police officer who resigns from a position in the Classified Service and shall report to the Board whether or not the employee resigned in good standing.

15.1(2) Persons who resign in good standing may request that the Board place their names on the Reemployment eligibility list. (See Rule 6.4 Reemployment Eligibility List.)

15.2 MANDATORY RETIREMENT AGE

15.2(1) For the purpose of enhancing public safety, the mandatory retirement age for Louisville Metro Police Division sworn employees shall be age sixty-two (62) or as otherwise may be provided by ordinance of the Louisville Metro Government.

15.2(2) Anyone who has reached the age of mandatory retirement has the option of applying for exemption on the basis that he/she continues to be physically capable of performing the duties of their position. Such application shall be made to the Louisville Metro Police Merit Board at least 30 days before they reach the age of mandatory retirement. The staff of the Merit Board will schedule a medical examination along with a stress test to determine if the employee is still physically capable of performing his/her duties. If the employee is found to be physically capable, compulsory retirement shall be postponed for a period of 1 year, upon which time the employee may reapply for exemption from compulsory retirement under the same conditions mentioned above. In no event shall exemption from compulsory retirement be granted beyond the age of 70 years.

INDEX

Affirmative Action, 12, 28
Announcements, 28
Appeal, 3,7, 63, 64, 65, 66, 67
Applicant, 3, 28, 29, 30, 32,33, 35
Application(s), 29, 30, 35
Appointing Authority, 3, 25, 46,47, 52
Appointment(s) 2, 4, 5, 6, 9, 13, 15, 17, 22,, 46, 51, 52, 54, 55,
Board, 3, 4, 7, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 31,35, 36, 37, 41, 44, 45, 47, 48, 49, 52, 57, 63, 64, 65, 66, 67, 68, 69, 73,74, 75, 76
Candidate(s), 5, 13, 29, 30, 36, 37, 38, 43, 47, 52
Chairperson, 19, 20, 21
Chief, 3, 4, 7, 11, 15, 22, 24, 34, 36, 37, 38, 41, 42, 46, 51, 54, 57, 58, 59, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75
Chief Examiner, 34, 36, 37, 38, 41, 42
Class, 3, 4, 5, 6, 7, 9, 26, 29, 33, 34, 43, 44, 46, 43, 44, 46, 52, 54, 57, 59, 68, 70, 71, 72, 73
Classification, 9, 24, 25, 29, 39, 47, 49, 52, 73
Classified, 22, 24, 25, 43, 44
Classified Service, 5, 22, 24, 25, 30, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 54, 60, 63, 68, 70, 74, 75
Compensation, 8, 13, 62
Demoted, 13, 59, 67, 71
Demotion, 3, 4, 9, 13, 15, 63, 64, 65, 71, 72
Discipline(d), 13, 18, 20, 62, 63
Dismissal, 3, 4, 7, 30, 36, 63, 64, 65, 74
Eligibility List(s), 29, 30, 35, 37, 40, 41, 42, 43, 45, 47, 48, 50, 51, 52, 54, 73, 75
Eligible(s) 3, 4, 5, 6, 29, 30, 31, 32, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 52, 53, 54, 74
Employment, 5, 6, 7, 12, 13, 23, 27, 31, 34, 48, 52, 68, 69
Examination(s), 3, 4, 5, 6, 7, 8, 9, 13, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45, 52, 64, 69, 76
Executive Session, 21, 64
Files, 23
Hearing Officer, 65, 66
Hearing Procedures, 21, 64, 66, 67
Job Description(s), 25, 29, 48
Laid-off, 6, 13, 47, 73
Lateral, 48, 54, 55
Leave, 6, 7, 8, 47, 62, 68, 69, 70
List, 3, 5, 30, 31, 35, 38, 40, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 73, 75
Mandatory Retirement, 76
Military Service, 47, 69
Military Training, 57
Minutes, 19, 20, 21, 23
Open Competitive, 5, 28, 29, 35, 44, 46, 48, 49, 52
Policies, 11, 12, 23, 25, 30, 62
Political, 12, 13, 14, 17, 30
Position, 3, 4, 5, 6, 7, 8, 13, 18, 22, 24, 25, 26, 30, 31, 34, 37, 43, 44, 45, 46, 47, 49, 52, 54, 56, 59, 61, 65, 66, 68, 69, 70, 72, 73, 75, 76
Preferred Reemployment, 5, 6, 47, 54, 73
Probation(ary), 3, 5, 8, 14, 32, 43, 44, 51, 53, 54, 55, 56, 57, 58, 61, 62, 68, 69, 71, 72, 73
Promoted, 5, 6, 13, 52, 54, 56
Promotion(al), 5, 6, 7, 9, 13, 15, 28, 29, 30, 31, 34, 35, 38, 45, 52, 54, 55. 57, 59
Public Hearing, 21, 25, 47, 64
Public Notice, 7, 15, 20, 37
Qualification(s), 3, 6, 7, 9, 15, 17, 29, 30, 31, 33, 34, 35, 48, 50, 71
Quorum, 20
Rank(ing), 4, 6, 11, 13, 29, 37, 38, 44, 45, 52, 70
Rating(s), 5, 7, 37, 38, 44, 45, 52
Records, 23, 26, 43
Recruitment, 27
Reemployment, 5, 6, 7, 31, 34, 46, 47, 54, 69, 73, 75
Regular Meeting, 15, 20, 25, 2
Reinstatement, 5, 6, 7, 9, 15, 46, 47, 63
Removal, 3, 7, 9, 13, 15, 46, 47, 63
Requirements, 4, 7, 8, 23, 29, 30
Requisition, 2, 51, 52
Resignation, 5, 7, 13, 46, 54, 75
Score, 5, 39, 41, 42
Secretary, 7, 15, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 34, 43, 44, 46, 51, 52, 54, 58, 64, 66, 68, 71, 72, 74, 75
Seniority, 7, 37, 47, 55, 67, 70, 73
Separation, 4, 6, 7, 22, 37, 46, 60
Service, 4, 5, 6, 7, 8, 11, 13, 17, 18, 22, 24, 25, 29, 30, 34, 36, 37, 46, 47, 51, 54, 55, 60, 61, 62, 64, 65, 68, 69, 70, 71
Special Meeting, 20, 21
Suspended, 13, 64, 67
Suspension(s), 3, 8, 9, 13, 15, 63, 64, 65
Term, 6, 7, 17, 18, 31
Transfer, 9, 15, 48, 55
Vacancies, 17, 22, 34, 45, 47, 52