

ORDINANCE 16-2022

AN ORDINANCE REVISING EMPLOYEE HANDBOOK POLICIES 109 AND 110, THEREBY CHANGING AGE AND EDUCATIONAL REQUIREMENTS FOR FIREFIGHTERS AND CHANGING ELIGIBILITY REQUIREMENTS FOR LATERAL TRANSFER POLICE OFFICERS AND FIREFIGHTERS.

WHEREAS, it is a goal of the City to provide employees with a safe, efficient, and uniform work environment that is conducive to both personal and professional growth; and

WHEREAS, the Board of Commissioners has delegated authority to establish certain employment and operational policies of the City, but has reserved certain policies to remain under the direct authority of the Commission; and

WHEREAS, to better assist employees and management in accessing the information provided in various policies and procedures manuals, the City has created a comprehensive Employee Handbook; and

WHEREAS, revising Policies 109 and 110 of the Employee Handbook will facilitate hiring firefighters and police officers.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:

Section 1. That the City of Owensboro, Kentucky, by and through its Board of Commissioners, hereby revises Policy 109 and Policy 110 as set forth hereinbelow:

109 EMPLOYMENT OF ENTRY-LEVEL POLICE OFFICERS AND FIREFIGHTERS

Basic Requirements. All applicants shall meet the requirements as established by the applicable provisions of the Kentucky Revised Statutes, the City of Owensboro Personnel Policy Manual, federal law, and all other requirements contained herein. Effective December 1, 1998, all applicants for police officer shall meet the requirements of the Peace Officers Professional Standards and Certification Act (POPS), as required by the Commonwealth of Kentucky (KRS 15.382).

Furthermore, the following minimum qualifications are required for entry level Police Officer and Firefighters. Qualifications from previous recruitments shall be honored for applicants remaining on a valid eligibility list (i.e., continuous “rolling” list), even if such qualifications have since been modified, unless otherwise required by applicable law.

Police Officer Age Requirement. The minimum age requirement for police officers shall be at least age 21 at time they become sworn.

Firefighter Age Requirement. The minimum age requirement for firefighters shall be at least age ~~21~~18 at time they become sworn. ~~The age requirement for firefighters may be reduced to 20 years at time they become sworn if the applicant has graduated a Kentucky Community and Technical College System with an Associate’s degree in Fire/Rescue Science Technology to include certification as a Nationally Registered Emergency Medical Technician.~~

Firefighter Education Requirements. The minimum Education Requirements shall be high school diploma or GED, ~~plus an Associate’s degree in job related field,~~ or its equivalent as defined in the job description, in education, training, experience, and/or combination thereof. Other qualifications may be required, as specified in the job description.

Police Officer Education Requirements. The minimum Education Requirements shall be high school diploma or GED, plus an Associate’s degree in job related field, or its equivalent as defined in the job description, in education, training, experience, and/or combination thereof. Other qualifications may be required, as specified in the job description. Applicants who do not currently possess an associate’s degree, but are eligible to participate in ~~the Educating Heroes a city sponsored or endorsed education program to offered through the Department of Criminal Justice Training to~~ obtain an Applied Science ~~a~~Associate’s ~~d~~Degree may also be considered for employment.

Residency Requirements. Residency requirements shall be in accordance with current law. Furthermore, pursuant to KRS 15.382, a police officer shall be a citizen of the United States, and pursuant to KRS 95.440, police officers and firefighters shall be a person of sobriety, integrity, and an orderly, law-abiding citizen.

Processes. Prior to hire, applicants are required to satisfactorily complete, at minimum, the following, in accordance with all applicable policy, procedure, and law:

- Written Exam
- Physical ability exam (also referred to as a “physical agility”)
- Interview
- Background Investigation, consisting of but not limited to:
 - Criminal History
 - Motor Vehicle Record History
 - Vehicle Accident History
 - Education History
 - Employment History and References
 - Military History
 - Polygraph
 - Personal References
 - POPS requirements (Police Officers)
 - Any other requirements of applicable law
- Post-Offer, Pre-employment Drug Screen
- Post-Offer, Pre-employment Physical Exam
- Post-Offer, Pre-employment Psychological Evaluation

Appointments require the recommendation of the Department Head, formal recommendation of the City Manager to the Board of Commissioners, and formal approval of the Board of Commissioners.

Notice of Job Opening (or to Establish List) and Application Process. Upon the approval of the City Manager or his or her designee, the Personnel Department and/or its authorized representative shall proceed with the necessary steps to obtain additional personnel or establish an eligibility list. The Personnel Department or its authorized representative shall set the time for holding examinations and give the notice required by KRS Chapter 424.130(d), if applicable. Applications for employment shall be valid only for the position which was solicited and for which the applicant applied.

Eligibility for Participation in Hiring Process. The Personnel Department, or its authorized representative, shall determine whether or not an applicant meets the eligibility requirements to participate in any one or more portions of the recruitment process, and shall exclude anyone who does not. Applicants who do not meet the minimum qualifications at the time of application, but who will meet them within a designated time frame (e.g., one year of the examination date), may participate in the examination(s) process. No person shall be permitted to participate in an examination without providing satisfactory evidence of his or her identity at the time of the examination. No applicant shall be permitted to participate in an examination(s) who does not appear at the designated time(s) and place(s) as specified to them.

Examination Requirements. The Civil Service Commission is designated as the body responsible for considering and approving the written, oral, video, and/or mechanical examinations used. It should be noted that hazardous duty police and fire positions are not classified as civil service positions. The Personnel Department or its authorized representative may propose to the Civil Service Commission the examination(s) to be administered. If the Civil Service Commission determines that the proposed examinations are proper and commensurate with the position, it shall approve such examinations. A minimum passing score or process to establish the passing score (e.g., statistical method to determine pass rate; testing company recommendation) for each examination shall be established, prior to examination, which is appropriate for the position. Oral examinations for the Fire Department do not require a minimum passing score as long as applicants satisfactorily complete the oral examination. The Civil Service Commission may delegate the Personnel Department or its authorized representative(s) to administer and score the examination. The Personnel Department, or its authorized representative, may establish any necessary procedures or rules to fairly and effectively carry out the examination and recruitment process. It shall not be necessary for a member of the Commission to be present during any examination. No individual may serve on the oral exam panel who is an immediate family member of a job applicant. Physical ability tests shall meet the requirements of applicable law.

Recruitment Processes

Traditional method. Generally, the traditional method of recruitment consists of an annual, or as needed, recruitment process consisting of, at minimum, a physical ability test and written exam process. In an effort to enhance recruitment efforts, an additional testing time(s) and location(s) during a designated testing period is allowed, as long as applicants are required to sign a confidentiality agreement. The same or an equivalent alternative test version shall be used during the same testing period for an additional designated testing time(s). In the event an oral or video exam(s) is used in addition to the written exam, the scores may be combined with the written exam scores to establish the eligibility list. If an oral exam is used, the maximum score of the written examination must be twice the maximum score of the oral exam. If applicable, the video and/or mechanical testing maximum scores may each equal but not exceed the maximum score of the written examination.

“Rolling” List - Continuous Examination Method. In an effort to enhance recruitment efforts, the City may utilize a continuous examination process, also referred to as a “rolling” list or “living” list. This process consists of periodically holding, at minimum, a physical ability and written exam, possibly at various times and locations, throughout a designated testing period. With each new testing period, applicant scores are integrated into the already existent list. This produces a “rolling” list that is updated with each new testing period, and has the potential of never expiring. The “top group” of candidates, thus, is updated with each new testing period as well. Applicants are required to sign a confidentiality agreement to participate in the examination process. The same or an alternate equivalent exam(s) shall be used with each new testing period. The same physical ability exam will be utilized each testing period unless there are modifications required by applicable law, at which point an

applicant shall be required to resubmit and satisfactorily complete the modified physical ability test prior to being hired. The results of the written and, if applicable, video exam remain valid for one year, although an individual may choose to re-apply and test again before that year expires in the event the position is re-solicited in that timeframe. The highest of the scores will prevail. In the event either the written or video examinations are modified (assuming the video scores have been combined with written exam score to establish eligibility list/ranking), such as changing testing vendors or to a different exam that is not an equivalent alternate, then the current list (i.e., applicants remaining on list) will remain active until there are no longer any scores less than one year old remaining. At such time the list expires, a new list may be certified. The maximum score of the video examination may equal but not exceed the maximum score of the written examination.

Eligibility List. Once scores are combined, if applicable, and finalized, the Personnel Department or its authorized representative may prepare the eligibility list, ranking applicants in numerical order, from highest to lowest. The eligibility list requires certification from the authorized member of the Civil Service Commission to become valid. The Personnel Department or its authorized representative will notify applicants within a reasonable period of time of the results. Applicants shall not be allowed to review their examinations once completed, unless disclosure is required by state law. The Personnel Department or its authorized representative shall remove any name from the eligibility list for any one or more of the following reasons:

- Candidate is not qualified or suitable for employment
- Candidate has accepted employment with the City of Owensboro
- Candidate declines employment
- Candidate fails to respond to any inquiry relative to availability for employment within a reasonable period of time
- Candidate cannot be reached within a reasonable period of time
- Candidate has not appeared, satisfactorily completed, or cooperated with any one or more portions of the application/selection process
- Candidate exam scores are older than one year old at time of re-certification (rolling list)
- Candidate failed to meet passing score for exam(s)
- Candidate falsified or withheld relevant or pertinent information during the application process or selection process
- Candidate demonstrated dishonesty in any portion of the application or selection process
- Candidate has used or attempted to use bribery to secure advantage in selection or appointment
- Candidate has demonstrated any form of unethical, inappropriate, or illegal conduct that would prevent him or her from effectively performing his or her essential job duties and/or responsibilities, or negatively affect the public's perception of being able to effectively perform his or her essential job duties and/or responsibilities
- Candidate has otherwise not met or has violated applicable policy, procedure, directives, and/or law

The certified eligibility list produced from the traditional recruitment method is valid for the timeframe designated (e.g., one (1) year from the date of certification), or until the list has no remaining names on it, whichever comes first. The certified eligibility list produced from the continuous “rolling” list method stays active as long as there are remaining names on it. A vacancy that originates while the list remains active in no way obligates the City of Owensboro to fill such position. The City may also wait to fill such position after a new list is certified, or a rolling list is re-certified, at its discretion. The City of Owensboro is under no obligation to offer employment to any person(s) on the list. Inclusion on the list creates no legal right to the candidate for an offer of employment.

Establishment of Top Group; Remainder of Hiring Process. After the eligibility list is established, the top group shall be determined by using a Rule of 5N, where N represents the number of anticipated vacancies. For example, if it is anticipated that 5 vacancies will exist, the Rule of 5N means you will multiply 5 by 5, equaling 25. Therefore, using this example, the top 25 scores on the eligibility list represent the top group. Applicants in the top group may progress to the background investigation and interview process. It is at the City’s discretion whether to conduct the background investigation or interview process first. If the interview process is held first, then only those recommended from that process may progress to the background investigation process. Others may be removed or retained on the eligibility list, in accordance with applicable policy and law. Candidates in the top group who withdraw or who are rejected from the list may be replaced with names from the list in numerical order, not to exceed 5N.

110 LATERAL TRANSFERS (POLICE AND FIRE DEPARTMENTS)

The City of Owensboro, in its discretion, may hire lateral transfers of police officers, firefighters, and telecommunicators, from other agencies, at any time, as long as such persons meet the following criteria:

- Minimum job qualifications as stated in the job description; and
- Any requirements of applicable policy and law; and
- Any required certifications or training as determined necessary by the Department Head or designee; and
- At least ~~three~~ two (32) ~~years consecutive consecutive years of paid experience and current full time paid experience~~ in their respective fields (i.e., law enforcement, firefighting, 9-1-1 telecommunicator), most recently employed within the previous twelve (12) months prior to date of application; ~~and~~
- Satisfactory completion of background investigation (including, but not limited to, polygraph); and
- Satisfactory completion of oral interview; and
- Satisfactory completion of post-offer, pre-employment requirements:
- Physical exam and related lab work, etc.; and

- Drug screen; and
- Psychological evaluation (The psychological evaluation may be waived, at the City's discretion, for POPS certified candidates.)

All full time appointments require the recommendation of the department head, formal recommendation of the City Manager to the Board of Commissioners, and formal approval of the Board of Commissioners.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this 19th day of July, 2022.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this 2nd day of August, 2022.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk