AN ORDINANCE AMENDING CHAPTERS 3.30.506, 3.30.508, 3.30.510, 3.30.512, 
3.30.514, AND 3.30.515 OF THE POLICE MERIT ORDINANCE
OF THE CITY OF EVANSVILLE MUNICIPAL CODE

WHEREAS, the City of Evansville previously established a merit system for the
Evansville Police Department, pursuant to I.C. 19-1-31.5, and retained such merit system under
I.C. 36-8-3.5-1(b), pursuant to Ordinance No. G-82-50, which was approved by the Common
Council on October 25, 1982.

WHEREAS, Article XXX of the Collective Bargaining Agreement between the City of
Evansville and the Fraternal Order of Police, Evansville Lodge No. 73, Inc., provides that no
changes will be made to the police merit ordinance without the approval of the Merit Ordinance
Committee; and

WHEREAS, the Merit Ordinance Committee has approved the changes and amendments
herein to the police merit ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of
Evansville, Indiana, as follows:

Section 1. The first paragraph of subsection C of Chapter 3.30.506 (Membership of
Commission) of the City of Evansville Municipal Code shall be amended to read as follows:

“The nomination to be made by the membership of the Police Department shall be made
at the direction of the Board of Public Safety to the Fraternal Order of Police.”

Section 2. Chapter 3.30.506(C) (I) of the City of Evansville Municipal Code shall be amended
to read as follows:

“The Fraternal Order of Police shall give at least one week’s notice of the vote to all
active members of the Police Department by posting a notice in at least three prominent places in
the central police station.”

Section 3. The last sentence of subsection D of Chapter 3.30.506 of the City of Evansville
Municipal Code shall be amended to read as follows:

“The members of the Commission shall receive a per diem compensation for each day of
actual service in the amount to be fixed by the Common Council of the City of Evansville.”

Section 4. The first sentence of Chapter 3.30.508 (Rules and Regulations) of the City of
Evansville Municipal Code shall be amended to read as follows:
"All rules and regulations shall be furnished to each member of the Police Department."

Section 5. The second sentence of subsection B of Chapter 3.30.510 (Performance Ratings) of the City of Evansville Municipal Code shall be amended to read as follows:

"The Police Merit Commission shall interview the Probationary Officers at least one (1) time during their probationary period and shall review all Field Training Program ratings at various intervals of the probationary period."

Section 6. Subparagraph five (5) of subsection D of Chapter 3.30.512 (Promotions) of the City of Evansville Municipal Code shall be amended to read as follows:

"At the expiration of sixty (60) days from the date that the Merit Commission certifies the final grades on the examination, if no member has initiated an appeal, all examination papers shall be destroyed."

Section 7. Subparagraph six (6) of subsection D of Chapter 3.30.512 (Promotions) of the City of Evansville Municipal Code shall be amended to read as follows:

"The promotion eligibility list shall be maintained for a period of two years. A competitive examination procedure conducted with the approval of the Merit Commission for the purpose of establishing a new promotion eligibility list shall be held prior to the expiration of the previous list. If there are no eligible candidates left on the list for a given rank, the promotion process can be moved up to accommodate the vacancy in that rank."

Section 8. The second sentence of subparagraph three (3) of subsection A of Chapter 3.30.514 (Appointment to Department – Requirements) of the City of Evansville Municipal Code shall be amended to read as follows:

"However, the age requirements do not apply to a person who has been previously employed as a sworn law enforcement officer of the Evansville Police Department or any other law enforcement agency, pending approval and acceptance into the 1977 Police Officers’ and Firefighters’ Pension and Disability Fund (PERF);"

Section 9. Subsection N of Chapter 3.30.514 (Appointment to Department – Requirements) of the City of Evansville Municipal Code shall be amended to read as follows:

"The eligibility list will remain in existence for one (1) year from the date it is announced, or until it is exhausted, whichever period is the shortest, or the Merit Commission, for good cause, determines that the existing eligibility list should be voided and a new list created."

Section 10. Subsection P of Chapter 3.30.514 (Appointment to Department – Requirements) of the City of Evansville Municipal Code shall be amended to read as follows:
"If the applicant successfully passes a medical examination, psychological examination, polygraph examination, and a physical agility test, the applicant shall then be enrolled as a member of the department to fill the vacancy if the applicant is still of good character."

Section 11. Subsection 0 of Chapter 3.30.514 (Appointment to Department – Requirements) of the City of Evansville Municipal Code shall be amended to read as follows:

"When a vacancy occurs in the Department, the Merit Commission, upon written request of the Chief, shall make a conditional offer of employment to the highest ranking applicant on the eligibility list."

Section 12. Chapter 3.30.515 (Probationary Period) of the City of Evansville Municipal Code shall be amended to read as follows:

"(A) All appointments to the Evansville Police Department shall be probationary. A Probationary Officer is an at-will employee whose employment may be terminated, at the discretion of the Merit Commission, at any time, during the period of probationary status. Every appointment to the Police Department shall be for a probationary period of one (1) year of actual service, except as provided for in subsection B below. If at any time during the probationary period the conduct or capacity of the Probationary Officer is found not to be satisfactory, which fact shall be determined by the Merit Commission, the Probationary Officer shall be notified in writing by the Merit Commission that he will not receive a regular appointment, whereupon his employment shall cease; otherwise, his retention as a law enforcement officer on the Police Department after the expiration of the probationary period shall constitute a regular appointment.

(B) With the approval of the Merit Commission, the probationary period may be reduced to nine (9) months for those Probationary Officers with previous law enforcement experience who successfully complete an accelerated Field Training Program.

(C) The probationary period may be extended beyond one (1) year, at the discretion of the Merit Commission, for special and extraordinary circumstances, if a Probationary Officer is not able to complete the Field Training Program within one (1) year due to illness or injury, pregnancy, military service or for any other statutory or legally recognized circumstance which causes a legitimate absence from service that prevents a Probationary Officer from timely completing the Field Training Program during his probationary status."

Section 13. Effective Date

This ordinance shall be in full force and effect from and after its passage by the City Council and signing by the mayor.
PASSED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA ON THE 22 DAY OF December, 2008, ON SAID DAY SIGNED BY THE PRESIDENT OF THE COMMON COUNCIL AND ATTESTED BY THE CITY CLERK.

[Signature]

PRESIDENT
COMMON COUNCIL OF THE
CITY OF EVANSVILLE, INDIANA

ATTEST: [Signature]

PRESENTED BY ME, THE UNDERSIGNED CITY CLERK OF THE CITY OF EVANSVILLE, INDIANA, TO THE MAYOR OF SAID CITY, THIS 23 DAY OF December, 2008, AT 10:00 O'CLOCK A.M. FOR HIS CONSIDERATION AND ACTION THEREON.

[Signature]
ALBERTA MATLOCK, CITY CLERK
CITY OF EVANSVILLE, INDIANA


[Signature]
JONATHAN D. WEINZAPFEL, MAYOR
CITY OF EVANSVILLE, INDIANA

APPROVED AS TO FORM BY:
DAVID L. JONES, CORPORATION COUNSEL
A.S.D. COMMITTEE REPORT

MR. PRESIDENT:

YOUR COMMITTEE ON ADMINISTRATION/SAFETY/DEVELOPMENT TO WHOM WAS REFERRED ORDINANCE/RESOLUTION 2008-36 WISHES TO RECOMMEND THE FOLLOWING ACTION BY COUNCIL.

DO PASS ✓

DO NOT PASS _____

AMENDMENTS AS FOLLOWS:

Motion - John

Second - Jaboe

DATE: 12-22-08

SIGNED: Connie Robi

CONNIE ROBINSON
MEMORANDUM OF ASD COMMITTEE MEETING

CHAIRWOMAN: COUNCILWOMAN ROBINSON

DATE: December 22, 2008 5:15 P.M.

ORDINANCE G-2008-36  A.S.D. (ROBINSON)  JOHN


MOVED TO ACCEPT: JOHN

SECONDED BY: JARBOE

DO PASS: DO NOT PASS:

COMMENTS:

CHIEF HILL

ROBINSON

VOTING: YES  NO  **CONNIE ROBINSON

YES  NO  *JEFF KNEISE

YES  NO  *KEITH JARBOE

YES  NO  *MISSY MOSBY

YES  NO  *STEPHEN MELCHER

YES  NO  JOHN FRIEND

YES  NO  CURT JOHN

YES  NO  H. DAN ADAMS

YES  NO  B.J. WATTS