AN ORDINANCE AMENDING THE POLICE MERIT SYSTEM

WHEREAS, the Evansville Police Department recommends certain changes in the Police Merit Ordinance; and

WHEREAS, a committee appointed by the Police Department and the FOP has met pursuant to contract and recommends adoption of the changes outlined herein;

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

SECTION 1. AMENDMENT OF SECTION 3.30.37.506.

Subsection (E) of Section 3.30.37.506 of the Municipal Code is hereby amended to read as follows:

E. Vacancies, for any cause, shall be filled by appointment in the same manner in which the member whose seat was vacated was appointed. The Board may remove any member of the Commission at any time for malfeasance, nonfeasance, or inability to serve. A member of the Commission shall also be removed from the Commission when he/she ceases to be a resident of Vanderburgh County.

SECTION 2. AMENDMENT OF SECTION 3.30.307.508.

The former Section 3.30.37.512 "Rules and Regulations" is hereby renumbered to read 3.30.37.508.

SECTION 3. AMENDMENT OF SECTION 3.30.37.509.

A. The former Section 3.30.37.508 is hereby renumbered to read 3.30.37.509.

B. Subsection B of the new Section 3.30.37.509 is hereby amended to read as follows:

The Commission shall appoint or remove any member of the Police Department, but the Mayor shall have the sole power of appointing and removing the Chief of the Department, provided that the appointment shall be made by the Mayor from the personnel of the Department, having had at least six (6) years of service in the
Department, immediately prior to the appointment. The office of Superintendent of Police and the office of Chief of Police shall be considered the same office.

SECTION 4. AMENDMENT OF SECTION 3.30.37.510.

(A) The former Section 3.30.37.509 is hereby renumbered to read 3.30.37.510.

(B) Subsection B of the new 3.30.37.510 is hereby amended to read as follows:

(B) Probationary officers are rated as set out by the current procedures of the Field Training Officers Program. The Police Merit Commission interviews the Probationary Officers at least two (2) times during their probationary periods and reviews all Field Training Program ratings at six (6) week intervals. The final evaluation is done at the completion of their training period.

SECTION 5. AMENDMENT OF 3.30.37.511.

Section 3.30.37.511 of the Municipal Code is hereby amended to read as follows:

3.30.37.511 RANK DESIGNATIONS.

The seven (7) ranks of the Evansville Police Department are as follows:

1. Police Officer
2. Corporal
3. Sergeant
4. Lieutenant
5. Captain
6. Deputy Chief
7. Chief

SECTION 6. AMENDMENT OF 3.30.37.512.

Section 3.30.37.512 of the Municipal Code is hereby amended to read as follows:

3.30.37.512. PROMOTIONS.

A. Promotion process.
1. The commission shall issue regulations to govern promotions of members of the Police Department.

2. There shall be written competitive examinations given for the purpose of filling any vacancies in the ranks. Only members of the Police Department who are qualified in rank and length of service, as provided in this subchapter, shall compete in the promotion process and be placed on the promotion eligibility list by the grade received.

3. The Commission is authorized to purchase materials and equipment and allow other necessary expenditures for the purpose of instructing and testing members of the Police Department.

B. Promotion Requirements.

1. General provision. Any regular member of the department in good standing at the time of the examination, who has attended the required number of promotional training sessions, satisfied the professional development requirements as set by this Merit Ordinance, and met all other requirements listed in this Article, may take the promotional examination for which the member is qualified by time in service.

2. Time of service.

   a. To take the examination for Corporal, a member must hold the rank of Police Officer for at least four (4) years prior to the date of examination.

   b. To take the examination for Sergeant, a member must have at least six (6) years with the department prior to the date of examination.

   c. To take the examination for Lieutenant, a member must hold the rank of Sergeant for at least two (2) years.

   d. To take the examination for Captain, a member must hold the rank of Lieutenant for at least two (2) years.
e. To take the examination for Deputy Chief, a member must hold the rank of Captain for at least two (2) years.

3. No member demoted for cause may take a promotional examination within two (2) years of the effective date of this demotion.

4. A member under suspension pending a hearing, or in the process of appeal from the finding made at a hearing may take a promotional examination, and the member's right to a ranking on an eligibility list shall be protected in the event of a final hearing in the member's favor.

C. Promotion Examination Factors. These regulations shall provide that the following factors shall be basic considerations of rating a member of the Police Department for the purpose of promotion:

1. Rank of Corporal
   a. An annual performance evaluation with an acceptable score of three (3) or higher for the last two (2) evaluation periods immediately prior to the examination.
   b. The passing grade received by a member on a written competitive examination.
   c. The rights acquired by the length of service or tenure.

2. Examination for Rank of Corporal.
   a. The grade received on a written competitive examination shall be considered eighty percent (80%) of the rating. The seniority rights based on the number of years of service as a member of the Police Department shall be considered twenty percent (20%) of the rating. Seniority will be figured at the rate of one percent (1.0%) for each full year of service, not to exceed twenty (20) years.
b. In the event that ties occur in final total scores, the factors to be used in establishing the relative position of members on the eligibility list shall be:

1. Written examination score;
2. Seniority score;
3. Rank on original hiring list.

3. Rank of Sergeant and Higher.

a. An annual performance evaluation with an acceptable score of three (3) or higher for the last two (2) Evaluation periods immediately prior to the examination.

b. The passing grade received by a member on a written competitive examination.

c. The grade received from an oral interview board.

d. The grade received from assessment exercises.

e. The rights acquired by the length of service or tenure.

4. Examinations for Rank of Sergeant and Higher

a. The grade received on a written competitive examination shall be considered fifty percent (50%) of the rating. The grade received from the oral interview board shall be considered at twenty percent (20%) of the rating and the grade receiving from assessment exercises shall be considered at thirty percent (30%) of the rating. The seniority rights based on the number of years of service as a member of the Police Department shall be based on one-tenth (.1) points per each full year of service as of the date of the written examination, not to exceed two (2.0) points for twenty (20) years. Seniority points will be calculated and added to the total score produced by the other promotional factors.

b. In the event that ties occur in the final total scores, the factors to be used in establishing the relative position of members on the eligibility list shall be:
1. Assessment score;
2. Interview score;
3. Written examination score;
4. Seniority score;
5. Rank on original hiring list.

D. Additional promotion factors.

1. The name or any means of identification of any member taking the competitive or qualifying examination under the provision of this subchapter shall be withheld and made unavailable to the person or persons who grade the examinations and all written competitive examinations shall be treated and filed as confidential.

2. The grade received by the individual officer on the written examination shall be made a part of the permanent file of the individual officer taking the examination.

3. Each member shall be notified in writing by the Commission of the grade which the member received on the examination.

4. The rules and regulations shall further provide that if any member is aggrieved with the grade received on the written competitive examination, the member shall have the right to appeal in writing to the Commission for a review of the grade within ten (10) days after the notice of the grade has been sent to the member, and the Commission, after reviewing the grade and examination papers, shall have authority to affirm the grade or to correct the grade according to the findings of the review.

5. At the expiration of sixty (60) days from the date that the officer receives written notice of the grade which the member received on the examination, if the member has not initiated an appeal, all the examination papers shall be destroyed.

6. The promotion eligibility list shall be maintained for a period of two (2) years. A competitive examination procedure conducted by the Police Merit Commission for the purpose of establishing a new promotion eligibility list shall be held prior to the expiration of the previous list.

SECTION 7. AMENDMENT OF SECTION 3.30.37.513.

The title of Section 3.30.37.513 of the Municipal Code is hereby amended to read as follows:
SECTION 8. AMENDMENT OF 3.30.37.514.

A. Subsection A of Section 3.30.37.514 of the Municipal Code is hereby amended as follows:

3.30.37.514. Appointment to Department; requirements.

A. To be appointed to the department, and prior to filing an application, an applicant must:

1. Be a citizen of the United States;

2. be a high school graduate or possess a G.E.D. certificate;

   a. Applicants with G.E.D. certificates must also have either thirty (30) semester hours of credit from an accredited college or university with a GPA of 2.0 or higher; or a minimum of two (2) years of military service, including Reserve duty;

3. Have reached at least his/her twenty-third (23) birthday on or before the closing date of the acceptance of applications, but under thirty-six (36) years of age. However, the age requirements do not apply to a person who has been previously employed as a member of the department.

4. Possess a valid driver's license; and

5. Have no less than an "Honorable" discharge from military service (if applicable).

B. Subsection B of Section 3.30.37.514 of the Municipal Code is hereby amended to read as follows:

   "B. A person shall not be appointed, reappointed, or reinstated if that person has a felony conviction on his/her record."

C. Subsection H, Subpart (2) of Section 3.30.37.514 of the Municipal Code is hereby amended to read as follows:

2. Fails to obtain a passing score on the physical agility test; or

The Municipal Code is hereby amended by establishing a new Section 3.30.37.515 which shall read as follows:


Every appointment to the Police Department shall be for a probationary period of one (1) year of actual service. If at any time during the probationary period the conduct or capacity of the probationer is found not to be satisfactory, which fact shall be determined by the Police Merit Commission, the probationer shall be notified in writing by the Commission that he will not receive a regular appointment, whereupon his employment shall cease; otherwise, his retention in the service after the expiration of the probationary period shall be equivalent to and shall constitute a regular appointment.

SECTION 10. ESTABLISHMENT OF A NEW SECTION 3.30.37.516.

The Municipal Code is hereby amended by establishing a new Section 3.30.37.516 which shall read as follows:


An applicant who personally or through any other person solicits any member of the Police Merit commission to favor his appointment or reinstatement to the force, shall be thereby rendered ineligible for all time to any appointment to the Police Department.

A Commissioner who knowingly furnishes information to an applicant for original appointment or to a member eligible for promotion that gives that person an advantage over another person commits a crime under Indiana Law.

SECTION 11. ESTABLISHMENT OF A NEW SECTION 3.30.37.517.

The Municipal Code is hereby amended by establishing a new Section 3.30.37.517, which shall read as follows:

3.30.37.517 Disciplinary Action.

Demotions, dismissals, reprimands, forfeitures, suspensions, and punishments of members of the Police Department shall be by the Police Merit Commission and shall be for cause, except as herein otherwise provided, and under the same rules of procedures including the right of
appeal as are now or may hereafter be provided by laws pertaining to the City specifically including, but not limited to, the provision of I.C. 36-8-3-4, unless specifically provided otherwise herein; except that wherever in the laws, reference is made to Commissioners of Public Safety, Board of Public Works and Safety, Board of Metropolitan Police Commissioners, Board of Metropolitan Police and Fire Department, or Board, it shall be construed, for the purposes of this chapter, to refer to the Police Merit Commission. For purposes of I.C. 36-8-3-4(m), "upper level policy-making position" refers only to the Police Chief.

SECTION 12. ESTABLISHMENT OF A NEW SECTION 3.30.37.518.

The Municipal Code is hereby amended by establishing a new Section 3.30.37.518 which shall read as follows:


Upon arriving at the age of sixty-five (65) years, it shall be mandatory for a member of the Police Department to retire from the Department.

SECTION 13. AMENDMENT OF SECTION 3.30.37.519.

Section 3.30.37.519 of the Municipal Code is hereby amended to read as follows:

3.30.37.519. Reduction of Department Size.

Reduction in Department size shall be as provided in the current contract between the City and the Fraternal Order of Police, or if no current agreement is in existence, the last valid contract between the City and the Fraternal Order of Police.

SECTION 14. AMENDMENT OF SECTION 3.30.37.520.

Section 3.30.37.520 of the Municipal Code is hereby amended to read as follows:

3.30.37.520. Appropriation.

There shall be included annually in the budget of the City an amount sufficient to provide funds for the necessary expenses of the Police Merit Commission, including salaries and operating costs.
SECTION 15. AMENDMENT OF SECTION 3.30.37.521.

Section 3.30.37.521 of the Municipal code is hereby amended to read as follows:

A. The salary of a first-class police officer and of a probationary police officer for purposes of pay only shall be as provided in the contract between the City and the Fraternal Order of Police or, if no current agreement is in existence, the last valid contract between the City and the Fraternal Order of Police. However, no language within this division shall be considered to affect the pension basis currently in effect or as required by state law.

B. All members of the Police Department of the City shall receive longevity payments as provided by the contract between the City and the Fraternal Order of Police, or, if no current agreement is in existence, the last valid contract between the City and the Fraternal Order of Police.

C. The compensation of any member of the Police Department who holds the rank of Corporal shall be not less than eight percent (8%) more than the compensation for a first-class Police Officer. The compensation of any member who holds the rank of Sergeant shall be not less than eight percent (8%) more than the compensation received by a Corporal. The compensation of any member who holds the rank of Lieutenant shall be not less than eight percent (8%) more than the compensation received by a Sergeant. The compensation of any member who holds the rank of Captain shall be not less than eight percent (8%) more than the compensation received by a Lieutenant. The compensation of any member who holds the rank of Deputy Chief shall be not less than eight percent (8%) more than the compensation received by a Captain.


Section 3.30.37.522 of the Municipal Code is hereby amended to read as follows:


Any member of the Police Department, after serving the probationary period, shall receive vacation thereafter as set out in the current contract between the City and the Fraternal Order of Police, or if no current agreement is in existence, the last valid contract between the City and Fraternal Order of Police.
SECTION 17. AMENDMENT OF SECTION 3.30.37.523.

Section 3.30.37.523 of the Municipal Code is hereby amended to read as follows:

3.30.37.523. Hours.

Members of the Police Department shall be compensated as set out in the current contract between the City and the Fraternal Order of Police, or if no current agreement is in existence, the last valid contract between the City and Fraternal Order of Police.

SECTION 18. AMENDMENT OF SECTION 3.30.37.524.

Section 3.30.37.524 of the Municipal Code is hereby amended to read as follows:


This subchapter shall supersede all prior laws of the same purpose pertaining to the City, and any action taken pursuant to any prior law shall in no way be impaired by this subchapter. Any rank obtained by officers affected by this subchapter, eligibility lists created pursuant to any previous law, Civil Service Commission members appointed pursuant to any previous law, or any other action previously taken by an existing Civil Service Commission for any Police Department affected by this subchapter, shall in no way be repealed nor impaired by the passage of this subchapter. After this subchapter takes effect, all members of the Police Department are entitled to the same ranks and pay grades they held under the merit system created by I.C. 36-8-3.5-1(b).

SECTION 19. REPEAL OF CERTAIN SECTIONS.

Sections 3.30.37.525, 3.30.37.526, 3.30.37.527 and 3.30.37.528 are hereby repealed.

SECTION 20. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.
PASSED BY THE COMMON COUNCIL of the City of Evansville, Indiana on the 18 day of NOV., 1996, and on said day signed by the President of the Common Council and attested by the City Clerk.

ATTEST:

[Signature]
President, Common Council

PRESENTED by me, the undersigned City Clerk of the City of Evansville, Indiana, to the Mayor of said City, this 19 day of NOV., 1996, at 9:00 o'clock A.M., for his consideration and action thereon.

[Signature]
City Clerk of the City of Evansville, Indiana

HAVING EXAMINED the foregoing Ordinance, I do now, as Mayor of the said City of Evansville, Indiana, approve said Ordinance and return same to the City Clerk, this 19 day of NOVEMBER, 1996, at 3:00 o'clock P.M.

[Signature]
Mayor of the City of Evansville, Indiana

APPROVED AS TO FORM:

BY: Kevin Winternheimer
Corporation Counsel
COMMITTEE REPORT

Mr President:

Your Committee on A.S.D to whom was referred ORDINANCE G-96-20 wishes to recommend the following action by council:

DO PASS ___ DO NOT PASS ___

Amendments as follows:

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COUNCILMEMBER MOVED AND COUNCILMEMBER SECONDED THE MOTION FOR A DUE PASS OF ORDINANCE G-96-20.

Date 11-18-96

Signed Chairman

Constance Robinson

Gary Bender

Tanya Hager

Doro W. Mahoney

Mary L. Thomsen

Neal Barber

Angela Kochhar Walden