

# **LAWRENCE POLICE DEPARTMENT**

## **MERIT COMMISSION**

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**ARTICLE I**  
**COMMISSION RULES**

**ARTICLE I - COMMISSION RULES**

The purpose of this Article is to establish the basic rules under which the Commission shall operate.

**A. Quorum.**

Three members of the Commission shall constitute a quorum for the transaction of business.

**B. Officers.**

The Commission shall elect a president, a vice-president and a secretary.

(1) Term of Office. The officers of the Commission shall hold office for a term of one year.

(2) Election of Officers. Each January, the members of the Commission shall elect the three officers from its own membership.

(3) Vacancies and Removals. Membership vacancies and removals shall be filled by the procedure set forth in IC 36-8-3.5-7.

(4) Duty of the President. The President shall be the principal executive officer of the Commission and, subject to the control of the Commission, shall in general, supervise and control all of the business and affairs of the Commission. He shall, when present, preside at all meetings of the Commission. He shall preside as President of any hearing, including disciplinary hearings, before the Commission.

(5) Duty of the Vice-President. In the event of absence or incapacity to serve, on the part of the President of the Commission, the Vice-president shall function in his place.

(6) Duty of the Secretary. The Secretary shall:

- a) keep the minutes of all meetings.
- b) see that all notices are duly given in accordance with the provisions of these Commission rules and in accordance with 1C 5-14-1.5-5 and 5-14-1.5-6.1.
- c) sign with the President or Vice-president, any rules, regulations, orders that are approved and adopted by the Commission.
- d) perform such other duties as from time to time may be assigned to him by the President or the Vice-President.
- e) maintain the eligibility list of applicants.

(7) Delegation of Authority. The Commission shall have the authority to delegate functions and duties of an administrative nature to officials or members of the Police Department of the City of Lawrence, Indiana, or to any other persons. However, in no event, shall the delegation of specific functions or duties be construed as abandonment of its authority. The Commission will, at all times, retain its option to maintain concurrent administration of the function or duty, or to rescind its prior delegation. The Commission shall not have the power to delegate its rule-making function to any person or persons whatsoever.

### C. Meetings.

(1) Regular Meetings. The Commission shall hold one regular meeting each month.

a) The regular meeting shall be held on the 2nd Monday of each month at 6:00 p.m. in the Public Assembly Room of the Lawrence Government Center, 9001 E. 59<sup>th</sup> St., Lawrence, Indiana, 46216 unless otherwise changed by the Commission.

(2) Special Meetings. Special meetings of the Commission may be held at any time and at any place within the City of Lawrence, Indiana when called by the President of the Commission, or by the Vice-President in the absence or incapacity of the President. A special meeting may be called by the joint action of three (3) members of the Commission. It shall be necessary that a quorum be present to conduct a special meeting.

(3) Adjourned Meetings. Adjourned meetings of any regular or special meeting may be held, if announced prior to the termination of the meeting which is to be adjourned, at which time, the time, place, and purpose of such adjourned meeting shall be announced.

(4) Open Door Law. In all cases, meetings shall conform with IC 5-14-1.5, Indiana's Open Door Law.

(5) Notice of Meetings.

a) The Secretary shall notify all members of the Commission of the special meetings.

b) The Secretary shall coordinate with the City Clerk of the City of Lawrence to notify the media by January 1 of each year of the regular meeting dates for the coming year. The Secretary or his/her designee will also provide notice to the media of any special meetings at least forty-eight (48) hours in advance of the special meeting.

c) The regular, special and adjourned meetings of the Commission are open to the public, except Executive Sessions held in accordance with I.C. 5-14-1.5-6.1, if the purpose of such special or adjourned meeting is the transaction of business of the Commission.

d) All notices shall state the time, the place, and the purpose of the meeting.

(6) Conduct of Meetings. The rules of parliamentary procedure as set forth in "Roberts Rules of Order" shall govern meetings and proceedings before the Commission insofar as the same

is not inconsistent with the rules of this Commission or the laws and statutes of the State of Indiana.

#### D. Maintenance of Records.

(1) Permanent Record. The City Clerk of the City of Lawrence shall maintain a permanent record of all acts and actions of the Commission.

a) The permanent records of the Commission shall be open for inspection in accordance with I.C. 5-14-3 *et seq.* Those records that are specifically excepted, or subject to discretionary exception, from public disclosure pursuant to I.C. 5-14-3-4 shall not be open for inspection.

(2) Confirmation of Records of Prior Meeting. The first order of business of any regular meeting shall be the reading of the minutes of the previous meeting. At such time, the record may be amended, corrected or modified before final confirmation. The rescission, amendment, modification or affirmation of a prior action shall be noted on the margin of the record pertaining to the original action, as well as in full detail in the records of the subsequent meeting at which the modifying action was taken.

(3) Record of Oral and Documentary Evidence. A complete record shall be kept of all oral and documentary evidence in any hearing before the Commission.

(4) Records of All Hearings Shall Be Kept. In all hearings before the Commission, a complete record of the entire proceedings shall be kept. In the event of any appeal from the finding and/or order of the Commission, a transcript shall be prepared containing the record of the hearing along with the finding and order of the Commission, this transcript shall thereupon be made available to the court having jurisdiction of such appeal.

(5) Transcript to Court Within Thirty (30) Days After Summons Issued On Appeal From Any Order or Finding of the Commission. A certified copy, certified by the President or the Vice-President and the Secretary, shall be delivered and filed in the court having jurisdiction of any appeal from any order or finding of the Commission within thirty (30) days after service of summons.

#### E. Budget.

The Commission shall establish an annual budget in an amount of necessary expenses to carry out its purposes. Said budget shall be submitted to the Common Council of the City of Lawrence to be included in its budget.

#### F. Hearings Before the Commission.

All hearings held by the Commission on disciplinary matters shall be held in conjunction with Regular or Special Meetings of the Commission.

(1) Conduct of Hearings. All hearings before the Commission shall be held in such a manner as to obtain all facts material to the hearing, to protect the proper interests of all parties, and to render findings in accordance with the evidence presented.

(2) Power to Review Action. The Commission specifically retains the right and authority to review action taken by it on any matter, and after review, may rescind, modify or amend action previously taken.

(3) Appeals of Performance Ratings. The appeal to the Commission for review of a performance rating by a member and the resultant hearing of the appeal shall not constitute a hearing or require a special meeting of the Commission under this Section. However, the hearing of an appeal on a performance rating requires a quorum of the Commission, and a recording of the minutes of such hearing shall be retained in the files of the Commission.

#### G. Adoption of Rules and Regulations.

The Commission shall adopt the rules necessary to carry out its duties and powers as set forth in the Statute creating the Commission.

(1) Adoption of Orders and Regulations. Each rule and regulation to be adopted shall be reviewed in full at a duly notified special or regular meeting open to the public. After the review, questions may be raised concerning the rule; thereafter a vote shall be taken upon the proposed rule or regulation.

(2) Regulations Prospective Only. All rules, general orders and regulations are prospective and shall have force and effect as of the time of their adoption by the Commission.

(3) Regulations Binding on Commission. All rules and regulations shall be binding upon the Commission and all other parties from the time of adoption until modified, rescinded or amended by proper action at a regular or special meeting.

(4) Promulgation of Regulations. Upon the adoption of any rule, general order or regulation, the Commission shall print such rule and regulation and furnish a copy to each member, and shall incorporate the rule or regulation in the regular minutes of the meeting at which such rule or regulation is adopted.

(5) Permanent Record of Regulations. All rules and regulations shall be kept in a permanent record, properly indexed, for ready reference. The master copy of this permanent record of rules and regulations shall be maintained by the City Clerk for the City of Lawrence or other designee.

(6) Each Regulation to be Numbered and Dated. Each general order or regulation shall be numbered and dated as of the date of adoption.

(7) Amendments to the Rules. Amendments to the rules shall take effect thirty (30) days after their adoption if copies have been furnished to all members of the department within that period. Otherwise, they do not take effect until copies are furnished to all members of the department.

## ARTICLE II

### MEMBER APPOINTMENT

#### ARTICLE II – MEMBER APPOINTMENT

The purpose of this Article is to establish the qualifications and rules necessary for the selection and appointment of members of the Lawrence Police Department (“Department”).

##### A. Application Process.

- (1) Interest Form: All interested candidates will complete and submit a form that provides their personal information (e.g. name, DOB, SSN, OLN, race, sex, address and telephone number). Upon submission of the interest form, the interested candidate is given the job description for Police Officer for the City of Lawrence Police Department, and a listing of employment requirements.
- (2) The Department will complete a local criminal history, wanted check and driver’s license check on all interested candidates based on the designated openings in order of submission date and time.
- (3) Interested candidates meeting the initial requirements and possessing a valid driver’s licenses, will receive information regarding the date, time and location for the physical agility test and the minimum requirements to successfully pass the test.
- (4) The Department administers the physical agility test and provides the results to the interested candidate concerning pass/fail results for the physical agility test. Only candidates who successfully pass the physical agility will be eligible to complete the written examination.
- (5) The Department notifies the candidates of the date, time and location for the written examination (aptitude test). The general aptitude test shall:
  - a) reflect the essential functions of the job;
  - b) be conducted according to procedures adopted by the commission;
  - c) be administered in a manner that reasonably accommodates the needs of applicants with a disability.
- (6) An outside professional service company provides the written examination. The designated professional service or the Merit Commissions acting agent administers the written exam, scores and develops a candidate ranking list based on results of the examination with a suggested minimum passing standard for satisfactory completion.
- (7) Results of written examination are filed with the Commission with recommendations from the designated professional service or the Merit Commissions acting agent of a minimum passing standard. The Commission will determine the minimum passing standard.



- (8) The Department notifies the candidates of the results as either passing or failing based on the minimum passing standard and federal, state, and local requirements.
- (9) An outside professional service company provides a formal interview conducted by either a Department five-person panel or two three-person panels. Candidate's applications and documents are due at the start of his or her scheduled oral interview, where each applicant will then appear before each interview panel.
- (10) The results of oral interviews are filed with the Commission. The Commission will determine the minimum passing standards to meet Department needs.
- (11) The Department conducts background investigations, including detailed criminal history and III checks, for those applicants who pass the written and oral examination. Applicants will be required to submit fingerprints and complete a III (Triple I) criminal history check during the background investigation.
- (12) The Merit Commission reviews the applicants who have passed the physical agility test, general aptitude test and formal interview organized by the designated professional service(s) company or the Merit Commissions acting agent (the "basic qualification standards"). The Merit commission shall rate those applicants using selection criteria assessing each applicant's training, skills, knowledge, work and life experience, mental alertness, character, habits and reputation. In applying the selection criteria, consideration shall be given to the particular needs of the department, and the provisions of Indiana Code 36-8-4-10 (Public Safety Officers; Preference for Employment), as determined by the Commission. The designated professional service company or the Merit Commissions acting agent will tabulate the results from the testing phases to develop an overall applicant ranking. Once the Merit Commission has rated the applicants using the approved selection criteria, the names of applicants with passing scores shall be placed on the eligibility list by order of their scores. This list shall then be certified to the Board of Public Works and Safety of the City of Lawrence and posted by unique identification number as directed by the Commission.
- (13) When a vacancy occurs in the department, the commission, upon written request of the Chief, shall administer, through its designee, the Commission approved physical agility test to the applicant having the highest score on the eligibility list. If the appointed applicant successfully completes the physical agility test, the applicant shall then be enrolled as a probationary officer with the department as long as he/she is still of good character and passes the required examinations identified in IC 36-8-8-19 (baseline physical and mental examinations), updated background investigation, and any other standards established by the Commission.
- (14) The Merit Commission shall require a physical agility testing standard that does not discriminate on the basis of sex; reflects the essential functions of the job; and at a minimum includes testing the following:
  - a) Muscular strength
  - b) Muscular endurance
  - c) Cardiovascular endurance

d) Musculoskeletal flexibility

as defined under IC 36-8-3.5-12 and IC 36-8-3.2-3.5.

- (15) Contracted medical providers conduct psychological and medical evaluations of an applicant after the Commission, through the Department, makes a conditional offer of employment to an applicant.
- (16) The results of the applicant's examination are submitted to the local and state pension boards.
- (17) Applicants approved by the pension boards are employed by the Lawrence Police Department as probationary patrolmen.
- (18) All appointments are probationary for a period not to exceed one (1) year. If the commission finds, upon the recommendation of the department during the probationary period, that the conduct or capacity of the probationary member is not satisfactory, the commission shall notify him in writing that he is being reprimanded, suspended, or that the member will not receive a permanent appointment. If a member is notified that they will not receive a permanent appointment, their employment immediately ceases. Otherwise, at the expiration of the probationary period the member is considered regularly employed; as defined under IC 36-8-3.5-12.

B. Completion of Application.

All information requested in the application form shall be filled out to the best knowledge and belief of the applicant. Any misrepresentation made by a candidate/applicant during the hiring process and/or in the application by the applicant may render the applicant ineligible for any position with the Police Department.

C. Commission Review.

The application shall be returned and filed with the Commission. The Lawrence Police Department assigned Division Commander shall act as agent for the Commission in accepting completed applications. The assigned Division commander will retain the original and forward a copy to the Chief of Police. Copies of applications will be available to the commission on demand. All applications must be retained for a period of two (2) years after the list is certified.

D. Limitation.

Each applicant must successfully complete all steps of the application process to be considered for employment.

E. Applicant Information.

An interested party must supply the following along with the completed application form:

- (1) Birth certificate or satisfactory evidence of date and place of birth;

- (2) High school diploma, G.E.D., and transcripts;
- (3) Military discharge, if applicable;
- (4) Valid driver's license.

F. Initial Eligibility Requirement.

- (1) Citizen. An interested party must be a citizen of the United States of America.
- (2) Age. An interested party must be, at the time of application to be a member, at least twenty-one (21) years of age and less than forty (40) years of age, except as provided by Indiana Code 36-8-4.7, as may be amended from time-to-time, for veterans of the armed forces who meet the eligibility requirements as set forth in Indiana Code 36-8-4.7. The age requirements do not apply to a person who has been previously employed as a member of the Department.
- (3) Character. An interested party must be of "good moral character".
- (4) Felony Conviction. An interested party shall not be appointed, reappointed or reinstated if he has a judgment of conviction for a felony and/or may be considered a "Proper person" as defined under IC 35-47-1-7.
- (5) High School Graduate. An interested party must be a graduate of a duly accredited high school and must supply a copy of his transcripts with the completed application form.
  - a) An applicant who has received a diploma from an accredited high school or the military after having passed a G.E.D. exam shall be considered as having graduated from an accredited high school.

G. Examination Process.

An applicant must take and pass minimum agility and aptitude tests to determine physical condition and general aptitude prior to being considered for employment.

- (1) Physical Agility Test. The Commission adopts the Indiana Law Enforcement Academy physical fitness standards as the minimum standard for applicants. These physical fitness standards do not discriminate on the basis of sex and reflect the essential functions of the job. These standards may be amended from time to time. An applicant must meet or exceed the physical fitness standards in existence at time of application to be eligible to take the aptitude test and be considered for employment.
- (2) Aptitude Test. The Commission shall adopt an aptitude test developed by the designated professional service company, as part of the applicant's testing process. Meeting or exceeding the cutoff score shall be passing for the applicant to be considered eligible for employment.

- (3) Biennial Review. The commission shall review all aspects of the testing process at least once every two years.

#### H. Additional Requirements.

Additional standards as a condition of employment above the minimum standards set out above include the following:

- (1) An initial criminal background check;
- (2) A formal interview by ranking officers of the Police Department and/or ranking officers of sister law enforcement agencies utilizing questions developed by contracted professional services company.

#### I. Eligibility List.

The Commission shall then place the qualified applicants on an eligibility list ranked from highest to lowest score. If an applicant for original appointment reaches his fortieth (40<sup>th</sup>) birthday, his or her name shall be removed from the eligibility list. Applicants remain on the list for two (2) years from the date of certification. After two (2) years, a person may reapply as an applicant.

#### J. Eligibility Requirements under the 1977 Police Officer's Fund.

- (1) Conditional Appointment. An applicant's appointment is conditional on meeting the provisions for membership in the 1977 Police Officers' and Firefighters' Pension and Disability Fund (PERF) under IC 36-8-8-1 *et seq.*
- (2) Physical and Mental Examination. After the Department and commission extend a conditional offer of employment to an applicant, the Commission shall administer through a contracted professional service company the baseline statewide physical and mental examination as prescribed by the pension board. (IC 36-8-8-19)

#### K. Probationary Members.

- (1) Probationary Period. All applicants who pass the physical and mental examination as prescribed by the pension board will become probationary members for a period of one (1) year. Probationary members shall be rated in the same manner as other members of the department.
- (2) Termination of Employment. If the Commission finds, upon the recommendation of the Chief during the probationary period, that the conduct or capacity of the probationary officer is not satisfactory, the commission shall notify him or her in writing that he or she will not receive a permanent employment, his or her employment immediately ceases.
- (3) No Property Interest. Probationary members do not have a property interest in their position until such time as they become a permanent member.

- (4) Termination of Probationary Period. If the Chief presents no finding after the one (1) year probationary period, a member will automatically be considered a regularly employed member.
- (5) Residential Requirements. All members must (1) have adequate means of transportation into the jurisdiction served by the department; and (2) maintain telephone service to communicate with the department.

L. State and Federal Laws.

- (1) Rules Subject to Federal and State Law. These rules and regulations regarding the employment of members shall be subject to all state and federal laws. If the Chief becomes aware of any changes in the law that would affect these rules, he is to notify the commission so that the necessary amendments may be made.

M. Furnishing Information to Applicants.

A Commissioner who knowingly furnishes information to an applicant for original appointment that gives that person an advantage over another person commits a Class D felony.

## ARTICLE III

### DISCIPLINE

#### ARTICLE III – RULES OF CONDUCT

The purpose of this Article is to outline the Lawrence Police Department's disciplinary process established in accordance with Indiana Code 36-8-3.5-10 and 36-8-3.5-17.

#### A. DISCIPLINARY AUTHORITY OF THE CHIEF OF POLICE (I.C. 36-8-3.5-10(a)(3))

(1) The Chief of Police may, without Merit Commission hearing, reprimand or suspend without pay a member for a maximum of five (5) working days. For the purpose of this section, eight (8) hours of paid time constitutes one (1) working day. If the Chief of Police reprimands a member in writing, or suspends a member, the Chief of Police shall, within forty-eight (48) hours notify the Merit Commission in writing of the action, and the reasons for the action.

(2) Officers holding appointed rank (i.e. an upper level policymaking position as defined by IC 36-8-1-12) serve at the pleasure of the Mayor. An officer may be removed from an appointed rank without disciplinary action by the Mayor's rescission or revocation of his appointment. The Officer will be restored by the Commission to his/her highest permanent rank if the appointment order is rescinded or revoked (IC 36-8-3.5-11(a) & (d)).

#### B. DISCIPLINARY AUTHORITY OF THE MERIT COMMISSION (I.C. 36-8-3.5-17)

Except as provided below, a member of the Department holds office or grade at his highest permanent rank until such member is dismissed or demoted by the Merit Commission. The Commission may discipline a member by suspension with or without pay, demotion or dismissal. A member may be disciplined by the Commission upon either:

- (1) Conviction in any court of any crime; or
- (2) A finding and decision of the Merit Commission that the member has been, or is guilty of:
  - a) Neglect of duty,
  - b) A violation of commission rules,
  - c) Neglect or disobedience of orders,
  - d) Continuing incapacity,
  - e) Absence without leave,
  - f) Immoral conduct,

- g) Conduct injurious to the public peace or welfare,
- h) Conduct unbecoming of an officer, or
- i) Furnishing information to an applicant for appointment or promotion that gives that person an advantage over another applicant.

C. PROCESS OF REVIEW OF DISCIPLINARY ACTION TAKEN BY THE CHIEF OF POLICE; DISCIPLINARY ACTION BY THE MERIT COMMISSION (I.C. 36-8-3.5-17(c))

(1) A member who is reprimanded in writing or suspended by the Chief of Police may, within five (5) days after receiving notice of the reprimand or suspension, request in writing that the Merit Commission review the reprimand or suspension, and either uphold or reverse the Chief's decision. The Commission may hold the hearing or designate a person or committee of Commission members to conduct the hearing. Any designated person who does not hold a position on the Commission must be qualified by education, training, or experience to conduct such a hearing and may not hold an upper level policy-making position in the Department. Unless the member subject to the disciplinary action causes or agrees to a delay holding a hearing, the hearing conducted under this subsection shall be held within thirty (30) days after the member makes the request. However, only one continuance shall be granted in matters regarding appeal of a disciplinary action taken by the Chief. Parties are to cooperate in an informal discovery process that does not delay the Commission's (or designated person's or committee's) review of the matter. If the Commission determines that a member should not have been suspended, the member who is suspended is entitled to any wages withheld as a result of the suspension.

(2) Written notice of any Merit Commission disciplinary hearing shall be served upon the accused or appealing member in person or by a copy left at the member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The notice must state:

- a) The time and place of the hearing;
- b) The charges against the member (if charges have been preferred by the Department);
- c) The specific conduct that comprises the charges or a statement that the member's appeal is the subject that will be heard;
- d) That the member is entitled to be represented by counsel or another representative of the member's choice;
- e) That the member is entitled to call and cross-examine witnesses;
- f) That the member is entitled to require the production of evidence; and
- g) That the member is entitled to have subpoenas issued, served, and executed by the Commission.

(3) The Commission may:

- a) Compel the attendance of witnesses by issuing subpoenas;
- b) Examine witnesses under oath; and
- c) Order the production of books, papers, and other evidence by issuing subpoenas.

(4) If a witness refuses to appear at a hearing of the Commission after having received written notice requiring the witness's attendance, or refuses to produce evidence that the Merit Commission requests by written notice, the Merit Commission may file an affidavit in the circuit court of the county setting forth the facts of the refusal. Upon the filing of the affidavit, a summons shall be issued from the circuit court and served by the sheriff of the county requiring the appearance of the witness or the production of information or evidence to the Merit Commission.

(5) Disobedience of a summons constitutes contempt of the circuit court from which the summons has been issued. Expenses related to the filing of an affidavit and the issuance and service of a summons shall be charged to the witness against whom the summons has been issued, unless the circuit court finds that the action of the witness was taken in good faith and with reasonable cause. In that case, and in any case in which an affidavit has been filed without the issuance of a summons, the expenses shall be charged to the Merit Commission.

(6) A decision to discipline a member or to reverse a disciplinary action taken by the Chief may be made only if the preponderance of the evidence presented at the hearing indicates such a course of action.

(7) A member who is aggrieved by the decision of a person or committee designated to conduct a disciplinary hearing under subsection (C1) may appeal to the full Merit Commission within ten (10) days of the decision. The Merit Commission shall on appeal review the record and either affirm, modify, or reverse the decision on the basis of the record, and such additional oral or written testimony that the Merit Commission determines is necessary to render a just decision, which may include additional or newly discovered evidence.

(8) The Merit Commission, or the designated person or committee, shall keep a record of the proceedings in cases of suspension, demotion, or dismissal. The Merit Commission shall give a free copy of the transcript to the member upon request if an appeal is filed.

#### **D. PROCESS OF REVIEW OF DISCIPLINARY ACTION TAKEN BY THE MERIT COMMISSION (I.C. 36-8-3.5-18)**

(1) A member who is aggrieved by a decision of the Merit Commission to suspend him for a period greater than ten (10) calendar days, demote him, or dismiss him may appeal to the circuit or superior court of the county in which the unit is located.



(2) The appeal shall be made according to the Indiana rules of trial procedure with the following exceptions:

- a) The verified appeal must be filed within thirty (30) days after the date of the board's decision.
- b) The unit shall be named as the sole defendant.
- c) The unit is assumed to have denied the allegations without filing a responsive pleading.
- d) The plaintiff must file a bond at the time of filing the complaint conditioned on the plaintiff prosecuting the appeal to a final determination and paying the court costs incurred in the appeal.
- e) Within thirty (30) days after the service of summons the Commission shall file in court a complete transcript of all papers, entries, and other parts of the record relating to the case.

(3) The appeal takes precedence over other litigation pending before the court.

E. TYPES OF DISCIPLINARY ACTION – subject to this Article

- (1) Written reprimand (by Chief of Police only)
- (2) Suspension five (5) days or less (by Chief of Police or Merit Commission)
- (3) Suspension – more than five (5) days (by Merit Commission only)
- (4) Demotion (by Merit Commission only)
- (5) Dismissal (by Merit Commission only)

## ARTICLE IV

### PROMOTIONS

#### ARTICLE IV – PROMOTIONS

The purpose of this Article is to adopt, promulgate, supervise and enforce rules and regulations that govern promotions of members of the Lawrence Police Department (“Department”).

##### A. Factors Governing Promotions.

- (1) Factors. The following four factors shall be used for rating a member below the rank of Captain for the purpose of promotion:
  - a) The scores received by a member on a written competitive promotional examination;
  - b) The performance record of a member as hereinafter defined;
  - c) The number of years of service as a member;
  - d) The performance on the oral competitive interview.

##### B. Selection for Eligibility for Promotion.

- (1) Composite Points for Sergeant or Lieutenant. The weight given to the factors set forth in Section A above shall be as follows:
  - a) Fifty-five percent (55%) for a written competitive promotional examination, based upon the grade on the current written promotional examination;
  - b) Twenty percent (20%) for the average of the performance ratings of the last promotional cycle (two years) for which performance evaluations exist;
  - c) Twenty percent (20%) for the oral competitive interview.
  - d) Five percent (5%) for length of service as a member.
- (2) Other Qualifications for Promotion. Any member who desires to be placed on an eligibility list for promotion to the rank of Sergeant or Lieutenant shall be qualified as to rank and length of service as set forth below.
  - a) All promotions to any rank shall be from the next immediate lower rank without regard to division of assignment.
  - b) The applicant must be a member of the Department for a minimum of five (5) years to be eligible to take the Sergeant’s promotional exam.

- c) The applicant must have served at the lower rank for a minimum of two (2) years to be eligible to take the Lieutenant's promotional exam.
- d) Members must meet established scores set forth in each competitive examination to qualify for the promotional eligibility list.

C. Eligibility List.

- (1) The Commission shall establish an eligibility list for promotion.
- (2) Members who score a seventy percent (70%) or higher on the written examination will be considered for rating on the oral competitive interview. Members who score a sixty-six point seven percent (66.7%) or higher on the oral examination will be considered for the eligibility list. Members unable to meet the established scores are no longer considered.
- (3) The eligibility list for a position consists of members who have been placed on the list in the order of their cumulative score on all rating factors.
- (4) The eligibility list shall be maintained for two (2) years from the date of certification, after which time the list shall be retired and a new list established. The retired list shall be kept for five (5) years and then destroyed.

D. Written Competitive Promotional Examination and Oral Competitive Interview.

- (1) Competitive Examinations. A written competitive promotional examination and oral competitive interview shall be given to those eligible members seeking promotion to the rank of Sergeant or Lieutenant. The Commission, or their designee, shall notify the members of the written materials from which written examination questions will be taken. The Commission may designate and employ outside professional services to purchase written materials to be made available for repurchase by promotional candidates, promulgate questions, grade and store answer sheets, make other expenditures to provide information for those taking the exam, and act as the repository of exam materials and interview materials for the Commission. Members seeking promotion will sign up for the examination in the designated Division Commander's office.
- (2) Grading. The grading of the competitive examinations shall be graded on the basis of one hundred percent (100%) for a perfect score.
  - a) Competitive Written Scoring: Must receive a seventy percent (70%) or higher to proceed to the oral competitive interview. Such score shall then be converted to the fifty-five percent (55%) factor as used for determining composite points for promotion eligibility list.
  - b) Competitive Oral Interview Scoring: Must receive a sixty-six point seven percent (66.7%) or higher to be considered for the eligibility list. Such score shall then be converted to the twenty percent (20%) factor as used for determining composite points for promotion eligibility list.

- (3) Administration. Preparation and grading of the promotional examinations shall be under the administration of the professional services company contracted by and responsible to the Commission. In no event shall examination evaluators/graders know the names of the member completing the examination during the evaluation/grading process. The professional services company and the Commission shall keep all written examinations confidential subject to question/answer challenges made by promotional candidates.
- (4) Notification of Score. After the examinations are scored, the Commission—or its designee—shall notify each member in writing of the score the member received on the exams. Said scores shall become a part of the member's permanent file maintained by the Lawrence Police Department. The member shall be entitled to access his or her permanent file at any time during normal business hours of the Lawrence Police Department.
- (5) Commission Supervision. Examination papers shall be kept by the professional services company, acting as agent for the Commission, under the Commission's supervision. The Commission shall observe all rights and privileges under copyright and trademark laws secured by the professional services company in performance of its contractual duties.
- (6) Appeal of Score. A member who disagrees with his score on the written examination may appeal to the Commission, or its designee, for review of the score.
  - a) The member must file the appeal within ten (10) days after the date the Commission, or its designee, sends the score to the member.
  - b) The member may review the test questions that were incorrectly answered by the member, and challenge the answers considered correct by the test examiner.
  - c) The Commission, or its designee, shall either affirm the score or correct the score according to a review of the findings.
- (7) Retention of Exams. The Commission, or its designee, shall retire the examination papers after the two (2) year period of the eligibility list. The retired examinations shall be retained for five (5) years and then destroyed.

E. Performance Ratings.

- (1) Ratings Procedure. Performance evaluations shall be made every six (6) months for each member of the department, including probationary members. The performance rating shall be made by the member's supervisor, and reviewed by the supervisor's superior. The performance evaluation shall then be submitted to the Chief of Police, and indorsed by him that he received it. The performance evaluation shall be maintained in the member's permanent file. The member shall receive a copy of the performance evaluation after the Chief of Police indorses it, not less than thirty days after the conclusion of the rating period.
  - a) The Chief of Police, or his designee, shall devise an evaluation form for use in performance ratings, and submit the form to the Commission for review and approval.

- b) If a member is aggrieved by the performance evaluation rating, the member shall have the right to appeal to the Commission for a review of the rating within ten (10) days after receiving a copy of the performance evaluation (rating).
  - c) The Commission, after reviewing the rating, shall have the authority to affirm or deny the performance evaluation rating. If the Commission denies the performance evaluation rating, the Chief of Police may direct the rater to submit a new performance evaluation, or leave the evaluation period open.
- (2) Rating Calculation. The past performance evaluation ratings to be used for eligibility of a member shall be the arithmetic average for the member's last four (4) performance evaluation rating scores (two years) received at the member's current rank.
- (3) Rating Factor. The performance evaluation rating score for Section B above shall be the original score adjusted to the twenty percent (20%) rating factor for promotion to the rank of Sergeant or Lieutenant.

F. Length of Service Score.

- (1) Seniority Calculation. Seniority scores shall be calculated to the date the eligibility list is promulgated and shall be determined at the rate of one (1) point for each two (2) years served as a member of the Lawrence Police Department in a merit status position (time spent as a Reserve Police Officer will not count in determining seniority) for promotion to the rank of Sergeant or Lieutenant. No points shall be given for less than a two-year period increment.
- (2) Military Leave. Military service, while on approved leave from the Department (USERRA act), shall be included in determining the seniority score.
- (3) Maximum Seniority Score. The maximum possible score for seniority shall be ten (10) points for promotion to the rank of Sergeant or Lieutenant.
- (4) Rating Factor. The length of service score for Section B above shall be the original score adjusted to the five percent (5%) rating factor for promotion to the rank of Sergeant or Lieutenant.

G. Eligibility for Promotion.

- (1) Vacancy. When a vacancy at the rank of Sergeant or Lieutenant occurs and the Chief of Police designates the position for fill, the Commission shall certify, in writing, to the Chief, the members having the three (3) highest scores on the eligibility list for promotion to that rank.
- (2) Chief's Recommendation. Within six (6) months of receiving the certified names from the Commission, the Chief shall recommend one (1) of the certified named members for promotion to the vacant rank.

- (3) Promotion. Upon the recommendation of the Chief, the Commission shall promote the member to the vacant rank. The Commission shall specify the effective date of the promotion, but shall not backdate the promotion.

H. Probationary Period. All promotions shall be considered probationary for a period of one (1) year from the effective date of promotion. Probationary members shall be rated in the same manner as other members of equal rank of the Lawrence Police Department.

- (1) Review by the Chief of Police. Prior to the end of the probationary year, the Chief of Police shall review the member's performance and recommend to the Commission that:

- a) The promotion be granted permanent status; or
- b) The promotion be revoked.

- (2) Rating the Probationary Promoted Member. The Chief of Police, or his designee, shall prepare a rating chart identifying the performance rating of the probationary member against the average performance rating of other members of the same rank. The Chief of Police, or his designee, shall also provide records of all instances of disciplinary action and/or commendations the probationary member received during the probationary period.

- (3) Review. The probationary promoted member is entitled to appear before the Commission and be heard on any matter he/she considers detrimental in the report.

- a) Counsel or another representative of the probationary promoted member's choice may represent the member, at his/her own expense.
- b) If the promotion is revoked, the member may not be returned to a rank lower than he/she held before the promotion.

I. Appeal. The member aggrieved by the actions of the Commission, other than making the promotion permanent, may appeal those actions, within thirty (30) days of the action, to the Marion County Circuit Court. The City of Lawrence shall be the sole defendant in any appeal to the court.

J. Furnishing Information to Members Eligible for Promotion. A Commissioner who knowingly furnishes information to a member of the Lawrence Police Department for promotion that gives that member an advantage over another member commits a Class D felony.