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MEMORANDUM OF UNDERSTANDING ("MOU")

BY AND BETWEEN

THE CITY OF GAHANNA ("CITY")

AND

THE FRATERNAL ORDER OF POLICE, CAPITAL CITY LODGE NO. 9 ("FOP")

REGARDING IMPLEMENTATION AND USE

OF ARTICLE 14, PROMOTIONS, OF TENTATIVE AGREEMENT

Now comes The City and The FOP and, after voluntary discussions, hereby agree that effective December 3, 2012, the following provisions of Article 14, Promotions, as tentatively agreed to by The City and The FOP in their current negotiations for a successor collective bargaining agreement shall be implemented and used for any applicable future promotions. These provisions are as follows:

**ARTICLE 14
PROMOTIONS**

14.1. Promotional Appointment. All appointments to the ranks of Sergeant and Lieutenant shall be filled by promotional appointment under the provisions of this Article and under such provisions of the rules of the Gahanna Civil Service Commission ("CSC") which are not in conflict with the provisions of this Article.

14.2. Order of Promotions. Promotions shall occur in the following order: Police Officer to Sergeant and Sergeant to Lieutenant.

14.3. Posting. For the rank of Sergeant, and Lieutenant, the Human Resources Department, shall post notice of the intent to conduct a promotional examination where a vacancy exists, the City determines to fill a vacancy, and there is no eligible list.

This posting shall be maintained on the employees' bulletin board for fifteen (15) days. During the posting period any member qualified for consideration may submit a written request to the Human Resources Department to be considered for appointment. The Human Resources Department shall provide a form for such requests. The City shall not be obligated to consider any requests submitted after the close of the posting period.

14.4. Qualifications.

A. Sergeant

To be qualified to receive promotional consideration for the rank of Sergeant, a Police Officer must have at least thirty (30) months of service as a full-time Police Officer in the Gahanna Police Department at the time the posting period is closed. At least one year (immediately after completion of field training) of the thirty (30) months of service must be in a patrol assignment.

B. Lieutenant

To be qualified to receive promotional consideration for the rank of Lieutenant, a Sergeant must have at least one (1) year of service as a Sergeant in the Gahanna Police Department at the time the posting period is closed.

14.5. Promotional Examination Components. All qualified applicants shall be entitled to participate in the promotional examination process which shall consist of a written competitive examination component and an oral board component. The Human Resources Department ("HRD") shall administer and conduct the promotional examination components.

14.6. Promotional Examination Preparation and Conduct. The HRD shall engage the services of an independent consultant with demonstrated expertise in the development and conduct of promotional examinations for municipal police officers to assist the HRD in the preparation and conduct of the promotional examination components.

As to the development and conduct of the promotional examination components, the Lodge's testing consultant shall be provided reasonable opportunities to consult with the HRD and the independent consultant chosen by the HRD.

The promotional examination components shall be job-related and valid. The independent consultant shall ensure that these testing criteria are met in each component.

14.7. ~~Written Examination Component.~~ ~~The written examination component shall be an objective multiple-choice examination.~~ The written examination shall be conducted, with due notice to the qualified candidates, no earlier than thirty (30) days after the close of the posting period. In advance of the written examination, the HRD shall establish a passing score.

The HRD shall certify to the oral board those candidates who receive a passing score on the written examination component. Prior to making such certification, the HRD shall, pursuant to the CSC Rules, notify any candidate who does not receive a passing score and allow such candidate an opportunity at hearing to raise a challenge to his or her score. The decision of the CSC in regard to a challenge is final.

14.8. Oral Board Component. Those candidates, as certified to the oral board, who receive a passing score on the written examination shall be eligible to proceed to the oral board component.

which shall be completed within thirty (30) days of such certification. The oral board shall interview all such candidates.

The oral board component shall consist of a series of job-related questions, including specific criteria for scoring answers, developed by the City's independent consultant. Oral board members shall receive instruction from the independent consultant, or designee, in the procedure and objectives for the oral board before interviews with candidates occur.

After interviewing all candidates, the oral board shall prepare and submit to the HRD a report listing the candidates ranked in order of their scores in the oral board interviews.

The HRD shall maintain this report from the oral board as the scores of the candidates. An eligibility list shall be developed by the HRD ranking the candidates in order of their oral board scores.

14.9. Composition of the Oral Board. The oral board shall be comprised of the following six (6) members:

1. The Chief of Police, or designee;
2. A member of the community chosen by the Mayor;
3. A member of the Police Officer bargaining unit elected by the Police Officer bargaining unit, provided that no Police Officer who applies for promotion to the rank of Sergeant may serve on the oral board for Sergeant, and any Police Officer to be elected must have at least three years service as a full-time Police Officer in the City of Gahanna;
4. A member of the supervisory bargaining unit elected by the supervisory bargaining unit, provided that no supervisory bargaining unit member who applies for promotional consideration may serve on the oral board, and any such supervisory bargaining unit member to be elected must have at least one (1) year of service in a supervisory rank;
5. One member, to be selected by the Mayor, who is a sworn or retired member of an outside police agency and who holds or held at least a comparable rank to the rank to which promotion is to be made; and
6. The President of the Lodge, or designee.

Where a selection cannot be made under the provisions of paragraph 3 or 4 of this Section because there are no unit members eligible for selection, the Lodge President, or the President's designee, shall nominate three (3) individuals from outside Police Departments who each have the requisite comparable rank and service in the outside agency. From these nominees, the affected bargaining unit shall elect a member to serve on the oral board.

14.10. Certification of Eligible List. When the City determines to fill a vacancy, the Safety Director shall request an eligibility list from the CSC. In response to this request, the CSC shall certify to the Safety Director an eligible list containing the names of the top three (3) ranked candidates.

14.11. Appointment. For each vacant position the Safety Director shall appoint one of the top three (3) candidates on the eligible list.

14.12. Time Limits. The time limits set forth herein may be extended for good cause. However, every effort will be made to adhere to these time limits.

14.13. Duration of Eligible Lists. An eligibility list shall remain in effect for twenty-four (24) month period from the date the HRD receives the oral board's report referenced in Section 14.8. However, the list shall expire at any time during the twenty-four month period when there are less than three (3) names on the list.

14.14. Indemnification. The City agrees that it will indemnify and hold the Lodge and its representatives harmless from any claims, actions or proceedings by any bargaining unit member arising from actions taken by the Lodge or its representatives in reliance upon the provisions of this Article to the extent such indemnification is permitted by law.

WHEREFORE, this MOU is signed and dated by the authorized representatives of The City and The FOP:

FOR THE CITY:

FOR THE FOP:

Rebecca W. Stinchcomb, Mayor

James H. Gilbert, Lodge President

Date

Date