

Pocatello Police Department

Revised Personnel Administration Rules



Nothing in these rules will be used to discriminate against any person on the basis of race, color, sex, age, disability, religion, sexual orientation, national origin, or political affiliation. The term “working day” refers to Monday through Friday when used throughout these rules. The term “accredited service” is defined as actual time on the job.

1. These rules shall apply to all positions within the police department.
2. The designated representative of the Human Resources Department of the City of Pocatello is charged with administering the rules contained herein.
3. Except as may hereafter be provided by amendments to these rules and regulations or City ordinances, all promotions or continuance of employment in the police department shall be made on the basis of competitive examination to enable the Human Resources Department of the City of Pocatello to certify the results of the examination process. Such examinations may be written, oral, practical, physical, or any combination thereof.
4. To the extent that these rules may conflict with any other rule, policy, or law duly adopted by the City of Pocatello, these rules shall be controlling. If any employment matter is not addressed, the police department employee should refer to such other rules, regulations, resolutions, ordinances, or other sections of the collective bargaining agreement.

RULE 1

HIRING

Section 1- APPOINTMENT OF CHIEF OF POLICE

The position of Chief of Police is expressly exempted from the classified sworn police positions, and all appointments to the position shall be made by the Chief Executive Officer of the City. A member of the bargaining unit will be selected by the Chief Executive Officer to serve on any selection committee formed, by the CEO, for the purpose of aiding in the selection of a Chief of Police. Appointments to the position of Chief of Police may be made from applicants in the sworn police positions from within the department or through the adopted selection procedures for applicants outside the department.

Section 2- WHEN THE CHIEF OF POLICE POSITION IS VACATED

When an existing Chief of Police, who was originally appointed from within the sworn police positions of the department, voluntarily resigns the position of Chief, he or she has the option of returning to the position they previously held, within the department. In the event that position has been filled the officer then holding that position may, if necessary, be reduced to their previous rank in order that the resigning Chief may be restored to his or her former seniority and rank in the department. The officer whose rank is reduced shall be restored to the previous rank from which they were reduced upon the

next opening of a position within that rank, without testing or compliance with any other hiring requirements.

Section 3- APPOINTING AUTHORITY

The Chief of Police is designated as the Appointing Authority, subject to the rules of the Personnel Administration Rules and department policy. The Chief of Police shall appoint the following sworn police positions within the police department:

Police Officer

Corporal

Sergeant

Lieutenant

Captain

Major

The Chief of Police shall also appoint any non-sworn police positions deemed necessary as determined by the City Council through established and approved staffing levels and job descriptions.

The rank of Major, when vacant, will be appointed by the Chief of Police from existing staff members who hold the rank of Captain. The Chief of Police will make the appointment based on a review of personnel records, and performance, with the concurrence of the Chief Executive Officer of the City.

Section 4- JOB DESCRIPTIONS

The job descriptions adopted by the City Council, through its delegated representative, for non-sworn positions within the department shall establish the standards and qualifications for each non-sworn position.

Section 5- RECRUITMENT

See policy 1000 of the current PPD Policy Manual

Section 6- WORKFORCE RECRUITMENT PLAN

See policy 1000 of the current PPD Policy Manual

Section 7- EMPLOYEE STANDARDS

See policy 1000 of the current PPD Policy Manual

Section 8- MINIMUM STANDARDS FOR SWORN POSITIONS

See policy 1000 of the current PPD Policy Manual

Section 9- MINIMUM STANDARDS FOR NON-SWORN POSITIONS

See policy 1000 of the current PPD Policy Manual

Section 10- HIRING PROCEDURES FOR SWORN POSITIONS

See policy 1000 of the current PPD Policy Manual. Additionally, a sworn bargaining unit member selected by the bargaining unit will be appointed to participate in the oral interview portion of the selection process. They will have the right to be involved in the discussion, and provide input, as to the applicant's performance in the interview and the applicant's suitability to be appointed to the position for which the applicant is being considered. The participating bargaining unit member shall not have the power to vote, select or circumvent in any manner the selection made by the Chief of Police.

Section 11- HIRING PROCEDURES FOR NON-SWORN POSITIONS

See policy 1000 of the current PPD Policy Manual. Additionally, a bargaining unit member may be appointed by the bargaining unit to participate in the oral interview portion of the selection process of non-sworn applicants. Such bargaining unit members shall have the right to be involved in the discussion, and provide input, as to the non-sworn applicant's performance in the interview and the applicant's suitability to be appointed to the position for which they are being considered. The participating bargaining unit member shall not have the power to vote, select or circumvent in any manner the selection made by the Chief of Police.

Section 12- SELECTION/REJECTION CRITERIA

See policy 1000 of the current PPD Policy Manual

Section 13- PSYCHOLOGICAL SUITABILITY ASSESSMENT

See policy 1000 of the current PPD Policy Manual

Section 14- RETENTION OF APPLICANT FILES

See policy 1000 of the current PPD Policy Manual

Section 15- INITIAL SWORN OFFICER APPOINTMENT DEFINITION

An initial appointment in the sworn police services refers to an appointment to the position of Police Officer 3rd Class or lateral in accordance with section 19.

Section 16- INITIAL APPOINTMENT ENTRY LEVEL EXAMINATION

Entry-level written examinations will be given as deemed necessary by the Chief of Police or as required by these rules. Each entry-level applicant is required to score a minimum score of 70% on the initial written examination to be given further consideration for an appointment to a position with the PPD.

- A. Persons whose initial applications have been accepted pursuant to these rules will be eligible to take the initial examination and shall be notified of the specific time and

- place when the examination will be given. The PPD will give such notice twenty (20) calendar days prior to the date of the scheduled examination.
- B. In the event a person submits their initial application less than twenty (20) calendar days prior to the scheduled exam date shall be given the option to waive the notice requirement and take the exam as scheduled. Any such waiver must be in writing and signed by the applicant.
 - C. The test administered by the Human Resources Department will be a standardized test certified by the International Personnel Management Association or another examination approved by the Human Resources Department. Prior to testing, the examination shall remain in the exclusive charge of the Human Resources Department and shall be kept confidential by that office.

Section 17- INITIAL APPOINTMENT ESTABLISHING THE ELIGIBLE REGISTER

An appointment eligibility registry shall be prepared after each examination and consist of the applicants who have successfully passed the most recent written examination and oral board interview. That registry will remain in place and in effect until such time as a new one is prepared.

- A. The names listed on the eligibility registry shall be in descending order, from highest to lowest, based upon the total score of each applicant on the written examination, and the points awarded, if any, for compliance with B, C, and D below.
- B. In accordance with Idaho Code, the Veteran's preference points will be given to qualified persons. In order to receive the Veteran's preference points, the applicant must provide a valid DD-214 form.
- C. Applicants who hold a current P.O.S.T. certification with the State of Idaho or current state certification for a state that is recognized through agreement with P.O.S.T. at the time of the written examination, but who do not meet the qualifications for a lateral transfer, will be given five (5) points. Points given to an applicant for a current P.O.S.T. certification will be subtracted at such time that the applicant's certification expires and if necessary that applicants place on the registry will be adjusted. Applicants who have successfully completed a P.O.S.T. accredited academy and passed the P.O.S.T. test and are, therefore, considered certifiable at the time of the test, but do not meet the qualifications for lateral transfer, will also be given five (5) points.
- D. Applicants who hold an associate's degree from an accredited institution of higher learning will be given three (3) points. Applicants who have obtained a bachelor's degree or greater from an accredited college or university at the time of taking the examination will be given five (5) points.

- E. A list of the top ten (10) applicants based upon their total scores will be provided to the Chief of Police. The list will be provided to the Chief of Police with the applicants listed in alphabetical order. Once an eligibility list is established, the Chief of Police shall authorize background investigations and pre-offer truth verifications on the listed applicants. The initial eligibility list may contain at least one but no more than 10 applicants.
- F. Only those applicants who successfully complete the required background investigation will be included on the final eligibility registry and therefore eligibility for consideration by the Chief of Police for a conditional appointment to the PPD as openings become available. Such initial conditional appointments are subject to passing certain post-offer tests, as set out herein.
- G. Once established, the candidate's eligibility shall remain in effect for one calendar year from the date the candidate is added to the registry. In theory, with ongoing testing, the roster could remain active indefinitely with individuals dropping off at the one-year mark. The department can continue to test new candidates that will be placed on the existing eligibility roster throughout the year. The remaining candidates, from the previous eligibility registry, will have the option of being placed on the registry according to their total score.
- H. Applicants whose names are placed on the eligibility registry must notify the Human Resources Department in writing of any change of address and/or telephone number.
- I. Names may be removed from the current eligibility registry for any of the following reasons:
 - 1. Failure to report for an interview after notification by phone, mail, or other forms of notification approved by the Human Resources Department.
 - 2. Declining an appointment without satisfactory reason(s).
 - 3. Inability of the postal authorities to locate the applicant.
 - 4. Applicant becoming incapable of performing the essential functions of the position with or without reasonable accommodation.
 - 5. Applicant's conviction of any felony, or obtaining his or her position on the registry by fraud, deceit, or misrepresentation. Motor vehicle violations may also result in removal depending on the nature, frequency, and dates of the violations
 - 6. Misdemeanor convictions will be considered based on established police department hiring standards.

7. Information of such a nature that had it been produced prior to the date of the examination would have resulted in the exclusion of an applicant from participation therein.
8. Failure to satisfactorily complete pre-offer or post-offer hiring requirements.
9. Incomplete or incorrect information provided on the application which affects the ability of the department to conduct a thorough background investigation.

Upon removal of an applicant's name from the registry for any of the foregoing causes, the Chief of Police or designee shall notify the applicant of the removal and the reasons for the removal. The Human Resources Department, upon receiving a written application, may afford an applicant the opportunity to be heard if the cause for removal was for reason 1 or 3 listed above. A hearing will be held, and if the evidence is satisfactory to the Human Resources Department, it may reinstate the applicant.

Section 18- INTIAL APPOINTMENT CERTIFICATION

The Human Resources Department shall certify the candidates having the highest standing on the eligible register. An opening may be filled by one (1) of the candidates certified, providing he or she can pass the post-offer qualifying steps. The post-offer qualifying steps may include but are not limited to, truth verification testing, medical testing, physical fitness testing, psychological testing, and drug screening. All candidates not appointed shall be restored to their relative positions on the eligible register.

Section 19- LATERAL TRANSFERS

The Pocatello Police Department may at any time accept lateral transfer applications. To qualify as a lateral transfer candidate:

- a. The applicant must possess a P.O.S.T. basic certificate. Out-of-state applicants must challenge the Idaho P.O.S.T. standards to become certified in Idaho.
- b. Must meet the minimum standards as listed in Sections 7, 8, 12, and 13.
- c. And must pass all hiring procedures listed in Section 10 except lateral transfer applicants will not be required to take the initial appointment written examination.

No applicant shall be considered until the Chief of Police receives approval from and certifies to the Human Resources Department that the applicant possesses all the occupational requirements established by the Idaho Peace Officers Standards and Training, the applicant possesses the required police work experience, nor until the Chief of Police has found results of a background investigation, conducted by the police department, to be satisfactory.

Section 20- LATERAL APPOINTMENT CONSIDERATIONS

All lateral transfer appointments shall be probationary and seniority shall be based on date of hire. Lateral transfer appointees with three (3) years of experience will be placed at step 1 within the 1st Class pay scale. Lateral transfer appointees with four (4) years of experience will be placed at step 2 within the 1st Class pay scale, and lateral transfer appointees with five (5) or more years of experience will be placed at step 3 within the 1st Class pay scale. All lateral transfer appointees shall be placed on the seniority roster based on the date of hire with the Pocatello Police Department. Officers lateralizing with less than three (3) years of experience will start at 2nd class wages.

Section 21- LATERAL TRANSFER PLACEMENTS ON THE LATERAL TRANSFER ELIGIBLE REGISTER

Once a lateral transfer applicant has completed the qualifying steps they will be added to the lateral transfer eligible register for the Chief of Police's consideration for appointment. A review of lateral transfer applications will be conducted every six (6) months, during the application process.

Section 22- APPOINTMENT

Upon initial appointment and satisfactory completion of all post-offer examinations, the Police Chief shall report to the Human Resources Department the name of such appointee, the position, and the date of commencement of service. The failure of an applicant to respond within five (5) working days to an offer of appointment sent to his or her address shall be considered a declination. Upon notification from the Chief of Police that a person named in certification has declined appointment or upon evidence of the failure of such person to respond within the time specified above to a notice properly sent, the Human Resources Department shall again certify additional name(s) from the eligible register to be considered for appointment to a vacant position. When a vacancy occurs, the Chief of Police may, at his discretion, fill the vacancy from either the initial appointment eligible register or the lateral transfer eligible register.

Section 23- PROBATION INITIAL APPOINTMENTS AND LATERAL TRANSFER APPOINTMENTS

All initial and lateral transfer appointments shall be probationary for the term of one (1) year. If either the conduct or performance of duty, or both, of any probationer, shall be found unsatisfactory, or if it is determined that retention would diminish efficiency and public service within the department, the Chief of Police will cause to be delivered to the probationer a written statement setting forth conclusions concerning the inadequacy of performance or conduct and the effective date of dismissal. The probationer may submit a written statement to be included in his or her personnel file.

- A. All probationary officers must successfully pass a department-offered physical fitness test prior to the end of the probationary period. If the probationer fails to successfully pass the physical fitness test, they will have until the final week of the designated probationary period to again take the physical fitness test and successfully pass the test. If the probationer fails to successfully pass the physical fitness test again, it will

be deemed unsatisfactory performance and will be cause for dismissal as outlined above. The physical fitness test must be administered by a department-approved P.T. instructor.

- B. Any probationary period may be extended by up to one-half (1/2) of the initial probationary period if sickness or injury has prevented the probationer from serving the full probationary period in the position.
- C. Any officer who satisfactorily completes initial probation shall be considered to have fully demonstrated his or her qualifications for continued employment in the position and may thereafter be dismissed only for cause.

RULE 2

DISCIPLINE, DISCHARGE, AND DISCIPLINE COMMISSION INVESTIGATION,

Section 1- GROUNDS FOR DISCIPLINE

See policy 340 in the current PPD policy manual and the discipline matrix.

Section 2- INVESTIGATIONS

In accordance with city and department policy, all forms of electronic media stated here may be reviewed by supervisors. Supervisors and managers may periodically review all of the following electronic media. Supervisors may initiate disciplinary action for violations found during periodic reviews. All reviews will be documented.

1. Spillman AVL system
2. Spillman Instant Messaging system
3. Cell phones as per policy
4. In-car video systems
5. Body-worn video systems
6. Recorded radio traffic
7. Recorded phone lines
8. Any other form of electronic media that the Chief of Police deems necessary

Section 3- PROCEDURES FOR MINOR DISCIPLINE OR WORK PERFORMANCE ISSUES

- A. An employee with a minor discipline or work performance issue will be addressed by their immediate supervisor in the following ways:
 1. Verbal reprimand- This is primarily used to record an employee's minor disciplinary issue or poor work performance and develop a plan of action to correct said issue. The employee's immediate supervisor shall be responsible, after discussing the matter with their immediate supervisor, to fill out the form explaining the issue and plan of

action with the employee. The supervisor shall be responsible for also explaining the employee's recourse in appealing the verbal reprimand.

- a. The first appeal for the verbal reprimand shall be with the employee's supervising lieutenant. The final appeal shall be with the division commander.
 - b. The verbal reprimand shall be placed in the employee's file and held for thirty-six (36) months. The verbal reprimand will be removed from the file after the thirty-six (36) month period if no further similar incidents occur. In the event, there are other incidents the verbal reprimand will not be removed.
 - c. The employee may make a written rebuttal to the verbal reprimand to be included with the verbal reprimand.
2. Written reprimand- This form is used for repeated policy or minor discipline violations, or work performance issues. The employee's immediate supervisor shall contact their supervisor and advise of the intent to give the employee a written reprimand. Upon agreement by the supervising lieutenant and the division commander, the supervising sergeant shall be responsible to present the written reprimand to the employee along with a corrective action plan.
- a. The first appeal for the written reprimand shall be with the employee's division commander. The final appeal shall be with the Deputy Chief.
 - b. Written reprimands that are confirmed through the process shall be placed in the employee's personnel file. Written reprimands shall not be removed from the personnel file at any time.
 - c. The employee may make a written rebuttal to the written reprimand to be included with the written reprimand, in their personnel file.
 - d. When any employee becomes aware of a disciplinary issue involving another employee, the matter will be referred to the accused employee's immediate supervisor for investigation. If the accused employee's division commander is the employee initiating the disciplinary investigation, then the appeals process will begin utilizing another division commander.
3. Employees are not entitled to have legal representation present for any verbal or written reprimand meeting. They may have a union member sit with them during the meeting, but that member will not be allowed to provide any input.
4. Employees shall be given seven (7) calendar days after being issued a verbal or written reprimand, or decision from an appeal, to file an appeal to the next

appropriate appeals level, or provide a written response to be included in the appropriate file. Employees who fail to comply with this timeline will lose any right to further appeal or submit a written response.

Section 4- PROCEDURES FOR SUSPENSION, DEMOTION, OR DISCHARGE

All employees are subject to suspension without pay, demotion, reduction in rank, loss of vacation privileges, loss of other special privileges, or discharged for major or repeated violations of procedures leading to either verbal or written reprimands. Employees may also be subject to the same punishment for failing to comply with or correct issues discussed in either a verbal or a written reprimand.

A. Suspension with pay pending investigation

Upon suspension with pay by the Chief of Police or any supervisor pending an investigation, a written statement of such suspension, in general terms, shall be served upon the employee, and a duplicate filed with the Discipline Commission. If a supervisor suspends an employee with pay, the suspension must be confirmed by the Chief of Police or his designee in writing within three (3) work days or the employee shall be immediately reinstated.

B. Procedures leading to possible suspension without pay, demotion, reduction in rank, or discharge

The employee will be entitled to a due process hearing as outlined in Section 5 of this rule. After the due process hearing, the Chief of Police or his designee shall forward, to the Discipline Commission, the proposed discipline if it is suspension without pay, demotion, reduction in rank, or discharge.

Section 5- DISCIPLINE ROUNDTABLE AND DISCIPLINE COMMISSION

- A. The discipline roundtable shall consist off all nine (9) members of the Pocatello Police Department who hold the rank of lieutenant or captain, a representative from the Legal Department, and a representative from the Human Resources Department. On the date of the hearing, if all lieutenants and captains are not available, then the roundtable will consist of any six (6) members of the DRT, provided at least one of them holds the rank of captain. The Major shall be the president of the board and only have a vote in matters resulting in a tie. The representatives from legal and human resources will not have a vote in the DRT.
- B. If the employee's immediate supervisor is the Major, then a division commander will be assigned as the president and the Major will replace the Division Commander as a voting member. A designee of the Human Resources Department will act as the president of the board at the first appeal level.
- C. All appeals from the DRT will be to the Chief of Police or designee.

- D. The Discipline Commission shall consist of the CEO of the City, a city council member chosen by the union, and the director of the Human Resources Department, or their designee. The city council member shall serve a one (1) year term beginning after the first council meeting in January. This shall be the final level of appeal for all matters of discipline within the Pocatello Police Department.
- E. Nothing in this section limits the employees' abilities to pursue action outside of the City, within the judicial system of the State of Idaho.

Section 6- DISCIPLINE ROUNDTABLE AND APPEALS PROCESS

A. Suspension without pay, demotion, reduction in rank, loss of vacation privileges, loss of other special privileges, or discharge

These types of discipline shall primarily be used for major or repeated performance issues, criminal violations, and willful or repeated misconduct. All forms of this discipline must be brought through the Discipline Roundtable. Any supervisor above the rank of lieutenant, within the Pocatello Police Department, may ask the Chief of Police to convene the DRT for a disciplinary issue that comes to their attention. The Chief of Police shall be the sole authority to convene the DRT with the Major acting in that capacity in the Chief's absence. Regardless of who requests the DRT to convene, the involved employee's immediate supervisor shall be responsible to present the disciplinary issue to the DRT.

The following flow chart illustrates which sergeant is responsible for employees and the procedure to be followed with respect to a discipline matter and the chain of command

DISCIPLINE FLOW CHART FOR THE POCATELLO POLICE DEPARTMENT

<p>Discipline Commission</p> <p>CEO of the City, 1 City Council Member, HR Director</p>

<p><u>Chief of Police</u></p>

Discipline Roundtable

All Lieutenants and Captains, will be eligible to be a member of the DRT, subject to the exemptions or restrictions for participation as set out herein. A quorum of at least six (6) eligible members must be available to convene the DRT. In the event that an even number is present any tie vote will be resolved by the Major.

Prior to the roundtable being convened the discipline matrix will be reviewed to see if a DRT is needed.

In situations involving non-sworn employees the records supervisor will be voting member of the DRT.

Support Services Sergeants	Detective Sergeants	Patrol Sergeants	Deputy Chief
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Dispatch Records Code Enforcement Licensing SROs Community Services Assistant	Stenographers Evidence Techs Victim/Witness Coordinator Detectives	Patrol Officers Patrol Corporals	Quartermaster Electronics Specialist/Fleet Manager Evidence Techs
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- B. Once the roundtable has convened the sergeant in charge of the employee shall present the complaint to the DRT. If the complaint was investigated by an Internal Investigator that member can be in charge of the presentation of the complaint. The presentation will include the nature and factual basis of the cause of action, prior efforts to remedy the situation, disciplinary history, and all information believed to be pertinent to the disciplinary hearing. The DRT members, at their discretion, may question the presenting sergeant on any issue they individually deem relevant to the proceedings. The employee shall be entitled to be represented by legal counsel or an employee representative and present evidence the employee deems relevant to a determination of the assertions brought against them. The employee may make direct statements about the evidence submitted against them. The DRT members, in their discretion, may question the employee on any issue the DRT members individually deem relevant to the proceedings. After speaking, the employee, the employee's

- representative(s), and the sergeant shall be excused so that the members of the DRT may discuss the matter presented. The evidence presented to the DRT by both parties will be deemed to comprise the entire and complete record to be considered by the DRT and as part of any subsequent review or appeal unless a request for an investigation is made as set out below. In that event, the record created by the DRT will be supplemented by the results of the investigation.
- C. The employee, the department, or any DRT member may make a formal request to the Chief of Police to conduct an Internal Investigation regarding any personnel issue presented that the requesting person deems as needing further investigation, or request an outside law enforcement investigation into allegations of criminal misconduct. The Chief of Police has the final decision concerning any requested internal and external investigation regarding personnel issues within the Pocatello Police Department. The results of any such requested investigation shall be provided to the parties and if requested by either party the DRT will be reconvened for the purpose of hearing the information related to the investigation and allowing either party to provide a response thereto. Absent such a request the DRT will make its decision and recommendation based upon the developed record, including the results of any investigation, if any.
 - D. Upon completion of the presentation of all evidence and a determination that no further investigation is needed, the DRT members shall consult the Disciplinary Matrix and decide as to a course of disciplinary action to pursue. The DRT board shall consult with a Human Resources Department member for any questions regarding the implementation of said discipline. The DRT members shall render a written decision within seven (7) days of the completion of the presentation of evidence and a determination that no additional investigation is necessary or required.
 - E. If the disciplinary proceedings relating to a sergeant, then the sergeant's immediate supervisor will present the complaint to the DRT under the same procedure as set out above. The presenting supervisor shall have no other vote or participation in the DRT process. To insure due process for the employee all individuals involved in the recommendation for disciplinary action shall refrain from discussing the matter with any members of the DRT or the Chief of Police outside of any hearing. In addition, any individual involved in or supervising anyone who initiates this disciplinary process shall not be a member of the DRT.
 - F. All decisions of the DRT will be automatically reviewed by the Chief of Police. The Chief of Police will have the right and authority to accept, reduce or enhance any disciplinary action determined by the DRT. The Decision of the Chief of Police must be in writing and in the event the recommendation of the DRT is not accepted by the Chief of Police that decision must set out the basis for the Decision of the Chief of Police and the reason and rationale for not accepting the DRT recommendation. As the chief officer of the Pocatello Police Department, he or she has the right to increase

disciplinary action; however, if the discipline is increased by the Chief of Police, he or she must consult with a designated representative of the Union. If the Union does not agree with the determination of enhancement by the Chief of Police, the Union President shall have the right on behalf of the bargaining unit member to file an appeal with the Discipline Commission. Nothing herein will prevent the affected employee from appealing the final decision of the Chief of Police to the Discipline Commission. Any such appeal must be submitted in writing within seven (7) calendar days of the employee receiving notice of the final decision of the Chief of Police. The appeal must be in writing and set out the legal and factual basis for the appeal and also a statement of the remedy sought by the employee. The appeal will be based solely upon the evidence and record developed by and relied upon by the DRT.

- G. The Chief of Police shall be the sole determining authority for matters involving the discipline of any and all employees above the rank of Sergeant.
- H. The Discipline Commission shall be the final appeal for employees of the Pocatello Police Department within the City structure. The three (3) member panel shall have the ability to confirm or reduce any disciplinary action imposed by the Chief of Police. The Discipline Commission may not increase any disciplinary action decision of the DRT or the Chief of Police.
- I. The Chief of Police shall be bound by the decision made by the Discipline Commission.

Section 7- DISCIPLINE TIMELINE

After the initial complaint is filed and provided to the employee the DRT will be convened, the following timeline shall be applicable:

- A. The DRT will schedule a hearing to take place not less than seven (7) calendar days or more than fourteen (14) calendar days after the employee receives notice that the DRT has been convened and has been provide a written copy of the complaint and all supporting documents. These time limits may be waived in order to facilitate legal and/or union representation of the subject.
- B. Once the DRT completes the hearing it shall have seven (7) calendar days in which to issue its decision, which must be in writing, unless further investigation is requested as set out above. Such request must be made within three (3) calendar days of the close of the DRT hearing. Failure to request an investigation within such timeline shall constitute a waiver of such right and the record will be set based on the evidence submitted at the hearing of the DRT. In any event, the DRT will have seven (7) days after the completion of the investigation and the submittal of any report or any additional hearing related to the investigation, to make its decision and recommendation.

- C. The Chief of Police shall have seven (7) calendar days after receipt of the DRT decision to review and determine whether to accept, reduce or enhance the determination of the DRT. That determination must be in writing.
- D. The employee shall have seven (7) calendar days after receipt of the decision from the Chief of Police to file a written appeal to the Discipline Commission under the procedure set out above.
- E. The Chief of Police shall have five (5) calendar days to provide to the Discipline Commission the record of the DRT and any written response to the written appeal from the employee.
- F. The Discipline Commission shall determine the appeal based upon the written record or it may schedule a hearing within seven (7) calendar days of the submittal of all written records. Any such hearing shall be at the sole discretion of the Discipline Commission.
- G. The Discipline Commission shall provide a written decision, within seven (7) calendar days of the date it receives a copy of the record, the written appeal and any response from the Chief of Police or upon the completion of the hearing, if any.

The disciplinary decision of the Chief of Police will be considered final if the employee fails to meet any of the required appeal timelines.

Rule 3 LAYOFFS AND RECALLS

Section 1- LAYOFFS

Layoff is defined as any involuntary separation from employment, which does not involve an act on the part of the employee, which could be the basis of discipline or termination. Whenever for lack of work, funds, change in organizational structure, or other compelling reason it becomes necessary to reduce the number of employees within the Pocatello Police Department, the following procedure shall apply:

1. The Chief of Police, in consultation with the Union Executive Board, shall determine the positions will be reduced requiring employee layoffs. Every effort should be made to cause the least amount of disruption to service when making the determination as to which positions will be reduced.
2. The person last hired for a position that has been identified as a position being reduced shall be the first laid off.

3. The names of those laid off shall be entered on an appropriate recall registry, for the position they held at the time of the reduction, in inverse order of their layoff date.
4. When it is determined that it is appropriate to increase the number of employees, in a position previously reduced, the Human Resources Department shall certify all those laid off in the order their names appear on the appropriate recall registry. Employees will be recalled in the order their names appear on the appropriate recall registry. An employee who has been laid off and had two or more unacceptable performance evaluations in the year previous to the layoff will be placed at the bottom of the list and be notified of that fact at the time of the layoff. A person on the certified recall registry who declines, or after ten (10) weekdays notice, has failed to accept the recall, shall be considered permanently separated from the police department.
5. Recalls herein are subject to such medical examination and other conditions consistent with these rules, as the Department deems necessary. Temporary medical disabilities (broken bone, short term illness) shall not result in loss of recall rights.
6. In the event a previously promoted employee returns to duty, or the number of officers or employees holding that rank is reduced, the last officer or employee promoted shall be returned to the rank he or she held before. The officer or employee demoted shall be the first reinstated to the higher classification, before anyone else on the current eligible register.
7. Officers or employees who are laid off prior to the completion of their probationary period must, upon recall, complete the remainder of the probationary period.

Section 2- MILITARY LEAVE

Upon application, the City will grant a leave of absence to employees who are members of the reserve components of the Armed Forces of the United States or the State of Idaho, or to an employee who leaves his or her employment with the City, whether voluntarily or involuntarily, to perform extended military duty not exceeding five (5) cumulative years. These employees will be afforded all rights to which they are entitled under federal law as may be amended periodically. Military leave shall be without benefits and without loss of seniority. The City at its discretion may make up any gap in pay between the employee's military pay and their pay at the City of Pocatello.

The employee may elect to continue health insurance benefits for up to twenty-four (24) months after the absence begins, or the period of absence, whichever is shorter, paying 100% of the premium. If the military leave is 30 continuous days or less, health insurance benefits will continue at the employee's share of the premium. Employees may take accrued vacation time while serving on annual training duty if they so desire. Department heads may grant leaves not to

exceed fifteen (15) continuous days in a calendar year. The CEO of the City of Pocatello may grant extended military leave.

Section 3- OTHER LEAVES OF ABSENCE WITHOUT PAY

A leave of absence without pay, other than medical, may be granted to employees under the following conditions:

- A. Leaves of absence without pay are generally discouraged; however, requests for leaves of absence in excess of accrued vacation and compensatory time may be granted on an individual basis by the Chief Executive of the City.
- B. A physical, psychological, and/or polygraph examination may be required after a leave of absence.
- C. Failure to return to work when required will constitute a voluntary resignation, and this will be shown as the basis for separation from employment.

Section 4- REHIRE AFTER RESIGNATION

Any applicant who, while in good standing, voluntarily terminated his or her employment with this agency and now seeks an appointment may, upon written request to and approval from the appointing officer, and within three (3) years of the date of separation, be rehired without taking a written examination, provided:

- A. The applicant is otherwise qualified for the position by meeting established police department hiring standards.
- B. The written request for rehire is physically delivered, mailed or electronically transferred to the appointing officer within three (3) years of the date of separation.
- C. The rehired officer will not retain any seniority or rank for prior service.

RULE 4

RESIDENCY REQUIREMENTS

Section 1- Residency Requirements

Police department employees regardless of when hired may live anywhere inside or outside of the City limits. More restrictive residency requirements exist for certain special assignments. Employees who do not meet the residency requirements of the special assignment may not serve in that special assignment.

RULE 5

SHIFT EXCHANGING

Section 1- SHIFT EXCHANGING

Upon approval of the Division Commander, any employee will have the right to exchange shifts with any other employee. The practice of exchanging shifts will be a voluntary program by the employees.

RULE 6

PROMOTIONS

Section 1- PROMOTIONAL PROBATION

An officer selected for promotion shall serve a probationary period of six (6) months from the date of appointment to the higher position. The Chief of Police can extend the probationary period if necessary. If either the conduct or performance of duty, or both, of any probationer shall be found unacceptable or if it is determined that retention would diminish efficiency and public service within the department, the Chief of Police shall cause to be delivered, to the probationer, a written statement that he or she has not satisfactorily completed probation and will be returned to the position from which he or she was promoted. Promotional probationers have the right to a Discipline Commission hearing upon demotion pursuant to Rule, Disciplinary Procedures.

- A. The period of any officer's probation may be extended by up to one-half (1/2) the probationary period if sickness or injury has prevented the probationer from serving the full probationary period in the position.
- B. Any officer who satisfactorily completes promotional probation shall retain the higher rank and may be demoted only for cause.

Section 2- CHANGES IN CLASSIFICATION

Movement from Police Officer 3rd Class to Police Officer 2nd Class, Police Officer 2nd Class to Police Officer 1st Class, Police Officer 1st Class does not constitute promotions; therefore, there shall be no probationary period for Police Officer 2nd Class, Police Officer 1st Class.

Section 3- PERFORMANCE RATINGS

Police Officer performance is periodically reviewed, and each officer is assigned a job performance rating of Excellent, Proficient, Needs Improvement, or Unacceptable in key performance factors.

Section 4- ELIGIBILITY TO MOVE FROM POLICE OFFICER 3rd CLASS to POLICE OFFICER 2nd CLASS

Third Class Probationary Officers shall be eligible to move to the classification of Police Officer 2nd Class upon completion of twelve (12) months of service from the date of hire, providing the officer has not received a job performance rating of Unacceptable in any performance factor on any evaluation during the twelve (12) months immediately preceding the date of reclassification.

Section 5- ELIGIBILITY TO MOVE FROM POLICE OFFICER 2nd CLASS to POLICE OFFICER 1st CLASS

Police Officers 2nd Class shall be eligible to move to the classification of Police Officer 1st Class upon completion of not less than twelve (12) months of service in the position of Police Officer 2nd Class, providing the officer has not received a job performance rating of Unacceptable in any performance factor on any evaluation during the twelve (12) months immediately preceding the date of reclassification.

Section 6 VACANCIES FILLED FROM PROMOTIONAL EXAMINATION REGISTERS

Vacancies in the ranks of Corporal/Detective, Sergeant, and Lieutenant, shall be filled by the applicants who have taken the designated competitive examination(s) to test their qualifications for the particular position to which they seek promotion and whose names have been placed on the eligible register according to the following procedures:

- A. When a position in the classified Police Positions is to be filled, the Chief of Police shall appoint one (1) of three (3) candidates with the highest standings on the latest certified eligible register established for the position to be filled.
- B. Officers not promoted shall retain their relative position on the eligible register until the establishment of a new register. In the event there is a current eligible register, efforts will be made to fill the vacancy within thirty (30) working days of the occurrence of the vacancy. In the event that an examination must be held in order to establish an eligible register, efforts will be made to fill the vacancy within thirty (30) working days after the establishment of the eligible register.
- C. All Lieutenants that meet the requirements for Captain are eligible to fill the vacancy. The Chief of Police can appoint any of the eligible Lieutenants to the rank of Captain.

Section 7 ELIGIBILITY FOR PROMOTIONAL APPOINTMENTS AND EXAMINATIONS

- A. Officers from any rank seeking promotion will be ineligible for the following:
 - A written reprimand for one (1) year.
 - Anything greater than a written reprimand for two (2) years.
 - If the officer receives an unacceptable evaluation with no written reprimand the officer will not be eligible for one (1) year.
 - The effective date will be the day of the final disposition of the discipline.
 - Officers cannot be promoted during their disciplinary period. Officers may take the exam if their disciplinary period will expire within six (6) months. Once the officer becomes eligible they will be placed on the roster according to their ranking.
- B. If less than four (4) applicants are eligible to take the examination, no examination shall be given. If an officer is within their above-stated disciplinary time they will not be considered eligible, even within one (1) year.
- C. A Police Officer 1st Class shall be eligible to take an examination for promotion to the next higher rank of Corporal/Detective upon completion of at least five (5) years of police service, with at least three (3) of those five (5) years being served with the Pocatello Police Department, and holding an Idaho P.O.S.T. Intermediate Certification. Eligibility to take the examination will be extended to those officers who are within six

(6) months of having completed the five (5) years of police service requirement; however, officers may not be promoted until they have completed the five (5) years of police service. Police officer shall mean a person in a position of Peace Officer as established by the Idaho Peace Officers Standards and Training Council.

- D. A Corporal/Detective with an Idaho P.O.S.T. Advanced Certification, shall be eligible to take the examination for promotion to the next higher rank of Sergeant, upon completion of at least two (2) years of service at the rank of Corporal/Detective. The examination will be extended to those candidates who, at the time of the examination, are within six (6) months of completing the required two (2) years of service at the rank of Corporal/Detective, provided they will have completed the two (2) years of service in that rank prior to the date of promotion.
- E. A Sergeant with an Idaho P.O.S.T. Advance and Supervisory Certification, and at least thirty-two (32) college credits, shall be eligible for promotion to the next higher rank of Lieutenant, upon completion of at least two (2) years of service at the rank of Sergeant. The examination will be extended to those candidates who, at the time of the examination, are within six (6) months of completing the required two (2) years of service at the rank of Sergeant, provided they will have completed the two (2) years of service in that rank prior to the date of promotion.
- F. Lieutenants with an Idaho P.O.S.T. Management Certification, and at least sixty-four (64) college credits, shall be eligible for promotion to the next higher rank of Captain, upon completion of at least two (2) years of service at the rank of Lieutenant. The examination will be extended to those candidates who, at the time of the examination, are within six (6) months of completing the required two (2) years of service at the rank of Lieutenant, provided they will have completed the two (2) years of service in that rank prior to the date of promotion.
- G. If an officer accepts a promotion and later requests a reduction in rank prior to the expiration of the eligible register from which he or she was selected, the officer's name will be removed from the eligible register. The officer can re-test for a promotion during the next testing cycle.
- H. If an officer declines a promotion they will be taken out of the top three for the existing promotion. The officer will remain at their rank on the eligibility roster and may be considered for future promotional opportunities. If the officer declines a second opportunity to promote they will be removed from the list and can retest after the list expires.
- I. If there are no eligible candidates that meet the minimum requirements for promotion the Chief of Police has the ability to extend the eligibility to those members in that rank that are off of probation. They will have one (1) year to meet the required certification needed. Failure to meet the requirements will result in a demotion to the

previous rank. The candidate would revert to their previous rank and seniority date. We will meet to discuss the need for this section and possible removal during the annual meeting with Union leadership.

Section 8 GRANDFATHER CLAUSE

Due to the recent changes to the promotional eligibility criteria a grandfather clause has been created for the fairest possible treatment of members. Any employee who was eligible to test for the next higher rank as of September 30th, 2016, but no longer meets the necessary criteria listed in Section 10 of this Rule, will continue to be eligible to test for said rank until such a time that they either meet the criteria listed in Section 10 of this Rule or are promoted to the next higher rank. Once promoted to the next higher rank those employees will then be required to meet the criteria listed in Section 10 of this Rule for any further promotions in rank. Paragraph A of Section 10 of this rule is not subject to the grandfather clause.

Section 9 NOTIFICATION OF PROMOTIONAL EXAMINATION

- A. Exams will include but are not limited to a written examination, oral board, assessment labs, and promotion packets for the ranks of Corporal/Detective, Sergeant, Lieutenant, or Captain, which shall be given whenever necessary to establish an eligible register which shall be valid for one (1) year.
- B. The Police Chief shall determine the date of the tests set forth in this rule and inform the eligible candidates of the date, time, place, and nature of the test at least thirty (30) calendar days prior to the date of the examination.
- C. Upon notification by the Police Chief of the eligible position, officers shall have no more than fourteen (14) calendar days to submit in writing to the Police Chief their desire to apply for the position. Only those who have notified the Chief of Police in writing of their desire to apply for the vacancy will be considered.
- D. All persons who have notified the Chief of Police in writing of their interest will be required to take the offered promotional examinations. If less than four (4) applicants notify the Chief of Police in writing of their desire to apply for the position, no assessment lab or written examinations will be given. If no written examination or assessment lab is given, a review of the member's personnel file will be evaluated and the applicant may be subject to an interview with members of the Senior Staff. When less than four (4) people indicate interest, the eligible register shall serve only to fill the immediate vacancy.
- E. No examination shall be given for any one rank more frequently than once every twelve (12) months unless the eligible register is exhausted and a position becomes vacant.

Section 10 NATURE OF THE PROMOTIONAL EXAMINATIONS

- A. Promotional examinations will include but are not limited to the outline below when there is an opening subject to this rule. The listed components will receive a numerical

score. The eligible register shall be derived from the rankings obtained by adding the points from the following:

1. Written Examination- A maximum of **100 points**. The candidate must score a minimum of **75 percent** to continue in the process. The score will be based on a curve.
2. Assessment lab- Candidates will be notified of the general conditions of the lab.
3. Promotion Packet/Career Path- The candidate must turn the packet in at a time determined by the Chief of Police or a designee. If the candidate does not score **75 percent (based on the curve)** on the written exam, there will be no points given for the-Promotion Packet.
4. Oral Board- Once scores from the written examination are verified, and each candidate passes the above qualification they will be scheduled for an appointment to meet with the Oral Board. The Oral Board will consist of:
 - Corporal
 - 1 Lieutenant
 - 1 Sergeant
 - 1 Corporal/Detective
 - 1 Citizen (Civilian Manager)
 - 1 HR as Moderator
 - Sergeant
 - 3 sworn members with at least 1 from within the department (Sergeant or above)
 - 1 Citizen (Civilian Manager)
 - 1 HR as Moderator
 - Lieutenant
 - 3 sworn members with at least 1 from within the department (Lieutenant or above)
 - 1 Citizen (Civilian Manager)
 - 1 HR as Moderator
 - Captain
 - 3 sworn members with at least 1 from within the department (Captain or above)
 - 1 Citizen (Civilian Manager)
 - 1 HR as Moderator
5. Longevity Points- **.04 points** per month of accredited service.

B. The Promotional Packet/Career Path will be reviewed during the annual review of the PAR for recommendations.

- C. Challenges to the written exam:
- a. Challenges to the written exam for Corporal/Detective and the Sergeant exams must be provided by the member in seven (7) calendar days.
 - b. The challenge must be specific to the question and the challenged material will be provided by the member.
 - c. The challenge board will consist of:
 - i. A Lieutenant
 - ii. A Captain
 - iii. A Union member
 - d. The board will have seven (7) calendar days to render a decision. Once a decision is made it will be provided to the member. If the member does not agree with the board they can appeal it to the Deputy Chief, who will have seven (7) calendar days to render a decision. If the member does not concur with the decision of the Deputy Chief they will have three (3) calendar days to notify the Chief of Police, who will have will be the final step in the appeal process. The Chief of Police will have seven (7) calendar days to render a decision.

Section 11 PREPARATION OF PROMOTIONAL EXAMINATIONS

In preparing for the examination, a representative from the Human Resources Department shall consult with the Chief of Police or his or her designated representative and/or with specially qualified persons or experts outside the Classified Service concerning the qualifications to be required of the applicants and data upon which the examination may be based. No applicant shall be consulted regarding the content of the examination. Prior to giving the examination, all examination content intended for use shall be in the exclusive possession and control of the examiner who shall be accountable to the department for the secrecy thereof.

Section 13 PROMOTIONAL EXAMINATION RESULTS REVIEW

The scores derived from the examination, including the assessment lab, will be discussed individually with each candidate upon request in a post-examination interview to be conducted by the Chief of Police or his or her designee within thirty (30) calendar days of completion of the examination. The purpose of this interview will be to discuss with the candidate his or her areas of strengths and weaknesses as determined by the examination.

Senior Staff / Management will review the scores that are accumulated from HR, including placement on the promotional list.

Section 13 REGULATIONS FOR EXAMINATIONS

- A. An examination shall be held in the presence of one (1) or more Human Resources employees or their duly authorized representative(s).
- B. At the direction of the Examiner, time limits may be used. If time limits are used, they shall be fixed by the Examiner who shall 1) advise the applicants at the start of the

examination and 2) during the examination to give adequate notice of elapsed time and time remaining.

- C. No book of reference or data of any kind shall be allowed during any examination unless required as part of the examination unless required for specific exams.
- D. All papers pertaining to the examination shall be distributed at the same time, provided that no applicant shall receive testing materials prior to the actual time the applicant takes any portion of the exam.
- E. All examination papers shall be collected upon expiration of the time limit set, if a time limit is used.
- F. If an applicant withdraws from an examination, the applicant shall turn in all papers that he or she received.
- G. In case of irregularity in an examination, the Examiner shall make a written report to the Department and the Union, and the report shall be filed with the working papers of the examination.

Section 14 PROTEST ON MANIFEST ERRORS IN GRADING

A written request for review of the grading must be filed with the Human Resources Department within seven (7) calendar days of the date the notice is sent concerning the standing of the applicant. No change in rating will be made except for a manifest error in grading. The Human Resources Department shall have the power to correct any error and amend or revoke any schedule, register, or other paper or record where it appears that an error or injustice has been done. After an eligible register has been corrected, amended, or revoked, notice shall be given to all persons whose standings upon the list may be affected by the alterations. The reasons for every action shall be recorded

Section 15 INITIAL APPOINTMENT AND PROMOTIONAL RE-EXAMINATION

The Chief of Police shall have the power to order a re-examination of applicants whenever in his or her judgment the interest of the public service requires it.

Section 16 RETENTION OF INITIAL AND PROMOTIONAL EXAMINATION RESULTS

The examination results for all applicants shall be retained by the Human Resources Department for a period of two (2) years from the date the initial results are announced or until another examination is conducted, whichever is later. Such examination results may then be disposed of in accordance with the City of Pocatello Records Policy.

Section 17 PENALTY FOR ATTEMPTING TO INFLUENCE AN EXAMINER OR HUMAN RESOURCES

Any attempt on the part of an applicant (either by him or herself or through others with his or her knowledge) to influence or induce the Human Resources Department, or any Examiner or employee to give the said applicant an undue advantage or to accord, a special rating on an examination shall be sufficient cause for the rejection of the applicant and disciplinary action.

Section 18 DISPATCH LATERAL PROGRAM

The City of Pocatello would like to take a proactive approach to recruit experienced Dispatchers to work for the Pocatello Police Department. In order to facilitate the acquisition of existing talent, the City of Pocatello establishes the following guidelines for Lateral Dispatch hires.

Required Experience: The City of Pocatello will accept Lateral Dispatchers with at least two (2) years of experience with any Police, Fire, and/or EMS Dispatch Center.

Hiring Rate: Lateral Dispatchers will begin at H08, Step two (2) with two (2) years of experience, and Step three (3) with three (3) years of experience.

Process: Lateral Dispatchers will not be required to complete a typing or Dispatch test. Applicants are required to complete the City of Pocatello job application and provide a resume outlining their qualifying experience. Once the application has been received and reviewed, and it is determined the candidate meets the required experience, they will be invited for an interview. If, after the interview, it is determined the applicant is a good Lateral candidate, they will continue through the additional hiring steps which include but are not limited to a background investigation, drug testing, truth verification exam, and psychological evaluation.

Incentives: As outlined in the Collective Bargaining Agreement, Lateral Dispatchers will be eligible for the additional incentives outlined therein.

Additional Requirements- Laterals will be required to be EMD and CPR certified within the first year of employment. Laterals that are not POST certified that are grandfathered in will not be required to attend POST according to IDAPA rules. If the Lateral is not POST certified and not grandfathered in they will be required to attend POST when they are able to get scheduled to attend and successfully complete. Lateral applications can be taken at any time during the year.