

**78.440 Board to promulgate rules governing certain subjects -- Publications -- Qualifications -- Requirements for promotion.**

- (1) Every county police force merit system board created hereunder shall make, promulgate, and when necessary, amend rules for the qualifications, original appointment, probation, promotion, demotion, transfer, lay-off, reinstatement, suspension, fine, and removal of the officers and employees covered by KRS 78.400 to 78.460. No rule or regulation made, promulgated, or amended by any county police force merit system board shall be inconsistent with the express provisions of this chapter. The board shall publish its rules and any amendments by supplying a certified copy to the county judge/executive, the fiscal court, and the chief, and by posting a copy conspicuously in the office or place where the headquarters of the county police is maintained. The rules and amendments shall be published in the manner prescribed within three (3) days after the adoption thereof.
- (2) The rules in addition to other matters shall specifically provide for and cover the following:
  - (a)
    1. Physical, mental, educational, citizenship, and age requirements for new employees and officers.
    2. Physical, mental, educational, citizenship, and age requirements for new employees and officers and seniority requirements for promotion from lower to higher rank or classification.
    3. A grade A patrolman shall have three (3) years of service as a grade A patrolman before he may be eligible for the promotion to the rank of sergeant. If there are fewer than fifty (50) police officers on the police force, the merit board may waive this service requirement.
  - (b)
    1. Open competitive written, oral, and physical tests to determine the relative fitness of all candidates and examinations for original appointment and for promotion.
    2. Public notices of examinations provided in subparagraph 1 of paragraph (b) and subparagraph 2 of paragraph (a) of this subsection.
  - (c) Temporary appointments in case of emergency.
  - (d) Organization and meetings of the board.
  - (e) Procedure and conduct of public hearings.
- (3) No county police force merit system board shall adopt a rule requiring the retirement of officers or employees prior to the first day of the month following the officer or employee's fifty-eighth birthday. This subsection shall not prohibit retirement prior to age fifty-eight (58) on a voluntary basis.
- (4) The board shall employ a chief examiner who shall be professionally qualified and experienced in the field of testing and who shall formulate, give, grade, and administer all written tests as required by the board. The chief examiner shall report to the board the results of all tests given by him and he shall be solely responsible to the board. The chief examiner shall select a panel of three (3) members to conduct an oral examination of the applicants for promotion. The panel shall consist of three (3) persons of a supervisory capacity from an outside agency or agencies in the

same field and of the same rank to which the applicant is aspiring. The chief examiner shall compile the grades of all applicants in strict compliance with procedures and percentages as set out below and shall deliver, in a sealed envelope, the scores of all applicants for promotion to the chairman of the board. The chief examiner shall not reveal to anyone the results of said tests other than in the manner set forth herein. If there are fewer than fifty (50) applicants for testing, the merit board may waive the requirements of this subsection and substitute other appropriate testing methods as determined by the board, but no testing method or the grading shall depart from or be inconsistent with the procedures and percentages set out below which shall be strictly followed in determining an applicant's eligibility for promotion.

- (5) Physical fitness for promotion shall be presumed unless certified to the contrary by the chief of police who shall supply the board with medical records of the disability.
- (6) At least ninety (90) days' notice shall be given before the promotional examination is conducted.
- (7) The grading of promotional tests shall be as follows: sixty percent (60%) for written examination; thirty percent (30%) for oral examination; one percent (1%) for each year in seniority in grade, not to exceed ten percent (10%). Seniority points shall be awarded for each year of service after five (5) full years of service. The results of the written and oral examinations shall be added to the seniority points available to each applicant in determining the applicant's final evaluated rating.

**Effective:** July 13, 1990

**History:** Amended 1990 Ky. Acts ch. 311, sec. 1, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 319, sec. 4, effective July 15, 1988. -- Amended 1980 Ky. Acts ch. 25, sec. 1, effective July 15, 1980; and ch. 101, sec. 1, effective July 15, 1980. -- Amended 1970 Ky. Acts ch. 198, sec. 4. -- Created 1952 Ky. Acts ch. 141, sec. 4(1), effective March 4, 1952.