

Chapter 2.66
POLICE DEPARTMENT

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Repealed. See 2.66.1000

(History: Ord. CSC-1983 §37, 96; CSC-1449 §1, 87; POL-575 § 1, 1969)

2.66.013 Appointment of Assistant Chief of Police.

Repealed. See 2.66.1020

(History: Ord. CSC-1983 §37, 96; CSC-1779 §1, 92)

2.66.015 Appointments to position of Major of Police.

Repealed. See 2.66.1020

(History: Ord. CSC-1983 §37, 96; CSC-1524 §1, 88)

2.66.020 Other appointments to police department.

Repealed. See 2.66.1020

(History: Ord. CSC-1983 §37, 96; CSC-1907 §1, 94; CSC-1449 §2, 87; POL-575 § 2,1969)

2.66.030 Qualifications of persons appointed-Oath.

Repealed. See 2.66.1030

(History: Ord. CSC-1983 §37, 96; CSC-1907 §2, 94; POL-575 §3,1969)

2.66.040 Powers and duties of police officers.

Repealed. See 2.66.1050

(History: Ord. CSC-1983 §40, 96; CSC-1907 §3, 94; CSC-1524 §2, 88; AP-853 §32, 75;
Modified during codification under authority KSA 12-3015, as amended; Ord. POL-575 §4, 69)

2.66.050 Compensation.

Repealed.

(History: Ord. SAL-801; POL-761; POL-710; POL-575D §1,2,1972; POL-575B §1,71; POL-575 §5,69)

2.66.060 Reserve police personnel - qualifications and salaries.

Repealed. See 2.66.1040

(History: Ord. CSC-1983 §37, 96; CSC-1907 §4, 94; RPO-411 §1,67)

2.66.070 Police Pension Plan Fund.

Repealed.

(History: Ord. CSC-1983 §37, 96; AP-853 §33,75; Ch. Ord. 27)

2.66.080 Transfer of unclaimed funds.

Repealed.

(History: Ord. AP-853 §34,75; PEN-500-A §2,68)

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2.66.090 Transfer of moneys paid into fund by City.

Repealed.

(History: Ord.AP-853 §35,75; PEN-500-A §3,68)

2.66.100 Police officers to obey orders. Removal from duty.

Repealed.

(History: Ord. CSC-1983 §37, 96; CSC-1449 §3, 87; POL-575 §6,69)

2.66.110 Vacancies in police department.

Repealed.

(History: Ord.CSC-1449 §17, 87;POL-575 §7,69)

2.66.120 Issuance of police commission.

Repealed. See 2.66.1080

(History: Ord. CSC-1983 §37, 96; CSC-1907 §5, 94; PC-696 §1,72)

2.66.130 Recitals in commissions - Term.

Repealed.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §6, 94; CSC-1524 §3, 88; PC-1141 §1, 81; PC-696 §2,72)

2.66.140 Records of persons holding commissions.

Repealed.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §7, 94; PC-696 §3,72)

2.66.150 Revocation of commission.

Repealed.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §8, 94; PC-696 §4, 1972)

2.66.160 Invalidation of existing commissions.

Repealed.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §9, 94; PC-696 §5,72)

2.66.170 Residence requirement.

Repealed. See 2.66.1060.

(History: Ord. CSC-1983 §37, 96; PDR-192A §1,66; PDR-192 §1,63)

2.66.180 Failure to comply with Sections 2.66.170 through 2.66.190 - Action.

Repealed.

(History:Ord.CSC-1449 §17, 87; PDR-192 §2, 63)

2.66.190 Extension of time for compliance.

Repealed. See 2.66.1060.

(History: Modified during codification under authority of KSA 12-3015, as amended; Ord. CSC-1983 §37, 96; CSC-1907 §10, 94; PDR-192 §3, 63)

2.66.200 Fingerprinting and photographing certain persons.

Repealed.

(History: Ord. CSC-1449 §17, 87; FP-1200 §1, 83; FP-910 §1,76; FP-407)

2.66.210 Positions of communication specialist and record specialist established.

Repealed.

(History: Ord.AP-853 §36,75; CRS-642 §1,71)

2.66.220 Appointment of persons to civilian job classifications.

Repealed.

(History: Ord.AP-853 §37,75; CRS-642 §2,71)

2.66.230 Qualifications of civilian employees - Oath.

Repealed.

(History: Ord. AP-853 §38,75;CRS-642 §3,71)

2.66.240 Duties of civilian employees.

Repealed.

(History: Ord. AP-853 §39,75; CRS-642 §4,71)

2.66.260 Civilian employees - Salary increases.

Repealed.

(History: Ord.AP-853 §40,75; CRS-642 §6,71)

2.66.270 Starting salary of civilian employees - Waiver for prior experience or higher education.

Repealed.

(History: Ord. AP-853 §41,75; CRS-642 §7,71)

2.66.280 Supervision of civilian employees.

Repealed.

(History: Ord. AP-853 §42,75; CRS-642 §8,71)

2.66.290 Participation of civilian employees in pension fund.

Repealed.

(History: Ord.AP-853 §43,75; CRS-642 §9,71)

2.66.300 Property defined.

Repealed. See 2.66.1090.

(History: Ord. CSC-1983 §37, 96; PPR-45-A §1,69)

2.66.310 Disposal of property.

Repealed. See 2.66.1100.

(History: Ord. CSC-1983 §37, 96; PPR-45-A §2,69; Ch. Ord. 8)

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2.66.320 Publication of notice of sale of property.

Repealed. See 2.66.1110.

(History: Ord. CSC-1983 §37, 96; PPR-45-A §3,69)

2.66.330 Deposit of proceeds from sale.

Repealed. See 2.66.1120.

(History: Ord. CSC-1983 §37, 96; PPR-45-A §4,69; Ch. Ord. 8)

2.66.340 Civil Service Commission established.

Repealed. See 2.66.1130.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §11, 94; CSC-780 §1,74; CSC-165 §1,62)

2.66.350 Members - Terms.

Repealed. See 2.66.1140

(History: Ord. CSC-1983 §37, 96; CSC-1907 §12, 94; CSC-1449 §4, 87; Amended during codification in accordance with KSA 12-3015; Ord. CSC-165-A §1,64; CSC-165 §2,62)

2.66.360 Duties.

Repealed. See 2.66.1150.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §13, 94; CSC-1449 §5, 87; CSC-165 §3,62)

2.66.370 Assistance by city personnel.

Repealed. See 2.66.1160.

(History: Ord. CSC-1983 §37, 96; CSC-1680 §1, 91; CSC-1449 §6; CSC-780 §2,74)

2.66.380 Furnishing supplies; expenditures.

Repealed. See 2.66.1160.

(History: Ord. CSC-1983 §37, 96; CSC-780 §3,74)

2.66.390 Meetings.

Repealed. See 2.66.1170.

(History: Ord. CSC-1983 §37, 96; CSC-1449 §7, 87; CSC-780 §4,74)

2.66.400 Rules and regulations adopted.

Repealed.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §14; 94; CSC-165 Rules & Regulations §2,62)

2.66.410 Assistance by officers and employees.

Repealed.

(History: Ord. CSC-780 §5,74; CSC-165 Rules & Regulations §3,62)

2.66.420 Classes of service.

Repealed.

(History: Ord. CSC-780 §6,74; CSC-165 Rules & Regulations §4,62)

2.66.430 Reduction in force.

Repealed. See 2.66.1340.

(History: Ord. CSC-1983 §37, 96; CSC-1449 §8, 87; CSC-780 §7,74)

2.66.440 Positions in competitive class.

Repealed.

(History: Ord.CSC-780 §8,74;CSC-165)

2.66.450 Grades.

Repealed.

(History: Ord. CSC-780 §9,74;CSC-165)

2.66.460 Merit and fitness.

Repealed. See 2.66.1180.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §15, 94; CSC-1524 §4, 88; CSC-780 §10,74; CSC-165 §8)

2.66.470 Applicant requirements.

Repealed. See 2.66.1190.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §16, 94; CSC-1449 §9, 87; CSC-780 §11,74; CSC-165 §9)

2.66.480 Application blanks.

Repealed.

(History: Ord.CSC-780 §12,74;CSC-165 §10)

2.66.490 References of character.

Repealed.

(History: Ord. CSC-780 §13,74; CSC-165 §11)

2.66.500 Special certificates.

Repealed.

(History: Ord.CSC-780 §14,74; CSC-165 §12,62)

2.66.510 Defective applications.

Repealed. See 2.66.1200.

(History: Ord. CSC-1983 §37, 96; CSC-165 §13,62)

2.66.520 Time of examination.

Repealed. See 2.66.1150.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §17, 94; CSC-165 §15,1962)

2.66.530 Notice of application and hiring process.

Repealed. See 2.66.1150.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §18, 94; CSC-165 §16,62)

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2.66.540 Nature of the application process.

Repealed. See 2.66.1230.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §19, 94; CSC-1680 §2, 91; CSC-1449 §10, 87; CSC-165 §17,62)

2.66.550 Application process.

Repealed. See 2.66.1210.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §20, 94; CSC-165 §18,62)

2.66.560 Physical examination.

Repealed.

(History: Ord.CSC-1907 §21, 94; CSC-165 §19,62)

2.66.570 Discrimination.

Repealed. See 2.66.540.

(History: Ord.CSC-1449 §17, 87; CSC-165 §20,62)

2.66.580 Rejection of candidates.

Repealed.

(History: Ord.CSC-1907 §22, 94; CSC-1680 §3, 91; CSC-1524 §5, 88; CSC-1449 §11, 87; CSC-780 §15,74; CSC-165 §21,62)

2.66.590 Examination questions.

Repealed: 2.66.600.

(History: Ord.CSC-1524 §8, 88; CSC-780 §16,74; CSC-165 §22,62)

2.66.600 Promotional process and examinations.

Repealed. See 2.66.1240.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §23, 94; CSC-1524 §6, 88; CSC-780 §17, 74; CSC-165 §23,62)

2.66.610 Test percentage required for certification.

Repealed.

(History: Ord. CSC-780 §18,74; CSC-165 §24)

2.66.620 Announcing results.

Repealed. See 2.66.1280.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §24, 94; CSC-780 §19,74; CSC-165 §25,62)

2.66.630 Eligibility list - Generally.

Repealed. See 2.66.1290.

(History: Ord. CSC-1907 §25, 94; CSC-1680 §4, 91; CSC-1371 §1, 86; CSC-780 §20,74; CSC-165 §26)

2.66.640 Eligibility List-Removal from.

Repealed. See 2.66.1300.

(History: Ord. CSC-1983 §37, 96; CSC-1449 §12, 87; CSC-1371 §2, 86; CSC-780 §21,74; CSC-165 §27)

2.66.650 Filling vacancies.

Repealed. See 2.66.1260.

(History: Ord. CSC-1983 §37, 96; CSC-1680 §5, 91; CSC-1449 §13, 87; CSC-780 §22,74; CSC-165 §28,62)

2.66.660 Appointments and promotions made from certified lists - Probationary.

Repealed. See 2.66.1310.

(History: Ord.CSC-1907 §26, 94; CSC-1680 §6, 91; CSC-1449 §14, 87; CSC-780 §23,74; CSC-774 §1,74)

2.66.670 Incompetent probationers.

Repealed.

(History: Ord. CSC-780 §24,74; CSC-165 §30)

2.66.680 Temporary employment.

Repealed.

(History: Ord. CSC-780 §25,74; CSC-165 §31)

2.66.690 Effect of declining appointment.

Repealed. See 2.66.1300.

(History: Ord. CSC-1983 §37, 96; CSC-1680 §7, 91; CSC-165 §32,62)

2.66.700 Suspension list.

Repealed.

(History: Ord.CSC-1449 §17, 87; CSC-165 §33,62)

2.66.710 Leave of absence.

Repealed.

(History: Ord. CSC-780 §26,74;CSC-165 §34)

2.66.720 Limit of suspension.

Repealed.

(History: Ord. CSC-1449 §17, 87;CSC-165 §35, 62)

2.66.730 Promotions preferred in filling vacancies.

Repealed.

(History: Ord. CSC-1524 §8, 88; CSC-780 §27, 74; CSC-165 §36,62)

2.66.740 Examination for promotion.

Repealed. See 2.66.600.

(History: Ord.CSC-1524 §8, 88; CSC-780 §28,74; CSC-165 §37, 62)

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2.66.750 Time of service for promotion eligibility.

Repealed. See 2.66.1250.

(History: Ord. CSC-1983 §37, 96; CSC-1907 §27, 94; CSC-934 §1,77; CSC-780 §29,74; CSC-165B §1, 67; CSC-165 §38,62)

2.66.760 Credit for service.

Repealed.

(History: Ord.CSC-165 §39,62)

2.66.770 Rules governing suspension, removal and demotion.

Repealed. See 2.66.1320.

(History: Ord. CSC-1983 §37, 96; CSC-1680 §8, 91; CSC-1449 §15, 87; CSC-780 §30,74; CSC-165 §40,62)

2.66.775 Appeals.

Repealed. See 2.66.1330.

(History: Ord. CSC-1983 §37, 96; CSC-1449 §16, 87; CSC-780 §31,74)

2.66.780 Political activity prohibited.

Repealed.

(History: Ord. CSC-1449 §17, 87;CSC-165 §41,62)

2.66.790 Employee's policies applicable.

Repealed. See 2.66.1350.

(History: Ord. CSC-1983 §37, 96; CSC-780 §32,74; CSC-165 §42,62)

2.66.800 Civil service regulations not applicable to chief of police.

Repealed. See 2.66.1000.

(History: Ord. CSC-1983 §37, 96; CSC-1779 §2, 92; CSC-1524 §7, 88; CSC-780 §33,74; CSC-165-C §1,68; CSC-165 §43,62)

2.66.810 Separability.

Repealed. See 2.66.1360.

(History: Ord. CSC-1983 §37, 96; CSC-780 §34,74)

2.66.1000 Chief of Police.

The commissioned law enforcement officer position of Chief of Police shall be the chief executive officer of the police department. The Chief of Police shall be appointed by the City Manager, shall be responsible for the general management and control of the police department and subject to supervisory control by the City Manager, and shall administer the police department in a manner consistent with the ordinances of the City, the laws and Constitution of the state of Kansas and the United States Constitution. The provisions of the Civil Service ordinance shall not be applicable to the Chief of Police, provided, however, the Chief of Police shall be subject to the employment conditions set forth in the Overland Park

Employee Handbook. The person appointed to the position of Chief of Police shall hold the rank of "Colonel."

(History: Ord. CSC-1983 §1, 96) [Source or prior law: 2.66.010]

2.66.1010 Appointment to Deputy Chief of Police.

The City Manager or his or her designee shall make all appointments to the commissioned law enforcement officer position of Deputy Chief of Police. The number of Deputy Chief of Police positions within the police department shall be determined by the City Manager or his designee. Persons appointed to the position of Deputy Chief of Police shall not be subject to the provisions of the Civil Service Ordinance; provided, however, they shall be subject to the employment provisions of the Overland Park Employee Handbook. Persons appointed to the position of Deputy Chief of Police shall hold the rank of "Lieutenant Colonel."

(History: Ord. CSC-2697 §1, 2007; PD-2372 §1, 2002; SC-1983 §2, 96) [Source or prior law: 2.66.020]

2.66.1015 Appointment to the position of Major of Police.

The City Manager or his or her designee shall make all appointments to the commissioned law enforcement position of "Major of Police." The number of "Major of Police" positions within the police department shall be determined by the City Manager or his or her designee. Persons appointed to the position of "Major of Police" shall not be subject to the provisions of the Civil Service Ordinance or the jurisdiction of the Civil Service Commission; provided, however, persons holding the position of "Major of Police" shall be subject to the disciplinary and other non-police provisions of the Overland Park Employee Handbook.

(History: Ord. PD-2372 §2, 2002; CSC-2158 §1, 99)

2.66.1016 Appointment to the position of Captain of Police.

The City Manager or his or her designee shall make all appointments to the commissioned law enforcement position of Captain of Police. The number of Captain of Police positions within the police department shall be determined by the City Manager or his or her designee. Persons appointed to the position of Captain of Police shall not be subject to the provisions of the Civil Service Ordinance or the jurisdiction of the Civil Service Commission; provided, however, persons holding the position of Captain of Police shall be subject to the disciplinary and other non-police provisions of the Overland Park Employee Handbook.

(History: Ord. CSC-2697 §2, 2007)

2.66.1020 Other appointments to the police department.

The City Manager or his or her designee shall make all appointments to the commissioned law enforcement positions of sergeant and police officer based upon merit and overall qualification for the position and as provided herein.

(History: Ord. CSC-2945 §1, 2012; CSC-2697 §3, 2007; CSC-2594 §1, 2005; PD-2372 §3, 2002; CSC-2158 §2, 99; CSC-1983 §3, 96) [Source or prior law: 2.66.020]

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2.66.1030 Commissioned officer oath of office.

The Chief of Police, Lieutenant Colonels of Police, Majors of Police, Captains of Police and all other commissioned officers appointed pursuant to this Ordinance shall take the following oath administered by the Mayor, the City Manager or their designee:

"I do solemnly (swear)(affirm) that I will support the Constitution of the United States, the Constitution and laws of the state of Kansas and the ordinances of the City of Overland Park and that I will faithfully discharge the duties of (the position appointed to), so help me God."

(History: Ord. CSC-2697 §4, 2007; PD-2372 §4, 2002; CSC-2158 §2, 99; CSC-1983 §4, 96)
[Source or prior law: 2.66.030]

2.66.1040 Reserve officers, appointment and training.

The City Manager or his or her designee shall appoint as he or she deems necessary "reserve" commissioned police officers. Reserve police officers shall be citizen volunteers and will receive a salary of one dollar for each year of service. Reserve police officers are not "employees" and are not subject to the provisions of the Civil Service ordinance or the Employee Handbook; provided, however, as volunteers they are subject to workers compensation protection as provided by law and City policy. Reserve officers shall be used as an augmentation of the full-time commissioned officer force; provided, reserve officers assigned law enforcement duties will have the full legal authority and powers of full-time commissioned officers when fulfilling lawful duties and responsibilities. Reserve officers shall meet the minimal hiring and training requirements established by the Chief of Police and shall be subject to the rules and regulations of the police department. Failure to comply with the rules and regulations of the police department, failure to obey the orders of superior officers or other misconduct shall subject reserve officers to revocation of their reserve police commission and prohibition from further volunteer reserve service. The Chief of Police shall establish rules and regulations to govern volunteer reserve police officers.

(History: Ord. CSC-1983 §5, 96) [Source or prior law: 2.66.060]

2.66.1050 Powers of commissioned police officers.

Commissioned police officers shall at all times have the power and authority to make arrests and such other authority as provided by law.

(History: Ord. CSC-1983 §6, 96) See also 2.33.310 & 2.33.320 [Source or prior law: 2.66.040]

2.66.1060 County residence requirement.

Repealed.

(History: Ord. PD-2230 §2, 2000; CSC-2198 §1, 99; CSC-1983 §7, 96) [Source or prior law: 2.66.170]

2.66.1070 Police badges and insignia.

The Chief of Police shall have the power and authority to prescribe an appropriate form of badge and other insignia to be worn by commissioned law enforcement officers, by which such officers and members of the department may be known. The Chief of Police shall establish rules and regulations for the wearing of badges and insignias and for the issuance and accountability of the same.

(History: Ord. CSC-1983 §8, 96)

2.66.1080 Police commissions.

The Mayor, upon submission of names by the Chief of Police, may issue "police" commissions as follows:

1. "Commissioned law enforcement officer commissions" to those persons granted by law the authority to arrest and issue notices to appear.
2. "Fire investigator commissions" to those persons certified by the State Fire Marshal's Office who are granted by law authority to make arrests, carry firearms and conduct searches and seizures while investigating any fire or explosion in which arson or attempted arson is suspected or in which there is an attempt or suspected attempt to defraud an insurance company.
3. "City officials' commissions" to the Mayor, City Councilmembers, City Manager and Civil Service Commission members.
4. "City officer commissions" to those City employees granted by law the authority to issue notices to appear; provided, department directors shall be responsible for insuring only qualified individuals are issued such commissions and that commissions are retired when no longer needed.

The Chief of Police shall establish rules for the issuance of police commissions that will provide for qualification standards, records, revocation, invalidation and accountability.

(History: Ord. CSC-2576 §1, 2005; CSC-1983 §9, 96) [Source or prior law: 2.66.120]

2.66.1090 Property defined.

"Property" as used in 2.66.1100 through 2.66.1120 means and includes any and all personal property recovered by the police department in the conduct of its authorized duties and activities of the department; provided that any property confiscated by the department for use as evidence in any criminal proceeding in the municipal court shall not be sold and appropriated hereunder until the judge of the court, or the chief judicial officer of any other judicial tribunal having jurisdiction over the property, has released the same as evidence and caused the same to be delivered to the police department.

(History: Ord. CSC-1983 §10, 96) [Source or prior law: 2.66.300]

2.66.1100 Disposal of property.

The Governing Body herein authorizes the Police Department of the City to sell or otherwise dispose of unclaimed property on or after 45 days if a bicycle and 90 days for all other property from the date upon which the department acquires custody of property described in Section 2.66.1090.

(History: Ord. CSC-2757 §1, 2008; CSC-1983 §11, 96) [Source or prior law: 2.66.310]

2.66.1110 Publication of notice of sale of property.

Whenever property is to be sold as provided for in Sections 2.66.1090 and 2.66.1100, the Police Department will cause to be published in appropriate media outlets including, at a minimum, an official legal newspaper of the City notice:

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- (a) If a public auction in the City, notice that a public sale of the property will occur that contains the date, hour and place of the sale; provided that the notice is published in the newspaper once weekly for two consecutive weeks preceding the date of public sale. The Police Department will also cause notice of the public sale to be posted on the City of Overland Park's website;
- (b) If the public auction is conducted on the internet, notice that a public sale of the property will occur identifying the website hosting the auction; provided that the notice is published in the newspaper once weekly for two consecutive weeks preceding the date of the first internet auction, and thereafter twice per year. The Police Department will also cause notice of internet auctions to be posted on the City of Overland Park's website.

(History: Ord. CSC-2757 §2, 2008; CSC-1983 §12, 96) [Source or prior law: 2.66.320]

2.66.1120 Deposit of proceeds from sale.

Proceeds from the sale of property described in 2.66.1090 through 2.66.1110 shall be deposited in the general revenue fund of the city.

(History: Ord. CSC-1983 §13, 96) [Source or prior law: 2.66.330]

2.66.1125 Hiring Process.

To fill the commissioned officer staffing needs of the police department, the Chief of Police shall develop a hiring process that complies with the provisions of AP-105 and other City policies. The Director of Human Resources shall assist the Chief of Police in the development and administration of the hiring process. The Chief of Police shall develop and implement the necessary rules and regulations to insure the proper and effective administration of the hiring process to include but not limited to insuring each applicant for a commissioned police officer position shall meet the requirements of the State of Kansas relating to the qualifications of a commissioned police officer.

(History: Ord. CSC-2158 §1, 99)

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ARTICLE II. CIVIL SERVICE COMMISSION**2.66.1130 Civil Service Commission established.**

Pursuant to the authority set forth in Charter Ordinance No. 43 as amended by Charter Ordinance No. 73, as further amended by Charter Ordinance No. 84, a Civil Service Commission has been established.

(History: Ord. CSC-2697 §5, 2007; CSC-2158 §2, 99; Ch. Ord. No. 73, 99; CSC-1983 §14, 96)
[Source or prior law: 2.66.340]

2.66.1140 Commission members, terms.

There shall be seven members of the Police Civil Service Commission, appointed by the Mayor and confirmed by the Council. The term of appointment for each member of the commission shall be for a period of three years, provided the appointments shall be staggered to provide continuity. The Civil Service Commission shall select its chairperson annually.

(History: Ord. CSC-1983 §15, 96) [Source or prior law: 2.66.350]

2.66.1150 Duties of the Police Civil Service Commission.

The Civil Service Commission shall review, approve and assist the police department in the promotion process for police officers below the rank of Captain and shall serve as an appeals board when commissioned police officers below the rank of Captain are terminated, demoted or suspended for disciplinary reasons and for those purposes otherwise provided in the Employee Handbook. The Civil Service Commission shall perform the duties required by the ordinances, resolutions and rules and regulations of the City, which include the City administrative policies. The Civil Service Commission shall adopt rules and regulations for the proper conduct of its business.

(History: Ord. CSC-2697 §6, 2007; PD-2372 §5, 2002; CSC-2158 §2, 99; CSC-1983 §16, 96)
[Source or prior law: 2.66.360 & .520]

2.66.1160 Assistance by City personnel, supplies, expenditures.

The Chief of Police shall designate personnel to keep the records of the Civil Service Commission and perform such other duties as may be necessary. The police department shall furnish the Commission the supplies necessary to conduct the business of the Commission. The expenditures of the Commission shall be consistent with and within the budget adopted by the Governing Body and undertaken in a manner consistent with the law and applicable City purchasing procedures.

(History: Ord. CSC-1983 §17, 96) [Source or prior law: 2.66.370 & .380]

2.66.1170 Civil Service Commission meetings.

The Commission shall meet as required to perform the functions and duties required by the provisions of this code. The times, dates and subject matter for such meetings shall be fixed by the Commissioners. The meeting shall be conducted in accordance with the Kansas Open Meetings Act; provided, however, the Commission may recess into executive session as provided by law.

(History: Ord. CSC-1983 §18, 96) [Source or prior law: 2.66.390]

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2.66.1180 Promotions.

Repealed. See 2.66.1235.

(History: Ord. CSC-2697 §14, 2007; CSC-2158 §2, 99; CSC-1983 §19, 96) [Source or prior law: 2.66.460]

2.66.1190 Qualifications.

Repealed.

(History: Ord. CSC-2158 §3, 99; CSC-1983 §20, 96) [Source or prior law: 2.66.470]

2.66.1200 Applications.

Repealed.

(History: Ord. CSC-2158 §3, 99; CSC-1983 §21, 96) [Source or prior law: 2.66.510]

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ARTICLE III. PROMOTIONS AND APPEALS

2.66.1210 Hiring process.

Repealed.

(History: Ord.CSC-2158 §3, 99; CSC-1983 §22, 96) [Source or prior law: 2.66.550]

2.66.1220 Certification of applicants in the hiring process.

Repealed.

(History: Ord. CSC-2158 §3, 99; CSC-1983 §23, 96)[Source or prior law: 2.66.600]

2.66.1230 Interview, conditional job offer, post job offer examinations.

Repealed.

(History: Ord. CSC-2158 §3, 99; CSC-1983 §24, 96)[Source or prior law: 2.66.540]

2.66.1235 Promotions.

All promotions shall be made on the basis of merit and overall qualification for the position applied for as determined by the examination and selection process reviewed and approved by the Civil Service Commission, without regard to political affiliation.

(History: Ord. CSC-2697 §7, 2007)

2.66.1240 Promotional process.

The promotional process for all commissioned police officer positions covered by the Civil Service Commission shall be developed by the Chief of Police or his or her designated representatives and reviewed by the Director of Human Resources. The promotional process will be reviewed and approved by the Civil Service Commission prior to the administration of the examination or promotional process to ensure the process or exam fairly and effectively tests the applicants. The Chief of Police shall be responsible for posting in a timely fashion all notices to participate in promotional examinations or processes. All applications for promotional examinations shall be filed with the Civil Service Commission in writing.

(History: Ord. CSC-2579 §1, 2005; CSC-1983 §25, 96) [Source or prior law: 2.66.600]

2.66.1250 Time in service and time in grade for promotion eligibility.

No person shall be eligible for promotion from the grade of police officer to sergeant unless immediately prior to the date of examination or the beginning of the selection process, the person to be examined has completed a total of five consecutive years of service as a law enforcement officer of which the final three full, consecutive years of service were with the Overland Park Police Department, provided breaks in service of no more than ninety days shall be considered *de minimis* and shall not be considered in calculating the consecutive years of service requirement.

(History: Ord. CSC-2945 §2, 2012; CSC-2697 §8, 2007; CSC-2594 §2, 2005; PD-2372 §6, 2002; CSC-2340 §1, 2001; CSC-2229 §1, 2000; CSC-2158 §2, 99; CSC-1983 §26, 96) [Source or prior law: 2.66.750]

2.66.1260 Filling vacancies.

The Chief of Police may elect to fill vacancies by (1) promotion from within the department or (2) hiring from outside the department. Whenever the Chief of Police determines there are

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vacancies to be filled in the rank of sergeant by promotion from within, the Chief of Police shall notify the Civil Service Commission of such vacancy. In the event the Chief of Police elects to hire from outside the department to fill the vacancy, the provisions of this Chapter relating to hiring shall apply.

(History: Ord. CSC-2945 §3, 2012; CSC-2697 §9, 2007; CSC-2594 §3, 2005; PD-2372 §7, 2002; CSC-2158 §2, 99; CSC-1983 §27, 96) [Source or prior law: 2.66.650]

2.66.1270 Notice of eligibility to compete.

As soon as practical after closing the application period for the promotion process, the chairperson of the Civil Service Commission shall notify all applicants whether they meet the minimum eligibility requirements to compete in the promotion process.

(History: Ord. CSC-2229 §2, 2000; CSC-1983 §28, 96) [Source or prior law: 2.66.630]

2.66.1280 Notice of promotional process results.

As soon as practical after the completion of any promotional process, the chairperson of the Civil Service Commission shall individually notify all those who participated in the process of the results of the promotional process or examination to include the individual's score and relative ranking as appropriate.

(History: Ord. CSC-2229 §3, 2000; CSC-1983 §29, 96) [Source or prior law: 2.66.620]

2.66.1290 Promotional eligibility list.

As part of each promotional examination or process, the Civil Service Commission shall establish a final promotion eligibility list for that process which shall be maintained by the Department Personnel Section. Individual test scores and results will not be posted. The certification shall include the examination scores of each candidate on the list. When an appointment is to be made to the rank for which the promotion list has been certified, the appointment shall be made from such eligibility list in rank order until all candidates are promoted or otherwise removed from consideration or the expiration of one year, whichever occurs first.

(History: Ord. CSC-2697 §10, 2007; CSC-2229 §4, 2000; CSC-1983 §30, 96) [Source or prior law: 2.66.630]

2.66.1300 Removal from eligibility list.

Any person listed on a current eligibility list who receives disciplinary action during the period their name is on the eligibility list may be removed from the eligibility list by the Chief of Police. Persons may also be removed from the eligibility list for any valid and documented reason that pertains to their inability to function within the rank to which they may be promoted.

If an eligible person on the list declines promotion, that person's name will be removed from the eligibility list. Persons whose names are involuntarily removed from the eligibility list may appeal the action to the Civil Service Commission. The name of any person eligible for a probationary promotion, who declines such promotion, shall be stricken from the eligibility list unless such declination is made for:

- A. Temporary inability, physical or otherwise, the evidence of which must be acceptable to and approved by the Civil Service Commission and set forth in its minutes;

B. Where the appointment is to be for a temporary period only.

In such events, eligible candidates for promotion shall not lose his or her position upon the eligibility list by reason of declining promotion.

(History: Ord. CSC-1983 §31, 96) [Source or prior law: 2.66.640]

2.66.1310 Probationary Period.

Promotions made from the lists of persons certified by the Civil Service Commission and appointments shall be for such probationary periods as set forth in the Employee Handbook. If the performance of a newly appointed police officer be unsatisfactory during the probationary period, the individual shall be notified in writing that their performance is unsatisfactory and he or she will not be retained. The termination is not subject to appeal to the Civil Service Commission. If the performance of a newly promoted individual be unsatisfactory, the individual shall be notified in writing that their performance is unsatisfactory and they are being demoted to their former rank. The demotion is not subject to appeal to the Civil Service Commission.

(History: Ord. CSC-1983 §32, 96)[Source or prior law: 2.66.660 and .690]

2.66.1320 Disciplinary Suspension, Demotion and Termination.

No police officer below the rank of Captain who has successfully completed the probationary period shall be suspended, demoted or terminated for disciplinary reasons, except for misconduct, insubordination, failure to perform his or her required duties or disobedience of his or her orders or material false statements, deception or fraud (practiced or attempted) in the hiring process. The Chief of Police may suspend, demote or terminate any such officer for such disciplinary reasons; provided, the officer shall have the right to appeal such action as provided herein.

(History: Ord. CSC-2697 §11, 2007; PD-2372 §8, 2002; CSC-2158 §2, 99; CSC-1983 §33, 96) [Source or prior law: 2.66.770]

2.66.1330 Appeals to Civil Service Commission.

Any police officer below the rank of Captain who is subject to the jurisdiction of the Civil Service Commission, who has successfully completed the probationary period, may, within five days, appeal any discharge, suspension or demotion, except in the case of a reduction in force, to the Civil Service Commission, which shall fully hear and determine the matter in accordance with rules and regulations promulgated by the Commission for the conduct of such hearings. Such police officers must notify in writing the police department and the Civil Service Commission of his or her intent to appeal within the five-day period. The Civil Service Commission shall have the power to enforce the attendance of witnesses, the production of books or papers and the power to administer oaths. The Commission shall have the authority, after a full and complete hearing on an appeal, to sustain or alter the disciplinary action; provided, it does not have the power to enhance the disciplinary action. The decision of the Commission is binding upon such officer and the Police Department. Either party may appeal such decision to the District Court of Johnson County as provided by law.

(History: Ord. CSC-2697 §12, 2007; PD-2372 §9, 2002; CSC-2158 §2, 99; CSC-1983 §34, 96) [Source or prior law: 2.66.775]

2.66.1340 Reduction in Force.

- A. Reappointment. In the event any commissioned police officer position is abolished due to a reduction in force and recreated within two years, the person who held such position at the time it was abolished shall be reappointed to the position without examination provided the person has remained an employee of the police department during the period.
- B. Reemployment. In the event any position of sergeant is abolished due to a reduction in force and the employee holding the position is not retained by the City, the employee's name shall be entered by the Civil Service Commission on any eligibility list for the rank the person previously held and given priority in filling subsequent vacancies in that position or other positions for which the person is eligible. In the event any police officer position below the rank of Captain is abolished due to a reduction in force and the employee holding the position is not retained by the City, the employee's name shall be retained by the City for the position, and the person will be given priority over new applicants in filling subsequent vacancies for such position. Individuals whose names are placed on the eligibility list or are eligible for a patrol officer position as provided herein shall be dropped at the expiration of one year; provided, however, that the employee shall retain all of his or her rights under the Veterans Reemployment Act and other applicable state and federal law.

(History: Ord. CSC-2945 §4, 2012; CSC-2697 §13, 2007; CSC-2594 §4, 2005; PD-2372 §10, 2002; CSC-2158 §2, 99; CSC-1983 §35, 96) [Source or prior law: 2.66.430]

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ARTICLE IV. MISCELLANEOUS

2.66.1350 Employee Handbook Provisions Applicable.

The provisions of the Employee Handbook are applicable to police officers when not inconsistent with the provisions of this chapter.

(History: Ord. CSC-1983 §36, 96) [Source or prior law: 2.66.790]

2.66.1360 Severability.

If any part or parts of this ordinance shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this ordinance. The Governing Body declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts thereof would be declared invalid.

(History: Ord. CSC-1983 §37, 96) [Source or prior law: 2.66.810]

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