



Lexington Police Department

Lexington, Kentucky

GENERAL ORDER

BY THE AUTHORITY OF THE CHIEF OF POLICE

G.O. 1992-07E Compensation, Benefits and Conditions of Work

Rescinds: GO 1992-07D

References: CALEA Chapter(s)

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I. PURPOSE

The purpose of this policy is to define the duties, responsibilities and role of the department associated with compensations, benefits and conditions of work. This policy also establishes out processing and in processing procedures for employees who retire, resign, are terminated, or are absent for an extended leave (other than a military leave or deployment). This policy also addresses procedures related to in processing back into the department following a non-military extended leave of absence or returning by reinstatement.

II. POLICY

It shall be the policy of the Lexington Police Department to comply with all applicable sections of the Revised Code of Ordinances (RCO's), other Lexington Fayette Urban County Government directives, state and federal laws, and any current collective bargaining agreement(s) between department personnel and LFUCG as they pertain to compensation, benefits, conditions of work and reinstatement.

This policy is applicable to department employees who are not covered by a collective bargaining agreement or for sworn officers whose collective bargaining agreement does not specifically address the issues in this policy. For sworn officers covered by a collective bargaining agreement, the department shall also abide by the terms of the agreements.

It shall also be the policy of the Lexington Police Department that officers who retire, resign, are terminated or who will be on non-military extended leave of absence (for longer than 30 calendar days) complete out processing procedures, and officers who return following a non-military extended leave of absence or return by reinstatement complete in processing procedures.

Note: Officers who are activated for military service and will be absent based on an extended leave or deployment shall refer to and follow the procedures in GO series 2015-10 Military Leave and Deployments.

III. OUT PROCESSING and IN PROCESSING PROCEDURES

OUT PROCESSING PROCEDURES

A. All personnel who retire, resign, are terminated, or are absent for a non-military extended leave for longer than 30 calendar days shall complete the out processing procedures as directed by the Bureau of Administration (BOA) Assistant Chief's Office.

B. The BOA Assistant Chief's Office, upon notification of an employee's pending retirement, resignation, termination or extended leave of absence, will prepare an out processing packet and will provide it to the employee.

1. The out processing packet will contain the following:

- a. Chief of Police cover letter
- b. Bureau of Administration cover letter
- c. Employee's inventory of issued equipment

1. Department owned property that is not listed on the employee's property inventory shall be returned to the BOA Assistant Chief's Office. This property may include, and is not limited to:

- a. case jackets
- b. investigative files
- c. firearms
- d. electronic or computer equipment
- e. uniforms
- f. records, notes, photographs, tapes and documents

d. Out Processing Form

e. Exit interview form (if applicable)

C. The employee's supervisor shall designate the employee as "special assignment/out processing" on the last weekday work or duty day in order for the employee to complete the out processing procedures.

D. Out processing procedures begin and end at the Bureau of Administration Assistant Chief's Office. Recruit officers, while assigned to the Training Section, out process in the Training Section.

E. Department owned equipment and uniforms shall be returned to the BOA Assistant Chief's Office during out processing. All department issued uniforms shall be returned clean and on hangers.

F. Specialty equipment assigned to another bureau shall be returned to that bureau during out processing.

G. The employee shall ensure that all items on the Out Processing Form are addressed and

signed off on as indicated on the form. Bureau Assistant Chiefs or designees shall also confirm with the departing employee that each item has been addressed, and indicate approval by signing the appropriate section of the Out Processing Form.

H. Upon completion of the out processing process, the employee shall return the out processing packet to the BOA Assistant Chief's Office for final review.

IN PROCESSING PROCEDURES

A. All personnel who are returning to the department following a non-military extended leave, or by reinstatement, shall complete the in processing procedures as directed by the BOA Assistant Chief's Office.

B. An employee who is returning to the department shall contact the BOA Assistant Chief's Office to obtain an in processing packet and, if applicable, notify his or her immediate supervisor.

1. The in processing packet will contain the following:

a. Bureau of Administration cover letter

b. In Processing Form

c. Other documents, as needed, as determined by the BOA Assistant Chief's Office.

C. An employee who is returning to the department will be given appropriate schedule adjustment considerations to complete in processing procedures.

D. In processing procedures begin and end at the BOA Assistant Chief's Office.

E. Department owned equipment and uniforms returned to the BOA Assistant Chief's Office during out processing shall be picked up as directed by the BOA Assistant Chief's Office.

F. Specialty equipment assigned to another bureau that was returned directly to the bureau during out processing shall be picked up from the same bureau during in processing.

G. The returning employee shall ensure that all items on the In Processing Form are addressed and signed off on as indicated on the form. Bureau Assistant Chiefs ~~commanders~~ or designees shall also confirm with the returning employee that each item has been addressed, and indicate approval by signing the appropriate section of the In Processing Form.

H. Upon completion of the in processing procedures, the returning employee shall return the In Processing Form to the BOA Assistant Chief's Office.

Note: See Section VI below regarding additional procedures a returning or reinstated officer may be required to follow prior to returning to full duty.

IV. COMPENSATION

A. The department entry level salary, salary differential within ranks, salary differential between ranks, salary levels for those with special skills or assignments, compensatory time policy and overtime policy, shall be found in the LFUCG Employee Handbook, KRS, RCO's or current collective bargaining agreements.

B. The methods used in setting entry level salaries, differentials, and levels for those on special assignments is established by RCO's, the LFUCG Employee Handbook, or current collective bargaining agreements.

C. Kentucky Revised Statutes and directors of the Justice Cabinet shall regulate academic incentive pay.

D. Overtime

1. RCO 21-28 outlines overtime information and procedures. Sworn personnel may also refer to collective bargaining agreements.

2. Overtime compensation shall only be paid for more than 40 hours actually worked within a workweek at a rate of one and one-half (1 ½) times the regular hourly rate of pay.

3. Overtime is not paid for hours worked in excess of 8 hours per day (10 hours for the Bureau of Patrol) unless forty (40) hours have already been worked. Vacation, sick leave, holiday, funeral leave, disability leave, or any other day for which an employee is not actually at work is not included as work time for overtime pay purposes.

4. Fractional hours will be credited as follows:

a. Hours will be divided into 1/10 (six-minute increments.) Employees will be paid for each six (6) minutes worked.

- 0-5 min. = 0 min. earned
- 6-11 min. = .1 of an hour earned
- 12-17 min. = .2 of an hour earned
- 18-23 min. = .3 of an hour earned
- 24-29 min. = .4 of an hour earned
- 30-35 min. = .5 of an hour earned
- 36-41 min. = .6 of an hour earned
- 42-47 min. = .7 of an hour earned
- 48-53 min. = .8 of an hour earned
- 54-59 min. = .9 of an hour earned
- 60 min. = 1 hour earned

b. Employees must work a minimum of six minutes in order to be paid at their overtime rate. Employees working five minutes or less will not be

compensated.

5. The following information and documentation must be included in PeopleSoft for each court appearance:

- a. Specific court (misdemeanor, arraignment, traffic, pre-trial conference, jury, grand jury, or circuit). The term “district court” shall not be used.
- b. Defendant’s Name (first and last).
- c. Charge (only one if multiple charges).
- d. Time (actual time in court).
- e. Time earned for travel or pre-trial conference.
- f. Case jacket/evidence pick up.

6. Overtime requests in PeopleSoft must include specific details regarding each submission, including:

- a. The appropriate Time Reporting Codes shall be used
- b. The appropriate Combo Code shall be completed (grant-related assignment)
- c. Complete the appropriate User Fields, if needed
- d. The Comments Section must be completed for any overtime-related or grant-related Time Reporting Code. Indicate:
 - 1. Assignment details (Specific event or assignment worked)
 - 2. The actual range of overtime worked: (Example: 1300-1530)
 - 3. Any changes made to any submitted overtime (including submissions from prior pay periods) must likewise have the Comments Section completed.

E. PeopleSoft Time Submissions

1. All PeopleSoft time entries shall be electronically entered, submitted and approved weekly.

- a. Time entries shall minimally include number of hours worked per day and a Time Reporting Code.

2. The previous week’s time entries shall be submitted into PeopleSoft by 1000 each Monday.

3. Any changes made to any submitted time (including submissions from prior pay periods) must have the Comments Section completed.

F. Compensatory Time

1. Exempt employees covered by a collective bargaining agreement who work over 40 hours per week should refer to the CBA for accumulation and use restrictions.
2. Exempt employees not covered by a collective bargaining agreement who work over 40 hours per week should refer to the Employee Handbook Chapter 6: Leave Policies, Section 21-37.1 Compensatory Time and the Policy and Ordinance Changes effective July 20, 2009, located on the LFUCG Intranet, for accumulation and use restrictions.
3. Vacation, sick and funeral leave shall not count as hours worked for purposes of compensatory time, but holiday does.
4. Compensatory time shall not be paid upon separation of employment with the Urban County Government unless specifically approved by a collective bargaining agreement.
5. Once maximum accumulations have been reached, employees may not count hours worked in excess of their regular hours as compensatory time during the workweek. Compensatory hours cannot at any time exceed 80 hours or levels stated in the current collective bargaining agreement.
6. Once compensatory time drops below the maximum allowed, only hours worked subsequent to the reduction shall be credited as compensatory time. In no event shall compensatory time hours be credited retroactively.

V. BENEFITS

Note: Employees covered under collective bargaining agreements should also refer to their current collective bargaining agreement for additional benefits information.

A. Vacation leave information may be found in RCO 21-33 and Chapter 6 of the Employee Handbook.

B. Funeral leave information may be found in RCO 21-35 and Chapter 6 of the Employee Handbook.

C. Jury duty information may be found in RCO 21-37 and Chapter 6 of the Employee Handbook.

1. All members of the department will be permitted to honor any commitments or subpoenas to serve as a juror on any properly impaneled jury at the local, state, or federal level with pay, not to exceed 3 calendar months in any one calendar year.

- a. An employee serving on a jury shall be paid, at his/her current hourly rate for each hour of jury duty, up to a maximum of 8 hours per court day.
- b. Time on jury duty shall not be considered as hours worked for the purpose of computing overtime and will affect overtime pay if the overtime is worked during the week on jury duty.

2. Each employee will notify his/her supervisor of their impending jury duty and provide a copy of the summons no later than 2 weeks prior to the beginning of his/her term of duty.

- a. A copy of the summons will be electronically forwarded to the Personnel Records Unit immediately upon receipt by the supervisor.

3. Employees on jury duty leave shall report to work when excused by the court for part of a day or for 1 or more days.

4. Employees are permitted to retain the jury duty payment in addition to their regular duty pay.

5. Employees are required to electronically submit a copy of the jury duty payment to the Personnel Records Unit upon completion of jury duty.

D. Information concerning the regulation of Administrative Leave may be found in RCO 21-37 and Chapter 6 of the Employee Handbook.

E. Information on Holiday leave may be found in RCO 21-38 and Chapter 6 of the Employee Handbook.

F. Information about LFUCG retirement options:

- 1. Civilian employees: RCO Chapter 6 “Employees and Pensions”. Civilian employees may also contact the Division of Human Resources.
- 2. Sworn officers: KRS 67A.360 to 67A.690 (Police and Firefighters’ Retirement and Benefit Fund). Sworn officers may also contact the Pension Administrator.

G. Health insurance information and copies of benefit information may be found electronically on the LFUCG intranet, or employees may contact the Division of Human Resources.

H. Victim and witness assistance services for agency personnel and their families following line of duty deaths or serious injuries may be obtained through the police chaplain.

I. Liability protection information may be obtained from the LFUCG Department of Law.

J. Information about employee education benefits (tuition reimbursement) is available in the Chief’s Office.

K. Collective bargaining agreements establish optional physical fitness testing procedures for sworn officers.

L. Sick Leave

1. Sick leave information for all eligible department employees may be found in RCO 21-34 and the Employee Handbook.

2. Department personnel accrue 120 hours of sick leave annually, accumulated at the rate of 10 hours per month.

3. Employees accumulating in excess of 600 hours sick time will be paid at after the end of the calendar year for the excess hours.

4. Sick leave distribution upon retirement:

a. Sworn officers retiring with the minimum required time of service (20 years) or disability, or upon retirement under social security after completion of five (5) years of service, or upon death shall receive a lump sum distribution of their unused sick leave time at their current rate of pay. Those sworn officers retiring on age and minimum years of service can apply their unused sick leave time towards their pension distribution. Sworn officers expecting to receive a sick leave distribution upon retirement may refer to RCO 21-36 and contact the Division of Human Resources and the Pension Administrator prior to retirement to review available options.

b. Civilian employees retiring with a minimum of five (5) years of service (if eligible to retire based on age) and/or disability, shall receive a lump sum distribution of their unused sick leave time at their current rate of pay. Civilian employees retiring on age and service may apply their unused sick leave time towards their pension distribution. Civilian employees expecting to receive a sick leave distribution upon retirement may refer to RCO 21-36 and contact the Division of Human Resources prior to retirement to review available options.

5. Unused sick leave time (below 600 hours) will not be distributed to a former employee who has resigned or been terminated prior to completing the 20 minimum required years of service.

6. Notification to use sick leave:

a. Employees must notify their supervisor when taking sick leave. Employees are responsible for ensuring that a supervisor in their respective unit and bureau is notified of their intention to take sick leave at least 1 hour prior to their normal report to duty time.

b. Sick leave may be used during a family emergency, provided the employee provides notification to his or her supervisor as described above or contacts

his or her supervisor as soon as the emergency reasonably permits.

c. Employees must complete the notification of the intent to take sick leave each workday, unless:

1. A doctor's note has already been submitted outlining the projected length of the sick leave absence

2. After 3 consecutive days absent

7. After 3 consecutive days absent, the employee shall be carried on sick leave without the necessity of daily notification; provided a medical statement is supplied to the unit lieutenant.

a. The immediate supervisor must be notified of the employee's intention to return to duty a day prior to returning to duty for scheduling purposes.

8. When an employee is able to return to work following long-term sick leave absence, he or she must provide his or her supervisor with the following:

a. Notification of the employee's intention to return to duty a day prior to returning to duty for scheduling purposes.

b. Written medical documentation of the employee's fitness to return to duty.

9. It is the employee's responsibility to monitor his or her use of sick time. Disciplinary action may result from abuse or excessive use of sick leave time.

10. It shall be the responsibility of supervisors to monitor for excessive or abusive use of sick time.

a. A bureau or unit lieutenant or above with reason to believe abuse of sick leave may be occurring may require an employee to provide a medical statement from his or her treating physician substantiating his/her need for sick leave.

M. Family and Medical Leave Act (FMLA)

1. Information on the Family and Medical Leave Act (FMLA) may be found in RCO 21-39 CAO Policy 53 and the Employee Handbook. Officers may also refer to their respective collective bargaining agreements.

2. Employees should contact the Benefits Section of the Division of Human Resources to obtain information on the FMLA and/or to complete appropriate forms. The FMLA forms are also available on the LFUCG intranet.

VI. CONDITIONS OF WORK

A. RCO 22-53.1 establishes a requirement for each selected candidate to undergo and successfully complete a pre-employment physical examination or medical examination.

B. RCO 23-22 and the collective bargaining agreements outline requirements on physical examinations and medical screenings for sworn personnel.

C. Disability

1. Department employees who are injured or have an exposure incident on duty shall notify their supervisor immediately or as soon as the injury manifests itself.

2. A Health and Safety Report shall be completed for all work-related injuries or exposures by the immediate supervisor.

3. Notification of the completed Health and Safety Report is electronically generated and forwarded to the Personnel Records Unit.

4. Prompt completion of this process is essential for timely claims submissions. Personnel Records Unit is required to submit the claim within 72 hours of occurrence.

5. Additional disability leave information for all eligible department employees may be found in RCO 21-39, CAO Policy 53 and the Employee Handbook. Officers may also refer to their respective collective bargaining agreements.

D. Modified Duty and Disability Leave Requirements ~~for Personnel~~

1. When an employee experiences an event that changes their normal working ability, it becomes necessary for the employee to follow certain guidelines and protocols to ensure that proper recordkeeping procedures are maintained.

a. An “event” means any accident, incident, injury or illness that requires that employee to either be off work or placed on modified duty for recordkeeping purposes.

b. “Modified Duty” means the assignment of a department employee because of some form of modification or restriction to their normal working ability.

2. If the medical documentation indicates that the employee will be off work because of the event, then the employee will be transferred to disability leave.

a. “Disability Leave” means leave from work due to an event that prevents the employee from performing any work activity.

b. Any employee who suffers an event that modifies or restricts his or her ability to perform normal job tasks are reassigned to the Bureau of Administration.

3. Employees assigned to disability leave or modified duty status shall provide the department with appropriate medical documentation.

- a. All medical documentation should delineate the employee's work restrictions.
- b. Medical documentation shall be provided initially, and it shall be updated at least every thirty (30) days.

4. Additional disability leave and modified duty information for all eligible department employees may be found in RCO 21-39, CAO Policy 53 and the Employee Handbook. Officers may also refer to their respective collective bargaining agreements.

E. Administrative Assignments

Certain events or situations in which an officer is involved may result in the officer being placed on administrative assignment until the conclusion of an inquiry and/or investigation. The Chief of Police, or designee, shall determine the level to which the officer is assigned and the length of the administrative assignment, based upon the specific circumstances involved in the event or situation. The administrative assignments vary in scope and restrictions, as indicated below.

Note: Nothing in the below section precludes or limits the Chief of Police from exercising his or her discretion regarding each level, or the specific restrictions outlined within the levels.

Note: If the officer sustained injuries as part of an incident that normally would have resulted in an administrative assignment, once the officer has sufficiently recovered from the injuries the officer will be placed in the appropriate level of administrative assignment until the conclusion of any inquiry and/or investigation.

Level 1- Involved in a Significant Event On or Off Duty

1. Is used when an officer is personally involved in, or is otherwise connected to, a significant event resulting in death or serious physical injury, or the likelihood of death or serious physical injury.
2. Restrictions under Level 1 assignment:
 - a. The officer is encouraged to avoid the exercise of police authority, unless the situation creates a significant public safety hazard or emergency.
 - b. The officer's ability to engage in off-duty employment that requires the use of, or potential use of, police authority shall be suspended while in this assignment.
 - c. While in this assignment, the officer is not eligible for overtime assignments that require the use of, or potential use of, police authority.
 - d. The officer may be directed to exchange a marked vehicle for an unmarked vehicle.

- e. The officer is allowed to continue to participate in in-service, qualifications and other training as approved by the Chief of Police or designee.

Level 2- Alleged Violation of Department Policy and/or Misdemeanor

1. Is used when an officer is alleged to have committed a violation of department policy and/or a misdemeanor (other than Official Misconduct or Domestic Violence), or any other non-felony offense as determined by the Chief of Police, and the Chief has determined that the officer should be reassigned until the conclusion of an inquiry and/or investigation.

2. Restrictions under Level 2 assignment:

- a. The officer is directed to avoid the exercise of police authority, unless the situation creates a significant public safety hazard or emergency.
- b. The officer's ability to engage in off-duty employment that requires the use of, or potential use of, police authority shall be suspended while in this assignment.
- c. While in this assignment, the officer is not eligible for overtime assignments that require the use of, or potential use of, police authority.
- d. The officer's take home vehicle privilege is suspended.
- e. The officer is allowed to continue to participate in in-service, qualifications and other training as approved by the Chief of Police or designee.
- f. The officer is not authorized to wear a department uniform or any clothing with department insignia.
- g. The officer's network and email access may be limited.
- h. Access to department facilities may be limited.

Level 3- Relieved of Sworn Status

1. Is used when an officer's ability to exercise good judgment in the application of the authority granted by the Urban County Government has been called into question, and the Chief of Police has determined that the officer should be relieved of sworn status and placed in an administrative assignment until the conclusion of the inquiry and investigation.

2. Restrictions under Level 3 assignment:

- a. The officer's arrest powers are suspended.
- b. The officer's authority to carry any concealed weapon granted by the

officer's sworn status is suspended.

c. An officer with a valid CCDW license may not carry a gun in any capacity while on duty.

d. The officer's take home vehicle privilege is suspended.

e. The officer is prohibited from engaging in any off-duty employment or LFUCG-related overtime assignment that requires the use of, or potential use of, police authority.

f. The officer shall turn in all department owned weapons, equipment, badges and credentials.

g. The officer is not authorized to attend in-service, qualifications and other training without approval of the Chief of Police.

h. The officer is not authorized to wear a department uniform or any clothing with department insignia.

i. The officer's network and email access may be limited.

j. Access to department facilities may be limited.

Level 4- Suspended with Pay

1. Is used when an officer is alleged to have committed a serious violation of department policy, a felony, a misdemeanor involving a serious act of violence, or other serious situation/event that rises to Level 4 as determined by the Chief of Police, and the Chief has determined that the officer should be relieved of sworn duty and suspended with pay until the conclusion of the inquiry and investigation.

2. Restrictions under Level 4 assignment:

a. The officer's arrest powers are suspended.

b. The officer's authority to carry any concealed weapon granted by the officer's sworn status is suspended.

c. The officer's take home vehicle privilege is suspended.

d. The officer is prohibited from engaging in any off-duty employment or LFUCG-related overtime assignment that requires the use of, or potential use of, police authority.

e. The officer shall turn in all department owned weapons, equipment, badges and credentials.

- f. The officer is not authorized to attend in-service, qualifications and other training without approval of the Chief of Police.
- g. The officer is not authorized to wear a department uniform or any clothing with department insignia.
- h. The officer's network and email access will be suspended.
- i. Access to department facilities will be suspended.

Level 5- Suspended without Pay

1. Is used when an officer has been involved in a situation or event, and termination is likely to be recommended, and the Chief has determined that the officer should be relieved of sworn duty and suspended without pay until the conclusion of the inquiry and investigation.

2. Restrictions under Level 5 assignment:

- a. The officer's arrest powers are suspended.
- b. The officer's authority to carry any concealed weapon granted by the officer's sworn status is suspended.
- c. The officer's take home vehicle privilege is suspended.
- d. The officer is prohibited from engaging in any off-duty employment or LFUCG-related overtime assignment that requires the use of, or potential use of, police authority.
- e. The officer shall turn in all department owned weapons, equipment, badges and credentials.
- f. The officer is not authorized to attend in-service, qualifications and other training without approval of the Chief of Police.
- g. The officer is not authorized to wear a department uniform or any clothing with department insignia.
- h. The officer's network and email access will be suspended.
- i. Access to department facilities will be suspended.

F. Fit for Duty Evaluation

1. Any officer who has been placed in a Level 3, 4 or 5 administrative assignment is required to complete a fit for duty evaluation prior to returning to full duty status.

2. The evaluation will be conducted by an appropriate mental health professional as determined by the Lexington Fayette Urban County Government, Division of Human Resources. This evaluation will be paid for by LFUCG and will be conducted at no cost to the officer.

3. After completing the above fit for duty evaluation, the officer is also required to complete a return to full duty interview and, if needed, training updates, prior to returning to full duty status. [See section G. below.]

G. Return to Full Duty Interview and Training Update

1. Officers are required to complete a return to full duty interview and undergo appropriate training updates, prior to returning to full duty status, whenever an officer has been:

- a. Administratively assigned to Level 1,
- b. On any extended leave of absence exceeding 180 days,
- c. Separated from service and is being reinstated,
- d. Suspended for 180 days or longer.

2. The return to full duty interview procedures include, and are not limited to:

a. The officer will meet with, and be interviewed by, each of these department representatives (and in the order listed):

- 1. The officer's immediate supervisor*
- 2. The officer's Lieutenant (if applicable)*
- 3. The officer's Commander*

b. Each interview is intended to assess the officer's readiness and suitability to return to full duty.

c. After an interview is completed, the representative conducting the interview will notify his or her chain of command via department email. The email should contain the interviewer's recommendations, including a specific recommendation whether or not the officer should return to full duty.

*Note: The above immediate supervisor, Lieutenant, Commander and Assistant Chief, whenever possible, will be those under whose supervision the officer was assigned at the time of the incident, leave of absence, or separation.

d. Upon the completion of the interviews described above, all documentation will be forwarded to the appropriate Assistant Chief for action. Actions being

recommended may include, but are not limited to, the below:

1. Return to full duty status
 2. Extension of current status
 3. Referral to the Chaplain's Office
 4. Referral to Employee Assistance Program (EAP)
3. The Training Section is responsible to determine and to schedule any training updates needed by the returning officer.
4. Upon the officer's completion of all training requirements, the return to duty interview recommendation will be forwarded to the Office of the Chief for a final determination in reference to the officer's status.

Note: When an officer returns to full duty, supervisors are responsible to continue to assess and monitor the returning officer's overall work performance to ensure the officer's ongoing employee development and welfare.