

11-0-1141

(Do Not Write Above This Line)

AN ORDINANCE

TO AMEND CHAPTER 98, ARTICLE II, DIVISION 2, SECTIONS 98-70 (QUALIFICATIONS FOR ELIGIBILITY) AND 98-81 (EXPIRATION OF ELIGIBLE LIST) AND CHAPTER 114, ARTICLE IV, DIVISION 7, SUBDIVISION II, SECTIONS 114-236, (MINIMUM QUALIFICATIONS TO COMPETE) AND 114-247 (DURATION OF ELIGIBLE LIST) SO AS TO PERMIT A PROMOTIONAL EXAMINATION ANNOUNCEMENT TO BE MADE BEFORE THE EXPIRATION OF A CURRENT ELIGIBLE LIST; TO INCREASE THE NUMBER OF YEARS OF CONTINUOUS SERVICE IN ALL NON-DISCRETIONARY RANKS ABOVE POLICE SERGEANT AND FIRE LIEUTENANT IN A LOWER RANK FROM WHICH PROMOTIONS CAN BE MADE, SUCH INCREASE BEING NECESSARY AS A RESULT OF AN ABILITY TO MAKE AN EARLIER PROMOTIONAL EXAMINATION ANNOUNCEMENT; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

APPROVED BY:

IVORY LEE YOUNG

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

PSLA Committee
 7/26/11 Date
 Chair
 Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members
 Refer To

Committee
 Date
 Chair
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 Fav, Adv, Hold (see rev. side)
 Other
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Committee
 Date
 Chair
 Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members
 Refer To

FINAL COUNCIL ACTION

- 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED

CERTIFIED
 AUG 15 2011
 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
 AUG 15 2011
 Rhonda Daughlin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

AUG 24 2011

WITHOUT SIGNATURE
BY OPERATION OF LAW



11-O-1141

ORDINANCE BY

COUNCILMEMBER IVORY LEE YOUNG, JR.

AS SUBSTITUTED BY

THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AS SUBSTITUTED BY

THE ATLANTA CITY COUNCIL

TO AMEND CHAPTER 98, ARTICLE II, DIVISION 2, SECTION 98-81 (EXPIRATION OF ELIGIBLE LIST), CHAPTER 114, ARTICLE IV, DIVISION 7, SUBDIVISION II, SECTIONS 114-236, (MINIMUM QUALIFICATIONS TO COMPETE) AND 114-247 (DURATION OF ELIGIBLE LIST) SO AS TO PERMIT A PROMOTIONAL EXAMINATION ANNOUNCEMENT TO BE MADE BEFORE THE EXPIRATION OF A CURRENT ELIGIBLE LIST; TO REQUIRE THAT THE YEARS OF CONTINUOUS SERVICE NEEDED TO BE ELIGIBLE TO COMPETE IN A PROMOTIONAL EXAMINATION BE ACHIEVED IMMEDIATELY PRIOR TO THE DATE OF ADMINISTERING THE FIRST COMPETITIVE PART OF THE EXAMINATION; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta Code of Ordinances establishes a promotional system that provides for the selection of certain superior officers in the departments of police, fire, and corrections based solely upon merit and fitness for promotion, as ascertained by job-related and valid selection procedures developed in accordance with the governing legal guidelines and appropriate professional standards; and

WHEREAS, in accordance with Section 114-227 of the City of Atlanta Code of Ordinances, an examination is used to determine the relative qualifications of applicants for promotion under this promotional system; and

WHEREAS, in accordance with Section 114-234 of the City of Atlanta Code of Ordinances, the commissioner of human resources, will determine all eligible candidates for each examination. The commissioner shall give notice of each examination at least 120 days in advance of the date of administering the first competitive part of the examination; and

WHEREAS, in accordance with Section 114-235 of the City of Atlanta Code of Ordinances, all sworn members who wish to apply for a promotional examination must file a written application on the form prescribed by the commissioner of human resources within 30 days of the date the announcement is officially posted; and



WHEREAS, in accordance with Section 114-246 of the City of Atlanta Code of Ordinances, the fire, police and corrections chiefs shall maintain an active eligible list containing the names of those candidates who passed the entire examination process and each candidate's final examination score and rank on the eligible list; and

WHEREAS, currently, in accordance with Sections 114-247 and 98-81 of the City of Atlanta Code of Ordinances, Eligible lists, unless earlier exhausted, shall be in effect for 24 months from the date the list was approved by the commissioner of human resources in accordance with Section 114-246, and a new examination announcement cannot be published until after a list is exhausted; and

WHEREAS, the qualifications for eligibility to compete for the non-discretionary ranks in the department of police, are set forth in Section 98-70, and in Section 114-236 of the City of Atlanta Code of Ordinances; and

WHEREAS, the qualifications for eligibility to compete for the non-discretionary ranks of the departments of police, fire and corrections, are set forth in Section 114-236 of the City of Atlanta Code of Ordinances; and

WHEREAS, due to the amount of time required to develop, administer, and score promotional examinations, the current provision in the City of Atlanta Code of Ordinances setting forth that the announcement of the promotional exam cannot be made until the expiration of the current list, causes there to be a period of several months where there is no promotional list in effect; and thus, no promotions to permanent ranks in the departments of police, fire, and corrections can be made during that time; and

WHEREAS, the inability to replace the supervisory and mid-management members of these department reduces the ability of the City of Atlanta to provide for the Public Safety; and

WHEREAS, to reduce the amount of time during which promotions to these ranks cannot be made, it is the desire of the City of Atlanta to allow for the commencement of the testing process in advance of the expiration of the current eligible list; and

WHEREAS, such a change necessitates that the years of continuous service to be eligible to compete in a promotional examination be achieved immediately prior to the date of administering the first competitive part of the examination rather than prior to the date of filing of the competitive examination application.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1. That Chapter 114, Article IV, Division 7, Subdivision II, Section 114-236 of the City of Atlanta Code of Ordinances which currently reads:

Sec. 114-236. Minimum Qualifications to compete.

- (a) The rank specifications defined in section 114-227 shall designate the lower rank from which promotions can be made, provided that:



(1) To be eligible to compete for the rank of fire lieutenant, an applicant must have had at least five years' continuous service as a sworn member with the fire department immediately prior to the last date for filing an application. To be eligible to compete for the rank of police sergeant, an applicant must have had at least five years' continuous service as a sworn member with the department of police prior to the last date for filing an application. To be eligible to compete for the rank of corrections sergeant, an applicant must have had at least three years' continuous service as a sworn member with the department of corrections immediately prior to the last date for filing an application.

(2) To be eligible to compete for all nondiscretionary ranks above police sergeant and fire lieutenant, the sworn member must have had at least two years' continuous service in the appropriate city department, immediately prior to the last date for filing an application, in a lower rank from which promotions can be made, as set forth in the rank specifications.

(b) The years of continuous service needed to be eligible to compete can be achieved by service either in the nondiscretionary ranks, as set forth in the rank specification or in a discretionary rank, as long as the total service equals or exceeds the requisite minimum number of years to compete and the time in the discretionary rank is being served immediately prior to the last date for filing an application.

(c) A sworn member holding a discretionary rank who wishes to compete in an examination shall be eligible to take an examination only for the next highest rank above the nondiscretionary rank in which such sworn member holds status.

be amended such as Chapter 114, Article IV, Division 7, Subdivision II, Section 114-236 of the City of Atlanta Code of Ordinances shall read as follows:

Sec. 114-236. Minimum Qualifications to compete.

(a) The rank specifications defined in section 114-227 shall designate the lower rank from which promotions can be made, provided that:

(1) To be eligible to compete for the rank of fire lieutenant, an applicant must have had at least five years' continuous service as a sworn member with the fire department immediately prior to the ~~last date for filing an application~~ **date of administering the first competitive part of the examination.** To be eligible to compete for the rank of police sergeant, an applicant must have had at least five years' continuous service as a sworn member with the department of police **immediately** prior to the ~~last date for filing an application~~ **date of administering the first competitive part of the examination.** To be eligible to compete for the rank of corrections



sergeant, an applicant must have had at least three years' continuous service as a sworn member with the department of corrections immediately prior to the ~~last date for filing an application~~ **date of administering the first competitive part of the examination.**

(2) To be eligible to compete for all nondiscretionary ranks above police sergeant and fire lieutenant, the sworn member must have had at least two years' continuous service in the appropriate city department, immediately prior to the ~~last date for filing an application~~ **date of administering the first competitive part of the examination**, in a lower rank from which promotions can be made, as set forth in the rank specifications.

(b) The years of continuous service needed to be eligible to compete can be achieved by service either in the nondiscretionary ranks, as set forth in the rank specification or in a discretionary rank, as long as the total service equals or exceeds the requisite minimum number of years to compete and the time in the discretionary rank is being served immediately prior to the ~~last date for filing an application~~ **date of administering the first competitive part of the examination.**

(c) A sworn member holding a discretionary rank who wishes to compete in an examination shall be eligible to take an examination only for the next highest rank above the nondiscretionary rank in which such sworn member holds status.

SECTION 2. That Chapter 114, Article IV, Division 7, Subdivision II, Section 114-247 of the City of Atlanta Code of Ordinances which currently reads:

Sec. 114-247. - Duration of eligible list.

Eligible lists, unless earlier exhausted, shall be in effect for 24 months from the date the list was approved by the commissioner of human resources in accordance with section 114-246. Eligible lists shall not be extended beyond their expiration date, and all vacancies existing on the expiration date shall be filled from the eligible list; however, section 114-249(b) shall still apply. A new examination announcement, as provided for in section 114-234, will be published as determined by the commissioner of human resources after a list is exhausted. When a new examination announcement has not been published, a written notice explaining the reasons for such failure to publish a new announcement shall be given to all sworn members of the affected department, the mayor and the appropriate legislative oversight committee within 30 days after a list has expired.

be amended such as Chapter 114, Article IV, Division 7, Subdivision II, Section 114-247, of the City of Atlanta Code of Ordinances shall read as follows:



114-247. - Duration of eligible list.

Eligible lists, unless earlier exhausted, shall be in effect for 24 months from the date the list was approved by the commissioner of human resources in accordance with section 114-246. Eligible lists shall not be extended beyond their expiration date, and all vacancies existing on the expiration date shall be filled from the eligible list; however, section 114-249(b) shall still apply. A new examination announcement, as provided for in section 114-234, will be published as determined by the commissioner of human resources **180 days before the expiration of a list or after a list is exhausted, which ever shall be earlier** after a list is exhausted. When a new examination announcement has not been published **following the expiration of a list**, a written notice explaining the reasons for such failure to publish a new announcement shall be given to all sworn members of the affected department, the mayor and the appropriate legislative oversight committee within 30 days after a list has expired.

SECTION 3. That Chapter 98, Article II, Division 2, Section 98-70 of the City of Atlanta Code of Ordinances which currently reads:

Sec. 98-70. Qualifications for eligibility.

(a) The rank specification, defined in section 98-61, shall designate the lower ranks from which promotions can be made provided that:

(1) To be eligible to compete for the rank of police sergeant, an applicant must have had at least five years continuous service as a sworn member with the department of police immediately prior to the last date for filing an application; and

(2) To be eligible to compete for all nondiscretionary ranks above police sergeant, the sworn member must have had at least two years continuous service in the department of police immediately prior to the last date for filing an application, in a lower rank from which promotions can be made, as set forth in the rank specifications.

(b) The years of continuous service needed to be eligible to compete can be achieved by service either in a nondiscretionary rank, as set forth in the rank specification, or in a discretionary rank, as long as the total service equals or exceeds the requisite minimum number of years to compete and the time in the discretionary rank is being served immediately prior to the last date for filing an application.

(c) A sworn member holding a discretionary rank who wishes to compete in an examination shall be eligible to take an examination only for the next highest rank above the nondiscretionary rank in which such sworn member holds status.



amended such as Chapter 98, Article II, Division 2, Section 98-70 of the City of Atlanta Code of Ordinances shall read as follows:

Sec. 98-70. Qualifications for eligibility.

(a) The rank specification, defined in section 98-61, shall designate the lower ranks from which promotions can be made provided that:

(1) To be eligible to compete for the rank of police sergeant, an applicant must have had at least five years continuous service as a sworn member with the department of police immediately prior to the ~~last date for filing an application~~ **date of administering the first competitive part of the examination**; and

(2) To be eligible to compete for all nondiscretionary ranks above police sergeant, the sworn member must have had at least two years continuous service in the department of police immediately prior to the ~~last date for filing an application~~ **date of administering the first competitive part of the examination**, in a lower rank from which promotions can be made, as set forth in the rank specifications.

(b) The years of continuous service needed to be eligible to compete can be achieved by service either in a nondiscretionary rank, as set forth in the rank specification, or in a discretionary rank, as long as the total service equals or exceeds the requisite minimum number of years to compete and the time in the discretionary rank is being served immediately prior to the ~~last date for filing an application~~ **date of administering the first competitive part of the examination**.

(c) A sworn member holding a discretionary rank who wishes to compete in an examination shall be eligible to take an examination only for the next highest rank above the nondiscretionary rank in which such sworn member holds status.

SECTION 4. That Chapter 98, Article II, Division 2, Section 98-81 of the City of Atlanta Code of Ordinances which currently reads:

Sec. 98-81. Expiration of eligible list.

Eligible lists under this division, unless earlier exhausted, shall be in effect for 24 months from the date the list was approved by the police chief in accordance with section 98-79. Eligible lists shall not be extended beyond their expiration date, and all vacancies existing on the expiration date shall be filled from the eligible list; however, section 98-83(b) shall still apply. A new examination announcement, as provided for in section 98-67, will be published within a reasonable time after a list is exhausted. When a new examination announcement has not been published, a written notice explaining the reasons for such failure to publish a new announcement shall be given to all members of the department of police, the mayor and the



appropriate legislative oversight committee within 30 days after a list has expired.

be amended such as Chapter 98, Article II, Division 2, Section 98-81 of the City of Atlanta Code of Ordinances shall read as follows:

Sec. 98-81. Expiration of eligible list.

Eligible lists under this division, unless earlier exhausted, shall be in effect for 24 months from the date the list was approved by the police chief in accordance with section 98-79. Eligible lists shall not be extended beyond their expiration date, and all vacancies existing on the expiration date shall be filled from the eligible list; however, section 98-83(b) shall still apply. A new examination announcement, as provided for in section 98-67, will be published within a reasonable time after a list is exhausted **as determined by the commissioner of human resources 180 days before the expiration of a list or after a list is exhausted, which ever shall be earlier.** When a new examination announcement has not been published **following the expiration of a list,** a written notice explaining the reasons for such failure to publish a new announcement shall be given to all members of the department of police, the mayor and the appropriate legislative oversight committee within 30 days after a list has expired.

SECTION 5. The amendments in this ordinance shall become effective immediately upon approval.

SECTION 6. That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

AAR

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

Aug. 15, 2011
Aug. 24, 2011

RCS# 1347
8/15/11
8:07 PM

Atlanta City Council

REGULAR SESSION

11-O-1141

PROMOTIONAL EXAMS FOR POLICE OFFICERS

ADOPT SUB

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	E Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell