

ORDINANCE NO. _____ - 2025

AN ORDINANCE AMENDING SECTION 23-18 OF THE CODE OF ORDINANCES, RELATING TO FIREFIGHTER RECRUITMENT, TO AUTHORIZE THE MAKING OF CONDITIONAL OFFERS FOLLOWING A CANDIDATE'S SUCCESSFUL COMPLETION OF PHASE I OF THE RECRUITMENT PROCESS, WITH SUCH OFFERS EXPRESSLY CONDITIONED UPON THE CANDIDATE'S SUCCESSFUL COMPLETION OF PHASE II OF THE RECRUITMENT PROCESS.

WHEREAS, Section 23-18 of the Code of Ordinances provides that examination for appointment to the fire academy is comprised of a two-phased approach, with "Phase I" consisting of a written examination, a physical fitness test, and an oral examination and "Phase II" consisting of a background investigation and polygraph examination; and

WHEREAS, the Division of Fire has reviewed its hiring process and believes it would be beneficial to be able to extend a conditional offer of employment following a candidate's successful completion of Phase I of the firefighter recruitment process, with such offer expressly conditioned upon the successful completion of Phase II of the recruitment process; and

WHEREAS, under the recruitment process outlined herein, a candidate will still be required, following acceptance of a conditional offer of employment, to successfully complete a background investigation, a polygraph examination, a psychological suitability examination, physical and/or medical examinations, drug screening, and be selected by the Fire Chief for appointment; and

WHEREAS, the Lexington-Fayette Urban County Government desires to amend the Code of Ordinances to authorize the making of conditional offers earlier in the firefighter recruitment process, specifically following the successful completion of Phase I but prior to Phase II of the recruitment process.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 23-18 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

- (a) The division of human resources shall create a register for appointment to positions in the firefighter academy.
- (b) The examination for appointment to the fire academy shall be comprised of a two (2) phase process. Phase I shall consist of a written examination, a physical fitness test, and an oral examination. Upon completion of Phase I,

selected candidates may be issued a conditional job offer for employment. After conditional offers are made and accepted, each selected candidate shall proceed to Phase II. ~~Phase II shall consist of a polygraph examination and a background investigation.~~

(c) Candidates shall be nineteen (19) years of age by the application filing deadline and shall not have reached their thirty-fifth birthday by the application deadline.

(d) Prior to each academy class, the director of human resources shall close the date for applications for each class to be published as required by KRS Chapter 424.

(e) The examination process shall be validated by the division of human resources.

(f) Conditional Offers of Employment. Prior to receiving a conditional offer of employment, all candidates shall successfully complete Phase I. Phase I shall consist of the following:

(1) Written Examination. A job-related written examination shall be prepared and validated by the division of human resources. The test administrator shall provide each candidate with his or her score on the written examinations and shall indicate to each candidate whether he/ or she is eligible to proceed.

a. A different version of the written test will be given for each recruitment cycles.

(2) Physical Fitness Testing. Each candidate shall complete and pass a job-related physical fitness test which has been approved by the division of human resources.

(3) Oral Examination. An oral examination shall be prepared and administered by the division of fire and emergency services.

a. The oral board shall consist of the following six (6) members:

1. One (1) fire lieutenant, a fire captain, and the fire chief or a designated representative not below the rank of major, appointed by the fire chief.

2. A paramedic, appointed by the fire chief.

3. A firefighter, appointed by the fire chief.

4. A professional member of the community appointed by the fire chief with approval from the director and commissioner of public safety.

5. At least one (1) African-American and one (1) female. One (1) individual shall not satisfy both requirements.

6. The director, or his designated representative, shall attend all sessions of the oral examination boards as a neutral advisor. He or his designee shall have no vote in any of the proceedings.

7. A member of the urban county council, to be appointed by the vice-mayor, may attend all sessions as a neutral observer. He shall not have a vote in any of the proceedings.

(4) After the written and oral examination process, the representative/test administrator shall compute the scores of the candidates, with preference points equaling a two (2) percent upgrade ~~will be~~ applied to any candidate's score who has demonstrated they served in any branch of the United States military and who has received ~~an~~ anything other than dishonorable discharge.

(5) The fire chief shall establish the maximum number of candidates who shall receive conditional offers.

a. ~~Upon completion of Phase II, a~~All components of Phase I and II shall be reviewed and taken into consideration when recommending candidates for selection.

(6) After all requirements of making a conditional offer have been satisfied, the chief shall forward his recommendations for conditional offers through the urban county government chain of command to the mayor. The mayor may accept or reject any recommendation made through the chain of command and authorize the division of human resources to make conditional offers. The division of human resources shall submit a report of all probationary appointments to the urban county council within thirty (30) days after the appointment is made.

(g) *Examinations Subsequent to Conditional Offer; Final Offer.* Following a selected candidate's acceptance of a conditional offer of employment, the selected candidate shall be required to complete Phase II of the recruitment process, upon which the offer of employment is expressly, but not exclusively, conditioned. Phase II shall consist of the following:

~~(1) The fire chief shall establish the maximum number of candidates from the testing procedure who will proceed to Phase II of the hiring process. Phase II shall consist of a polygraph examination and a background investigation.~~

~~(2) Upon completion of Phase II, all components of Phase I and II will be reviewed and taken into consideration when recommending candidates for selection.~~

~~a. The division of fire shall supply the director with a list of those applicants whom the division recommends be eliminated from current and future hiring processes. The director shall accept the recommendation for elimination if the circumstances satisfy the requirements of KRS 95.440 and applicable sections of the Code of Ordinances. The aforementioned examination, test, and reports may also be used as a basis to remove a candidate at any other point in the process.~~

(1) A background investigation.

(2) A polygraph examination.

(3) A psychological suitability screening test.

(4) A physical examination and/or medical examination.

(5) Drug screening.

Following completion of the background investigation and polygraph examination, but prior to a psychological suitability screening, physical examination or medical examination, and drug screening, the division of fire shall supply the director with a list of those applicants whom the division recommends be eliminated from the current hiring process. The director shall accept the recommendation for elimination if the circumstances satisfy the requirements of KRS 95.440 and applicable sections of the Code of Ordinances.

All candidates who successfully complete the background investigation, polygraph examination, psychological suitability screening, physical examination or medical examination, and drug screening shall be eligible for final offer. The aforementioned examinations, tests, and reports may also be used as a basis to remove a candidate at any other point in the process.

(h) When vacancies arise in the division, the chief shall select names from the eligible list equal to the number of approved positions and a sufficient number of alternates.

~~(i) After all requirements have been met, the chief shall forward his recommendation through the urban county government chain of command to the mayor with a recommendation for appointment. The mayor may accept or reject any recommendation made through the chain of command and shall have the sole prerogative to make the final selections. After the final selections are made, the mayor shall submit the recommendations to the urban county council for approval to make conditional offers. After conditional offers are made and accepted, each selected candidate shall undergo a physical examination or medical examination, psychological suitability screening test and drug screening. All candidates who successfully complete the physical examination or medical examination, psychological suitability screening test and drug screening shall begin their probationary period.~~

(ji) If a candidate is selected for an academy and is unable to attend or complete the academy due to unforeseen circumstances, the director and chief will review the situation and decide if the candidate will be allowed deferral to the next academy. Any candidate who is allowed to defer to the next academy shall again pass applicable Phase I and Phase II requirements.

(kj) Upon the completion of the orientation section of each academy class, the list shall be expired. However, the director and fire chief shall have the discretion to exhaust or maintain the list.

Section 2 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK, URBAN COUNTY COUNCIL
PUBLISHED: