

Dear Mayor Bartlett,

The FOP is in receipt of your order regarding promotions in the City. As you know, promotions in the Police Department are governed by the Collective Bargaining Agreement between the Lodge and City. As recently as 2012 the parties bargained substantial changes in those policies and procedures.

To refresh you on those policies, they are designed to be as objective and fair as possible in order to identify the most qualified candidates for promotion. The process is lengthy and candidates must put forth significant effort to compete for promotion. At the end of the process candidates are ranked in order of the scores they accumulated during the process.

For the ranks of Corporal and Sergeant, promotions must occur in the order of finish, meaning the top scorer will be the first promoted and so forth. For Captain and above the Chief can promote from the top three on the eligibility list.

Even if you could unilaterally change the promotion process for police, which you could not given the bargained provisions, your order regarding "inducements" could only apply to the Chief. Since the ranks below Captain are promoted based solely on the order of final scores, an inducement could not change the fact that the Chief had to promote the top candidate. If the Chief did not do so the FOP would grieve that failure unless specific just cause could be proven according to the Agreement.

In the ranks of Captain and above the Chief does have discretion to promote any of the top three but it does not appear he has ever been "induced" to choose anyone but the top scoring candidate. According to the statistics we have compiled, Chief Jordan has promoted 104 officers since he has been Chief. Even though he had discretion on some and could actually pass over others with just cause, we have found that each one of the 104 was at the top of the promotion list when promoted.

We have found no evidence that the Chief has ever been induced to promote or not promote anyone for any reason. He has always followed the policies and CBA and promoted the candidate who has been identified as the most qualified according to the promotional process. Since no other officer in the Police Department has the authority to promote, we do not see the applicability of your order to the Police Department or to any officer covered by the Collective Bargaining Agreement.

Sincerely,

Patrick Stephens

President FOP Lodge 93