

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made and entered into this ____ day of June, 2019, by and between the CITY OF OMAHA, hereinafter referred to as "City" and the OMAHA POLICE OFFICERS ASSOCIATION, hereinafter referred to as "OPOA".

WHEREAS, Article 33 of the Collective Bargaining Agreement between the City and OPOA establishes an examination and promotion procedure for ranks within the Omaha Police Department; and,

WHEREAS, the current eligibility list for the rank of lieutenant is set to expire on March 17, 2020; and,

WHEREAS, Article 33, Section 1 provides deadlines that the City is subject to for purposes of testing for the lieutenant eligibility list that will go into effect on March 18, 2021; and,

WHEREAS, pursuant to Article 33, Section 1, the City must post notice of a promotional examination at least 120 days prior to the administration of the initial phase of the examination and this examination must take place 90 days prior to the termination of the current lieutenant's eligibility list; and,

WHEREAS, based on application of Article 33, Section 1 the position of lieutenant would normally be posted on August 20, 2019 and individuals could apply until September 20, 2019; and,

WHEREAS, the written examination, which is the initial phase of the testing, is scheduled to occur on December 18, 2019; and,

WHEREAS, the City is in the process of updating its online application system from Kenexa BrassRing to the new HRIS system, and it is anticipated that that entire application system will not be able to accept applications from August 5, 2019 through September 2, 2019; and,

WHEREAS, the City has approached the OPOA and asked for consideration and relief from the notice provision of Article 33, Section 1; and,

WHEREAS, the City has addressed the OPOA's concern about ensuring adequate time for applicants to study; and,

WHEREAS, the City and OPOA have agreed to the terms of this Memorandum of Understanding which provide relief for the lieutenant's eligibility list set to commence on March 18, 2020 only.

NOW THEREFORE BE IT AGREED BY THE PARTIES AS FOLLOWS:

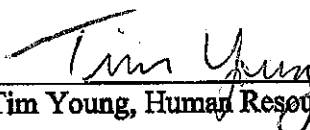
1. That as a result of the City's conversion from the Kenexa BrassRing system to the new HRIS system, the City is unable to take applications for new or promotional positions between August 5, 2019 and September 2, 2019.
2. That pursuant to Article 33, Section 1 of the Collective Bargaining Agreement between the City and OPOA, the City is obligated to post for the promotional position of lieutenant no later than August 20, 2019. Due to the conversion described in paragraph 1 above, the City would be unable to accept applications on that date. By its signature on this Memorandum of Understanding, the OPOA agrees to provide relief from the requirements on Article 33, Section 1 for the lieutenant eligibility test for the eligibility list commencing on March 18, 2020 only. This relief will the posting of the examination for the rank to lieutenant to be moved from August 20, 2019 to commence on September 3, 2019. The City agrees to keep the posting for lieutenant active for 30 days as it always has in the past to allow interested and qualified candidates to apply for the promotion. The written examination, which is the initial phase of the examination process, is scheduled and will occur on December 18, 2019.
3. The City and OPOA agree that only those candidates eligible to test for the position of lieutenant on August 20, 2019 will be allowed to apply when the posting is opened up for application on September 3, 2019. This Memorandum of Understanding will in no way change or alter the number or the individuals eligible to apply for promotion to the rank of lieutenant. In order to ensure fairness, only those eligible for the position of lieutenant as of August 20, 2019 will be allowed to apply for and take the examination for the lieutenant eligibility list which will become effective March 18, 2020.
4. That in order not to penalize those individuals interested in going through the testing process since the time period for applying will be pushed back approximately two (2) weeks, the City shall prepare and make available the bibliography contemplated by Article 33, Section 1 no later than August 20, 2019. This bibliography shall be provided to OPOA as well as any member of the Omaha Police Department that is eligible to take the examination for the rank of lieutenant on August 20, 2019 and requests it. If an individual who will be eligible lets their intention to take the promotional test known, it is the City's intention to provide the bibliography and access to the materials on August 20, 2019. If eligible candidate expresses an interest after August 20, 2019, the bibliography and access will be provided as soon as is reasonably possible. In order to receive access to the bibliography and the materials as described herein, qualified individuals may contact Danny McCaslin in the Human Resources Department by e-mail or telephone. Mr. McCaslin will confirm an individual's eligibility for the test, provide the bibliography if requested, and ensure that access to the bibliographic materials is available on August 20, 2019 or for requests after that date, as soon as is reasonably possible.
5. The parties agree that this Memorandum of Understanding supersedes any and all prior arrangements, agreements, or understandings between the parties and all subjects and

it is not in any way related to any event which is the subject of a dispute. No oral understandings, statements, promises, or independent inducements contrary to or inconsistent with the terms of this Agreement exist. This Agreement is not subject to any modification, waivers, or additions except for changes made in the subsequent written Agreement signed by all parties.

6. All signatories to this Memorandum of Understanding warrant that they have read it, fully understand its terms, and they warrant they are of legal age and legally competent and authorized to sign the Memorandum of Understanding.

CITY OF OMAHA:

OMAHA POLICE OFFICERS
ASSOCIATION:

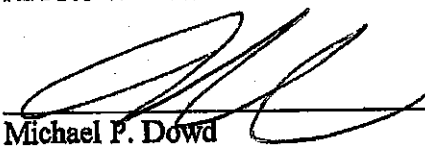

Tim Young, Human Resources Director 7-22-19 Date


Anthony Conner, President 18 JUL 19 Date

APPROVED AS TO FORM:

APPROVED AS TO FORM:


Deputy City Attorney 7/18/19 Date


Michael P. Dowd 7/18/19 Date
Attorney at Law