

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is hereby made and entered into this 18th day of March, 2020, by the City of Omaha, a municipal corporation, hereinafter referred to as "City," and the Omaha Police Officers Association, hereinafter referred to as "Association."

WITNESSETH:

WHEREAS, the City has a vested interest in assuring that sworn police officers drive in a safe manner in the performance of their duties; and,

WHEREAS, the City through the Police Chief has established a formal review process for vehicle accidents involving department sworn employees which is outlined in the Omaha Police Department's Procedures and Policy Manual, Vehicle Accident Aversion Training policy, hereinafter referred to as "PPM"; and,

WHEREAS, the PPM establishes a progressive discipline system for sworn police officers who are involved in vehicle accident due to their negligence, which progressive discipline system contemplates a period of suspension for a third negligent accident within a thirty-six (36) month period; and,

WHEREAS, the progressive discipline system provides that, absent other aggravating factors, a third negligent accident within a thirty-six (36) month period will result in a suspension of one (1) day; and,

WHEREAS, Article 18a, Section D of the Collective Bargaining Agreement (CBA) between the City and Association provides that if it appears that discipline that is to be issued to an officer is greater than a written reprimand, the continuing investigation shall be performed by the Internal Affairs Unit or Professional Standards Commander; and,

WHEREAS, the City and Association agree that the Internal Affairs process is time consuming for the officer(s) being investigated, the Internal Affairs Unit and the Association; and,

WHEREAS, the City and Association that the Internal Affairs process is not needed for negligent accidents that follow the discipline matrix outlined in the PPM for "Minor Violations" of policy for sworn violations.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES AND OF MUTUAL COVENANTS AND AGREEMENTS CONTAINED HEREIN IT IS AGREED BY AND BETWEEN THE CITY AND THE ASSOCIATION:

1. Upon signing this agreement, the City and Association agree that accidents involving Association members will be reviewed/investigated by the Safety Review Board or Pursuit Review Committee in accordance to the PPM,

2. If the Association member is found to be negligent or in violation of policy related to an accident, and no other aggravating circumstances are applicable to warrant more severe discipline, the Safety Review Board and the Pursuit Review Committee will follow the progressive discipline matrix outlined in the PPM for "Minor Violations" with the thirty-six (36) month period to begin on the date of the first accident:

- a. the first non-compliant accident during this thirty-six (36) month period where the Safety Review Board or Pursuit Review Committee determined the member is negligent or violated policy will result in the issuance of a Letter of Caution or Job Performance Interview,
- b. the second non-compliant accident within the thirty-six (36) month period will result in issuance of a written reprimand and an assignment to attend Vehicle Accident Aversion Training (VAAT),
- c. the third non-compliant accident within the thirty-six (36) month period will result in issuance of a one (1) day suspension,
- d. in the event of an additional accident within the same thirty-six (36) month period or where aggravating circumstances exist, the Chief may authorize an Internal Affairs investigation and administer that level of discipline that he/she deems is appropriate after that investigation is completed. Aggravating circumstances may include, but are not limited to, incidents where the officer displayed exceptional negligence, involved other officer misconduct, or caused a motor vehicle accident of such a serious nature as to warrant more severe discipline. In those instances, the Chief may waive any or all portions of this MOU and administer such level of discipline he/she deems appropriate, considering the circumstances of the incident and these incidents will be investigated by the Internal Affairs Unit prior to issuing discipline.
- e. Nothing within this MOU shall prohibit a subject officer from grieving whether the accident arose as a result of the officer's negligence, or other aggravating circumstances existed to warrant application of the progressive disciplinary matrix or waiver thereof.

3. All signatories to this Agreement warrant that they have read it, fully understand its terms, and they warrant they are of legal age and legally competent and authorized to execute this Agreement.

Dated this 18th day of March, 2020.

CITY OF OMAHA:

OMAHA POLICE OFFICERS
ASSOCIATION:

Todd L. Sch... 18 MAR 20
Todd Schmaderer, Chief of Police Date

Anthony Conner 17 MAR 20
Anthony Conner, President Date

Approved to form:

[Signature] 3/18/20
Deputy City Attorney Date