



LOUISVILLE METRO POLICE DEPARTMENT  
OFFICE OF THE CHIEF

GREG FISCHER  
MAYOR

LOUISVILLE, KENTUCKY

STEVE CONRAD  
CHIEF OF POLICE

April 9, 2015

Mr. David Leightty  
Priddy, Cutler, Miller & Meade, PLLC  
800 Republic Building  
429 West Muhammad Ali Blvd  
Louisville, Kentucky 40202

Re: MOU on suspensions without pay

Dear Mr. Leightty:

Please find enclosed a fully executed Memorandum of Understanding between Louisville /Jefferson County Metro Government and the River City Fraternal Order of Police Lodge 614, Memorandum of Understanding Regarding Interpretation of Certain Statutes and Contract Provisions. This document addresses unpaid suspensions and I am forwarding this copy to you for your records.

If you have any further questions, please don't hesitate to contact me at (502)574-7052.

Sincerely,

Wm. Dennis Sims  
LMPD, Legal Advisor

WDS/dng

Cc: Chief S. Conrad  
Dave Mutchler, President FOP 614

MEMORANDUM OF UNDERSTANDING REGARDING INTERPRETATION OF CERTAIN  
STATUTES AND CONTRACT PROVISIONS

Louisville/Jefferson County Metro Government and River City Fraternal Order of Police Lodge 614 hereby enter into the following agreement for the purpose of establishing the interpretation of certain provisions in KRS 67C.301 to 67C.327, KRS 15.520, and Article 17 Section 2 of the Collective Bargaining Agreement between them, in a manner which will reconcile provisions which might otherwise be applied inconsistently with each other. This memorandum shall be included as part of the Collective Bargaining Agreement.

1. The parties agree that the Chief of Police may suspend an officer without pay pending completion of administrative investigation and before imposition of formal disciplinary charges and penalty (hereinafter "without pay pending"), only under extraordinary circumstances where each the following conditions exist:

- a. The Chief is in possession of evidence of a disciplinary violation, which evidence eliminates genuine doubt regarding what conduct has occurred. Examples, by way of illustration but not limitation, may include video or audio recordings, or photographs, unmistakably establishing facts or events constituting a disciplinary offense.
- b. The officer conduct in question also constitutes a felony under applicable criminal law, or is wrongful conduct that is so outrageous as to create a genuine threat to the public peace and order.
- c. The specific conduct triggering the suspension crosses out of the boundaries of legitimate law enforcement activity.
- d. The conduct clearly constitutes an offense for which, if disciplinary charges should be sustained, the Chief will terminate the officer, barring mitigating circumstances.
- e. The offense is so extreme in degree that it is shocking to reasonable minds and compels immediate action. Examples, by way of illustration but not limitation, include an act of extreme violence, or sexual abuse of a child. And,
- f. Where the conduct constitutes use of force, the force involved must be plainly and obviously unjustified.


2. A suspension "without pay pending" may not exceed thirty 8-hour work days. If the Louisville Metro Police Merit Board ("LMPMB"), after a hearing on formal disciplinary charges and penalty fails to sustain termination, or if the charges and penalty imposed by the Chief are less than termination, then the time the officer was suspended "without pay pending" shall be deemed time served toward any suspension finally imposed, and should the final penalty be less than a suspension equal in length to the time already served, the officer shall be made whole.

3. When an officer is suspended "without pay pending," the officer shall be advised in writing of the reasons for the suspension within 24 hours of being suspended.

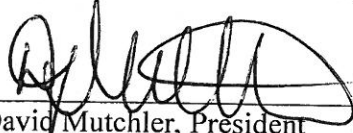
4. This memorandum is intended to apply only where an officer has been suspended "without pay pending," and shall not apply to disciplinary proceedings and appeals where that has not occurred. Consequently:

- a) A decision by the Chief not to suspend an officer "without pay pending" shall not constitute a waiver of the right to impose formal disciplinary charges and discipline, and shall not be deemed to reflect on the merits of any such charges or penalty.
- b) An officer suspended "without pay pending" shall have the right to appeal to the LMPMB from such suspension subject to the following:
  - i. Election not to appeal until imposition of formal disciplinary charges and penalty shall not be deemed waiver of any right to appeal from formal written charges, and the time limit for appeal to the LMPMB from formal charges shall begin to run only upon the imposition of such charges and penalties.
  - ii. If an officer who has already appealed from a suspension "without pay pending" later appeals from formal written charges regarding the same occurrence that triggered the suspension "without pay pending," the two appeals shall be merged to avoid duplicated LMPB hearings.

5. A violation of the above terms shall be subject to the grievance and arbitration provisions of the Collective Bargaining Agreement.

  
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Greg Fischer, Mayor  
for Louisville/Jefferson County Metro Government

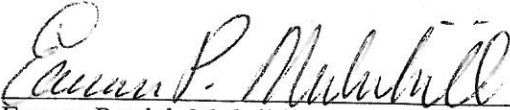
Date: 4/7/15

  
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David Mutchler, President  
for River City Fraternal Order of Police Lodge 614

Date: 3-31-15

Approved as to Form:

Michael J. O'Connell  
Jefferson County Attorney

  
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Eamon Patrick Mulvihill  
Assistant Jefferson County Attorney