

FILE

Subject

*Courts - Officers
Police Department*



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

May 3, 1974

Opinion No. 74-135

Mr. Thomas W. Stockwell, Esq.
Merriam City Attorney
9000 West 62nd Terrace
Merriam, Kansas 66202

Re: Municipalities - Hiring of Police Officers

Dear Mr. Stockwell:

You have requested an opinion from this office relative to the legality of the City of Merriam's procedure for hiring police officers. You advise that Merriam's police department offers employment contracts to applicants scoring highest on a battery of examinations incorporating both written and oral testing procedures which are impartial and fairly applied to all applicants. Further, the sole criteria for determining which candidate shall be offered employment pivots on the grade received from such testing. The highest scoring individual is first offered a position with the force.

It is the opinion of this office that the method employed by the City of Merriam to select employees for the police department in as much as no emphasis is placed on race, religion, color, sex, or national origin or ancestry, is not discriminatory and violates no law of the state in that context. And, we know of no state law prohibiting the hiring of a qualified applicant who has successfully tested for a position with the police department notwithstanding his blood relationship to a present member of such department.

Very truly yours,

Vern Miller
VERN MILLER
Attorney General

VM:JPS:jdm