

**VILLAGE OF NORTHBROOK  
BOARD OF FIRE AND POLICE COMMISSIONERS  
RULES AND REGULATIONS**

**Adopted by the Board of Trustees  
of the Village of Northbrook**

**May 2018**

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## ARTICLE I: ADMINISTRATION

### CHAPTER 1. AUTHORITY; BOARD OF COMMISSIONERS

#### **Section 1.1 Source of Authority.**

The Board of Fire and Police Commissioners of the Village of Northbrook (the “*Commission*”) derives its power and authority from the Illinois Board of Fire and Police Commissioners Act, 65 ILCS 5/10-2.1-1 *et seq.* and as authorized by the Village’s Board of Trustees through an exercise of its home-rule authority.

#### **Section 1.2 Applicability of Rules and Regulations; Definitions.**

- A. Applicability of Rules and Regulations. These Rules and Regulations apply to the governance, control, and administration of the Commission and to original appointments, promotions, and hearings related to members of the Fire Department and Police Department of the Village of Northbrook.
- B. No Applicability to Governance of Departments. These Rule and Regulations do not govern the operations of the Fire Department or the Police Department.
- C. Definitions and Grammar Rules. The definitions and grammar rules applicable to these Rules and Regulations are included in Chapter 10.

#### **Section 1.3 The Commission.**

- A. Composition; Appointments; Commissioners. The Commission shall consist of three Commissioners. The Chairperson of the Commission shall be a Commissioner and shall be appointed by the Village President with confirmation by a majority of the Board of Trustees. The Commission, annually at its first meeting in May, shall elect a Secretary from among the Commissioners. The Secretary shall hold office until the end of the fiscal year of the municipality and until his or her successor is duly elected and qualified. The Chairperson shall be the presiding Commissioner at all meetings of the Commission except that, in his or her absence, a temporary presiding Commissioner shall be elected by the remaining two Commissioners. The Commission may delegate to a Village staff member the responsibilities of the Secretary, which responsibilities shall be to keep the minutes of all Commission meetings in a permanent record book; to be the custodian of all the forms, papers, books, records, and completed examinations of the Commission; to keep a record of all examinations conducted by the Commission; and to perform all other duties prescribed by the Commission.
- B. Duties. The Commission shall appoint all members of the Departments in accordance with, and to the extent provided in, these Rules and Regulations. The Commission also shall promote and discipline all members of the Departments, as provided by the Act. The Fire Chief and Police Chief shall be

appointed by the Village Manager. The Managerial Positions shall be appointed by the Fire Chief or Police Chief subject to the prior advice and consent of the Village Manager.

**Section 1.4 Commission Meetings.**

- A. Regular, Special, and Emergency Meetings. The regular annual meeting of the Commission shall be held on the first Thursday in May of each year. The office of the Commission is designated as 1401 Landwehr Road, Northbrook, Illinois 60062-5199, and the annual meeting shall be held at that office unless otherwise provided. The Chairperson or any two Commissioners may call a special meeting or an emergency meeting of the Commission. All meetings of the Commission shall be noticed at least 48 hours in advance or as otherwise provided by the Illinois Open Meetings Act.
- B. Closed Sessions. During any regular or special meeting, a closed session may be held upon a proper motion made by any Commissioner and passed by a roll call vote for the purpose of discussing matters related to appointment, employment, discipline, performance, or dismissal of specific personnel. Closed sessions will be limited to the Commissioners and other persons deemed necessary by the Commission, if any. The Secretary will record the motion to close the meeting, record the vote of the Commissioners on that motion and keep minutes of the closed session. An audio or video record of each closed session will be maintained by the Secretary and disposed of in accordance with the provisions of the Open Meetings Act.
- C. Public Notice of Meetings. Public notice of any regularly scheduled or special meeting shall be held in accordance with the Open Meetings Act.
- D. Attendance by Electronic Means. If a member is unable to be present physically at a meeting of the Commission for health related reasons, or the need to conduct personal business or the business of the Commission, or due to a personal or family emergency, then that Commissioner may attend and participate at the meeting by telephone or other electronic means, subject to the following conditions: (1) that Commissioner must give notice of his or her intent to attend and participate at the Commission meeting by electronic means to the Commission's recording secretary or the Village Clerk at least four hours prior to the scheduled meeting, which notice must state the reason why that Commissioner is attending by electronic means and (2) the other two Commissioners must be physically present at the meeting and must vote to approve the attendance of the third Commissioner by electronic means. The minutes of the meeting must state which Commissioner attended by electronic means and the reason for attendance in that manner.
- E. Quorum. Two Commissioners, being a majority of the Commissioners, shall constitute a quorum of the Commission for the conduct of all Commission business.

- F. Agenda. The agenda for each meeting shall include the following elements: Call to Order and Roll Call, Approval of Minutes, Public Comment, Communications, Old Business, New Business, and, if necessary, Closed Session.
- G. Procedures. When these Rules and Regulations do not establish a specific procedure for conducting the business of the Commission, then parliamentary procedures prescribed in Roberts Rules of Order shall be followed, as far as applicable and practical. Motions may be made and seconded orally by any member of the Commission and shall be recorded in the minutes together with the action taken thereon.

**Section 1.5 Annual Report and Budget.**

If requested by the Village Manager, the Commission shall submit, before the last day of April in each year, an annual report of its activities and of the rules in effect and the practical effect thereof to the Village Manager for transmission to the Village President and Village Board. Also if requested by the Village Manager, the Commission shall submit to the Village Manager for transmission to the Village President and Village Board a budget request for the following Village fiscal year. The budget request shall be limited to those amounts necessary for the conduct of the Commission's operations.

**Section 1.6 Amendments of Rules and Regulations.**

The Commission, with the approval of the Village Board, may amend these Rules and Regulations from time to time. The Commission shall submit each proposed amendment to the Village Board for its approval prior to the amendment being printed for distribution. After Board approval, each amendment shall be printed for distribution, and the Secretary shall give notice of (a) the place where the printed Rules and Regulations, as amended, may be obtained and (b) the date, not less than 10 days subsequent to the time of publication, when the Rules and Regulations as amended shall take effect. Such notice shall be published in a newspaper published in the Village or, if no newspaper is published in the Village, then in a newspaper with a general circulation within the Village.

**Section 1.7 Governing Law; Conflicts; Severability.**

- A. These Rules and Regulations Apply. In the case of any conflict between any provision of these Rules and Regulations and any provision of any federal, State of Illinois, or Village constitution, statute, ordinance, or regulation (the "*Other Law*"), the provision of these Rules and Regulations shall apply and govern unless such provision is legally preempted by the Other Law.
- B. No Applicability to Managerial Positions. These Rules and Regulations do not apply to Managerial Positions.

- C. Conflict Limited. If any provision of these Rules and Regulations is rendered invalid pursuant to Subsection A of this Section, then that fact shall not affect any other provision of these Rules and Regulations.
- D. Facial Invalidity. If any court of competent jurisdiction shall adjudge any provision of these Rules and Regulations to be invalid, then that judgment shall not affect any other provision of these Rules and Regulations.
- E. Invalidity as Applied. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these Rules and Regulations to a particular case, then that judgment shall not affect the application of any other provision or of that provision to any other particular case having different facts or circumstances.

## CHAPTER 2. CALLS FOR EXAMINATIONS

### **Section 2.1 Examination Calls.**

The Commission shall call examinations from time to time to establish and maintain Registers of Eligibles for entry-level and promotional ranks in the Departments. The Departments shall advise the Commission from time to time about the status of existing Registers of Eligibles and the need for an examination. If it determines to call an examination, then the Commission shall make such call by resolution or motion and enter the call in the minutes of the Commission with the following information: the time and place where the examination will be held; the location where applications may be obtained and the date by which applications must be returned to the Commission; the rank to be filled from the resulting Register of Eligibles; any special eligibility standards established pursuant to Subsections 4.1E and 10.1E of these Rules and Regulations; and notice that applications for that examination will be received for a period of time established by the Commission but not less than two weeks.

### **Section 2.2 Notice of Examination.**

An examination will be held at a time and place fixed by the Commission. Notice of the examination must be given by publication at least two weeks preceding the examination either on the Village's Internet website or in one or more newspapers published in the Village in accordance with the statutes of the State of Illinois, or both, except that notice of an examination for a promotional rank may be waived in writing by all members of the Department eligible for that examination. The notice of examination must state the period during which applications for that examination will be accepted. The examination may be postponed by order of the Commission, which order shall state the reason for the postponement and shall designate a new date for the examination. Applicants will be notified of the postponement of the examination and of the new date fixed for said examination.

**Section 2.3            Type of Examinations.**

The elements of an examination must be practical in character and fairly test the capacity of applicants to discharge the duties of the position to which the applicants seek appointment. No examination may contain questions regarding political or religious opinions or affiliations, and no consideration may be given to such matters under any circumstances.

## ARTICLE II: POLICE DEPARTMENT HIRING

### CHAPTER 3. POLICE DEPARTMENT REGISTERS OF ELIGIBLES

#### **Section 3.1 Establishment of Police Department Registers of Eligibles; Tied Scores.**

The Commission shall establish and maintain a Register of Eligibles for each rank within the Police Department, except for the position of Police Chief and the Managerial Positions. A Register of Eligibles shall rank all applicants who have passed all elements of an examination for the stated rank in order of their relative excellence as determined by the examination and preferences, but without reference to priority of time of examination. In the event of tied scores, the tie will be broken by lot in the presence of at least two Commissioners, at a regular or special meeting of the Commission, in a manner the Commission determines is appropriate under the circumstances.

#### **Section 3.2 Initial Police Department Eligibility Lists.**

- A. Police Officer Rank. Within 60 days after all applicants for the rank of police officer who are placed in a single band on the written test have completed the first five elements of the entry-level examination (*see* Section 5.1), the Secretary shall prepare and post an Initial Eligibility List of the applicants who passed all of those elements, ranking those applicants in order of their relative excellence.
- B. Promotional Positions. Within 60 days after all applicants for a promotional rank have completed all applicable elements of an examination (*see* Section 7.1), the Secretary shall prepare and post an Initial Eligibility List of the applicants who passed all of those elements, ranking those applicants in order of their relative excellence.

#### **Section 3.3 Police Department Preference Points.**

- A. Maximum Possible Police Department Entry-Level Points. An applicant for the rank of police officer may receive preference points if that applicant qualifies for those points under this Section 3.3. Not more than a total of 5 preference points may be awarded to any applicant. Points may be given only if a proper and valid claim for a preference has been made and only if the standards of the Act and these Rules and Regulations have been met.
- B. Available Police Department Entry-Level Points. Preference points for the rank of police officer may be awarded for educational status, law enforcement training and employment, or military service as follows:
  - 1. Education Points. The applicant may be awarded 5 points if the applicant has successfully obtained an associate's degree in the field of law

enforcement or criminal justice, or a bachelor's degree, from a nationally accredited college or university.

2. Law Enforcement Training and Employment Points. The applicant may be awarded 5 points if the applicant has been awarded a certificate attesting to the successful completion of the Minimum Standards Basic Law Enforcement Training Course as provided in the Illinois Police Training Act and is currently serving as a law enforcement officer on a part-time or full-time basis within the State of Illinois.
3. Military Service Points. An applicant shall be awarded 5 points if (a) the applicant was engaged in the active military or naval service of the United States for a total cumulative period of at least one year and was honorably discharged or (b) the applicant is currently or has been on inactive or reserve duty in such military or naval service for a total cumulative period of at least one year, except as provided in Section 10-2.1-8 of the Act.
4. Qualified Position Service Points. An applicant may be awarded points for civilian service as a Village employee in the capacity as Community Service Officer, dispatcher, records clerk, or similar position related to the Police Department (a "*qualified position*"). A maximum of 2.5 points may be awarded as follows: 1/10 of a point at the date of hiring plus 1/10 of a point for each month of continuous employment in a qualified position.

C. Time and Method of Claiming Police Department Entry-Level Preference Points. Except as stated in the last sentence of this Subsection 3.3C, within 10 days after the posting of an Initial Eligibility List, each applicant on that list who may claim preference points for educational status, law enforcement training and employment, or military service shall submit his or her claim for that preference in writing to the Commission or an agency or consultant designated by the Commission. Claims not made within that 10-day period will be deemed waived. The applicant, at the time of submitting a claim for a preference, must submit evidence of qualification for that preference. Preference points for civilian service in a qualified position under Subsection 3.3B4 will be awarded at the time of administration of Element 3—Written Test of the Examination Elements under Subsection 5.1A of these Rules.

D. Police Department Promotional Preference Points.

1. Maximum Possible Police Department Promotional Points. An applicant for a promotional rank within the Police Department may receive preference points if that applicant qualifies for those points under this Subsection 3.3D. Not more than a total of 3.5 preference points may be awarded to any applicant.
2. Military Service Points. Upon receipt of a valid claim for a military service preference from an applicant for a promotional position in the

Police Department, the Secretary shall add  $\frac{7}{10}$  of one point to the applicant's total examination score for each six months or fraction thereof of active military service, not exceeding 30 months.

3. Advanced Education Points. Upon receipt of a valid claim for an advanced education preference from an applicant for a promotional position in the Police Department, the Secretary shall add points to the applicant's total examination score as follows:
  - For total course credit hours of 60 to 89 credit hours: 2.1 points.
  - For total course credit hours of 90 or more: 2.8 points.
  - For a bachelor's degree: 3.5 points

All course credit hours must have been earned from a nationally accredited college or university and must be supported by official transcripts

4. Continuous Departmental Service Points. For an applicant who has more than seven continuous years of service in the Police Department, the Secretary shall add 0.4375 points for each additional year of continuous departmental service in the Police Department. For purposes of this Subsection D3 only, "continuous service" means full-time, year-round continuous employment in the Police Department as a sworn police officer without interruption, "Continuous service" is not interrupted by disability, approved leave of absence, injury, or disciplinary action or by another short-term temporary disruption of service in the Police Department as determined by the Police Chief on a case-by-case basis.
5. One Time Only Preference. A preference for a promotional appointment may be made only if the applicant has not previously been promoted in the Police Department. No applicant may receive a preference for a promotional appointment after that person has received one promotion, during his or her employment by the Police Department, from a Register of Eligibles on which the applicant was allowed a preference.

### **Section 3.4 Final Police Department Register of Eligibles.**

After the process of adding preference points has been completed, the Secretary shall re-rank the applicants on the Initial Eligibility List according to their scores including preference points. Each candidate's order of eligibility as thereupon determined will be the basis for placement of the candidates on the Register of Eligibles.

### **Section 3.5 Additions to Police Department Registers of Eligibles.**

After determining the final order of eligibility for an Eligibility List, the Secretary shall immediately integrate that Eligibility List into the existing Register of

Eligibles, if one exists, which integration must be made in such a manner that all applicants are ranked on that Register of Eligibles in the order of their relative excellence as determined by examination and allowable preference points, but without reference to priority of time of examination or completion of any Initial Eligibility List. An applicant who was already on the existing Register of Eligibles and who took the current examination for the new Eligibility List will be ranked on the Register of Eligibles based on his or her performance on the current examination and not on his or her prior listing on the Register of Eligibles. The re-ranking of an applicant on a Register of Eligibles whose name already was included on that Register of Eligibles will not extend the time period for eligibility of that applicant to remain on that Register of Eligibles. After the transfer of the names of all applicants on an Initial Eligibility List to the Register of Eligibles, the Initial Eligibility List must be abolished and will be of no further force or effect.

**Section 3.6            Removal of Names from Police Department Registers of Eligibles.**

A.    Entry-Level Registers. The Secretary shall strike from the Register of Eligibles for the rank of police officer the name of:

1.    any applicant who may be disqualified pursuant to any provision of these Rules and Regulations; and
2.    any applicant who has been on that Register of Eligibles for more than two years after the initial posting of that Register, regardless of when all examination elements have been administered and regardless of whether that Register of Eligibles has been integrated with new applicants, except that the Commission in its discretion may extend the two-year period of the entire Register of Eligibles up to a total of six additional months, if necessary; and
3.    any applicant who ceases to meet the qualifications for the rank of police officer; and
4.    any applicant who does not, or cannot, accept the position within seven days after receiving notice of his or her appointment, except as otherwise provided in Subsection 5.3B of these Rules and Regulations.

B.    Promotional Registers. The Secretary shall strike from the Register of Eligibles for a promotional rank the name of:

1.    any applicant who may be disqualified pursuant to any provision of these Rules and Regulations; and
2.    any applicant who has been on that Register of Eligibles for more than three years; and

3. any applicant who ceases to meet the qualifications for the rank to be filled from that Register of Eligibles; and
4. any applicant who does not, or cannot, accept the position within seven days after receiving notice of his or her appointment, except as otherwise provided in Subsection 7.3B of these Rules and Regulations.

## CHAPTER 4. APPLICATIONS FOR RANK OF POLICE OFFICER

### Section 4.1 Minimum Requirements and Standards for Police Officer Applicants.

- A. Citizenship. At the time of filing an application, an applicant for a position in the Police Department must be a citizen of the United States.
- B. Age. Each applicant must provide proof of his or her birth date at time of filing an application.
  1. Minimum Age for All Police Department Positions. At the time of filing an application for any position in the Police Department, an individual must have passed his or her 21st birthday.
  2. Maximum Age for Entry-Level Police Officer Position. At the time of filing an application for the rank of police officer, the applicant must be less than 35 years of age, unless the applicant is exempt from that age limitation under Section 10-2.1-6 of the Act.
- C. Fingerprinting. Each applicant may be fingerprinted after successfully completing the written and physical ability elements of the entry-level examination.
- D. Police Department Minimum Education Standards. No person shall be eligible to apply for the rank of police officer unless that person has successfully completed two years of studies—equaling an associate’s degree, or 60 hours of course work, or equivalent credits—at a junior college, college, or university accredited by a nationally recognized accreditation agency. The Commission may waive this requirement if (1) the applicant has served 24 months of honorable active duty in the United States Armed Forces and has not been discharged dishonorably or under circumstances other than honorable or (2) the applicant has served 180 days of active duty in the United States Armed Forces in combat duty recognized by the Department of Defense and has not been discharged dishonorably or under circumstances other than honorable.
- E. Police Department Special Standards. The Commission may set, at the time that it calls an examination, particular standards for eligibility for the rank of police officer if the Commission determines that the position requires special

qualifications. The Commission also may require evidence from each applicant establishing that the applicant meets those particular standards.

**Section 4.2 Police Department Application Form, Basic Standards.**

- A. Application Form; Completion. The Commission or its designated representative shall furnish the application form, which form must be completed in its entirety by any applicant, including all supplementary information and documentation.
- B. Supplementary Information. At the time of filing an application, the applicant must furnish the following:
1. a certified copy of his or her birth certificate;
  2. a copy of his or her high school diploma or its equivalent;
  3. a copy of his or her transcripts of post-high school study, if applicable;
  4. a copy of his or her military service record, discharge papers, and U.S. Government Form DD214, if applicable;
  5. a copy of his or her Social Security Card;
  6. a copy of each other certificate or license required by these Rules and Regulations; and
  7. a copy of his or her college or university degree and, if requested, a copy of a certified transcript of his or her course work from an accredited college or university.
- C. General Character, Health. An applicant must be of good moral character, of temperate habits, and must be physically able and in a sufficient state of health to perform the duties of the position for which he or she is applying. The burden of establishing compliance with these standards rests on the applicant.
- D. Exclusion for False Statements. A false statement knowingly made by a person in an application, or connivance in any false statement made in any supplementary information that may accompany the application, or complicity in any fraud related to an application or supplementary information shall be regarded as good cause for exclusion from the examination.

**Section 4.3 Filing of Police Department Application.**

The application for the position of police officer must be filed, prior to taking an examination, with the Secretary of the Commission or with an agency or representative designated by the Commission. No application will be accepted until notice of an examination for a position has been given in accordance with Section 2.2 of these Rules and Regulations, and applications will be accepted only during the period designated by

the Commission pursuant to Section 2.2. The recipient of the application on behalf of the Commission shall note on the application the date it was received. Each applicant shall be responsible for advising the Commission of any changes in his or her address or telephone number.

**Section 4.4 Disqualification.**

A. Grounds. The Commission may refuse to examine, or after examination refuse to certify as eligible, or after certification as eligible refuse to retain on the Register of Eligibles, any applicant:

1. who is found lacking in any of the established general requirements, or in any special standards established pursuant to Subsection 4.1E of these Rules and Regulations, for an entry-level position stated in these Rules and Regulations or in the Act; or
2. who is a user of narcotics or other non-prescription drugs, or a habitual user of intoxicating beverages; is a gambler; or is not a person of good character; or
3. who has been convicted of a felony, a crime of moral turpitude, or a misdemeanor specifically listed in 65 ILCS 5/10-2.1-6 as amended from time to time; or
4. who, in the judgment of the Commission, has practiced or attempted to practice any dishonesty, deception, or fraud in his or her application, examination, or other submissions to or dealings with the Commission, the Police Department, or the Village; or
5. who has failed to abide by the rules and procedures governing any aspect of the application process; or
6. who is physically or mentally unable to perform the duties of the position to which he or she seeks appointment; or
7. who has been dismissed from any public service for good cause; or
8. whose character or employment references are unsatisfactory; or
9. who has applied for a position in the Police Department and is, or has been, classified as a conscientious objector; or
10. who has failed to appear for, or failed, any element of the examination or otherwise has not successfully completed any portion of the examination process; or
11. who does not have a valid automobile driver's license.

- B. Notification; Hearing. Whenever the Commission makes a preliminary finding that an applicant is disqualified under Subsection A of this Section, the Secretary shall notify the applicant of that finding by a letter stating the reasons for the finding. The applicant then, within five days after the date of that notice, may request an opportunity to be heard by the Commission. The Commission shall set a hearing as soon as practical after receiving such a request. At the hearing, the applicant will have an opportunity to explain the facts relating to the reasons given by the Commission for the finding of disqualification. At the conclusion of the hearing, the Commission must confirm or vacate the preliminary finding of disqualification and must notify the applicant of its determination. If no written request for a hearing is made by the applicant, then the preliminary finding of disqualification will be deemed confirmed five days after the date of notice. No applicant will be precluded from continuing in the application and testing process so long as his or her right to review under this Subsection has not been exhausted by either the passage of time or a decision of the Commission.

#### **Section 4.5 Release of Liability.**

In consideration of being admitted to the examination process, all applicants must execute and deliver to the Commission or its designated representative a release of all liability as a result of participating in the examinations, and all waivers and releases of information necessary to allow the Commission to complete all elements of the examination, on forms approved by the Commission.

#### **Section 4.6 Admission to Examination.**

No person shall knowingly be admitted to any element of any examination who does not meet the minimum qualifications established for the rank of police officer. The fact that a person is admitted to an element of an examination will not be considered as evidence that he or she is qualified or eligible for the position.

#### **Section 4.7 No Creation of Applicant Right or Interest.**

Neither the filing of an application, nor the acceptance of an application, nor an applicant's satisfaction of the general or special qualifications for filing an application or being admitted to an examination, nor any provision of these Rules and Regulations may be construed or applied as creating any vested, property, or other right or interest in any person to apply for, be examined for, or be appointed to any position in the Departments.

#### **Section 4.8 Correction of Application.**

A defective application will be returned to the applicant for correction, if the applicant otherwise is qualified for the position he or she seeks. A returned application must be resubmitted within the time period established by the Commission or its designated representative.

CHAPTER 5. EXAMINATIONS AND APPOINTMENTS  
FOR RANK OF POLICE OFFICER

**Section 5.1 Police Officer Examination Elements; Grading.**

A. Examination Elements. All applicants must submit themselves for each element of an examination for the rank of police officer at the times and places established by the Commission. An examination will consist of the following elements and will require the indicated minimum passing grade:

<u>Examination Element</u>	<u>Minimum Passing Grade</u>	<u>% of Total Grade</u>
Element 1. Orientation.	Attendance Mandatory	
Element 2. Physical Ability Test:	Pass	
Element 3. Written Test:	70 percent	50%
Element 4. Preliminary Character and Background Check:	Pass	
Element 5. Oral Test:	70 percent	50%
Element 6. Polygraph Test:	Pass	
Element 7. Detailed Character and Background Check:	Pass	
Element 8. Psychological Test:	Pass	
Element 9. Medical Test:	Pass	

The Commission may rearrange the order for administering Examination Elements 2, 3, and 4. The failure to achieve the minimum passing grade in any examination element disqualifies the applicant from any further participation.

B. Grading Generally. Each applicant's score will be the average of his or her scores on the written test and the oral examination. No information concerning grades and no test scores will be disclosed or provided to any applicant until after the posting of an Initial Eligibility List or at another time designated specifically by the Commission. The names of persons failing the examination need not be posted, published, or disclosed by the Commission except to that person. Each applicant will be notified within a reasonable time of the result of his or her examination. All examination files and materials, if they are retained, will be maintained as files of the Commission and not of the Police Department. Those files will be physically maintained in the location designated by the Village Manager.

**Section 5.2 Police Officer Examination Descriptions and Procedures; Deferral.**

- A. Element One—Orientation. All applicants must attend an orientation scheduled by the Police Chief and conducted by persons designated by the Commission. The failure to attend the orientation will constitute failure of this examination element.
- B. Element Two—Physical Ability Test. All applicants who attended the orientation may be required to take a physical ability test to be conducted and graded by persons determined by the Commission. If a physical ability test is given, then only candidates who have participated and passed that test will be allowed to continue in the examination process. Candidates who fail to achieve a passing grade on the physical ability test will be so notified.
- C. Element Three—Written Test. All applicants who have successfully passed all prior elements of the examination must submit themselves for a written test.
1. Procedure. The written test will be conducted and graded by two or more Commissioners or by a testing agency or service designated by the Commission, in a room or rooms designated by the Commission for that purpose, which rooms may be at a testing agency's facility. The test scores will be banded by the Commission or its designee.
  2. Finality. All test papers are the property of the Commission and any entity assisting the Commission with the test, and the grading thereof by the Commission will be final and conclusive and not subject to review by any other board or tribunal of any kind or description.
- D. Banding. The Commission shall determine to the best of its ability, after completion of the written test, the number of applicants who are likely to be hired from the Register of Eligibles being created, based on historical averages and anticipated hiring needs during the term of the Register of Eligibles (the "*Anticipated Hire Number*"). From that determination, the Commission shall divide the applicants into bands, the first of which bands must include three times the Anticipated Hire Number, but not fewer than the lesser of 20 applicants or the total number of eligible applicants. Subsequent bands may be designated by the Commission from time to time, each of which subsequent bands must include a number of applicants at least equal to one-half of the number of applicants that were included in the first band, or all remaining eligible applicants, whichever is less.
- E. Element Four—Preliminary Character and Background Check. At the request of the Commission, the Police Department shall conduct a preliminary character and background investigation of each applicant who has successfully passed all prior elements of the examination. The investigation must review available data and information related to the applicant's compliance with the general qualifications and criteria for the rank of police officer set out in these Rules and

Regulations and such other data and information as are pertinent to a proper review and analyses of the applicant.

- F. Element Five—Oral Test. All applicants who have successfully passed all prior elements of the examination shall submit themselves for an oral test. Candidates who fail to successfully complete the oral test will be notified and eliminated from all further consideration.
1. Procedure. The oral test of each applicant will be conducted by two or more Commissioners and, if desired by the Commission, a test facilitator. The test will be administered to those applicants included within the highest band and, if determined by the Commission to be necessary, the next succeeding band or bands. Each applicant included the highest band will be given an opportunity to take the oral test before the Commission administers the oral test to any applicant in a lower band. At the end of the test of each applicant, the examiners may discuss the merits of that applicant. Each examiner must individually grade the applicant. The applicant's final grade, which will be computed only after the test has been administered to all applicants, will be the average of all of the examiners' grades.
  2. Subjects of Oral Test. Applicants will be asked questions that will enable the examiners to properly evaluate and grade them on maturity, communication skills, judgment, leadership ability, managerial ability, appearance, demeanor, emotional stability, self-confidence, friendliness, interest in the position, personal fitness for the position, and such other matters as are pertinent to the proper review and analysis of an applicant. Each applicant for a particular examination must be asked questions in similar areas of inquiry so that the examiners can satisfactorily compare the merits of the applicants.
- G. Element Six—Polygraph Test. When directed by the Commission, all applicants who have successfully passed all prior elements of the examination must submit to a polygraph device deceptive test, commonly known as a lie detector test, at a time and place designated by the Commission. An applicant will be considered to have achieved an adverse result on the polygraph test if the Commission finds the applicant has been deceptive by (1) admitting in a pre-test interview wrongdoing that was not admitted in the applicant's application or in the course of the applicant's oral test before the Commission, or (2) admitting wrongdoing during the polygraph test that was not admitted in a pre-test interview, or (3) answering questions during the course of the polygraph test in a manner which the Commission determines to be indicative of deception. Results of the polygraph test must be submitted to the Commission for its evaluation. An unsatisfactory result on the polygraph test may subject the applicant to disqualification or to additional testing, at the discretion of the Commission, including but not limited to an additional background and character check, an additional oral test, an additional polygraph test, or any combination of these test.

- H. Element Seven—Detailed Character and Background Check. At the request of the Commission, the Police Department shall conduct a detailed character and background check of an applicant who has successfully passed all prior elements of the examination. The check must review the applicant's employment history, references, educational background, credit history, litigation history, military record, driving record, neighborhood and community standing and service, and such other data and information pertinent to a proper review and analyses of the applicants.
- I. Element Eight—Psychological Test. When directed by the Commission and after a conditional offer of employment has been made, the applicant to whom the conditional offer has been made must submit to a psychological test to be given by a qualified examiner selected by the Commission. The test must be designed and administered solely to determine an applicant's suitability and fitness for the rank of police officer. The examiner shall prepare and submit a report of the examination to the Commission for its evaluation. The Commission shall determine, based on such report, whether the applicant passed the test, whether additional psychological testing is necessary, or whether the applicant failed the test.
- J. Element Nine—Medical Test. When directed by the Commission and after a conditional offer of employment has been made, the applicant to whom the conditional offer has been made must submit to a medical test, including without limitation a vision test and drug screening, by a licensed physician designated by the Commission. The test must be designed and administered for the purpose of determining fitness for, and physical ability to perform, all of the duties of the position sought. A medical test must be completed not earlier than 180 days prior to the date of appointment. A positive result on a confirmatory drug screening test will be a sufficient basis for a determination by the Commission that an applicant has failed the medical test. At any point in the examination process, an applicant may be requested to submit evidence of vision sufficient to meet the standards of the Department to which he or she is applying or to submit to a vision examination to determine if his or her vision meets such standards. Each applicant shall be responsible for advising the Commission of any changes in his or her physical condition subsequent to the medical test. The Commission may, at its discretion, require an applicant to submit to a follow-up medical test prior to appointment to a position.
- K. Deferral of Various Examination Elements.
1. Deferral Based on Band Placement. The Commission may defer all subsequent elements of an examination for all applicants who are not included in the highest band being tested by the Commission after the scoring of the written test. Those elements may be deferred until the Commission determines that the Register of Eligibles for which the examination is being administered contains, or may contain, fewer applicants than the Commission determines to be sufficient to properly fill

the existing or potential vacancies in the rank of police officer. In the event of a deferral, all applicants for whom test elements have been deferred will not be ranked on a Register of Eligibles pursuant to these Rules and Regulations until after the deferred test elements have been administered to those applicants in the next highest band and such succeeding bands as the Commission determines is appropriate.

2. Deferral Based on Existence of Vacancies. All examination elements after administration of the oral test, including the detailed character and background check, the psychological test, the polygraph test, and the medical test, may be deferred by the Commission for all applicants until the Commission receives notice from the Police Chief that a vacancy exists in the rank of police officer. In the event of such deferral, all applicants who have successfully completed all examination elements that have been administered will be ranked on the Initial Eligibility Lists and will be integrated into the Register of Eligibles subject to the condition that they successfully complete each deferred element of the examination at the time it is administered. When the Commission receives notice of a vacancy from the Police Chief, the Commission shall administer the deferred examination elements to the same number of the highest ranking applicants who still qualify to remain on the Register of Eligibles and who have not been so previously examined as there are vacancies to be filled and such additional number of the next highest ranking applicants as the Commission thereafter shall determine, either before or after receiving the results of the examination of the highest ranking applicants.

### **Section 5.3            Appointments of Police Officers.**

- A. Basis of Appointment; Notice. Appointments to the rank of police officer will be made in accordance with the Act. Promptly after notification by the Police Chief that a vacancy exists in the rank of police officer, the Commission shall appoint to fill the vacancy the highest ranking applicant on the Register of Eligibles for that position. For each appointment, the vacancy will be filled with the then-highest ranking applicant on the Register of Eligibles, except that the Commission, at its discretion, may fill a vacancy in the rank of police officer by appointing an applicant from the applicable Register of Eligibles who has been awarded a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, ahead of applicants who have not achieved that certification.

The Commission will cause the chosen applicant to be notified twice by telephone or e-mail over a three-work-day period. If the applicant does not respond within 24 hours after the second notice, then the applicant will be deemed to have waived his or her right to the appointment.

- B. Waiver of Appointment; Notice. An applicant, within seven days after the date of notice from the Commission of a conditional offer of appointment or an

appointment, may waive the right to that appointment. That request must be made in writing, signed by the applicant. If the Commission receives a proper notice of waiver, then the Commission shall retain the name of the applicant on the Register of Eligibles until the next opportunity for an appointment and shall fill the current vacancy (or vacancies, if more than one appointment is being made at that time) pursuant to the procedures of Subsection A of this Section. If no notice of waiver or response to the notice of appointment is received within the prescribed time, then the Commission shall strike the applicant's name from the Register of Eligibles pursuant to Section 3.6 of these Rules and Regulations and shall fill the vacancy pursuant to Subsection A of this Section. No applicant may be allowed more than one waiver.

In the event of a subsequent vacancy to be filled from the Register of Eligibles, and the applicant qualifies for the appointment, the Commission will cause the applicant to be notified twice by telephone or e-mail over a three-work-day period. If the applicant does not respond within 24 hours after the second notice, then the applicant will be removed from the Register of Eligibles.

- C. Certificate of Appointment. After appointment to the rank of police officer, the new police officer will receive a Certificate of Appointment signed by the Chairperson and Secretary of the Commission.
- D. Oath of Office and Bond. Before entering into duty, a new police officer must take an oath and enter into an bond as provided by the Illinois law and Village ordinances.

**Section 5.4 Police Department Probation.**

- A. Probation Generally. A newly appointed police officer will be on probation for a period of 18 months plus an additional six months if determined by the Police Chief to be appropriate based on job performance and approved by the Commission.
- B. Training During Probation. A newly appointed police officer, within six months after the date of his or her initial appointment, either (1) shall take and complete a training course approved by the Police Chief at an academy approved by the Police Chief on such dates as are designated by the Police Chief and be certified by the Illinois Local Governmental Law Officers' Training Board that he or she has successfully completed said course or (2) if previously certified by the Illinois Local Governmental Law Officers' Training Board as successfully completing an approved course, shall make a written request for and receive a waiver of additional training from the Illinois Local Governmental Law Officers' Training Board.
- C. No Rights. During his or her probationary period, the police officer will be deemed not to have any vested, property, or other right or interest in his or her employment with the Village, and nothing in this Section or in any other

provision of these Rules and Regulations may be construed or applied to create any such right or interest.

- D. Dismissal. During his or her probationary period, the police officer may be dismissed at any time by the Commission, without prior notice or hearing, on the recommendation of the Police Chief stating that, in the Chief's opinion, it is not in the best interest of the Police Department to continue the employment of that police officer. That recommendation must include a report setting forth the Police Chief's evaluation of the police officer and the circumstances of the recommendation. The report will be confidential and need not be made available to the police officer. The decision of the Commission will be final.
- E. Suspension. During a probationary period, the Police Chief may suspend the probationary police officer without pay for a period not exceeding five days, except that no suspension may be imposed without first giving the officer written notice thereof setting forth the basis for the suspension and advising the officer of his or her opportunity to be heard by the Chief or his or her designee concerning the relevant facts and circumstances.
- F. Disciplinary Provisions Not Applicable. The provisions of Chapter 15 of these Rules and Regulations do not apply to the dismissal or suspension of a probationary police officer. Nothing in this Section 5.4 may be construed to alter the application of, or to limit the effect of, the provisions of the Uniform Peace Officers' Disciplinary Act, 50 ILCS 725/1 *et seq.*, when applicable to the investigation of misconduct of any peace officer.

## CHAPTER 6. APPLICATIONS FOR POLICE DEPARTMENT PROMOTIONAL POSITIONS

### **Section 6.1            Filing of Application.**

An application for a promotional position in the Police Department must be filed with the Commission on an approved form. No application will be accepted until notice of an examination for a position has been given or has been waived in accordance with Section 2.2 of these Rules and Regulations. Also, no application will be accepted less than two weeks prior to the date of an examination. The Commission shall cause each application to be noted with the date and hour it was received, which time shall determine the timeliness and priority of filing.

### **Section 6.2            Special Standards.**

The Commission may set particular standards for eligibility for a promotional position if the Commission determines that the position requires special qualifications.

**Section 6.3            Disqualification.**

- A.    Grounds. The Commission may refuse to examine, or after examination refuse to certify as eligible, or after certification as eligible refuse to retain on the Register of Eligibles, any applicant:
1.    who is on probationary status; or
  2.    who is found lacking in any of the established general requirements stated in this Chapter or established by the Commission; or
  3.    who is a user of narcotics or other non-prescription drugs, or a habitual user of intoxicating beverages; is a gambler; or is not a person of good character; or
  4.    who has been convicted of a felony, a crime of moral turpitude, or a misdemeanor specifically listed in 65 ILCS 5/10-2.1-6 as amended from time to time; or
  5.    who has been shown to have attempted to practice any dishonesty, deception, or fraud in his or her application, examination, or other submissions to or dealings with the Commission, the Police Department, or the Village; or
  6.    who has failed to abide by the rules and procedures governing any aspect of the application process; or
  7.    who is physically or mentally unable to perform the duties of the position to which he or she seeks appointment; or
  8.    who has been dismissed from any public service for good cause; or
  9.    whose character or employment references are unsatisfactory; or
  10.   who has applied for a position in the Police Department and is, or has been, classified as a conscientious objector; or
  11.   who does not have a valid automobile driver's license; or
  12.   who does not satisfy the requirements of the job description published by the Village for the position for which he or she is applying.
- B.    Notification; Hearing. Whenever the Commission makes a preliminary finding that an applicant is disqualified under Subsection A of this Section, the Secretary shall notify the applicant of that finding by a letter stating the reasons for the finding. The applicant then, within five days after the date of such notice, may request an opportunity to be heard by the Commission. The Commission shall set a hearing as soon as practical after receiving such a

request. At the hearing, the applicant shall have an opportunity to explain the facts relating to the reasons given by the Commission for the finding of disqualification. At the conclusion of the hearing, the Commission shall confirm or vacate the preliminary finding of disqualification and shall notify the applicant of its determination. If no written request is made by the applicant, then the preliminary finding of disqualification shall be deemed confirmed five days after the date of notice. No applicant shall be precluded from continuing in the application and testing process so long as his or her right to review under this Subsection has not been exhausted by either the passage of time or a decision of the Commission.

**Section 6.4 Release of Liability.**

In consideration of being admitted to the examination process, all applicants shall execute and deliver to the Commission or its designated representative a release of all liability as a result of participating in the examinations, and all waivers and releases of information necessary to allow the Commission to complete all elements of the examinations, on forms approved by the Commission.

**Section 6.5 Admission to Examination.**

No person shall knowingly be admitted to any element of any examination who does not meet the minimum qualifications fixed for the position sought. The fact that a person is admitted to an element of an examination shall not be considered as evidence that he or she is qualified or eligible for the position.

**Section 6.6 No Creation of Applicant Right or Interest.**

Neither the filing of an application, nor the acceptance of an application, nor an applicant's satisfaction of the general or special qualifications for filing an application or being admitted to an examination, nor any provision of these Rules and Regulations shall be construed as creating any vested, property, or other right or interest in any person to apply for, be examined for, or be appointed to any position in the Departments.

**Section 6.7 Correction of Applications.**

A defective application will be returned to the applicant for correction, if the applicant otherwise is qualified for the position he or she seeks. All returned applications must be resubmitted with the time period established by the Commission or its designated representative.

## CHAPTER 7. POLICE DEPARTMENT PROMOTIONAL EXAMINATIONS AND APPOINTMENTS

### Section 7.1            **Police Department Promotional Examination Elements; Grading.**

- A.    Examination Elements. All applicants must submit themselves for each element of a promotional examination at the times and places established by the Commission. An examination for a promotional position will consist of the following elements and will require the indicated minimum passing grade:

<u>Examination Element</u>	<u>Percent of Total Score</u>
Element 1.    Seniority:	10 percent
Element 2.    Character and Background Check:	0 percent
Element 3.    Written Test:	25 percent
Element 4.    Oral Test:	45 percent
Element 5.    Chief's Merit Rating:	20 percent
<u>Total Possible Score:</u>	100 percent
<u>Minimum Required Score:</u>	75 percent

The examination elements may be administered in any order determined by the Commission. The scoring set forth in this Subsection does not include adjustments for military preferences.

- B.    Grading Generally. Each applicant's score will be calculated based on the percentages attributed to Elements 1, 3, 4, and 5.

The following process will be used to calculate the final score for an examination element:

- First, the points achieved for the examination element shall be expressed as a percentage of the total points possible for that element.
- Second, that percentage shall be multiplied by 100.
- Third, that product shall be multiplied by the Percent of Total Score in Subsection 7.1A to yield the final score for that element.

For example, the achievement of 129 points for a 150-point written test results in a final score for that test element of 21.5 points, derived as follows: 129 points *equals* 86 percent of 150 possible points; 86 percent *multiplied by* 100 *equals* 86;

86 multiplied by 25 percent (the Percent of Total Score for the written test) equals 21.5 points.

No information concerning grades and no test scores will be disclosed or provided to any applicant until after the posting of an Initial Eligibility List or such other time as may be designated specifically by the Commission. The names of persons failing the examination need not be posted, published, or disclosed by the Commission except to such person. Each applicant will be notified within a reasonable time of the result of his or her examination.

- C. Method of Filling Vacancies. A vacancy in a promotional rank will be filled by promotion when practical. An examination for a promotional position will be competitive among the qualified members of the next lower rank who desire to submit themselves to the examination. 65 ILCS 5/10-2.1-11 and 10-2.1-15.

**Section 7.2            Police Department Promotional Examination Element Descriptions and Procedures.**

- A. Element One—Seniority. The Commission shall award to each applicant for a promotional position points for full years of service within the Police Department according to the following schedule:

<u>Full Years of Service Within Department</u>	<u>Points</u>
• less than 3 years:	0
• at least 3 years, but less than 4 years:	2
• at least 4 years, but less than 5 years:	4
• at least 5 years, but less than 6 years:	6
• at least 6 years, but less than 7 years:	8
• 7 years or more:	10

The maximum number of points that can be awarded for seniority is 10 points after 7 full years of service within the Department.

- B. Element Two—Character and Background Check. At the request of the Commission, the Police Department shall conduct character and background checks of each applicant for a promotional position. The check shall review, for each applicant, available data and information related to the applicant’s compliance with the general qualifications and criteria set out in these Rules and Regulations and such other data and information as are pertinent to proper review and analyses of the applicant.

- C. Element Three—Written Test. All applicants for a promotional position shall submit themselves for a written test.
1. Procedure. The written test for a promotional position shall be conducted and graded by two or more Commissioners or by a testing agency or service designated by the Commission, in a room or rooms designated by the Commission for that purpose at a Village facility or a testing agency's facility.
  2. Finality. All test papers are the property of the Commission and any testing entity assisting the Commission, and the grading thereof by the Commission shall be final and conclusive and not subject to review except only as provided by the Commission or the testing entity with the approval of the Commission.
- D. Element Four—Oral Test. All applicants for a promotional position shall submit themselves for an oral test.
1. Written Statement. Each applicant shall submit, prior to the deadline established by the Commission, a written statement containing the reasons he or she should be selected for the promotional position for which he or she has applied. The statement should describe the applicant's qualifications for the position, including any items which he or she feels have prepared him or her for the position, any pertinent community service he or she has performed, and any other matters reflecting a commitment to Village community and to the Police Department.
  2. Oral Test. The Commission shall conduct the oral test and may use examiners to assist it. The examiners shall discuss the merits of each applicant tested and shall grade the applicant.
  3. Subjects of Oral Test. Applicants shall be asked questions that will enable the examiners to properly evaluate and grade them on maturity, communication skills, judgment, leadership ability, managerial ability, appearance, demeanor, emotional stability, self-confidence, friendliness, interest in the position, personal fitness for the position, and such other matters as are pertinent to the proper review and analysis of an applicant. Each applicant for a particular examination shall be asked questions in similar areas of inquiry so that the examiners can satisfactorily compare the merits of the applicants.
- E. Element Five—Chief's Merit Rating. The Police Chief shall provide the Commission with his or her rating score of each applicant for the promotional position. Such rating shall be in a form determined by the Chief to be appropriate to judge the qualifications of the applicant individually and relative to the other applicants. The Commission shall add the Chief's rating score to each applicant's scores on the other elements of the examination.

### **Section 7.3            Police Department Promotional Appointments.**

- A. Basis of Appointment. Appointments to a promotional position for which a Register of Eligibles has been established shall be made in accordance with the Act. Promptly after notification by the Police Chief that a vacancy exists in a promotional rank, as designated by the Police Chief, the Commission shall appoint to fill the vacancy that applicant from among the three highest ranking applicants on the Register of Eligibles for that rank who in the opinion of a majority of the Commissioners is best suited to and qualified for the position to be filled, except that when a Register of Eligibles for a promotional rank contains fewer than three applicants, the choice shall be from such fewer applicants. 65 ILCS 5/10-2.1-14 and 10-2.1-15.
- B. Waiver of Appointment. An applicant, within seven days after the date of notice from the Commission of his or her appointment, may request a waiver of the right to appointment. That request must be made in writing, signed by the applicant. That request must include a statement of the reasons for the request and ask that the Commission retain the applicant's name on the Register of Eligibles. The Commission may determine to strike the applicant's name from the Register of Eligibles or, if the Commission determines that the applicant's statement of reasons constitutes good and sufficient grounds for a waiver, then the Commission may approve the waiver. If the Commission approves the waiver, then the Commission shall retain the name of the applicant on the Register of Eligibles and shall fill the vacancy pursuant to the procedures of Subsection A of this Section. If the waiver is not approved, or if no request for waiver or response to the notice of appointment is received within the prescribed time, then the Commission shall strike the applicant's name from the Register of Eligibles pursuant to Section 3.6 of these Rules and Regulations and shall fill the vacancy pursuant to Subsection A of this Section. The Commission may approve no more than one waiver for an applicant.
- C. Certificate of Appointment. After appointment to a promotional position in the Police Department, an applicant shall receive a Certificate of Appointment signed by the Chairperson and Secretary of the Commission.

## **CHAPTER 8. POLICE DEPARTMENT TEMPORARY APPOINTMENTS AND VOLUNTARY DEMOTIONS**

### **Section 8.1            Police Department Temporary Appointments.**

The Commission, at the request of the Village Board and without complying with the provisions of these Rules and Regulations otherwise applicable to appointments, shall make temporary appointments to the Police Department to prevent a stoppage of public business, to meet extraordinary situations, or to prevent the material impairment of the Police Department's ability to carry out its functions. Temporary

appointments may not be made to exceed 60 days and no person may receive a temporary appointment more than twice in any calendar year. 65 ILCS 5/10-2.1-16.

**Section 8.2            Police Department Voluntary Demotions.**

Any member of the Police Department may request a demotion to a lower rank, subject to the approval of the Commission. Demotion will result in a reduction in compensation to a rate not exceeding the maximum rate of the lower rank.

## ARTICLE III: FIRE DEPARTMENT HIRING

### CHAPTER 9. FIRE DEPARTMENT REGISTERS OF ELIGIBLES

#### **Section 9.1 Establishment of Fire Department Registers of Eligibles; Tied Scores.**

The Commission shall establish and maintain a Register of Eligibles for each rank within the Fire Department, except for the position of Fire Chief and the Managerial Positions. A Register of Eligibles shall rank all applicants who have passed all elements of an examination for the stated rank in order of their relative excellence as determined by the examination and preferences, but without reference to priority of time of examination. In the event of tied scores, the tie will be broken by lot in the presence of at least two Commissioners, at a regular or special meeting of the Commission, in a manner the Commission determines is appropriate under the circumstances. To qualify for placement on the final Register of Eligibles, an applicant's total score, before the award of any preference points, must be at or above the minimum provided by the Act.

#### **Section 9.2 Initial Fire Department Eligibility Lists.**

- A. Firefighter/Paramedic Positions. Within 60 days after all applicants for the rank of firefighter/paramedic who have completed the first three elements of the firefighter/paramedic examination (*see* Section 11.1), the Secretary shall prepare and post an Initial Eligibility List of the applicants who passed all of those elements, ranking those applicants in order of their relative excellence.
- B. Promotional Positions. Within 60 days after all applicants for a promotional rank have completed all applicable elements of an examination (*see* Section 13.1), the Secretary shall prepare and post an Initial Eligibility List of the applicants who passed all of those elements, ranking those applicants in order of their relative excellence.

#### **Section 9.3 Fire Department Preference Points.**

- A. Maximum Possible Fire Department Entry-Level Points. An applicant for an entry-level position in the Fire Department may receive preference points if that applicant qualifies for such points under this Section 9.3. The Commission may prescribe the total number of preference points awarded under this Section, but the total number of preference points may not be less than 10 points or more than 30 points. Points may be given only if a proper and valid claim for preference points has been made and only if the standards for such preference points have been met under the Act and these Rules and Regulations.
- B. Available Fire Department Entry-Level Points. Entry-level preference points in the Fire Department may be awarded for veteran service, fire cadet completion, education, paramedic certification status, experience, and residency as follows:

1. Veteran Service Points. An applicant will be awarded 5 points if (a) the applicant was engaged in the active military or naval service of the United States for a total cumulative period of at least one year and was honorably discharged or (b) the applicant is currently or has been on inactive or reserve duty in such military or naval service for a total cumulative period of at least one year, except as provided in Subsection 9.3C1 of these Rules and Regulations.
2. Fire Study and Cadet Points. An applicant who has successfully completed two years of study in fire techniques or cadet training within a cadet program established under the rules of the Joint Labor and Management Committee, as defined in Section 50 of the Fire Department Promotion Act, may be awarded points in an amount set by the Commission prior to issuance of a notice of examination under Section 2.2 of these Rules and Regulations.
3. Education Points. An applicant who has obtained an associate's degree in the field of fire service or emergency medical services, or a bachelor's degree from an accredited college or university, may be awarded points in an amount set by the Commission prior to issuance of a notice of examination under Section 2.2 of these Rules and Regulations.
4. Paramedic Points. An applicant may be awarded 2½ points if the applicant, at the time of the examination, has obtained and holds a valid State of Illinois certification of an Emergency Medical Technician/Basic. Alternatively, an applicant may be awarded 5 points if the applicant, at the time of the examination, has obtained and holds a valid State of Illinois certification of an Emergency Medical Technician/Paramedic.
5. Experience Points. An applicant may be awarded up to 5 preference points under the following standards. This number of 5 experience points presumes a rating scale totaling 100 points for the Register of Eligibles. If fewer than 100 total points are used in the rating scale for the Register of Eligibles, then the points awarded under this Subsection b will be decreased proportionately.
  - a. Paid-On-Call, Certified Firefighter Experience with Village. An applicant will be awarded 0.5 point for each year of successful service as a (a) paid-on-call or part-time certified Firefighter II, (b) State of Illinois or a nationally licensed EMT-B or EMT-I, or (c) any combination of these for the Village, if the applicant at the time of the examination has been serving as one or more of these continuously for at least two years immediately prior to the time of the examination except for any periods of military service or other absences excused by the Fire Chief. No excused absence will be considered a break in service, but no excused absence will be counted toward the minimum required two years of continuous

service. The applicant may be awarded up to a maximum of 2½ points under this Subsection a.

- b. Certified Firefighter III and Licensed Paramedic Experience. An applicant will be awarded 1 point for each year of successful, continuous service as a certified Firefighter III and State of Illinois or nationally licensed paramedic. To qualify for any point under this Subsection b, the most recent period of continuous one-year service must have occurred immediately prior to the time of the examination. The applicant may be awarded up to a maximum of 5 point under this Subsection b.
  - c. Other Experience. An applicant from outside the Village will be awarded 5 points if the applicant has been employed successfully and continuously as a full-time firefighter or firefighter-paramedic by fire protection district or another municipality within the State of Illinois for at least two years. To qualify for the 5 points under this Subsection c, the period of continuous employment must have occurred immediately prior to the time of the examination.
6. Residency Points. An applicant whose principal residence is located within the Village may be awarded points in an amount set by the Commission prior to issuance of a notice of examination under Section 2.2 of these Rules and Regulations.

C. Time and Method of Claiming Fire Department Entry-Level Preference Points.

- 1. Veteran Service Points. Within 10 days after the posting of an Initial Eligibility List, each applicant on that list who may claim preference points for veteran service must submit his or her claim for those veteran service points in writing to the Commission. Claims not made within that 10-day period will be deemed waived. The applicant, at the time of submitting a claim for veteran service points, must submit evidence of qualification for those points.
- 2. Paramedic and Experience Points. Within 10 days after the posting of an Initial Eligibility List, each applicant who may claim preference points for paramedic status or for paid-on-call or other experience must submit his or her claim for one or more of those preferences to the Commission. Claims not made at or before that time will be deemed waived. The applicant, at the time of submitting a claim for a preference, must submit evidence of qualification for that preference.

Paramedic and experience preference points will be added to the applicant's written grade prior to placement of the applicants on a final Register of Eligibles, but only if the applicant has completed the written examination with at least the minimum passing grade.

3. Fire Study and Cadet, Education, and Residency Points. Within 10 days after the posting of an Initial Eligibility List, each applicant on that list who may claim preference points for fire study and cadet, education, or residency must submit his or her claim for that preference in writing to the Commission. Claims not made within that 10-day period will be deemed waived. The applicant, at the time of submitting a claim for a preference, must submit evidence of qualification for that preference.
4. Limitation of Award of Preference Points. An applicant may not receive an amount of preference points under this Section 9.3 that would move the applicant ahead of any veteran on the Initial Eligibility List. Instead, the applicant may receive that number of preference points that will not move the applicant ahead of any veteran. If two or more candidates receiving veteran points are prevented from receiving all of their points because they cannot move ahead of a veteran, then those candidates will be placed on the Initial Eligibility List below the veteran and in rank order based on the total veteran points they would have received except for the prohibition of moving ahead of a veteran. In the event of tied scores, the tie will be broken by lot in the presence of at least two Commissioners, at a regular or special meeting of the Commission, in a manner the Commission determines is appropriate under the circumstances.

D. Fire Department Promotional Preference Points.

1. Military Service Points. Upon receipt of a valid claim of preference from an applicant for a promotional position in the Fire Department, the Secretary shall add  $\frac{7}{10}$  of one point to the applicant's total examination score for each six months or fraction thereof of active military service, not exceeding 30 months.
2. One Time Only Preference. No person shall receive a preference for a promotional appointment after that person has received one promotion, during his or her employment by the Fire Department, from a Register of Eligibles on which he or she was allowed such preference.

**Section 9.4 Final Fire Department Register of Eligibles.**

After the process of adding preference points has been completed, the Secretary shall re-rank the applicants on each Initial Eligibility List according to their scores including preference points. Each candidate's order of eligibility as thereupon determined will be the basis for placement of the candidates on the Register of Eligibles.

**Section 9.5 Additions to Fire Department Registers of Eligibles.**

After determining the final order of eligibility for an Eligibility List, the Secretary shall immediately integrate that Eligibility List into the existing Register of

Eligibles, if one exists, which integration must be made in such a manner that all applicants are ranked on that Register of Eligibles in the order of their relative excellence as determined by examination and allowable preference points, but without reference to priority of time of examination or completion of any Initial Eligibility List. An applicant who was already on the existing Register of Eligibles and who took the current examination for the new Eligibility List will be ranked on the Register of Eligibles based on his or her performance on the current examination and not on his or her prior listing on the Register of Eligibles. The re-ranking of an applicant on a Register of Eligibles whose name already was included on that Register of Eligibles will not extend the time period for eligibility of that applicant to remain on that Register of Eligibles. After the transfer of the names of all applicants on an Initial Eligibility List to the Register of Eligibles, the Initial Eligibility List must be abolished and will be of no further force or effect.

### **Section 9.6            Removal of Names from Registers of Eligibles.**

- A.    Entry-Level Registers. The Secretary shall strike from the Register of Eligibles for the rank of firefighter/paramedic the name of:
1.    any applicant who may be disqualified pursuant to any provision of these Rules and Regulations; and
  2.    any applicant who has been on that Register of Eligibles for more than two years after the initial posting of that Register, regardless of when all examination elements have been administered and regardless of whether that Register of Eligibles has been integrated with new applicants, except that the Commission in its discretion may extend the two-year period of the entire Register of Eligibles up to a total of six additional months, if necessary; and
  3.    any applicant who ceases to meet the qualifications for the rank of firefighter/paramedic; and
  4.    any applicant who does not, or cannot, accept the position within seven days after receiving notice of his or her appointment, except as otherwise provided in Subsection 11.3B of these Rules and Regulations.
- B.    Promotional Registers. The Secretary shall strike from the Register of Eligibles for a promotional rank the name of:
1.    any applicant who may be disqualified pursuant to any provision of these Rules and Regulations; and
  2.    any applicant who has been on that Register of Eligibles for more than three years; and
  3.    any applicant who ceases to meet the qualifications for the rank to be filled from that Register of Eligibles; and

4. any applicant who does not, or cannot, accept the position within seven days after receiving notice of his or her appointment, except as otherwise provided in Subsection 11.3B of these Rules and Regulations.

## CHAPTER 10. APPLICATIONS FOR POSITION OF FIREFIGHTER/PARAMEDIC

### **Section 10.1          Minimum Requirements and Standards for Firefighter/Paramedic Applicants.**

- A. Citizenship. At the time of filing an application, an applicant for a position in the Fire Department must be a citizen of the United States.
- B. Age.
  1. Proof of Age. Each applicant must provide proof of his or her birth date at time of filing an application.
  2. Maximum Age for Firefighter/Paramedic Position. No person who is 35 years of age or older is eligible to take an examination for a the position of firefighter/paramedic unless that person has had previous employment as a firefighter for the Village. This age limitation does not apply to (a) any person previously employed as a full-time firefighter in a regularly constituted fire department of (i) any municipality or fire protection district located in Illinois, (ii) a fire protection district whose obligations were assumed by a municipality under Section 21 of the Illinois Fire Protection District Act, or (iii) a municipality whose obligations were taken over by a fire protection district or (b) any person who has served a fire district as a regularly enrolled volunteer, paid-on-call, or part-time firefighter for the five years immediately preceding the time that district began to use full-time firefighters to provide all or part of its fire protection service.
  3. Minimum Age for Firefighter/Paramedic Position. No person who is younger than 21 years of age is eligible for employment as a firefighter/paramedic. A person who will reach the age of 21 years within six months after the date of examination stated in a notice of examination issued under Section 2.2 of these Rules and Regulations is eligible to take the examination, but may not be employed until reaching the age of 21 years.
- C. Fingerprinting. Each applicant may be fingerprinted after successfully completing the written and physical ability elements of the entry-level examination. A classified set of the fingerprints of every applicant who is offered employment as a firefighter/paramedic will be filed by the Commission with the Illinois Department of State Police and with the Federal Bureau of Investigation.

- D. Fire Department Minimum Education Standards. No person will be eligible to apply for a position in the Fire Department unless that person has a high school diploma or G.E.D. certificate and one of the following qualifications:
1. That person has successfully completed at least two years of studies—equaling an associate’s degree, or 60 hours of course work, or equivalent credits—at a junior college, college, or university accredited by a nationally recognized accreditation agency; or
  2. That person has qualified for and received State of Illinois certification as an Emergency Medical Technician/Paramedic; or
  3. That person has qualified for and received State of Illinois certification as both an Emergency Medical Technician/Basic and a Firefighter II.
- E. Fire Department Special Standards. The Commission may set, at the time that it calls an examination, particular standards for eligibility for the rank of firefighter/paramedic if the Commission determines that the position requires special qualifications. The Commission also may require evidence from each applicant establishing that the applicant meets those particular standards.

**Section 10.2 Fire Department Application Form, Basic Standards.**

- A. Application Form; Completion. The Commission or its designated representative shall furnish the application form, which form must be completed in its entirety by any applicant, including all supplementary information and documentation.
- B. Supplementary Information. At the time of filing an application, the applicant must furnish the following:
1. a certified copy of his or her birth certificate;
  2. a copy of his or her high school diploma or its equivalent;
  3. a copy of his or her transcripts of post-high school study, if applicable;
  4. a copy of his or her State of Illinois certifications as Emergency Medical Technician/Paramedic or Firefighter II and Emergency Medical Technician/Basic, if applicable;
  5. a copy of his or her military service record, discharge papers, and U.S. Government Form DD214, if applicable;
  6. a copy of his or her driver’s license;
  7. a copy of each other certificate or license required by these Rules and Regulations; and

8. a copy of his or her college or university degree and, if requested, a copy of a certified transcript of his or her course work from an accredited college or university.
- C. General Character, Health. An applicant must be of good moral character, of temperate habits, and must be physically able and in a sufficient state of health to perform the duties of the position for which he or she is applying. The burden of establishing compliance with these standards rests on the applicant.
- D. Exclusion for False Statements. A false statement knowingly made by a person in an application, or connivance in any false statement made in any supplementary information that may accompany the application, or complicity in any fraud related to an application or supplementary information shall be regarded as good cause for exclusion from the examination.

### **Section 10.3 Filing of Fire Department Application.**

The application for the position of firefighter/paramedic must be filed, prior to taking an examination, with the Secretary of the Commission or with an agency or representative designated by the Commission. No application will be accepted until notice of an examination for a position has been given in accordance with Section 2.2 of these Rules and Regulations, and applications will be accepted only during the period designated by the Commission pursuant to Section 2.2. The recipient of the application on behalf of the Commission shall note on the application the date it was received. Each applicant shall be responsible for advising the Commission of any changes in his or her address or telephone number.

### **Section 10.4 Disqualification.**

- A. Grounds. The Commission may refuse to examine, or after examination refuse to certify as eligible, or after certification as eligible refuse to retain on the Register of Eligibles, any applicant:
1. who is found lacking in any of the established general requirements, or in any special standards established pursuant to Subsection 10.1E of these Rules and Regulations, for an entry-level position stated in these Rules and Regulations or in the Act; or
  2. who is a user of narcotics or other non-prescription drugs, or a habitual user of intoxicating beverages; is a gambler; or is not a person of good character; or
  3. who has been convicted of a felony, a crime of moral turpitude, or a misdemeanor specifically listed in 65 ILCS 5/10-2.1-6 as amended from time to time; or

4. who, in the judgment of the Commission, has practiced or attempted to practice any dishonesty, deception, or fraud in his or her application, examination, or other submissions to or dealings with the Commission, the Fire Department, or the Village; or
5. who has failed to abide by the rules and procedures governing any aspect of the application process; or
6. who is physically or mentally unable to perform the duties of the position to which he or she seeks appointment; or
7. who has been dismissed from any public service for good cause; or
8. whose character or employment references are unsatisfactory; or
9. who, for a position in the Fire Department, does not meet the standards set forth in Subsection 10.1D of these Rules and Regulations; or
10. who has failed to appear for, or failed, any element of the examination or otherwise has not successfully completed any portion of the examination process; or
11. who does not have a valid automobile driver's license.

B. Notification; Hearing. Whenever the Commission determines that an applicant is disqualified under Subsection A of this Section, the Secretary shall notify the applicant of that finding by a letter stating the reasons for the finding. The applicant, within three days after the date of that notice, may request a hearing by the Commission. The Commission shall set a hearing as soon as practical after receiving such a request. At the hearing, the applicant will have an opportunity to explain the facts relating to the disqualification. At the conclusion of the hearing, the Commission will issue a ruling confirming or reversing the disqualification. An applicant who has requested a hearing may continue in the testing process until the Commission has ruled.

#### **Section 10.5 Release of Liability.**

In consideration of being admitted to the examination process, all applicants must execute and deliver to the Commission or its designated representative a release of all liability as a result of participating in the examinations, and all waivers and releases of information necessary to allow the Commission to complete all elements of the examination, on forms approved by the Commission.

#### **Section 10.6 Admission to Examination.**

No person shall knowingly be admitted to any element of any examination who does not meet the minimum qualifications established for the position of firefighter/paramedic. The fact that a person is admitted to an element of an

examination will not be considered as evidence that he or she is qualified or eligible for the position.

**Section 10.7 No Creation of Applicant Right or Interest.**

Neither the filing of an application, nor the acceptance of an application, nor an applicant’s satisfaction of the general or special qualifications for filing an application or being admitted to an examination, nor any provision of these Rules and Regulations may be construed or applied as creating any vested, property, or other right or interest in any person to apply for, be examined for, or be appointed to any position in the Departments.

**Section 10.8 Correction of Application.**

A defective application will be returned to the applicant for correction, if the applicant otherwise is qualified for the position he or she seeks. A returned application must be resubmitted within the time period established by the Commission or its designated representative.

**CHAPTER 11. EXAMINATIONS AND APPOINTMENTS  
FOR POSITION OF FIREFIGHTER/PARAMEDIC**

**Section 11.1 Firefighter/Paramedic Examination Elements; Grading.**

A. Examination Elements. All applicants must submit themselves for each element of an entry-level examination at the times and places established by the Commission. An examination for an entry-level position will consist of the following elements and shall require the indicated minimum passing grade:

<u>Examination Element</u>	<u>Minimum Passing Grade</u>
Element 1. Orientation.	Attendance Mandatory
Element 2. Physical Ability Test:	Pass
Element 3. Written Test:	As provided in the Act
<i>[See Subsection I of Section 11.2 below for timing of subsequent examination elements.]</i>	
Element 4. Oral Test:	Pass
Element 5. Character and Background Check:	Pass
Element 6. Polygraph Test	Pass
Element 7. Psychological Test:	Pass

Element 8. Medical Test: Pass

The Commission may rearrange the order for administering examination elements 2, 3, 4, 5, and 6, and separately for examination elements 7 and 8. The failure to achieve the minimum passing grade in any examination element disqualifies the applicant from any further participation.

- B. Grading Generally. No information concerning grades and no test scores shall be disclosed or provided to any applicant until after the posting of an Initial Eligibility List or such other time as may be designated specifically by the Commission. The names of persons failing the examination need not be posted, published, or disclosed by the Commission except to such person. Each applicant shall be notified within a reasonable time of the result of his or her examination. All examination files and materials, if they are retained, shall be maintained as files of the Commission and not of the Fire Department. Such files shall be physically maintained in the location or locations designated by the Village Manager.

## **Section 11.2 Firefighter/Paramedic Element Descriptions and Procedures; Deferral.**

- A. Element One—Orientation. All applicants must attend an orientation scheduled by the Fire Chief and conducted by persons designated by the Commission. The failure to attend the orientation will constitute failure of this examination element.
- B. Element Two—Physical Ability Test. All applicants who attended the orientation must take a physical ability test. Only applicants who have participated and passed the designated test will be allowed to continue the process. Applicants who fail to achieve a passing grade on the physical ability test will be so notified.

The “Fire Fighter Candidate Physical Ability Test” (C.P.A.T.), developed and endorsed by the International Association of Fire Fighters and the International Association of Fire Chiefs, may be used for the physical ability test, as determined by the Commission. The Commission may make changes to the elements of the C.P.A.T. and supplement those elements with additional job-related elements.

See Subsection J of this Section below for re-administration of physical ability test.

- C. Element Three—Written Test. All applicants who have successfully passed all prior elements of the examination must submit themselves for a written test.
1. Proof of Completion of Physical Ability Test; Valid Driver’s License. Immediately before taking the written test, each applicant must present proof of successful completion of the physical ability test within the six-

month time period immediately preceding the written test and must present a copy of his or her driver's license.

2. Procedure. The written test will be conducted and graded by two or more Commissioners or by a testing agency or service designated by the Commission, in a room or rooms designated by the Commission for that purpose at a Village facility or a testing agency's facility.
3. Finality. All test papers are the property of the Commission and any entity assisting the Commission with the test, and the grading thereof by the Commission shall be final and conclusive and not subject to review except only as provided by the Commission or the testing entity with the approval of the Commission.

D. Element Four—Oral Test. All applicants who have successfully passed all prior elements of the examination must submit themselves for an oral test. Candidates who fail to successfully complete the oral test will be notified and eliminated from all further consideration.

1. Procedure. The oral test of each applicant must be conducted by two or more Commissioners and, if desired by the Commission, a test facilitator. At the end of the test of each applicant, the examiners may discuss the merits of that applicant. Each examiner must individually grade the applicant as pass or fail. The Commission's final determination of whether the applicant has passed or failed may be computed only after the test has been administered to all applicants then being considered for appointment.
2. Subjects of Oral Test. Applicants will be asked questions that will enable the examiners to properly evaluate them on maturity, communication skills, judgment, leadership ability, managerial ability, appearance, demeanor, emotional stability, self-confidence, friendliness, interest in the position, personal fitness for the position, and such other matters as are pertinent to the proper review and analysis of an applicant. Each applicant for a particular examination must be asked questions in similar areas of inquiry so that the examiners can satisfactorily compare the merits of the applicants.

E. Element Five—Detailed Character and Background Check. At the request of the Commission, the Police Department, and the Fire Department if appropriate, shall conduct a detailed character and background check of an applicant for an entry-level position who has successfully passed all prior elements of the examination. The check shall review the applicant's employment history, references, educational background, credit history, litigation history, military record, driving record, neighborhood and community standing and service, and such other data and information pertinent to a proper review and analyses of the applicants.

- F. Element Six—Polygraph Test. When directed by the Commission, an applicant who has successfully passed all prior elements of the examination must submit to a polygraph device deceptive test, commonly known as a lie detector test, at a time and place designated by the Commission. An applicant will be considered to have achieved an adverse result on the polygraph test if the Commission finds the applicant has been deceptive by (1) admitting in a pre-test interview wrongdoing that was not admitted in the applicant's application or in the course of the applicant's oral test before the Commission, or (2) admitting wrongdoing during the polygraph test that was not admitted in a pre-test interview, or (3) answering questions during the course of the polygraph test in a manner which the Commission determines to be indicative of deception. Results of the polygraph test must be submitted to the Commission for its evaluation. An unsatisfactory result on the polygraph test may subject the applicant to disqualification or to additional testing, at the discretion of the Commission, including but not limited to an additional background and character check, an additional oral test, an additional polygraph test, or any combination of these test.
- G. Element Seven—Psychological Test. When directed by the Commission and after a conditional offer of employment has been made, an applicant who has successfully passed all prior elements of the examination must submit to a psychological test to be given by a qualified examiner selected by the Commission. The test must be designed and administered solely to determine an applicant's suitability and fitness for the rank of firefighter/paramedic. The examiner shall prepare and submit a report of the examination to the Commission for its evaluation. The Commission shall determine, based on such report, whether the applicant passed the test, whether additional psychological testing is necessary, or whether the applicant failed the test.
- H. Element Eight—Medical Test. When directed by the Commission and after a conditional offer of employment has been made, an applicant who has successfully passed all prior elements of the examination must submit to a medical test, including without limitation a vision test and drug screening, by a licensed physician designated by the Commission. The test must be designed and administered for the purpose of determining fitness for, and physical ability to perform, all of the duties of the position sought. A medical test must be completed not earlier than 180 days prior to the date of appointment. A positive result on a confirmatory drug screening test will be a sufficient basis for a determination by the Commission that an applicant has failed the medical test. At any point in the examination process, an applicant may be requested to submit evidence of vision sufficient to meet the standards of the Department to which he or she is applying or to submit to a vision examination to determine if his or her vision meets such standards. Each applicant shall be responsible for advising the Commission of any changes in his or her physical condition subsequent to the medical test. The Commission may, at its discretion, require an applicant to submit to a follow-up medical test prior to appointment to a position.

- I. Deferral of Examination Elements until Conditional Offer of Employment. Examination elements 7 and 8 will not be administered until after the Initial Eligibility List is created, preference points are awarded, a Register of Eligibles has been created, and a conditional offer of employment has been made.
  
- J. Re-administration of Physical Ability Test. If an applicant has been on the Register of Eligibles for more than one year after the date of his or her physical ability test and the applicant becomes eligible for a conditional offer of employment as a firefighter/paramedic, then the Commission may require that applicant to take a second physical ability test prior to being employed. If that applicant does not pass that second physical ability test, then the applicant may not be appointed but the applicant's name may be retained on the Register of Eligibles. If that applicant again becomes eligible for a conditional offer of employment as a firefighter/paramedic, then the Commission may require that applicant to take a third physical ability test prior to being employed. If that applicant does not pass that third physical ability test, then the applicant may not be appointed and the applicant's name must be stricken from the Register of Eligibles.

**Section 11.3            Appointments of Firefighter/Paramedics.**

- A. Basis of Appointment; Notice. Appointments to the rank of firefighter/paramedic will be made in accordance with the Act. Promptly after notification by the Fire Chief that a vacancy exists in the rank of firefighter/paramedic and that the Village has authorized the filling of that vacancy, the Commission shall undertake the process of appointing the highest-ranked, qualified applicant on the Register of Eligibles to fill that vacancy. For each appointment, however, the Commission may take one of the following additional two actions:
  - 1. If the Commission determines that the highest ranked applicant fails to meet the minimum standard for firefighter/paramedic, or if the Commission believes an alternate candidate would better serve the needs of the Fire Department, then the Commission may pass over the highest ranked applicant and may appoint either (a) any applicant who is ranked in the top five percent of all applicants on the Register of Eligibles or (b) any person who is among the top five highest ranked applicants on the Register of Eligibles if the number of applicants who have a ranking in the top five percent of all applicants on the Register of Eligibles is fewer than five people.
  
  - 2. The Commission, at its discretion, may fill a vacancy in the rank of firefighter/paramedic by appointing an applicant from the Register of Eligibles who has been awarded a certificate attesting to his or her successful completion of the Illinois EMT-P course and licensed as an Illinois EMT-P, ahead of applicants who have not achieved that certification and license.

The Commission will cause the chosen applicant to be notified of the appointment twice by telephone or e-mail over a three-work-day period. If the applicant does not respond within 24 hours after the second notice, then the applicant will be deemed to have waived his or her right to the appointment.

- B. Waiver of Appointment. An applicant, within seven days after the date of notice from the Commission of a conditional offer of appointment or an appointment, may waive the right to that appointment. That request must be made in writing, signed by the applicant. If the Commission receives a proper notice of waiver, then the Commission shall retain the name of the applicant on the Register of Eligibles until the next opportunity for an appointment and shall fill the current vacancy (or vacancies, if more than one appointment is being made at that time) pursuant to the procedures of Subsection A of this Section. If no notice of waiver or response to the notice of appointment is received within the prescribed time, then the Commission shall strike the applicant's name from the Register of Eligibles pursuant to Subsection 9.6A of these Rules and Regulations and shall fill the vacancy pursuant to Subsection A of this Section. No applicant may be allowed more than one waiver.

In the event of a subsequent vacancy to be filled from the Register of Eligibles, and the applicant is chosen by the Commission, the Commission will cause the applicant to be notified twice by telephone or e-mail over a three-work-day period. If the applicant does not respond within 24 hours after the second notice, then the applicant will be removed from the Register of Eligibles.

- C. Certificate of Appointment. After appointment to an entry-level position in the Fire Department, the new firefighter/paramedic will receive a Certificate of Appointment signed by the Chairperson and Secretary of the Commission.
- D. Oath of Office and Bond. Before entering into duty, the new firefighter/paramedic must take such oath and enter into such bond as provided by the Illinois law and Village ordinances.

#### **Section 11.4 Fire Department Probation.**

- A. Probation Generally. Each person appointed to as a firefighter/paramedic will be on probation for a period of 12 months. Time spent as follows will not count toward the required 12 months of probation: (1) approved leave in excess of a cumulative total of 30 days and (2) time spent outside of the Fire Department and Village attending a fire training academy. The inability of any appointee to successfully complete the courses or the certification examination process for Emergency Medical Technician/Paramedic will be grounds for dismissal. During any extended probationary period that is related solely to achieving certification as an Emergency Medical Technician/Paramedic, the firefighter/paramedic may be discharged without any hearing only for failure to meet the requirements for certification as an Emergency Medical Technician/Paramedic.

- B. No Rights. During his or her probationary period, the firefighter/paramedic will be deemed not to have any vested, property, or other right or interest in his or her employment with the Village, and nothing in this Section or in any other provision of these Rules and Regulations may be construed or applied to create any such right or interest.
- C. Dismissal. During his or her probationary period, the firefighter/paramedic may be dismissed at any time by the Commission, without prior notice or hearing, on the recommendation of the Fire Chief stating that, in the Chief's opinion, it is not in the best interest of the Fire Department to continue the employment of that firefighter/paramedic. That recommendation must include a report setting forth the Fire Chief's evaluation of the appointee and the circumstances of the recommendation. That report will be confidential and need not be made available to the firefighter/paramedic. The decision of the Commission shall be final.
- D. Suspension. During a probationary period, the Fire Chief may suspend an appointee without pay for a period not exceeding five days, except that no suspension may be imposed without first giving the firefighter/paramedic written notice thereof setting forth the basis therefor and advising the firefighter/paramedic of his or her opportunity to be heard by the Chief or his or her designee concerning the relevant facts and circumstances.
- E. Disciplinary Provisions Not Applicable. The provisions of Chapter 15 of these Rules and Regulations do not apply to the dismissal or suspension of a probationary firefighter/paramedic. Nothing in this Section 11.4 may be construed to alter the application of, or to limit the effect of, the provisions of the Firemen's Disciplinary Act, 50 ILCS 745/1 *et seq.*, when applicable to the investigation of misconduct of any firefighter/paramedic.

## CHAPTER 12. APPLICATIONS FOR FIRE DEPARTMENT PROMOTIONAL POSITIONS

### **Section 12.1      Filing of Application.**

An application for a promotional position in the Fire Department must be filed with the Commission on an approved form. No application will be accepted until notice of an examination for a position has been given or has been waived in accordance with Section 2.2 of these Rules and Regulations. Also, no application will be accepted less than two weeks prior to the date of an examination. The Commission shall cause each application to be noted with the date and hour it was received, which time shall determine the timeliness and priority of filing.

**Section 12.2 Special Standards.**

- A. General Authority. The Commission may set particular standards for eligibility for a promotional position if the Commission determines that the position requires special qualifications.
- B. Minimum Fire Department Experience. Every applicant for a promotional position in the Fire Department must have not less than three years experience as a permanent, sworn member of the Fire Department at the time of filing his or her application.

**Section 12.3 Disqualification.**

- A. Grounds. The Commission may refuse to examine, or after examination refuse to certify as eligible, or after certification as eligible refuse to retain on the Register of Eligibles, any applicant:
  - 1. who is on probationary status; or
  - 2. who is found lacking in any of the established general requirements stated in Section 10.1 of these Rules and Regulations or the special standards stated in Section 12.2 of these Rules and Regulations or established by the Commission; or
  - 3. who is a user of narcotics or other non-prescription drugs, or a habitual user of intoxicating beverages; is a gambler; or is not a person of good character; or
  - 4. who has been convicted of a felony, a crime of moral turpitude, or a misdemeanor specifically listed in 65 ILCS 5/10-2.1-6 as amended from time to time; or
  - 5. who has been shown to have attempted to practice any dishonesty, deception, or fraud in his or her application, examination, or other submissions to or dealings with the Commission, the Fire Department, or the Village; or
  - 6. who has failed to abide by the rules and procedures governing any aspect of the application process; or
  - 7. who is physically or mentally unable to perform the duties of the position to which he or she seeks appointment; or
  - 8. who has been dismissed from any public service for good cause; or
  - 9. whose character or employment references are unsatisfactory; or

10. who has applied for a position in the Fire Department and is, or has been, classified as a conscientious objector; or
  11. who does not have a valid automobile driver's license; or
  12. who does not satisfy the requirements of the job description published by the Village for the position for which he or she is applying.
- B. Notification; Hearing. Whenever the Commission makes a preliminary finding that an applicant is disqualified under Subsection A of this Section, the Secretary shall notify the applicant of that finding by a letter stating the reasons for the finding. The applicant then, within five days after the date of such notice, may request an opportunity to be heard by the Commission. The Commission shall set a hearing as soon as practical after receiving such a request. At the hearing, the applicant shall have an opportunity to explain the facts relating to the reasons given by the Commission for the finding of disqualification. At the conclusion of the hearing, the Commission shall confirm or vacate the preliminary finding of disqualification and shall notify the applicant of its determination. If no written request is made by the applicant, then the preliminary finding of disqualification shall be deemed confirmed five days after the date of notice. No applicant shall be precluded from continuing in the application and testing process so long as his or her right to review under this Subsection has not been exhausted by either the passage of time or a decision of the Commission.

#### **Section 12.4 Release of Liability.**

In consideration of being admitted to the examination process, all applicants shall execute and deliver to the Commission or its designated representative a release of all liability as a result of participating in the examinations, and all waivers and releases of information necessary to allow the Commission to complete all elements of the examinations, on forms approved by the Commission.

#### **Section 12.5 Admission to Examination.**

No person shall knowingly be admitted to any element of any examination who does not meet the minimum qualifications fixed for the position sought. The fact that a person is admitted to an element of an examination shall not be considered as evidence that he or she is qualified or eligible for the position.

#### **Section 12.6 No Creation of Applicant Right or Interest.**

Neither the filing of an application, nor the acceptance of an application, nor an applicant's satisfaction of the general or special qualifications for filing an application or being admitted to an examination, nor any provision of these Rules and Regulations shall be construed as creating any vested, property, or other right or interest in any person to apply for, be examined for, or be appointed to any position in the Departments.

**Section 12.7 Correction of Applications.**

A defective application will be returned to the applicant for correction, if the applicant otherwise is qualified for the position he or she seeks. All returned applications must be resubmitted with the time period established by the Commission or its designated representative.

**CHAPTER 13. FIRE DEPARTMENT PROMOTIONAL EXAMINATIONS AND APPOINTMENTS**

**Section 13.1 Fire Department Promotional Examination Elements; Grading.**

A. Examination Elements. All applicants must submit themselves for each element of a promotional examination at the times and places established by the Commission. An examination for a promotional position will consist of the following elements and will require the indicated minimum passing grade:

<u>Examination Element</u>	<u>Percent of Total Score</u>
Element 1. Seniority:	10 percent
Element 2. Character and Background Check:	0 percent
Element 3. Written Test:	30 percent
Element 4. Oral Test:	10 percent
Element 5. Chief's Merit Rating:	10 percent
Element 6. Officer Evaluation	10 percent
Element 7. Assessment Center	30 percent
<u>Total Possible Score:</u>	100 percent
<u>Minimum Required Score:</u>	75 percent

The examination elements may be administered in any order determined by the Commission. The scoring set forth in this Subsection does not include adjustments for military preferences.

B. Grading Generally. Each applicant's score will be calculated based on the percentages attributed to Elements 1, 3, 4, 5, 6, and 7. The following process will be used to calculate the final score for an examination element:

- First, the points achieved for the examination element shall be expressed as a percentage of the total points possible for that element.
- Second, that percentage shall be multiplied by 100.
- Third, that product shall be multiplied by the Percent of Total Score in Subsection 7.1A to yield the final score for that element.

For example, the achievement of 129 points for a 150-point written test results in a final score for that test element of 21.5 points, derived as follows: 129 points *equals* 86 percent of 150 possible points; 86 percent *multiplied by* 100 *equals* 86; 86 *multiplied by* 25 percent (the Percent of Total Score for the written test) *equals* 21.5 points.

No information concerning grades and no test scores will be disclosed or provided to any applicant until after the posting of an Initial Eligibility List or such other time as may be designated specifically by the Commission. The names of persons failing the examination need not be posted, published, or disclosed by the Commission except to such person. Each applicant will be notified within a reasonable time of the result of his or her examination.

- C. Method of Filling Vacancies. A vacancy in a promotional rank will be filled by promotion when practical. An examination for a promotional position will be competitive among the qualified members of the next lower rank who desire to submit themselves to the examination. 65 ILCS 5/10-2.1-11 and 10-2.1-15.

**Section 13.2 Fire Department Promotional Examination Element Descriptions and Procedures.**

- A. Element One—Seniority. The Commission shall award to each applicant for a promotional position points for full years of service within the Fire Department according to the following schedule:

<u>Full Years of Service Within Department</u>	<u>Points</u>
• less than 4 years:	0
• at least 4 years, but less than 6 years:	2
• at least 6 years, but less than 8 years:	4
• at least 8 years, but less than 10 years:	6
• at least 10 years, but less than 12 years:	8
• 12 years or more:	10

The maximum number of points that can be awarded for seniority is 10 points after 12 full years of service within the Department.

- B. Element Two—Character and Background Check. At the request of the Commission, the Fire Department shall conduct character and background checks of each applicant for a promotional position. The check shall review, for each applicant, available data and information related to the applicant's compliance with the general qualifications and criteria set out in these Rules and Regulations and such other data and information as are pertinent to proper review and analyses of the applicant.
- C. Element Three—Written Test. All applicants for a promotional position shall submit themselves for a written test.
1. Procedure. The written test for a promotional position shall be conducted and graded by two or more Commissioners or by a testing agency or service designated by the Commission, in a room or rooms designated by the Commission for that purpose.
  2. Finality. All test papers are the property of the Commission and any entity assisting the Commission with the test, and the grading thereof by the Commission shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description.
- D. Element Four—Oral Test. All applicants for a promotional position shall submit themselves for an oral test.
1. Written Statement. Each applicant shall submit, prior to the deadline established by the Commission, a written statement containing the reasons he or she should be selected for the promotional position for which he or she has applied. The statement should describe the applicant's qualifications for the position, including any items which he or she feels have prepared him or her for the position, any pertinent community service he or she has performed, and any other matters reflecting a commitment to Village community and to the Fire Department.
  2. Oral Test. The Commission shall conduct the oral test and may use examiners to assist it. The Commission, or examiners if applicable, shall discuss the merits of each applicant tested and shall grade the applicant.
  3. Subjects of Oral Test. Applicants shall be asked questions that will enable the examiners to properly evaluate and grade them on maturity, communication skills, judgment, leadership ability, managerial ability, appearance, demeanor, emotional stability, self-confidence, friendliness, interest in the position, personal fitness for the position, and such other matters as are pertinent to the proper review and analysis of an applicant. Each applicant for a particular examination shall be asked

questions in similar areas of inquiry so that the examiners can satisfactorily compare the merits of the applicants.

- E. Element Five—Chief’s Merit Rating. The Fire Chief shall provide the Commission with his or her rating score of each applicant for the promotional position. Such rating shall be in a form determined by the Chief to be appropriate to judge the qualifications of the applicant individually and relative to the other applicants. The Commission shall add the Chief’s merit rating score to each applicant’s scores on the other elements of the examination.
- F. Element Six—Superior Office Evaluation. All Fire Department officers superior in rank to the applicants shall evaluate each applicant for the promotional position and provide the Commission with their combined rating score of each applicant for the promotional position. Such rating shall be in a form determined by the superior officers to be appropriate to judge the qualifications of the applicant individually and relative to the other applicants. The Commission shall add the Superior Officer Evaluation rating score to each applicant’s scores on the other elements of the examination.
- G. Element Seven—Assessment Center. All applicants for the promotional position shall submit themselves for evaluation at an assessment center designated by the Village, with elements approved by the Village designed to judge the qualifications of the applicants. The Commission shall add the results provided by the assessment center to each applicant’s scores on the other elements of the examination.

**Section 13.3 Fire Department Promotional Appointments.**

- A. Basis of Appointment. Appointments to a promotional position for which a Register of Eligibles has been established shall be made in accordance with the Act. Promptly after notification by the Fire Chief that a vacancy exists in a promotional rank, as designated by the Fire Chief, the Commission shall appoint to fill the vacancy that applicant from among the three highest ranking applicants on the Register of Eligibles for that rank who in the opinion of a majority of the Commissioners is best suited to and qualified for the position to be filled, except that when a Register of Eligibles for a promotional rank contains fewer than three applicants, the choice shall be from such fewer applicants. 65 ILCS 5/10-2.1-14 and 10-2.1-15.
- B. Waiver of Appointment. An applicant, within seven days after the date of notice from the Commission of his or her appointment, may request a waiver of the right to appointment. That request must be made in writing, signed by the applicant. That request must include a statement of the reasons for the request and ask that the Commission retain the applicant’s name on the Register of Eligibles. The Commission may determine to strike the applicant’s name from the Register of Eligibles or, if the Commission determines that the applicant’s statement of reasons constitutes good and sufficient grounds for a waiver, then the Commission may approve the waiver. If the Commission approves the

waiver, then the Commission shall retain the name of the applicant on the Register of Eligibles and shall fill the vacancy pursuant to the procedures of Subsection A of this Section. If the waiver is not approved, or if no request for waiver or response to the notice of appointment is received within the prescribed time, then the Commission shall strike the applicant's name from the Register of Eligibles pursuant to Section 3.6 of these Rules and Regulations and shall fill the vacancy pursuant to Subsection A of this Section. The Commission may approve no more than one waiver for an applicant.

- C. Certificate of Appointment. After appointment to a promotional position in the Fire Department, an applicant shall receive a Certificate of Appointment signed by the Chairperson and Secretary of the Commission.

## CHAPTER 14. FIRE DEPARTMENT TEMPORARY APPOINTMENTS AND VOLUNTARY DEMOTIONS

### **Section 14.1 Fire Department Temporary Appointments.**

The Commission, at the request of the Village Board and without complying with the provisions of these Rules and Regulations otherwise applicable to appointments, shall make temporary appointments to the Fire Department to prevent a stoppage of public business, to meet extraordinary situations, or to prevent the material impairment of the Fire Department's ability to carry out its functions. Temporary appointments may not be made to exceed 60 days and no person may receive a temporary appointment more than twice in any calendar year. 65 ILCS 5/10-2.1-16.

### **Section 14.2 Fire Department Voluntary Demotions.**

Any member of the Fire Department may request a demotion to a lower rank, subject to the approval of the Commission. Demotion will result in a reduction in compensation to a rate not exceeding the maximum rate of the lower rank.

## ARTICLE IV: DISCIPLINE

### CHAPTER 15. SUSPENSIONS, REMOVALS, DEMOTIONS, AND DISCHARGES

#### **Section 15.1 Collective Bargaining Agreements; Just Cause Required.**

- A. Collective Bargaining Agreements. The provisions of current, valid bargaining agreements between the Village and members of the Fire Department or Police Department shall apply to suspension, removal, discharge, or demotion.
- B. Just Cause Required. Except as provided in Section 158 of this Chapter, no member of the Fire Department or Police Department shall be suspended, removed, discharged, or demoted except for just cause.

#### **Section 15.2 Suspensions; Appeals.**

- A. Suspensions. The Fire Chief or Police Chief shall have the right to suspend any member of the Fire Department or Police Department for a period not exceeding five days without pay by serving a written notice of suspension on such member that sets out the facts constituting just cause for suspension. Any member so suspended may appeal the suspension to the Commission by filing notice of appeal within five days after service of written notice of such suspension, regardless of when the suspension is to be served. A hearing shall be held on appeal, in accordance with the provisions of Sections 15.4, 15.5, and 15.6 of this Chapter, except that the member so suspended shall have the burden of establishing by clear and convincing evidence that just cause for the suspension does not exist.
- B. Appeal. On such appeal, the Commission shall review the action of the Fire Chief or Police Chief to determine if just cause exists in light of all the evidence presented. The Commission may sustain the action of the Fire Chief or Police Chief, may reverse the action of the Fire Chief or Police Chief with instructions that the member so suspended shall receive his or her pay for the period involved, may suspend the member for a period of not more than 30 days, or may discharge the member, depending on the evidence presented.

#### **Section 15.3 Charges.**

- A. Complainant. Charges may be brought against a member by the Fire Chief, the Police Chief, or the Village Manager.
- B. Charges. Charges shall be in writing, shall be signed by the complainant, and shall state with specificity the facts alleged to constitute just cause for suspension, removal, discharge, or demotion. Such charges shall be filed with the Commission and shall be served upon the respondent.

**Section 15.4 Pre-Hearing Procedures.**

- A. Hearing Date. Upon the filing of a charge, the Commission shall set the date, time, and place for hearing, which hearing date shall be within 30 days after the filing date.
- B. Notice of Hearing. The Commission shall cause notice of hearing to be served on the parties promptly and not less than five days prior to the hearing date.
- C. Answer. The respondent may file a written answer to the charges. Such written answer shall be signed by the respondent, shall be filed with the Commission, and shall be served on the complainant not less than 48 hours prior to the hearing.
- D. Reply. The complainant may reply to any affirmative matter contained in such answer by signing, filing, and serving such reply not less than eight hours prior to the hearing.
- E. Continuance. Motions for continuance of the hearing made by either party shall be in writing and shall be filed with the Commission and served on the opposing party not less than 48 hours prior to the time set for hearing. The Commission may waive said requirements upon good cause being shown and a finding that no prejudice will result to any party from any such waiver. The Commission may grant or deny a continuance on the motion of either party or on its own motion, but no continuance that extends the commencement of the hearing beyond 30 days from the filing date shall be granted. If a continuance is granted on the motion of a respondent who has been suspended by the Commission, with or without pay, pursuant to Subsection I of this Section and said continuance causes postponement of the conclusion of the hearing to a date more than 30 days after the date on which charges were filed, a waiver of pay shall be required for the period beginning with the 31st day after such filing and continuing to the date of the conclusion of the hearing.
- F. Attendance of Witnesses. Either party, at any time prior to the hearing, may file applications with the Commission for the issuance of subpoenas for any person or persons to appear at the hearing, or to have any such person produce books, papers, records, accounts, and other documents at the hearing. Such application shall be in writing and shall adequately identify such person, persons, or documents sought to be subpoenaed. The Commission, or any Commissioner, shall issue such subpoenas if the Commission deems the testimony of such person or such documents to be relevant to the hearing. Such subpoenas may be authorized either by resolution at a Commission meeting or by the signature of any two Commissioners without a meeting. Subpoenas may be served by any person of the age of 21 years or more.
- G. Evidence Depositions. Evidence depositions may be taken and utilized in the manner and under the conditions prescribed therefor in courts of general jurisdiction in the State of Illinois.

- H. Stipulations. The parties may stipulate and agree in writing, or on the record, as to evidentiary facts or other matters. Any facts so stipulated shall be considered as evidence in the proceeding.
- I. Suspension Before Hearing. The Commission may suspend the respondent pending hearing, with pay or without pay, for not more than 30 days. In the event that the Commission, after hearing, determines that the charges are not sustained, the respondent shall receive any pay withheld during the suspension period.

**Section 15.5          Hearing.**

- A. Commencement and Adjournment. A hearing shall be commenced within 30 days after the filing of the charges and may be adjourned from time to time thereafter for lack of a quorum or in order to complete the hearing at a later date.
- B. Quorum to Conduct Hearing. Two Commissioners shall constitute a quorum of the Commission for the conducting of a hearing.
- C. Public Hearings and Closed Hearings. All disciplinary hearings of the Commission shall be held in accordance with the Illinois Open Meetings Act. The hearing shall be public, but at any time before or during such hearing the Commission may determine that such hearing, or any portion of such hearing (except for final action), shall be closed.
- D. Counsel. The respondent may, at his or her election, be represented by any attorney at law licensed to practice law in the State of Illinois. Such attorney shall file and serve his or her appearance with the Commission.
- E. Oath. All witnesses shall be sworn under oath prior to testifying. The oath may be administered by any member of the Commission or an Illinois notary public.
- F. Order of Proceedings; Cross Examination. After disposition of any preliminary motions for continuance, motions directed to the charges, or other motions, the complainant shall present and examine witnesses and offer other evidence substantiating the charges that have been made against the respondent. Thereafter the respondent may present and examine witnesses and offer other evidence refuting the charges. Complainant may then present evidence in rebuttal. All parties shall have the right to cross examine witnesses presented by the opposite party.
- G. Rules of Evidence.
  - 1. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence, as applied in civil cases in Illinois, shall be followed; provided, however, that when necessary to ascertain facts not reasonably

susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The Commission shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made by either party and must be ruled on by the Commission. Such objections and rulings shall be noted in the record. Subject to these requirements, when a hearing is expedited and the interests of parties will not be prejudiced substantially, any part of the evidence may be received in written form.

2. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available.
  3. The Commission may take notice of judicially cognizable facts.
- H. Burden of Proof. Except as provided in Subsection 9.2B of these Rules and Regulations, the complainant shall have the burden of proving the charges brought by the clear and convincing evidence.
- I. Argument. The Commission shall permit opening statements and closing arguments, first on behalf of complainant, next on behalf of respondent, and finally on behalf of complainant, within time limits to be established by the Commission in each case.
- J. Record of Proceedings. The Commission shall make an audio recording of the hearing. That recording must be made available to any party for review or transcription at that party's expense. The Commission or any party may provide, in addition, for a transcript of the hearing to be taken by a reporter, in which event the Commission's audio recording will not be required. The transcript may be written at the request of the Commission or any party, at the expense of the requester.

## **Section 15.6 Findings and Decision.**

- A. Vote; Deliberations. To reach a finding of guilty on charges brought pursuant to Section 9.3 of these Rules and Regulations, at least two Commissioners must vote guilty. A vote of guilty as to a charge by less than two Commissioners constitutes a finding of not guilty. To reverse a suspension appealed to the Commission pursuant to Section 9.2 of these Rules and Regulations, at least two Commissioners must vote to reverse. The Commission may deliberate in public or in closed session, provided that final action shall be taken only in public session.
- B. Finding of Not Guilty. If the respondent is found not guilty as to each and every charge, or if a suspension is reversed, then the Commission shall make a finding that the charges or suspension are not sustained and shall enter an order terminating immediately any suspension and requiring the Fire Department or

Police Department to reimburse respondent for all wages not paid to the respondent during such suspension period.

- C. Finding of Guilty. If the Commission finds that charges have been proved by clear and convincing evidence and that just cause exists and the Commission thus finds the respondent guilty of any one or more charges, or if the Commission denies the appeal of a suspension, then the Commission shall adopt findings of fact in support of such determination. The Commission may order the discharge and removal of the respondent from office immediately; may order the suspension of the respondent from office, with or without pay, for a period of not more than 30 days, including any period of suspension, with or without pay, by the Fire Chief, Police Chief, or the Commission prior to such finding; may demote the respondent previously promoted from a lower rank with immediate reduction in compensation to a rate not exceeding the maximum rate of such lower rank; or any combination of the above. 65 ILCS 5/10-2.1-17.
- D. Notice of Findings and Decisions. The Commission shall promptly serve notice on the parties of its findings and decision.
- E. Rehearing. Such findings and decision of the Commission shall be final and not subject to rehearing.

**Section 15.7            Administrative Review.**

Either party may file a complaint for review of a final decision by the Commission in accordance with the provisions governing administrative review in Article III of the Illinois Code of Civil Procedure, 735 ILCS 5/3-101 *et seq.* Such complaint shall be filed within 35 days after the date of service of a copy of said decision on the parties affected thereby.

**Section 15.8            No Applicability To Probationary Employees.**

The provisions of this Chapter 15 do not apply to Department personnel who are on probation pursuant to Sections 5.4 or 11.4 of these Rules and Regulations.

## ARTICLE V: DEFINITIONS AND GRAMMAR

### CHAPTER 16. DEFINITIONS AND GRAMMAR

#### Section 16.1 General Definitions.

For the purposes of these Rules and Regulations, the following terms shall have the meanings herein ascribed to them:

- A. Act. The Illinois Board of Fire and Police Commissioners Act, 65 ILCS 5/10-2.1-1 through 5/10-2.1-30, as amended from time to time.
- B. Banding. The process by which written examination scores for entry-level positions are divided by the Commission or its designee into groups or clusters of applicants pursuant to Subsection 5.2D of these Rules and Regulations. Each of these groups is known as a “band.”
- C. Board of Trustees. The Board of Trustees of the Village of Northbrook, Illinois.
- D. Charge. A written statement alleging just cause against the respondent for suspension, removal, discharge or demotion.
- E. Clear and Convincing Evidence. That evidence which, when fairly considered, produces an abiding conviction that the truth of the factual contentions is highly probable.
- F. Code. The Northbrook Municipal Code (1988), as amended.
- G. Commission. The Board of Fire and Police Commissioners of the Village.
- H. Complainant. The person who files a charge under this Chapter.
- I. Day. One calendar day.
- J. Departments. The Fire Department and the Police Department.
- K. Filing. Presenting a document to the Commission by delivery to the Secretary personally, or by delivery to the Office of the Village Manager addressed to the attention of the Commission, or by mailing by regular mail to the office of the Commission. In the case of filing by mail, the date of filing shall be deemed to be the second day following the date of mailing, unless said second day be a Saturday, Sunday, or federal or state legal holiday, in which event the date of filing shall be the first regular business day following said Saturday, Sunday, or legal holiday.
- L. Fire Chief. The Chief of the Fire Department.

- M. Fire Department. The Fire Department of the Village.
- N. Just Cause. Some substantial shortcoming on the part of a member of the Fire Department or Police Department that renders his or her continued employment in the Fire Department or Police Department in some way detrimental to the discipline and efficiency of the public service rendered by the Fire Department or Police Department and something that the law and sound public opinion recognize as cause for the member to no longer occupy his or her position. Without in any manner limiting the foregoing, “just cause” shall include but not be limited to the following:
1. the existence of, or discovery of, any fact that would have required disqualification from original appointment; or
  2. non-disclosure of any fact that, if disclosed, would have constituted a ground for disqualification from original appointment; or
  3. the making of a false statement, oral or written, of a material fact in connection with original appointment that could have substantially affected the decision to appoint the applicant; or
  4. an act or occurrence, after appointment, that would have required disqualification from original appointment, or could have constituted ground for disqualification from original appointment; or
  5. any violation of any federal, state, or municipal law affecting the member’s ability or qualifications to continue in the performance of his or her duties; or
  6. incompetence, nonfeasance, misfeasance, or malfeasance in office; or
  7. failure to maintain required certifications or licenses for the position held; or
  8. failure to qualify for the pension fund for the Department in which he holds a position; or
  9. violation of a rule or regulation of the Fire Department or Police Department.
- O. Managerial Positions. All persons appointed by the Fire Chief above the rank of Lieutenant pursuant to Section 12-31(b) of the Code and all persons appointed by the Police Chief above the rank of Sergeant pursuant to Section 20-21(c) of the Code.
- P. Member. Any person holding a permanent, sworn position in the Fire Department or the Police Department, except the Fire Chief and the Police Chief and the Managerial Positions.

- Q. Officer. Any person holding a permanent office in the Police Department or Fire Department except as otherwise specifically set forth herein.
- R. Open Meetings Act. The Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.*
- S. Parties. The complainant and the respondent.
- T. Police Chief. The Chief of the Police Department.
- U. Police Department. The Police Department of the Village.
- V. Respondent. A member of the Fire Department or Police Department against whom a charge is filed.
- W. Rules and Regulations. These Rules and Regulations of the Commission.
- X. Secretary. The Secretary of the Commission or a person designated by the Secretary to perform some or all of the administrative and clerical duties of the Secretary.
- Y. Service. The presentation by a party to the other party, or by the Commission to a party, of any document by personal delivery to the other party or by mailing by United States mail in an envelope properly addressed, with postage prepaid, to the last known address of such other party, together with a written certificate of service. In the case of service by mail, the date of service shall be deemed to be the second day following the date of mailing, unless said second day be a Saturday, Sunday, or federal or state legal holiday, in which event the date of service shall be the first regular business day following said Saturday, Sunday, or legal holiday.
- Z. Village. The Village of Northbrook, Illinois.
- AA. Village Board. The Board of Trustees of the Village of Northbrook, Illinois.
- BB. Village Manager. The Village Manager of the Village.
- CC. Village President. The Village President of the Village.

## **Section 16.2          Grammar Rules.**

Throughout these Rules and Regulations, all nouns and pronouns shall include both masculine and feminine genders and all forms of words shall include both singular and plural meanings.