

VILLAGE OF LIBERTYVILLE
STATE OF ILLINOIS



RULES AND REGULATIONS
OF THE LIBERTYVILLE
BOARD OF FIRE AND POLICE COMMISSIONERS

LIBERTYVILLE BOARD OF FIRE AND POLICE COMMISSIONERS
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Amended January XX, 2023

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VILLAGE OF LIBERTYVILLE
STATE OF ILLINOIS

LIBERTYVILLE BOARD OF FIRE AND POLICE COMMISSIONERS
RULES AND REGULATIONS

As amended and adopted by the Board of Fire and Police Commissioners
Of the Village of Libertyville, Illinois effective January XX, 2023.

CHAPTER I: ADMINISTRATION

Section 1: SOURCE OF AUTHORITY

The Board of Fire and Police Commissioners of the Village of Libertyville, Illinois derives its power and authority from an Act of the General Assembly entitled “Division 2.1 Board of Fire and Police Commissioners”, of Chapter 65 of the Illinois Compiled Statutes.

Section 2: DEFINITIONS

For the purpose 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 et seq.
- b) Board of Commission, the Commissioners, or BFPC. The Board of Fire and Police Commissioners of the Village of Libertyville.
- c) Board of Trustees. The Board of Trustees of the Village of Libertyville.
- d) Chiefs. The Chief of the Libertyville Fire Department and the Chief of the Libertyville Police Department.
- e) Deputy Chiefs. The Deputy Chief of the Libertyville Fire Department and the Deputy Chief of the Libertyville Police Department.
- f) Departments. The Fire Department and the Police Department of the Village of Libertyville.
- g) Member. Any person holding a permanent, sworn office in either of the Departments, except the Chiefs.
- h) Village. The Village of Libertyville, Illinois.

The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural includes the singular.

Section 3 OFFICERS OF BOARD AND THEIR DUTIES

- a) Elections: Duties. The Board of Commissioners shall annually, elect a Chairperson and a Secretary to serve for that fiscal year. Commissioners shall hold offices for three years and until their successors are duly appointed and qualified. The Chairperson shall be the presiding officer at all meetings. The Secretary shall keep the minutes of all meetings of the Commissioners in a permanent record book and shall be the custodian of all the forms, papers, books, records, and completed examinations of the BFPC.
- b) Appointment Authority. The Commissioners shall appoint all members of the Fire and Police Departments except for the ranks of Chief and Deputy Chief. No appointment shall be made to any position until after authorization for such appointment has been granted by the Board of Trustees. The Commissioners shall not make appointments to or designations of duty assignments. The Chiefs shall be appointed by the Village President with the consent of the Board of Trustees.

Section 4 MEETINGS

- a) Regular Meetings. Regular meetings shall be held at such times as the Commissioners may determine. Meetings shall be conducted in accordance with the provisions of the Illinois Open Meetings Act, Illinois Compiled Statutes, Chapter 5, 120/1-120/5.
- b) Special Meetings. A special meeting may be called by the filing of a notice in writing with the Secretary of the BFPC, signed by the Chairperson or by any two members. This notice shall contain an agenda to be submitted for the consideration of the Commissioners at such special meeting and shall set forth the time and place of such special meeting, and no other business shall be considered at such special meeting.
- c) Public Notice of Special Meeting. Meetings shall be posted forty-eight (48) hours prior to convening, called by the filing of a notice in writing with the Secretary of the BFPC and signed by the Chairman of the BFPC or any two members thereof. This notice shall contain a brief statement of the business to be submitted for the consideration of the Commissioners at such special meetings, and shall set forth the time and place of such special meeting, and no other business shall be considered at such special meeting unless by unanimous consent of the Commissioners.
- d) If a member is unable to be physically present at a meeting of the BFPC, whether it be for health related reasons, the need to conduct personal business or the business of the BFPC, or due to a personal or family emergency, that member may attend and participate at a BFPC meeting by telephonic or other electronic means provided that a quorum of the BFPC's members are physically present at the meeting and vote to approve the attendance of the missing member(s) by way of telephonic or other electronic means. The minutes of the meeting shall reflect, by name, those members of the BFPC who are

physically present as well as those attending by telephonic or other electronic means. Notice that a Commissioner will be in attendance and participating at a BFPC meeting, not in person but electronically, shall be provided to the BFPC's recording secretary or the municipal clerk at least 48 hours prior to the scheduled meeting.

- e) The agenda for a "Regular Meeting" shall allow for an "Open Forum" to permit individuals to appear before and address their concerns to the members of the Commission. The Commission may limit those individuals appearing during the open forum to a presentation not to exceed three (3) minutes and may require an individual to be seated if the individual addresses those present in a disrespectful or discourteous manner or the subject matter being presented is not relevant to the duties and responsibilities of the Fire and Police Commission.
- f) When authorized by Illinois law, the Fire and Police Commission may hold meetings via remote technology.

Section 5 QUORUM

Two members of the BFPC shall constitute a quorum for the conduct of all business.

Section 6 ORDER OF BUSINESS

The order of business at any meeting shall be:

- a) Call to Order
- b) Roll Call
- c) Public Forum (Citizen Comments)
- d) Approval of Minutes
- e) Correspondence
- f) Old Business
- g) New Business
- h) Executive (Closed) Session
- i) Adjournment

Section 7 PARLIAMENTARY PROCEDURE

The parliamentary procedures prescribed in the most recently revised edition of Robert's "Rules of Order" shall be followed as far as applicable.

Section 8 ANNUAL REPORTS AND BUDGET REQUESTS

The BFPC shall submit, prior to the end of the Village's fiscal year, an Annual Report of its activities as required by Section 5/10-2.1-19 of the Act. Such report shall include (1) a report of the BFPC's activities, rules in force, and practical effect thereof; (2) any suggestions of the

BFPC that would result in greater efficiency in the Fire and Police Department; and (3) an annual budget request to the corporate authorities.

Section 9 AMENDMENTS TO RULES

Amendments to these Rules and Regulations may be made at any meeting of the Commissioners. All amendments shall forthwith be printed for distribution and notice shall be given of the place or places where such rules may be obtained. Such notices shall be published in either a newspaper published in the Village, Village Website, or, if none, of general circulation in the Village. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication, when the amended rules shall go into operation.

CHAPTER II: APPLICATIONS

Section 1 CITIZENSHIP – RESIDENCE

If required by Village Ordinance, applicants for examination for a position in either Department must be limited to the registered electors of the United States.

Section 2 APPLICATION DOCUMENTS

Applications for a position with a Department shall be filed on forms furnished by the BFPC, and applicants must comply with the requirement of said forms in every respect. Applications must be filed with the BFPC in a timely manner prior to taking examination.

The applicant shall furnish with his application, a copy of his Military Service Records, Discharge Papers, Social Security Card, Birth Certificate, High School Diploma or G.E.D. Certificate, a copy of his College or University Degree, and if requested, a copy of a certified transcript of his course work from an accredited College or University.

Every applicant must be of good moral character, of temperate habits, of sound health, and must be physically able to perform the duties of the position applied for. The burden of establishing these facts rests upon the applicant.

A false statement knowingly made by a person in an application for examination, connivance in any false statement made in any certificate that may accompany such application, or complicity in any fraud touching any examination shall be regarded as good cause for exclusion from the examination.

The Commissioners may elect to participate in a testing consortium in which event the procedures of the consortium shall be followed.

The Commissioners may refuse to examine an applicant or, after examination, refuse to certify him or her as eligible:

- a) Who is found lacking in any of the established preliminary requirements for the service for which he or she applies;
- b) Who is currently using narcotics or drugs or who is addicted to the use of narcotics, drugs, or intoxicating beverages and is not currently in a rehabilitation program for such addiction;
- c) Who has been convicted of a felony, or any crime involving moral turpitude, or any misdemeanor described in Section 10-2.1-6 of the Act;
- d) Who has been dismissed from any public service for good cause;
- e) Who has attempted to practice any deception or fraud in his or her application;
- f) Who has failed, or failed to complete any element of the application process or the examination process.
- g) Who does not possess a high school education or its equivalent;
- h) Who is unable to for any reason comply with or adhere to the Departments General Orders, or, to perform the essential job functions of duties of the position to which the applicant seeks appointment, with or without reasonable accommodation;
- i) Who has applied for a position as a police officer and is or has been classified by his or her Local Selective Service Draft Board as a conscientious objector;
- j) Who has applied for a position as a firefighter and is not currently licensed as an emergency medical technician – basic (EMT-B) by the State of Illinois;
- k) Who has applied for a position as a firefighter and is not currently certified as a Firefighter II by the Office of the Illinois State Fire Marshal; and

Any applicant deemed disqualified hereunder shall be notified by the Commissioners and, upon written request made by the applicant within five days after the giving of such notice, shall be given the opportunity to be heard.

Section 4 DEFECTIVE APPLICATIONS

It is the responsibility of the applicant to submit a properly completed application. A defective application shall be grounds for disqualification.

Section 5 SPECIAL QUALIFICATIONS

If the application for examination for a position requires special qualification, then the Commissioners may require evidence of special training or practical experience.

Section 6 PHYSICAL AND MEDICAL EXAMINATION

Applicants for original appointment shall be required to submit, in addition to other examination elements, to a physical and medical examination by a licensed Physician approved by the Commissioners.

Section 7 AGE REQUIREMENTS

Applicants shall be under 35 years of age at the time of application and at such time as the final eligibility list is posted, unless exempt from such age limitations as provided in Section 5/10-2.1-6 of the Fire and Police Commissioner's Act. Applicants must be 21 years of age at the time of appointment. Proof of birth date will be required at time of application.

Section 8 NOTICE OF ACCEPTANCE

The Secretary will notify each applicant whose application has been accepted by the Commissioners to present himself or herself for examination.

Section 9 RELEASE OF LIABILITY

All applicants shall execute and deliver to the Commissioners a release of all liability as the result of participating in the examination in favor of the Village on a form approved by the Commissioners.

CHAPTER III: ENTRY LEVEL EXAMINATIONS AND LATERAL HIRING

Section 1 EXAMINATION CALLS – POLICE

The Commissioners shall call police examinations to create registers of eligibles for the entry level and to conduct hiring for lateral positions in the Departments.

Section 1.2 NOTICE OF EXAMINATIONS FOR ENTRY LEVEL POSITIONS

Examinations for entry level positions shall be held at the call of, and on the dates fixed by, the Commissioners and advertised in a local paper or police focused website or periodical, or Village website in accordance with the Act. Examinations may be postponed by order of the Commissioners, which order shall state the reason for such postponement and shall designate a new date for said examination. Applicants shall be notified of the postponement of any examination and the new date fixed for said examination.

The Commissioners may elect to participate in a testing consortium in which event, the procedures of the consortium shall be followed.

Section 1.3 SUBJECT MATTER OF EXAMINATIONS

The subject matter of each examination element shall be such as will fairly test the capacity of the applicant to discharge the duties of the position to which the applicant seeks appointment.

Section 1.4 EXAMINATION ELEMENTS

Examinations will be held by the Commissioners or by agents or consultants directed by the Commissioners. The minimum passing grade for the elements of an examination may be established on an examination-by-examination basis, but shall be established for a particular examination in advance of the administration of the first element of that examination. Failure to achieve the minimum passing grade for any element of the examination shall disqualify the applicant from any further participation in the examination process. Examinations shall include the following elements:

| | <u>Minimum Required Grade</u> |
|---|-------------------------------|
| • Written Test (70% of total score) | to be determined |
| • Oral Test (30 percent of total score) | to be determined |
| • Physical Agility Test | Pass/Fail |
| • Detailed Character and Background Investigation | Pass/Fail |
| • Polygraph | Pass/Fail |

Conditional Offer of Employment

| | |
|-----------------------------|-----------------------------|
| • Psychological Examination | Recommended/Not Recommended |
| • Medical Examination | Qualified/Not Qualified |

Section 1.5 WRITTEN TEST

Each applicant for an entry level position who has successfully passed all prior elements of the examination shall submit himself or herself for a written test. The written test shall be conducted by the Commissioners or by such person(s) as the Commissioners may designate. The written test shall be graded by the Secretary or his or her designee, and the results shall be submitted to the Commissioners. All test papers and scores shall be and become the property of the Commissioners and any entity assisting the Commissioners with the test and the grading thereof by the Commissioners shall be final and conclusive and shall not be subject to review by any other board or tribunal of any kind or description. Candidates who fail to achieve a passing score will be notified and eliminated from all further consideration. The Commissioners, at their discretion, may provide for the written examination to be conducted by an outside testing agency or vendor.

Section 1.6 ORAL TEST

Each applicant for an entry level position who has successfully passed all prior elements of the examination shall submit himself or herself for an oral test when so directed by the Commissioners.

All Commissioners shall participate in the Oral Examination except wherein one Commissioner is absent due to illness or when matters of an emergency nature preclude his attendance. In no event shall less than a majority of the Commissioners conduct the Oral. The Commissioners may invite representatives from the Police Department to participate in conducting the Oral Examination and the grading of the Oral Examination. Questions shall be asked of the Candidate that will enable the Commissioners to properly evaluate and grade the Candidate on speech, alertness, ability to communicate, judgment, emotional stability, self-confidence, social skill, and general fitness for the position. On completion of each Oral Examination, the Commissioners will discuss the Candidate's abilities using the traits listed above. Candidates who fail to successfully complete the Oral Examination will be notified and eliminated from all further consideration. Notwithstanding anything to the contrary herein, the Commissioners, at their discretion may provide for the oral examination to be conducted by an outside testing agency or testing vendor.

Section 1.7 PHYSICAL AGILITY TEST

Each applicant shall submit himself or herself for a physical agility test to be conducted by the Commissioners or such person(s) as the Commissioners may designate. If required, each applicant appearing for such test shall present an executed physician's certificate, dated not earlier than six months in advance of such test, stating that he or she is physically capable of participating in a strenuous physical agility test. In lieu of conducting a physical ability test in-house, the Commissioners may require that police officer applicants provide proof of successful completion of a designated physical ability test, as offered by an external resource, within six (6) months prior to the date of the written exam.

Section 1.8 POLYGRAPH – POLICE OFFICER

Each applicant for an entry level position who has successfully passed all prior elements of an examination shall submit himself or herself, when so directed by the Commissioners, for a polygraph examination to be given by a qualified examiner selected by the Commissioners. Such examination shall be given solely to determine an applicant's eligibility for the position of Police Officer as described in the Act.

Section 1.9 DETAILED CHARACTER AND BACKGROUND INVESTIGATION

The Commissioners shall cause a detailed character and background investigation to be made into the personal background of each applicant who has successfully passed all prior elements of the examination. The investigation shall review the applicant's employment history, references, educational background, credit history, litigation history, military records, driving record, neighborhood and community standing and service, and such other data and information pertinent to a proper review and analysis of the applicant. The candidate may be called before the Commission to address areas of potential concern that are discovered during the detailed character and background investigation.

Section 1.10 MEDICAL EXAMINATION

Each applicant for an entry level position who has successfully passed all prior elements of the examination shall submit himself or herself, when so directed by the Commissioners, for a medical examination, including a vision examination and drug screening, by a licensed Physician approved by the Commissioners for the purpose of determining fitness for, and physical ability to perform all of the essential functions and duties of the position for which he or she is applying. The medical examination shall be deferred until after a conditional offer of employment has been made. If the medical examination reveals a condition that would prevent the eligible applicant from performing essential job functions or duties of the position for which he or she is being considered, with or without reasonable accommodation, the Commissioners shall withdraw the conditional offer of employment. The drug screening shall include screening for marijuana use.

The results of the examination shall be submitted to the Commissioners for evaluation. A positive result on a confirmatory drug screening test shall be a sufficient basis for a determination by the Commissioners that an applicant has failed the medical examination. 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 a vision examination to determine if his or her vision meets such standards. Each applicant shall be responsible for advising the Commissioners of any changes in his or her physical condition subsequent to the medical examination. The Commissioners may, at their discretion, require an applicant to submit to a follow-up medical examination prior to appointment to a position.

Section 1.11 PSYCHOLOGICAL EXAMINATION

Each applicant for an entry level position who has successfully passed all prior elements of the examination shall submit himself or herself, when so directed by the Commissioners, for a

psychological examination to be given by a qualified examiner approved by the Commissioners. Such examination shall be given solely to determine an applicant's suitability for the position for which he or she is applying. The psychological examination shall be deferred until after a conditional offer of employment has been made.

The examiner shall prepare and submit a report of the examination to the Commissioners for its evaluation.

If so directed by the Commissioners, each applicant shall submit himself or herself as part of the psychological examination, to a performance potential assessment conducted by a qualified examiner selected by the Commissioners. Each applicant shall be examined to determine whether he or she possesses the judgment, composure, self-confidence, leadership, and other personality traits necessary or desirable for the position for which he or she is applying. The examiner shall prepare and submit a report of the examination to the Commissioners for evaluation. If the psychological examination reveals a condition that would prevent the eligible applicant from performing essential job functions or duties of the position for which he or she is being considered, with or without reasonable accommodation, the Commissioners shall withdraw the conditional offer of employment.

Section 1.12 EXAMINATION AND SELECTION PROCESS FOR LATERAL APPOINTMENT

Section 1.12.1 Purpose and Applicability. The Commissioners may test for lateral appointments on an "as-needed" basis. In such case, the Board will only extend conditional offers of employment to the most qualified candidates at the time a vacancy or vacancies exist, and will not establish a Register of Eligibles amongst those candidates who are not given conditional offers of employment. Such candidates not selected may apply when and if there is another call for applicants for lateral hire testing.

Section 1.12.1 General Qualifications. Applicants for a lateral appointment must meet the minimum requirements for applicants as set forth in Chapter II of these Rules, must be certified by the Illinois Law Enforcement Training Standards Board, and must have been with their respective law enforcement agency within the State for at least two years. Applicants for lateral appointment may be older than age 35 provided, however, that if the Village adopts a mandatory retirement age for the police department, lateral candidates must be below the mandatory retirement age at the time of their appointment.

Section 1.12.2 Initial Assessment of Applications. All applications for lateral appointment will be filed with the Secretary (or the Secretary's designee) and forwarded to the Police Chief. The Police Chief (or the Chief's designee) will review the applications to identify applicants having the requisite knowledge, skills, abilities, or level of experience identified in the call for qualified lateral appointment candidates. Those applicants having the requisite knowledge, skills, abilities, or level of experience (and, depending on the number of applicants with such knowledge, skills, abilities,

or level of experience, appearing to be the most qualified applicants) will be requested to appear for a pre-screening review.

Section 1.12.3 Pre-Screening Review. Those applicants who have been requested to attend a pre-screening interview will undergo a pre-screening review performed by the Police Chief or the Chief's designee(s). The pre-screening review will consist of a structured interview, preliminary background investigation, and an assessment of the knowledge, skills, abilities, and level of experience, education, and training.

1. Structured Interview.

- a. A staff interview panel comprised of two members of the Senior Administrative Staff of the Police Department, which may also include an administrative representative from the Village Administrator's office, will be selected by the Police Chief to conduct the structured interview.
- b. Interview questions will enable the staff interview panel to evaluate the applicant's knowledge, skills, abilities, and level of experience, education, and training, as well as the previous duties of the applicant. A set of initial questions will be developed, maintained, and utilized for all staff interview panels in connection with a call for lateral appointment, although follow-up questions may be asked to clarify any responses, or to better assess the application or resume of the candidate.
- c. Following the conclusion of the interview, the staff interview panel will assess the applicant's qualifications in light of the particular knowledge, skills, abilities, and level of experience needed for the position to be filled. The staff interview panel will grade each such applicant and recommend either "Immediately Recommended for Oral Interview" or "Not Recommended at This Time."

2. Preliminary Background Investigation.

- a. Those applicants that are rated "Immediately Recommended for Oral Interview" will be asked to provide further evidence of their background and work history, as well as their knowledge, skills, abilities, and experience. Requested evidence may include without limitation the applicant's birth certificate, high school and college diplomas, training certificates, military discharge papers, resume, documents confirming work experience, work record, and employee evaluations.

- b. The Police Chief (or the Police Chief's designee) will conduct a preliminary background investigation of the applicant prior to the applicant being presented to the Commissioners for an oral interview.
3. Section 1.12.4. Oral Interview Before the Commissioners.
 1. An applicant for a lateral appointment who has successfully completed the pre-screening review shall be interviewed by one or more members of the BFPC and the Police Chief (or the Police Chief's designee). This oral interview will involve questions intended to assist the Commissioners in evaluating the applicant's qualifications, training, and previous experience as they pertain to the duties of the position sought.
 2. Following the oral interview, the Commissioners and Police Chief will discuss the applicant's qualifications, training, and previous experience as they pertain to the duties of the position sought.
 3. Following the oral interview and discussion of the interviewers, the Police Chief will provide the Commissioners with a recommendation of the applicant.
 4. Based on the oral interview and the recommendation of the Police Chief, the Commissioners will grade the applicant on a pass-fail basis and rank all applicants in order of relative excellence.

Section 1.13 INITIAL ELIGIBILITY REGISTER – ENTRY LEVEL POLICE OFFICER

- a) The Commissioners will prepare an “Initial Eligibility Register” of the Candidates successfully completing the orientation, physical ability test (if any) and written test. Candidates shall be placed on the eligibility list in order of their relative excellence as determined by their test scores. The Candidates will be listed in order of excellence based on their final score.
- b) This register is subject to change with the addition of any claimed preference points as prescribed in 5/10-2.1-8 and 5/10-2.1-9(a) of the Act. Preference points will not be added to any candidate’s score if that candidate failed to obtain a minimum passing score. Candidates who are eligible for any preference points shall make a claim in writing with proof thereof within ten (10) days after the date of the first posting of the initial eligibility list or such claim shall be deemed waived.
- c) A dated copy of the Initial Eligibility Register, duly adjusted with preference points awarded shall be sent to each person appearing thereon.
- d) A candidate’s name shall be stricken from an initial eligibility register or a subsequent primary register after the name has been on the initial eligibility register for a period exceeding two (2) years.

Section 1.14 FINAL ELIGIBILITY REGISTER – ENTRY LEVEL POLICE OFFICER

- a) Final appointment for the Police Department shall be at the Commissioners' discretion from the names appearing on the "Final Eligibility Register" for entry level police officers, or using the alternative Lateral Hire process.
- b) For candidates to be hired from the Entry Level Police Officer Register, the Commissioners shall select a number of candidates (the number to be determined at the discretion of the Commissioners) from the top of the Initial Eligibility Register who shall be required to submit to an oral interview to be conducted by the Commissioners and, if successful, whose names will be included on the "Final Eligibility Register."
- c) For the Entry Level Register of Eligibles, the names of the applicants shall be placed upon the "Final Eligibility Register" in rank order, highest first. For the Entry Level Register of Eligibles, rank order shall be based upon the applicant's total cumulative score which shall be calculated as follows:
 - 1) Original written test score multiplied by 70%; and,
 - 2) Oral interview score multiplied by 30%.
- d) In the event a "Final Eligibility Register" is exhausted prior to the expiration of the "Initial Eligibility Register," the Commissioners may establish another "Final Eligibility Register" in accordance with subsection a) through c) above.
- e) Applicants shall be appointed from the Eligibility Register in descending order. Notwithstanding anything to the contrary contained within these rules and regulations, the Commissioners may, at their discretion, choose to appoint an applicant, for a police officer's position, 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 non-certified applicants.
- f) Appointment from the Final Eligibility Register is subject to satisfactorily passing or completing an in-depth psychological examination, a polygraph test, background investigation, and a thorough medical examination (which may include a test of the applicant's vision and hearing, a test for the presence of communicable diseases, as well as a test to screen for the use of drugs and/or narcotics.)

Section 1.15 AS-NEEDED HIRING, LATERAL POLICE OFFICERS

When lateral hiring testing is requested by the Chief of Police, lateral hire candidates will not be ranked on an eligibility list. At the conclusion of the testing process described in Section 1.12 above, the Commissioners will determine which candidate or candidates best meet the needs of the Department at the conclusion of the testing process. Those candidates will be offered conditional offers of employment if a vacancy or vacancies exist. Appointment as a lateral hire is subject to satisfactorily passing or completing an in-depth psychological examination, a polygraph test, background investigation, and a thorough medical examination (which may

include a test of the applicant's vision and hearing, a test for the presence of communicable diseases, as well as a test to screen for the use of drugs and/or narcotics.) The Village shall not establish a Register of Eligibles amongst those candidates who were not selected for conditional offers of employment. Any candidates not selected may apply when and if there is another call for entry level or lateral applicants. Nothing within these rules shall be construed to limit or restrict eligible lateral hire applicants from also applying as entry level new hires.

Section 2 EXAMINATION CALLS – FIRE

The Commissioners shall call examinations to create a Register of Eligibles for entry level positions in the Fire Department according to The Illinois Board of Fire and Police Commissioners Act (65 ILCS 5/10-2.1-1).

Section 2.1 NOTICE OF EXAMINATIONS FOR ENTRY LEVEL POSITIONS

Notice of examination for entry level firefighter/paramedic positions shall be held at the call of the Commission. Notice of the time, place, general scope, merit criteria for any subjective component, and fee of every examination shall be given by the Commission, by a publication at least 2 weeks preceding the examination: (1) in one or more newspapers published in the municipality, or if no newspaper is published therein, then in one or more newspapers within a general circulation within the municipality, or (2) on the municipality's Internet website. Additional notice of the examination may be given as the commission shall prescribe.

Eligible applicants include persons age 21 at the time of appointment, no person 35 years of age or older shall be eligible to take an examination for a position as a firefighter unless the person has had previous employment status as a firefighter in the regularly constituted fire department per the Act.

Section 2.2 SUBJECT MATTER OF EXAMINATIONS

Examination and qualifying standards for employment of firefighter/paramedic shall be based upon criteria established by the Act.

Section 2.3 EXAMINATION ELEMENTS

Examinations will be held by the Commissioners or by agents or consultants directed by the Commissioners. Examinations shall include the following elements.

| | |
|--|-------------------------|
| Orientation (If called for by the Commission) | Mandatory |
| Written Examination (subject to the validation requirements set forth in 65 ILCS /10-2.1-6.3) | Passing 70 % or Greater |
| Physical Ability Test | Pass/Fail |
| Preference Components | Assigned Pts |
| Oral Interview | 100 Point Scale |
| Background Investigation | Pass/Fail |
| Polygraph Examination | Pass/Fail |

Conditional Offer of Employment

Psychological Examination
Medical Examination

Recommended/Not Recommended
Qualified/Not Qualified

Section 2.4 PRELIMINARY ELIGIBILITY REGISTER

The Commissioners will prepare a “Preliminary Eligibility Register” of the Candidates who have, passed the written test, and have met the requirements set forth for physical ability test. Candidates shall be placed on the Preliminary Eligibility Register in the order of their relative excellence as determined by their written test scores.

Section 2.5 INITIAL ELIGIBILITY REGISTER

An Initial Eligibility Register will be established from applicants on the Preliminary Eligibility Register who have successfully passed the subjective Oral Examination.

- a) The Commissioners shall schedule oral interviews for all candidates on the Preliminary Eligibility Register such candidate shall be required to successfully submit to an oral interview to be administered by the Commissioners and, if successful, their names will be included on the “Initial Eligibility Register.”
- b) The names of the applicants shall be placed upon the “Initial Eligibility Register” in rank order, highest first. All scored examinations shall be based upon a scale of 1 to 100. Rank order shall be based upon the applicant’s total cumulative score which shall be calculated as follows:
 - 1) Original written test score multiplied by 70%; and,
 - 2) Oral interview score multiplied by 30%.

Section 2.6 FINAL ELIGIBILITY REGISTER

- a) Within ten (10) days after the posting of the Initial Eligibility Register, applicants whose names appear thereon shall make a claim for preference points. Failure to timely make a claim for preference points shall constitute a waiver thereof. Preference points shall be awarded as follows:
 - 1) Military Preference – 5 points. Awarded to applicants who have served a minimum of 12 months on active duty in the service of the U.S. Military and who have either been honorably discharged or, in lieu of an honorable discharge, are still serving in an active or inactive reserve status.
 - 2) Fire Cadet Training – None.

- 3) Education Preference – 5 points. Candidates must have an Associate’s Degree in Fire Science or Emergency Medical Services from an accredited Community or Junior College or a Bachelor’s Degree in any field from an accredited College of University.
 - 4) Paramedic Preference – 5 points. Applicants must be licensed as an EMT-P at the time of application for points.
 - 5) Experience Points – none. See additional preference below.
 - 6) Residency Points – none.
 - 7) Additional Points – none.
- b) Applicants shall be appointed from the Final Eligibility Register in descending order. Notwithstanding anything to the contrary contained herein, the Commission, at its discretion, may bypass a higher ranking candidate and appoint a lower ranking candidate if, in the Commission’s opinion, the lower ranking candidate is more qualified for the position and that candidate’s name appears within the top 5% of the names remaining on the register or, if there is less than 100 names remaining on the register, the applicant’s name is within the top 5 names remaining on the register.
 - c) Appointment from the Final Eligibility Register is subject to satisfactorily passing or completing an in-depth psychological examination, a polygraph test, background investigation, and a thorough medical examination (which may include a test of the applicant’s vision and hearing, a test for the presence of communicable diseases, as well as a test to screen for the use of drugs and/or narcotics.) A conditional offer of employment shall be made prior to an applicant submitting to the in-depth psychological examination and the medical exam.
 - d) In the event a “Final Eligibility Register” is exhausted prior to the expiration of the “Initial Eligibility Register”, the Commissioners may establish another “Final Eligibility Register” in accordance with Section 2.5 above. Names will be stricken from the “Final Eligibility Register” and the Initial Eligibility Register after the names have appeared on the original “Initial Eligibility Register” in excess of two years.

Section 2.7 WRITTEN TEST

Each applicant for entry level position shall submit himself or herself for a written test. The written test shall be conducted by the Commissioners or by such person as the Commissioners may designate. The written test shall be graded by the testing company or designee, and the results shall be submitted to the Commissioners. All test papers and scores shall be and become the property of the BFPC and any entity assisting the BFPC with the test, and grading thereof by the Commissioners shall be final and conclusive and shall not be subject to review by any other board or tribunal of any kind or description.

Section 2.8 PHYSICAL AGILITY TEST

All candidates shall be required to undergo an examination of their physical ability to perform the essential functions included in the duties they may be called upon to perform as a member of the fire department. These examinations shall be open, competitive, and based on industry standards designed to test each applicant's physical abilities according to the Act. If the CPAT is used and the card is expired at the time of, application the candidate will be required to recertify.

Section 2.9 ORAL TEST

Each applicant for an entry level position who has successfully passed all prior elements of the examination shall submit himself or herself for an oral test when so directed by the Commissioners.

All Commissioners shall participate in the Oral Examination except wherein one Commissioner is absent due to illness or when matters of an emergency nature preclude his attendance. In no event shall less than a majority of the Commissioners conduct the Oral Examination. The Commissioners may invite representatives from the Fire Department to participate in conducting the Oral Examination and the grading of the Oral Examination. Questions shall be asked of the Candidates that will enable the Commissioners to properly evaluate and grade the Candidate on speech, alertness, ability to communicate, judgment, emotional stability, self-confidence, social skill, and general fitness for the position. On completion of each Oral Examination, the Commissioners will discuss the Candidate's abilities using the traits listed above. Candidates who fail to successfully complete the Oral Examination will be notified and eliminated from all further consideration. Notwithstanding anything to the contrary herein, the BFPC, at its discretion may provide for the oral examination to be conducted by an outside testing agency or testing vendor.

Section 2.10 DETAILED CHARACTER AND BACKGROUND INVESTIGATION

The Commissioners shall cause a detailed character and background investigation to be made into the personal background of each applicant who has successfully passed all prior elements of the examination and to whom are posted on the final register of eligibles. The investigation shall review the applicant's employment history, references, education 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 analysis of the applicant. The detailed character and background investigation shall be administered prior to a candidate sitting for a psychological and medical examination. The candidate may be called before the Commission to address areas of potential concern that are discovered during the detailed character and background investigation.

Section 2.11 POLYGRAPH EXAMINATION

Each applicant for an entry level position who has successfully passed all prior elements of the examination shall submit himself or herself, when so directed by the Commissioners, for a polygraph examination to be given by a qualified examiner approved by the Commissioners.

Such examination shall be given solely to determine an applicant's eligibility for the position of firefighter as described in the Act.

Section 2.12 PSYCHOLOGICAL EXAMINATION

Each applicant for an entry level position who has successfully passed all prior elements of the examination shall submit himself or herself, when so directed by the Commissioners, for a psychological examination to be given by a qualified examiner who is approved by the Commissioners. Such examination shall be given solely to determine an applicant's suitability for the position for which he or she is applying. The psychological examination shall be deferred until after a conditional offer of employment has been made.

Each applicant shall submit himself or herself, as part of the psychological examination, to a performance potential assessment conducted by the qualified examiner selected by the Commissioners. Each applicant shall be examined to determine whether he or she possesses the judgment, composure, self-confidence, leadership, and other personality traits necessary or desirable for the position for which he or she is applying. The examiner shall prepare and submit a report of the examination to the Commissioners for evaluation.

Section 2.13 MEDICAL EXAMINATION

Each applicant for an entry level position who has successfully passed all prior elements of the examination shall submit himself or herself, when so directed by the Commissioners, for a medical examination, including a vision examination and drug screening, by a licensed physician approved by the Commissioners for the purpose of determining fitness for, and physical ability to perform, all of the duties of the position for which he or she is applying. The medical examination shall be deferred until after a conditional offer of employment has been made.

The results of the examination shall be submitted to the Commissioners for evaluation. A positive result on a confirmatory drug screening test shall be a sufficient basis for a determination by the Commissioners that an applicant has failed the medical examination. The drug screening shall include screening for marijuana use. 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 Commissioners of any changes in his or her physical condition subsequent to the medical examination. The BFPC may, at its discretion, require an applicant to submit to a follow-up medical examination prior to appointment to a position.

CHAPTER IV: ELIGIBILITY LIST AND REGISTERS OF ELIGIBLES

Section 1 ESTABLISHMENT OF REGISTER OF ELIGIBLES

The appointing authority shall establish and maintain a Register of Eligibles for each rank within the Departments, except for the positions of Fire Chief, Police Chief, Deputy Fire Chief and Deputy Police Chief. A Register of Eligibles shall rank all applicants who have passed all

examinations for the stated rank in order of their relative excellence as determined by examination and preferences, and merit and seniority in the case of promotional positions, but without reference to priority of time of examination. In the event of tie scores, priority in time of filing applications shall determine rank.

In the Fire Department, promotional testing for the rank of Lieutenant and Assistant Chief shall be administered according to the current Firefighters Collective Bargaining Agreement.

Section 2 INITIAL RANKING

Within 60 days after all applicants have completed such element as are administered for an examination, the appointing authority shall prepare and post a register of the applicants who passed all of said elements, ranking the applicants in order of their relative excellence as determined by the numerical scores, and BFPC evaluations achieved by each applicant pursuant to these Rules and Regulations.

Section 3 PREFERENCE CLAIMS

Within 10 days after posting of the list, applicants who may claim a preference under Section 10-2.1-8 or 10-2.1-9 of the Act for military service, or for certain study or service as a firefighter or paramedic, or for two years of formal police cadet training within a cadet training program established by written regulations under the rules of an Illinois Fire and Police Commission, shall make their claims or they shall be deemed waived. Evidence of qualification for such preference must accompany the claim. After receipt of a valid claim of preference from an applicant for an entry level position, the Secretary shall add such additional points to that applicant's examination score as are required by the Act. After receipt of a valid claim of preference from an applicant for a promotional position, the Secretary shall add 7/10 of one point to the applicant's examination score for each six months or fraction thereof a military service, not exceeding 30 months; provided, however, that no person shall receive promotional military preference after he or she has once received a promotion during his or her employment by the Departments from a Register of Eligibles on which he or she was allowed such preference, unless otherwise required by law.

Section 4 ADJUSTED RANKING; CONDITIONAL REGISTER OF ELIGIBLES

After preference additions have been completed, the Secretary shall re-rank the applicants on the eligibility list according to their scores and evaluations, and the applicants' order of eligibility as thereafter determined shall be the basis for placement of such applicants on a conditional Register of Eligibles. The conditional Register of Eligibles shall state the elements of the examination remaining to be administered and shall indicate those applicants to whom the oral test has been administered.

Section 5 CONDITIONAL NATURE OF ADJUSTED RANKINGS

The rankings of the applicants placed on the conditional Register of Eligibles are subject to change based on the performance of the applicants on the final elements of the examination at

the time that they are administered. Any applicant's position on the conditional Register of Eligibles may be different from the applicant's position on the final Register of Eligibles, including among other consequences the possibility that an applicant may be removed from the Register of Eligibles if he or she does not successfully complete any examination element.

Section 6 FINAL REGISTER OF ELIGIBLES

After all examination elements are administered and a final order of eligibility is established, the Secretary shall integrate applicants from the Initial Eligibility Register into the Final Register of Eligibles for the position for which the examination was called. Applicants who have successfully completed all administered elements of the examination shall be ranked on that Register of Eligibles in the order of their relative excellence as determined by performance on all elements of examination and allowable preference points, but without reference to priority of time of examination.

Section 7 REMOVAL OF NAMES FROM ENTRY LEVEL REGISTER OF ELIGIBLES

The Secretary shall strike from either the conditional Register of Eligibles or the final Register of Eligibles for an entry level rank the name of:

- a) Any applicant who may be disqualified pursuant to Chapter II, Section 3 of these Rules and Regulations; and
- b) Any applicant who has been on that Register of Eligibles for more than two years; and
- c) Any applicant who ceases to meet the qualifications for the rank to be filled from that Register of Eligibles; and
- d) Any applicant who fails to accept, in writing signed by the applicant, the position within the time set by the Commissioners for acceptance, except as otherwise provide in these Rules and Regulations.

Section 8 REMOVAL OF NAMES FROM PROMOTIONAL REGISTER OF ELIGIBLES

The Secretary shall strike from either the conditional Register of Eligibles or the final Register of Eligibles for a promotional rank the name of:

- a) Any applicant who may be disqualified pursuant to these Rules and Regulations; and
- b) Any applicant who has been on that Register of Eligibles for more than three years, provided there is no vacancy existing that can be filled from that Register of Eligibles; and
- c) Any applicant who ceases to meet the qualifications for the rank to be filled from that Register of Eligibles; and

- d) Any applicant who fails to accept, in writing signed by the applicant, the position within the time set by the Commissioners for acceptance, except as otherwise provided in these Rules and Regulations.

CHAPTER V: APPOINTMENTS

Section 1 ORDER OF APPOINTMENT

All vacancies in the Fire and Police Departments, with the exception of Chief and Deputy Chief, shall be filled by individuals from the final Register of Eligibles in the order in which their names appear on the register and having met all requirements previously listed provided, however, that the Commissioners may bypass the highest ranking individual when allowed by law.

Section 2 ACCEPTANCE OR WAIVER OF APPOINTMENT

A Fire or Police applicant must accept in writing any appointment within the time set by the Commissioners at the time the conditional offer of appointment is made. However, an applicant may, within seven days after mailing or electronic notification of notice of his or her conditional offer of appointment, request a waiver of the right to appointment in writing signed by the applicant. Such waiver request shall include a statement of the reasons therefore and a request that the Commissioners retain the applicant's name on the Register of Eligibles. The Commissioners shall notify the applicant of the receipt of the request and then fill the vacancy pursuant to the procedures of Section of this Chapter. If, no request for waiver or response to the notice of appointment is received within the above prescribed time, then the Commissioners shall strike the applicant's name from the Register of Eligibles and shall fill the vacancy pursuant to Section 1 of this Chapter V. Any candidate may pass on an appointment once without losing his or her position on the register of eligibles. Any candidate who passes a second time may be removed from the register by the appointing authority provided that such action shall not prejudice a person's opportunities to participate in future examinations per the Act. The Commissioners may approve no more than one waiver for an applicant unless the waiver is the result of a candidate's protected military leave.

Section 3 PROBATIONARY PERIOD

- a) Police Department. Refer to the Police Officers Collective Bargaining Agreement with FOP Lodge 33 or any successor bargaining representative.
- b) Fire Department. Refer to the Firefighter Collective Bargaining Agreement with IAFF Local 3892 or any successor bargaining representative.
- c) No Vested Right. During any probationary period, the appointee shall not be deemed to have any vested, property, or other rights or interests in his or her employment with the Village, and nothing in this Chapter V or in the other provisions of these rules and regulations shall be construed as creating any such right or interest. A probationary employee may be summarily discharged by the Police or Fire Chief without resort to the

filing of charges with the Commissioners. A probationary employee shall have no right to appeal disciplinary decisions to the Commissioners.

Section 4 PENSION FUND

All appointees shall become members of the applicable pension fund as provided and permitted by law.

CHAPTER VI: PROMOTIONAL EXAMINATIONS

Section 1 GENERAL – POLICE

The Commissioners shall provide for promotion in the fire and police departments on the basis of ascertained merit, seniority in service, and examination, and shall provide in all cases where practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank who meet all qualifications for the promotional examination and who desire to submit themselves to such examination and all promotions shall be made from among the three members having the highest rating.

All candidates shall take written and oral tests and shall be rated according to merit and efficiency. To be eligible for further evaluation, each candidate shall be required to pass the written (70% or better) and oral tests. In computing final grades, the portions of the testing procedure shall be weighted as follows, and credit shall be added and applied as prescribed by statute:

- Written Test 35%
- Oral Test 30%
- Merit and Efficiency Rating 30%
- Seniority (0.5% per completed year up to 10 years) 5%
- Maximum Grade 100%

Section 1.1 PROMOTIONAL TESTING ORDER – POLICE

The Commissioners, in determining next in order of rank in promotional examination, herewith establishes policy of extending the examination successively through all the orders of rank in the services before extending the examination to the general public if no individual in the net lowest rank is qualified.

Section 1.2 WRITTEN TEST – POLICE

Each applicant for a promotional position shall submit himself or herself for a written test. The written test shall be conducted by the Commissioners or by such person(s) or independent agency or vendor as the Commissioners may designate. The written test shall be graded by the Secretary or his or her designee, and the results shall be submitted to the Commissioners. All test papers and scores shall be and become the property of the BFPC and any entity assisting the

BFPC with the test and the grading thereof by the BFPC shall be final and conclusive and shall not be subject to review by any other board or tribunal of any kind or description.

Candidates for promotion to the position of police sergeant must have served a minimum of three (3) full years of service as a Libertyville Police Officer in order to test for promotion to the rank of Sergeant.

Section 1.3 ORAL TEST – POLICE

Each applicant for a promotional position who has successfully passed the written examination shall submit himself or herself for an oral test when so directed by the Commissioners. At least two members of the Commissioners shall be present to conduct an oral test. The Commissioners may invite the appropriate Chief or his designee to participate in the oral test. The examiners may ask questions of the applicants that will enable the examiners to evaluate the applicants on speech, alertness, ability to communicate, judgment, emotional stability, intellectual skills, self-confidence, and general fitness for the position. On completion of each oral test, the Commissioners shall discuss and evaluate each applicant.

Section 1.4 ACCEPTANCE OR WAIVER OF PROMOTION – POLICE

An applicant must accept in writing any promotion within the time set by the Commissioners at the time the offer of promotion is made. However, an applicant may, within seven days after mailing of notice of his or her offer of promotion, request a waiver of the right to promotion in writing signed by the applicant. Such waiver request shall include a statement of the reasons therefore and a request that the Commissioners retain the applicant's name on the Register of Eligibles. The Commissioners shall review such statement of reasons and determine whether to approve such waiver. If such waiver is approved, then the Commissioners shall retain the name of the applicant on the Register of Eligibles and shall fill the vacancy pursuant to the procedures of Section 1 and 2 of this Chapter. If such waiver is not approved, or if no request for waiver or response to the notice of promotion is received within the above prescribed time, then the Commissioners shall strike the applicant's name from the Register of Eligibles and shall fill the vacancy pursuant to Sections 1 and 2 of this Chapter. The Commissioners may approve no more than one waiver for an applicant unless the waiver is the result of a candidate's protected military leave.

Section 2 GENERAL – FIRE

The Commissioners (appointing authority) shall provide for promotion in the fire department on the basis of the Collective Bargaining Agreement and the Illinois Fire Department Promotion Act (50 ILCS 742) and shall provide in all cases where practicable that vacancies shall be filled by promotion according to the Fire Department Promotion Act (50 ILCS 742). All examinations for promotion shall be competitive among such members of the next lower rank who meet the established eligibility requirements and who desire to submit themselves to such examination.

Whenever a promotional rank is created or becomes vacant due to resignation, discharge, promotion, death, or the granting of a disability or retirement pension, or any other cause, the

appointing authority shall appoint to that position the person with the highest ranking on the final promotion register for that rank, except that the appointing authority shall have the right to pass over that person and appoint the next highest rank person on the list if the appointing authority has reason to conclude that the highest ranking person has demonstrated substantial shortcomings in work performance or has engaged in misconduct affecting the person's ability to perform the duties of the promoted rank since the posting of a promotion register. If the highest ranking person is passed over, the appointing authority shall document its reasons for its decision to select the next highest ranking person on the register. Unless the reasons for passing over the highest ranking person are not remedial, no person who is the highest ranking person on the register at the time of the vacancy shall be passed over more than once. Any dispute as to the selection of the first or second highest ranking person shall be subject to resolution in accordance with any grievance procedure in effect covering the employee.

Section 2.1 ACCEPTANCE OF WAIVER OF PROMOTION – FIRE

An applicant must accept in writing any promotion within the time set by the Commissioners at the time the offer of promotion is made. However, any candidate may refuse a promotion once without losing his or her position on the final adjusted promotion list. Any candidate who refuses promotion a second time shall be removed from the final adjusted promotion list, provided that such action shall not prejudice a person's opportunities to participate in future promotion exams. A candidate must provide in writing to the Commissioners, a waiver of the right to promotion. Such waiver request shall include a statement of the reasons for and a request that the Commissioners retain the applicant's name on the final adjusted promotion list. If each waiver is not approved, or if no request for waiver or response to the notice of promotion is received within the above prescribed time, then the Commissioners shall strike the applicant's name from the final adjusted promotion list, and shall fill the vacancy pursuant to Section 1 and 2 of this Chapter.

CHAPTER VII: HEARING OF CHARGES; SUSPENSIONS, REMOVALS, AND DISCHARGES

Section 1 HEARING OF CHARGES

- a) Except for probationary members, no member of a department shall be suspended or removed or discharged except for cause.
- b) Proceedings before the BFPC are not governed by the Illinois Code of Civil Procedure.
- c) The decision of the BFPC shall be final and not subject to rehearing or reconsideration.
- d) "Cause" is some substantial shortcoming on the part of a member of a department which renders continuance in employment in some way detrimental to the discipline and efficiency of the public service and something which the law and sound public opinion recognize as cause for the member no longer occupying his or her position.
- e) The right to determine what constitutes cause belongs to the BFPC.

- f) The complainant initiating any proceeding which provides for a hearing before the BFPC has the burden of proof to establish that cause does exist by a preponderance of evidence. On an appeal, the member bringing the appeal shall have the burden of establishing that there was no cause for the suspension being appealed.
- g) “Preponderance of evidence” is the greater weight of the evidence, that is the evidence which, when fairly considered, produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.
- h) Except when the BFPC determines, in accordance with requirements of the Illinois Open Meetings Act, that all or a portion of a hearing shall be closed to the public, all hearings shall be public.
- i) Each party may be represented by an attorney licensed to practice in Illinois, if he or she so desires.
- j) All proceedings before the BFPC during the conduct of the hearing shall be recorded by a court reporter to be employed by the BFPC.
- k) The records of all hearings will not be transcribed by the court reporter unless requested to do so by the BFPC or any party of interest.
- l) All witnesses shall be sworn by the Chairperson or Secretary of the BFPC prior to testifying. The Chairperson will rule on questions of evidence presented at the hearings.

Section 2 HEARING PROCEDURE

- a) In all cases, the written complaint shall be filed with the BFPC in quintuplicate, setting forth a plain and concise statement of the facts upon which the complaint is based.
- b) Upon the filing of a complaint, the BFPC may determine a time and place for hearing and the Secretary of the BFPC shall notify both the complainant and respondent, either by registered or certified mail, return receipt request, or personally, of the time and place of the hearing of the charges contained in the complaint. The respondent shall also be served with a copy of the complaint. The hearing shall be commenced within 30 days after the filing of the complaint.
- c) Continuances may be granted from time to time upon motion of any party to the proceeding by order of the BFPC. Any request for continuance shall be filed in the office of the BFPC at least three days before the date set for hearing, provided, however, that the BFPC in its discretion may waive this rule. The matter of granting or refusing to grant a continuance of hearing is within the discretion of the BFPC.

- d) Parties may on their own behalf, or by counsel, stipulate and agree in writing or on the record to facts which shall be considered as evidence in the proceeding.
- e) Motions or objections to the sufficiency of written charges must be filed or made prior to or at the hearing before the BFPC.

The BFPC will first hear the witnesses substantiating the charges which have been made against the respondent. Thereafter, the respondent may present and examine those witnesses whom he or she desires the BFPC to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party and to call witnesses in rebuttal.

Section 3 SUBPOENAS

Either the complainant or the respondent may, at any time before the hearing, make application to the BFPC by filing with it a written request for subpoenas for any individual to appear for a hearing to have them produce books, papers, records, accounts, and other documents as may be deemed by the BFPC to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person of the age 18 years or older designated by the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce. Subpoenas will not be issued for anyone residing outside of the State of Illinois.

Section 4 SERVICE

All papers required by these Rules and Regulations to be served shall be delivered personally to the party designated or mailed by United States mail in an envelope properly addressed with postage prepaid, to the designated party at his or her last known residence as reflected by and the complaint filed with the BFPC, except as herein otherwise provided. Proof of service of any paper may be made by a certification of any person so mailing the paper or delivering the same to the designated party personally, or by filing a return receipt showing that a paper was mailed, by either registered or certified mail, return receipt requested, to a party's address where it was received by a named party.

Section 5 FILING

All papers may be filed with the BFPC by mailing them or delivering them personally to the Secretary of the BFPC at Village Hall, 118 W Cook Avenue, Libertyville, Illinois. For the purpose of these Rules and Regulations, the filing of date of any paper shall be the date it was received in the BFPC's Office, in the event the paper is delivered personally or by messenger. In the event a paper is forwarded by mail, then the filing date shall be the date which is postmarked on the envelope of such paper.

Section 6 FORMS OF PAPERS

- a) All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
- b) If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.
- c) All papers shall be not larger than 8.5 inches wide by 11 inches long and shall have outside margins of not less than one inch.
- d) The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent, or attorney thereof.
- e) If papers are filed by an attorney, his or her name and address shall appear thereon.

Section 7 COMPUTATION OF TIME

The time within which any act under these Rules is to be done shall be computed by excluding the first day and including the last, unless the last day is Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in the State, and then it shall also be excluded. If the day succeeding such Sunday or holiday is also a holiday or a Sunday, then such succeeding day shall also be excluded.

Section 8 SUSPENSIONS: APPEAL

- a) The BFPC may suspend any member of the Fire or Police Department against whom charges have been preferred, pending a hearing of the charges by the BFPC, but not to exceed 30 days, with or without pay.
- b) The Chief of the Fire or Police Department shall have the right to suspend any officer under his or her command for a period of not to exceed five days, providing no charges on the same offense have been filed and are pending before the BFPC, and the Chief shall notify the BFPC in writing within 24 hours of the time of such suspension. Any police officer or firefighter so suspended may appeal to the BFPC for a review of the suspension by filing notice of such appeal within five days after such suspension in writing with the Secretary of the BFPC . A hearing shall be had upon appeal, and due notice given to the Chief of the Department who suspended such officer and to the officer so suspended, in the same manner as if charges were originally filed before the BFPC.
- c) Upon such appeal, the BFPC may sustain the action of the Chief of the Department, may reverse it with instructions that the officer so suspended received his or her pay for the period involved, may suspend the officer for an additional period of not more than 30 days, or may discharge the officer depending on the evidence presented.

Section 9 DISCHARGE OR SUSPENSION AFTER HEARING

Discharge or suspension from service in the Fire or Police Department shall be in compliance with Section 10-2.1-17 of the Act. In case any member of the Fire Department or Police Department shall be found guilty of the charges preferred against him or her after a hearing by the BFPC, he or she may be removed, discharged, or suspended for a period not exceeding 30 days with or without pay. To reach a finding of guilty, at least two Commissioners must vote guilty. A vote of guilty by only one Commissioner constitutes a finding of not guilty. To reverse a suspension on appeal, at least two Commissioners must vote to reverse.

Section 10 FINDINGS AND DECISION

The BFPC shall, within 15 days after the hearing is completed, enter its findings and decision on the records of the board. The findings and decision of the BFPC, following a hearing of charges, shall be preserved by the Secretary, and notice of said findings and decision shall be sent to the officer involved and the appropriate Chief for enforcement. If the finding and decision is that an officer or employee is guilty of charges investigated, and removal or discharge is ordered, such order of removal or discharge shall become effective forthwith.

Section 11 NO APPLICABILITY TO PROBATIONARY MEMBERS

The provisions of this Chapter VII do not apply to probationary Department members.

CHAPTER VIII: GENERAL

Section 1 RULES AND REGULATIONS

All officers and members of the Fire Department and Police Department shall observe and obey all rules and orders of the Board of Fire and Police Commissioners which are in force or which may be adopted hereafter, as well as all Rules and Regulations for the operation of a Fire Department or Police Department as adopted by the Village Board of Trustees and in force or which may be adopted hereafter.

Section 2 CONFLICT WITH STATE STATUTE

Any Chapter, Section, or Subsection of the foregoing Rules and Regulations for the operation of the Board of Fire and Police Commissioners that is in conflict with the Act or with any amendments thereto that may hereafter be enacted is null and void. This, however, does not invalidate any other Chapter, Section, or Subsection of said Rules.

Section 3 OATH OF OFFICE

Before entering upon his duty any person about to become a member of the Fire Department or Police Department shall take the following oath, before any person authorized to administer oaths in the State of Illinois:

I, _____, do solemnly swear that I will support the Constitution of the

United States of America, the Constitution of the State of Illinois, and that I will faithfully perform the duties of _____ of the Village of Libertyville, County of Lake, Illinois, to the best of my ability.

DRAFT