

NOTICE OF SPECIAL COMMITTEES

Scheduled for
Tuesday, January 14, 2020,
beginning at 6:15 p.m. in

Council Chambers
Village Hall of Tinley Park
16250 S. Oak Park Avenue
Tinley Park, Illinois

Administration & Legal Committee
Public Works Committee

A copy of the agendas for these meetings is attached hereto.

Kristin A. Thirion
Clerk
Village of Tinley Park

**NOTICE OF A SPECIAL MEETING OF THE
ADMINISTRATION & LEGAL COMMITTEE**

Notice is hereby given that a special meeting of the Administration & Legal Committee of the Village of Tinley Park, Cook and Will Counties, Illinois, will begin at 6:15 p.m. on Tuesday, January 14, 2020, in Council Chambers at the Village Hall of Tinley Park, 16250 S. Oak Park Avenue, Tinley Park, Illinois.

The agenda is as follows:

1. OPEN THE MEETING
2. CONSIDER THE APPROVAL OF THE MINUTES OF THE ADMINISTRATION AND LEGAL COMMITTEE MEETING HELD ON DECEMBER 10, 2019.
3. DISCUSS CIVIL SERVICE RULES AND REGULATIONS.
4. RECEIVE COMMENTS FROM THE PUBLIC.

ADJOURNMENT

KRISTIN A. THIRION
VILLAGE CLERK

MINUTES
Meeting of the Administration & Legal Committee
December 10, 2019 - 6:30 p.m.
Village Hall of Tinley Park – Council Chambers
16250 S. Oak Park Avenue
Tinley Park, IL 60477

Members Present: M. Glotz, Village Trustee
W. Brennan, Village Trustee

Members Absent: W. Brady, Chairman

Other Board Members Present:

Staff Present: P. Carr, Assistant Village Manager
B. Bettenhausen, Village Treasurer
F. Reeder, Fire Chief
J. Urbanski, Assistant Public Works Director
H. Lipman, Management Analyst
D. Sanfilippo, Executive Assistant to the Mayor

Item #1 - The meeting of the Administration & Legal Committee was called to order at 6:35 p.m.

Item #2 – CONSIDER APPROVAL OF THE MINUTES OF THE ADMINISTRATION AND LEGAL COMMITTEE MEETING HELD ON, OCTOBER 8, 2019 – Motion was made by Trustee Glotz, seconded by Trustee Brennan, to approve the minutes of the Administration & Legal Committee meeting held on October 8, 2019. Vote by voice call. Trustee Glotz declared the motion carried.

Item #3 – RECEIVE VEHICLE STICKER PROGRAM UPDATE. – Hannah Lipman, Management Analyst, presented an update on the Vehicle Sticker program. Current Village practice requires residents and businesses to display a vehicle sticker on each of their registered or household vehicles at all times. Vehicle stickers are valid for a one-year period and must be renewed on an annual basis. Sticker fees are as follows: bus or taxi: \$40; motorcycle: \$10; senior citizen: \$1.50; passenger auto, van, and recreational vehicle: \$25; trucks more than one ton: \$55; trucks one ton or less: \$35. Late fees are applied when deadlines pass. While this is an important revenue source that is earmarked to fund the Village's Pavement Management Program, there are a few item to address.

In 2013, revenues from this program exceeded \$780,000. However, they have been on a decline since. It is projected that in 2020, revenues will be roughly \$655,000. Part of the decline in revenue is the result of individuals who became eligible for the heavily discounted senior sticker fee of \$1.50. The cost to issue a senior sticker exceeds the revenue by about \$7 per transaction. As our population ages, a larger number of our citizens are eligible for the senior sticker rate. The Clerk's Office, Finance Department, and I.T. Department spend a considerable amount of time administering the program every year. Staff time and material costs for administering the program are estimated to be about \$75,000. Falling revenues, difficulty enforcing, and the staff time required to administer the program have prompted consideration of potential options.

Potential Options

- 1.) Maintain Status quo and continue to administer the program as is.
- 2.) Outsource most of the functions.

- 3.) Eliminate the program and replace with another revenue source. Some options are, local motor fuel tax, wheel tax (Cook County model), water use and consumption tax, utility taxes, and food and beverage tax.

The Treasurer would caution implementing utility and food and beverage taxes as replacements for vehicle stickers. As part of long established fiscal policies, these taxes have generally been held in reserve recognizing that they will be needed in the future to support General Fund operations when property, sales and income taxes are insufficient to cover the Villages expenditure needs. The bond rating agencies have viewed the practice favorably.

Food and beverage taxes would likely be better associated with promoting tourism and entertainment expenses including our Branding Initiatives, or in support of the convention Center.

If a decision were made to eliminate vehicle stickers, staff would recommend the transition in the year 2021.

Brad Bettenhausen, Finance Director, stated that of the options presented, the local motor fuel tax, wheel tax, and the water use and consumption tax are preferable over the utility taxes, and food and beverage tax. Also, should the vehicle sticker in its current form, the pricing of the senior discount should be addressed.

Trustee Brennen suggested possible input from the Committee of the Whole.

Trustee Glotz would like research to continue by staff for the 2021 program and this item will be readdressed in August. He cautioned that the motor fuel tax may put local businesses at a disadvantage.

Item #4 – DISCUSS UV LIQUOR AND VIDEO GAMING LICENSING FOR LENNY’S FOOD N FUEL, LLC, 19420 HARLEM AVENUE. – Dominic Sanfilippo, Executive Assistant to the Mayor, presented a proposal from Leonard McEnery of Lenny’s Food N Fuel to requesting a Class UV liquor license, which would allow video gaming. Mr. McEnery provided a sales tax revenue breakdown, as well as floor plans including the current cooler and the addition of a gaming area and plans for six (6) VGT monitors. The gaming area enclosure would have 8’ high walls consisting of a knee wall with frosted glass and saloon entry doors.

Motion was made by Trustee Brennan, seconded by Trustee Glotz, to approve a Class UV liquor license, to Lenny’s Food N Fuel, be forwarded to the Village Board. Vote by voice. Trustee Glotz declared the motion carried.

Item #5 – DISCUSS RESOLUTION FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) RENEWAL AGREEMENT WITH MPG, INC. – Pat Carr, Assistant Village Manager, presented an updated executive board agreement and statement of work with the GIS Consortium service provider, Municipal GIS Partners (MGP).

Motion was made by Trustee Glotz, seconded by Trustee Brennan, for approval of this expenditure, not to exceed the budgeted amount of \$208, 992.00 be forwarded to the Village Board. Vote by voice. Trustee Glotz declared the motion carried.

Item #6 - DISCUSS HONORARY ROAD SIGN REQUEST. - Major Wiley Roberts, Veterans Commission Chairman, presented a request from Mr. Roger Kolling, a former Village of Tinley Park resident and veteran, that the Village consider a way to recognize Pfc. Robert A. McAllister and Pfc. Edward J. Novak. Pfc. McAllister and Pfc. Novak were Tinley residents who were killed in action in the

Vietnam War. Mr. Kolling reached out to the Mayor's Office in fall 2019 asking for guidance. After meeting with Mr. Kolling, the Mayor's Office suggested he formally present his inquiry to the Veterans' Commission. On November 13th, 2019, the Veteran's Commission unanimously voted to direct the request to the relevant subcommittee of the Village Board of Trustees for guidance & input. The Mayor's Office supports Mr. Kolling's general effort to recognize Pfc. McAllister & Pfc. Novak, given that any potential action(s) follow Village Board, Building Department, Public Works, & other departmental policies, ordinances & direction as identified.

Major Roberts identified an area near 175th Street and 94th Court that may be appropriate to place an honorary, supplemental street sign. There is an already-created plaque, but it may not be able to be mounted on the same pole as the pole may be in unincorporated Cook County. There are two (2) alternatives for the plaque placement; option 1: Pat Rea Veterans Plaza; option 2: Gold Star memorial at the head of Veterans Parkway. Major Roberts also noted that there are four (4) other Tinley Park residents who were killed in action in Vietnam who would also need to be recognized.

He is seeking guidance on the signage and placement. Trustee Glotz referred Major Roberts to the Public Works Department.

Mr. Carr noted that Kimberly Clarke, Community Development Director, has been working with Planning on this item.

Motion was made by Trustee Glotz, seconded by Trustee Brennan, to forward this to the Village Board. Vote by voice. Trustee Glotz declared the motion carried.

Item #7 – RECEIVE COMMENTS FROM THE PUBLIC – No one came forward.

ADJOURNMENT

Motion was made by Trustee Glotz, seconded by Trustee Brennan, to adjourn this meeting of the Administration & Legal Committee. Vote by voice call. Trustee Glotz declared the motion carried and adjourned the meeting at 6:57 p.m.

dm



Deanna Rosenbaum Hall
drhall@pjmchicago.com

MEMORANDUM

TO: Village of Tinley Park
FROM: PJM
DATE : January 8, 2020
SUBJECT: **Civil Service Commission-Comprehensive Update to Rules and Regulations**

The purpose of this memo is to provide the Village of Tinley Park Board of Trustees/Administration and Legal Committee with information regarding the proposed comprehensive redraft of the Rules and Regulations for the Tinley Park Civil Service Commission. Given the significant number of changes, the Commissioners and Village Human Resources seek Village Board of Trustee approval to implement a new version of the Rules and Regulations.

Background

The existing Rules and Regulations were adopted in 1997 and minor changes have been made to certain portions of the Rule and Regulations since their adoption, however, no comprehensive review had been undertaken in over 20 years. Human Resources and the current Civil Service Commissioners undertook a review of the existing Rules and Regulations to determine if the Rules and Regulations from 1997 adequately addressed the current landscape for employee recruitment and hiring, changes in technology and the use of technology since adoption in 1997 and whether the existing Rules and Regulations provided clear guidelines for all Commissioners, members of the public and potential employees.

During the past year, the Commissioners have altered the approval process for applicants within the existing structure of the Rules and Regulations to increase the speed with which applicants can be approved for hiring, and, ultimately, the filling of vacant positions. The additional changes proposed by the Commissioners will continue to expedite the hiring process while providing department heads with greater access to interview candidates prior to hiring--ensuring the best applicants are offered employment.

Summary of Changes

1. Nationally employee recruitment and hiring processes have changes significantly since 1997
 - a. Propose to alter Civil Service Commission Rules with a new process to include method to interview sub-portion of candidates for any position and, essentially, create a split list of those who have been interviewed and may be hired before having to interview entire list.
 - i. For reasons outside of Village control, police recruiting and hiring has become tighter with fewer individuals completing an application for position. Applications for patrol officer positions are down across all PJM clients. While oral interview component was available to Commissioners to utilize in past version of Rules and Regulations, redraft requires interview component for all patrol officer candidates.

1. Provides Commissioners, Chief and Village with method to eliminate individuals from consideration before the outlay of expense related to academy training and ongoing field training of new recruits. Additional tool to ensure best possible candidates are accepted into the position.
 - ii. Oral interviews are optional for all non-police positions.
2. Global technological changes since 1997 need to be reflected in Rules and Regulations
 - a. New Rules and Regulations permit posting of notice of entrance exams on Village website as official notice.
 - b. Allows for use of email as method of official communication.
 - c. Allows Commissioners to participate in Commission meetings by telephonic or other electronic means
 - i. 2 Commissioners were for this change while 1 was against.
 - d. A statement that all documents transmitted to the Commission, including by electronic communication, shall be considered property of the Commission and is subject to retention and destruction in accordance with the Local Records Act.
3. Rules and Regulations changed to provide better Guidance for Commissioners, Members of the Public and Employees
 - a. Changes designed to provide “handbook” to new commissioners regarding operations of the Commission
 - i. Information regarding appointment process, meeting dates, agendas and reports more detailed than in previous versions to aid any newly appointed Commissioner and to make process clear to applicants and members of the public.
 - ii. Certain questions have arisen over ability of Commission to request additional testing of applicants, particularly those where medical conditions may affect ability to perform job and language was added to empower Commissioners to act as needed.
 - iii. Explanation of eligibility for positions, particularly the age limits on new applicants, more clearly expressed.

Summary

Village Human Resources and the Commissioners of the Civil Service Commission requests Board of Trustee approval to implement an updated version of the Rules and Regulations of the Civil Service Commission for the Village of Tinley Park.

RULES AND REGULATIONS OF THE
CIVIL SERVICE COMMISSION

TINLEY PARK, ILLINOIS

EFFECTIVE JUNE 29, 1997

ADOPTED BY THE CIVIL SERVICE COMMISSION OF
THE VILLAGE OF TINLEY PARK

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RULE I
CLASSIFICATION OF
OFFICES AND PLACES OF EMPLOYMENT
IN THE VILLAGE CIVIL SERVICE

SECTION 1. Classification of Service

The offices and places of employment in the Village Civil Service are governed by Article 10, Div. 1, of the Illinois Municipal Code. 65 ILCS 5/10-1-1 et seq. Except when exempted by law or by ordinance, these offices and places of employment are classified according to the various sections of this rule.

SECTION 2. Definition of Terms

When the following terms are used in these rules and in other documents relating to the positions in the Classified Service of the Village of Tinley Park, they shall be interpreted as follows:

- (a) "Allocation" - The official determination of the class of service to which a position shall be judged to belong and the assignment of the position to the appropriate class in the classification plan based upon current duties and responsibilities.
- (b) "Appointing Authority" - The Village Manager.
- (c) "Appointment" - The designation and induction into employment of an individual to a position in the classified service of the Village by proper authority.
- (d) "Village Civil Service" - All full time non-probationary positions within the jurisdiction of the Village of Tinley Park, except those positions specifically exempted from the Village Civil Service by law or by ordinance.

A full time employee of the Village is any non-probationary individual who is certified to a position listed in the Village classification plan.

- (e) "Class" - A group of positions with duties and responsibilities sufficiently alike to require of new employees the same general abilities, experience and knowledge for the efficient performance of the assigned duties. The character of these positions justifies common treatment in selection, testing, compensation by evaluation and other personnel practices, and permits interchange of employees without material loss of efficiency or after a brief period of training. Positions in one class are sufficiently different from positions in other classes to justify different treatment in one or more of the above listed items. A class may consist of only one position where no other positions of the same kind exist.
- (f) "Class Title" - The identifying designation given to a class.
- (g) "Classification Plan" - The arrangement of class titles by occupational service, with class codes and grade numbers. Definitions of classes and class titles are set forth in written specifications indicating the factors that make the positions in one class different from those in other classes.
- (h) "Classified Positions" - All non-probationary positions under the jurisdiction of the Civil Service Commission except those exempted by law or by ordinance.
- (i) "Classified Service" - The Village Civil Service.
- (j) "Commission" - The Civil Service Commission of the Village of Tinley Park, Illinois.

- (k) "Commissioners" - Members of the Civil Service Commission .
- (l) "Employee" - Any person certified to an office, position or place of employment in the classified service, either permanent or temporary, who is paid from public funds.
- (m) "Illinois Municipal Code" - An act to revise and codify the laws relating to cities, villages and incorporated towns approved and in full force May 29, 1961 as amended, 65 ILCS 5/1-1-1 et seq.
- (n) "Position" - The authorized combination of duties and responsibilities that are to be performed by one individual on a full time basis. The term "position" means the same as "office or place of employment" as referred to in Section 10-1-3 of the Illinois Municipal Code.
- (o) "Reallocation" - The reassignment or change in allocation of a position by raising it to a higher class, reducing it to a lower class or moving it to another class of the same grade. This is done when there has been a significant change in the kind of duties and responsibilities assigned to a position.
- (p) "Title" - The identifying designation given to each position in a class.

SECTION 3. Adoption of the Classification Plan

The list of class titles with codes by grade within occupational services covering classified positions included in "Schedule A," appended to and made part of this rule, constitutes the Classification Plan for all classified positions of the Village of Tinley Park. Amendments to this schedule may be made by the Civil Service Commission.

SECTION 4. Description of the Classification Plan

- A. Occupational Services - The Classified Service is divided into four occupational services. Each service includes classes of positions that involve closely associated types of work.
1. Public Safety Service: Positions with duties involving the functioning of the Police Department and work related thereto.
 2. Administrative Service: Positions having duties that are principally administrative, clerical or fiscal in character.
 3. Operation and Construction Service: Positions that involve the operation, maintenance and upkeep of municipal facilities, the construction and improvement of municipal works and works over which the Village is required to exercise supervision or regulation.
 4. Fire Prevention Services: Positions with duties involving fire prevention work.
- B. Class Grades - Classes of positions within an occupational service are arranged from the lowest to the highest. The class grade is one of the numbered levels at which all classes of positions so numbered reflect similar degrees of difficulty, responsibility, required experience and range of compensation.

SECTION 5. Review and Amendment of the Classification Plan

The Civil Service Commission will continually review the classification plan. When necessary, new positions will be allocated to the appropriate class at the time of establishment. Existing positions will be reallocated when changes in duties and responsibilities indicate that reallocation is necessary. The Commission may establish or eliminate the use of class titles as required.

- A. Reporting Changes in Positions: The Appointing Authority must submit a description of job duties and responsibilities whenever the creation of a new position is proposed or whenever there is a significant change in the duties and the responsibilities of an existing position that would require a change in the classification plan.

The Civil Service Commission will review the duties of the position and determine what changes in the classification plan are required. Changes in the classification plan may include the establishing of a new class, or the dividing, altering, combining or abolishing of an existing class in the classification plan. The Commission shall promptly advise the Appointing Authority, and the Finance Committee of the Village Board of Trustees of its conclusions, so that necessary budgetary and payroll arrangements may be made.

- B. Reallocation of Positions: The Civil Service Commission upon written request of the Appointing Authority or upon their own initiative may reallocate any existing position to a different class in the classification plan. The reasons for such reallocations may include, but are not limited to, the following:

1. incorrect previous allocation;
2. significant changes in the duties or responsibilities;
3. the abolishment or combination of existing positions;
4. creation of a new class;
5. determination by the Commission that changes are necessary to maintain the plan in an orderly manner.

The Civil Service Commission shall advise the Appointing Authority and the Finance Committee of the Village Board of Trustees of any amendments or modifications that it plans on making.

- C. Regrading the Classes: The Civil Service Commission upon written request of the Appointing Authority or upon its own initiative may reassign a particular class to a different class grade (either higher or lower) in the Classification Plan. The reasons for such regrading may include, but are not limited to, the following:

1. previous incorrect evaluation;
2. significant changes in the duties and responsibilities of the class.

The Civil Service Commission shall advise the Appointing Authority and the Finance Committee of the Village Board of Trustees of the proposed changes it intends on making.

SECTION 6. Official Copy of Class Specifications

The Civil Service Commission will maintain and make available written specifications for all established class positions. These specifications will constitute the official specifications of classes in the Village Civil Service. Specifications will be based on the current duties and responsibilities of the classified positions in the Village Civil Service.

Class specifications will contain code, title of the class, distinguishing characteristics of the class, current duties, educational requirements and experience necessary for the efficient performance of the assigned work. The date the specification was approved will also be included along with the other information deemed appropriate by the Commission.

SECTION 7. Interpretation of Class Specifications

Class specifications are explanatory and are intended only to indicate the kinds of positions that are allocated to the various classes. Specifications are not to be construed as to limit the duties or responsibilities assigned to a position nor limit or modify the right of the Appointing Authority to assign duties or to direct and control the work of employees under supervision.

Qualifications commonly desired of all occupants of the positions in the Village Service such as good citizenship, honesty, dependability and industry are implied as qualification requirements.

The statement of qualifications in class specifications will constitute a guide for the establishment of minimum qualifications for examination purposes and for the evaluation of applicants by the Civil Service Commission.

SECTION 8. Allocation and Reallocation of Positions to Classes

The allocation of all classified positions in the Village Civil Service is the responsibility of the Civil Service Commission. Records indicating the positions authorized and established by the Village Board under class titles in the classification plan will be maintained by the Civil Service Commission and will be made available to those concerned.

SECTION 9. Use of Class Titles or Positions

The title and/or title code of a class to which a position is allocated will be used to designate the position in:

- A. requests for appropriation of funds for personal services in the budget;
- B. records and communications of the Civil Service Commission and Appointing Authority;
- C. reports and payrolls providing payments for personal services;
- D. records concerned with recruitment, promotion, leaves of absence and other personnel transactions.

SCHEDULE A

CLASSIFICATION PLAN
VILLAGE OF TINLEY PARK

The classified service is divided into four (4) occupational services. Each service includes classes of positions that involve closely associated types of work.

- I. PUBLIC SAFETY SERVICE: Positions in the active ranks of the Village Police Department and positions directly related to the performance of police duties and service.
 - A-1 Telecommunicator
 - A-2 Police Patrol Officer
 - A-3 Lead Telecommunicator
 - A-4 Police Sergeant
 - A-5 Police Lieutenant
 - A-11 Clerk/Matron

- II ADMINISTRATIVE SERVICE: Positions having duties that are principally administrative, clerical or fiscal in character.

- III OPERATION AND CONSTRUCTION SERVICES: Positions that involve the operation, maintenance and upkeep of municipal facilities, and the construction and improvement of municipal works, over which the Village is required to exercise supervision or regulation.
 - D-1 Laborer
 - D-2 Laborer/Truck Driver
 - D-4 Equipment Operator
 - D-5 Maintenance Man

D-6 Mechanic

IV. FIRE PREVENTION SERVICES: Positions involving responsibility for fire inspection, technical work, and assisting in the operations of the Village's Fire Prevention Bureau.

* F-1 Fire Inspector

* F-2 Senior Fire Inspector

* Must meet all requirements set by Illinois Personnel Standards Commission.

Specifications of positions listed above are made part of this schedule.

RULE II
APPLICATIONS

SECTION I. Discrimination

Recruitment of applicants for positions in the classified service of the Village of Tinley Park will be accomplished without regard to race, color, sex, age, religion, national origin, ancestry, marital status, physical or mental handicap or disability, unfavorable discharge from military service, or any other characteristic that is or may be considered "protected" under controlling law.

SECTION 2. Residency

Applicants for examination must be citizens of the United States and/or an alien admitted for permanent residence or lawfully admitted for temporary residence and who produces evidence of intention to become a citizen of the United States.

All full time employees shall as a condition of employment and continued employment, be required to move into the planning area of the Village of Tinley Park within one (1) year of employment date.

SECTION 3. Forms

Applications for examinations for the classified service shall be filed by applicants on forms provided by the Civil Service Commission of the Village of Tinley Park. Applicants must comply with all instructions and requirements indicated upon these forms. Additional alternative formats for applications, if necessary, shall be available to individuals requesting them as an accommodation for a disability.

SECTION 4. Time for Filing of Applications

The Civil Service Commission shall designate the period during which applications will be received for any original entrance to service examination and the period during which applicants for any promotional examination shall register in the office of the Commission. Location of the commission office will be designated in all notices of examinations prior to the commencement of the examinations.

SECTION 5. Age

Applicants for original entrance to service examinations may not be less than 18 years of age. The Commission shall prescribe maximum or minimum age limits for examinations where prescribed by law.

SECTION 6. Special Qualifications

In examinations for positions requiring experience, technical, professional or scientific knowledge or when special qualifications are prescribed by laws or ordinances (certification, licenses, etc.), the Commission may demand satisfactory proof of such special qualifications from the applicant prior to the examination.

SECTION 7. Disqualifications

The following shall be grounds for excluding an applicant from any examination, omission/removal from any eligibility register, or dismissal from the service after certification:

- a. false statements made in any application for examination or promotion to positions in the classified service;
- b. violation of any rule, regulation or instruction of the Commission pertaining to an examination;
- c. current use of illegal drugs, conviction of a felony or conviction of any misdemeanor as defined in Section 10-1-7 of the Illinois Municipal Code, as amended from time to time. A list of these crimes is attached as Appendix A;
- d. persons applying for entrance to service examinations or promotion examination in the Police Department of the Village of Tinley Park who have been convicted of any felony or misdemeanor shall have such conviction considered as a factor in determining their habits or moral character;
- e. dismissal from any public service after certification.

Nothing in this section shall be construed as a limitation on the Appointing Authority's right to discharge a probationary employee at or before the expiration of such employee's period of probation. Nor shall anything in this section be construed as a limitation on the Appointing Authority's right to discharge any other employee or right to deny any applicant the position being sought if the Appointing Authority otherwise has such right. If such termination occurs, the Appointing Authority will notify the Commission.

APPENDIX A

SECTION 10-1-7 of the Illinois Municipal Code

Criminal Code - Felonies and Misdemeanors - 720 ILCS 5/1-1 et seq.

| | |
|----------------|---|
| Section 11-6 | Indecent Solicitation of a Child |
| Section 11-7 | Adultery |
| Section 11-9 | Public Indecency |
| Section 11-14 | Prostitution |
| Section 11-15 | Soliciting for a Prostitute |
| Section 11-17 | Keeping a Place of Prostitution |
| Section 11-18 | Patronizing a Prostitute |
| Section 11-19 | Pimping |
| Section 12-2 | Aggravated Assault |
| Section 12-6 | Intimidation |
| Section 12-15 | Criminal Sexual Abuse |
| Section 14-4 | Sentencing for Eavesdropping |
| Section 16-1 | Theft |
| Section 21.1-3 | Sentencing Provision under Picketing |
| Section 24-3.1 | Unlawful Possession of Firearms and Firearm Ammunition |
| Section 24-5 | Defacing Identification Marks of Firearms |
| Section 25-1 | Mob Action |
| Section 28-3 | Keeping a Gambling Place |
| Section 31-1 | Resisting or Obstructing a Peace Officer or Correctional Institution employee |

| | |
|---------------------------------------|---|
| Section 31-4 | Obstructing Justice |
| Section 31-6 | Escape |
| Section 31-7 | Aiding Escape |
| Section 32-1 | Compounding a Crime |
| Section 32-2 | Perjury |
| Section 32-3 | Subornation of Perjury |
| Section 32-4 | Communication with Jurors and Witnesses |
| Section 32-8 | Tampering with Public Records |
| Subsections 1, 6 & 8 of Section 24-1: | |
| Section 24-1 | Unlawful Use of Weapons |

A person commits the offense of unlawful use of weapons when he knowingly:

- (1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, sling-shot, sand-club, sand-bag, metal knuckles, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife or a ballistic knife, which is a device that propels a knife like blade as a projectile by means of a coil spring, elastic material, or compressed gas; or
- (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

* * *

- (8) Carries or possess any firearm, stun gun, or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted; or

* * *

RULE III

EXAMINATIONS

SECTION 1. General

The Civil Service Commission shall prescribe the subjects that shall be included in original and promotional examinations. Weights will be assigned to these subjects in order to represent their value in determining a general average. Subjects and the respective weights for all original and promotional examinations shall conform to the schedule prescribed in published notices of examination as provided for in Section 10-1-11 of the Illinois Municipal Code.

The Civil Service Commission may charge an examination fee to applicants taking entrance to service examinations.

SECTION 2. Notices of Examinations

Notices of the time and place, general scope, subjects, weights and fee of every entrance to service examination shall be given by the Commission by publication for two (2) weeks preceding the examination. Publication will be in a newspaper of general circulation published in the municipality or in a paper of general circulation in the municipality. Notice of the time and place, general scope, subjects, weights and fee of all examinations will be posted by the Commission in a conspicuous place in its office for two (2) weeks prior to the examination. Examinations may be postponed, however, by order of the Commission, which order shall state the reason for such postponement and shall designate a new date for said examination. All applicants shall be notified by publication of the postponement of any examination and of the new date fixed for said examination.

RULE III
EXAMINATIONS

SECTION 3. Rating of Averages

Except for such examinations or tests that the commission shall declare to be on a "pass/fail" basis, examinations that result in a numeric score shall be compiled such that the total number of all points available on all exams will be the denominator of a fraction. The numerator of a fraction shall be the total number of points score by the applicant. The resulting fraction shall be expressed as a percentage. The resulting quotient (percentage) is the average which determines the initial eligibility list for a given position.

The commission shall establish a preliminary list of candidates that have attained a percentage of 70 or higher, as calculated in the preceding paragraph. This preliminary list shall list the candidates according to score, from highest to lowest. All ratings shall be performed by the commissions and shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description.

SECTION 3. Eligibility Registers

Except as otherwise provided by law or in these rules, eligibility registers will be compiled from the scores computed according to Section 3 of this rule. The names of eligible applicants shall be entered upon registers in the order listed above. Whenever two or more eligible applicants shall have the same general average, priority in time of filing of applications shall determine the respective standing. Within sixty days after the completion of all examinations, an eligibility list shall be posted by the commission, which shall show the final grades of the candidates without reference to priority of time of examination and subject to claim for military credit. Candidates who are eligible for military credit shall make a claim in writing within ten (10) days after posting of the eligibility list or such claim shall be deemed waived.

SECTION 5. Military Preference

In entrance to service examinations, persons who were engaged in the naval or military service of the United States for a period of at least one year and who were honorably discharged therefrom, or who are now or may hereafter be on inactive or reserve duty in such military service (not including, however, persons who were convicted by court martial of disobedience of orders, where such disobedience consisted in the refusal to perform military service on the ground of religious or conscientious objections against war) and who have attained a grade standing sufficient to place them on the eligible register shall be given preference as provided by law and ordinance. Eligibles must supply the Commission with proof of military or naval service. Failure to supply such proof will result in no preference being accorded. Credit, when allowed, will be added to the final grade average of those persons whose names appear on the eligible register.

SECTION 6. Change of Address

It is the responsibility of applicants and those whose names appear on eligible registers to notify the Commission of any change of address while they are applicants or while their names remain on an eligible register. Employees in the classified service or awaiting reinstatement to the service must also notify the Commission of a change in address. If notification is not received, the person's name will be removed from the list.

SECTION 7. Examination Subjects

Examinations for entrance to service or for promotion will include those subjects prescribed by the Commission. The examination will be practical in character and shall relate to those matters which will fairly test the relative capacity of the persons tested to discharge the duties of the positions to which they seek to be appointed. Examination on subjects prescribed may be administered in written or oral forms or may be administered as an ocular, performance, manual, physical or practical demonstration. If examinations are in written form, to the extent possible, these tests should be scored by the testing service, if any, that published the written examinations. No questions in any examination shall relate to political or religious opinions or affiliations.

Subjects may include, but are not limited to:

1. Duties of position
2. Educational Tests
3. Aptitude Tests
4. Practical Tests
5. Courtesy Tests
6. Discipline Tests
7. Knowledge of Civil Government
8. Knowledge of Laws and Ordinances
9. Knowledge of Village of Tinley Park
10. Physical Agility Tests
11. Performance Tests
12. Polygraph Tests
13. Psychological Tests
14. Oral interviews

SECTION 8. Medical and Physical Examinations

Any applicant selected for a position in the classified service shall undergo a medical and physical (including mental) examination by a medical examiner appointed by the Commission at such time as the applicant is certified to the Appointing Authority to fill a vacancy in the classified service. Such certification shall be conditioned on the satisfactory results of the medical and physical examination. Certification shall be withdrawn where the examination reveals that the applicant suffers from a condition which would render him or her unable to perform the essential functions of the position for which they were certified, even with reasonable accommodation, or where the individual involved poses a direct threat to his or her own health or safety or the health or safety of other Village employees.

SECTION 9. Appointment of Examiners

Unless otherwise provided by the Commission by order in its minutes, the members of the Commission may for the purposes of Section 10-1-7 of the Illinois Municipal Code act as examiners for all Civil Service examinations.

SECTION 10. Results of Examinations

The results of examinations and the eligible registers prepared therefrom shall be posted at the Village Hall and in each applicable department by the Commission within 60 days after the examinations are held.

RULE IV
EXAMINATIONS

SECTION 1. Requests for Certification to Fill Position Vacancies

Requests for certification of eligibles to fill position vacancies shall be made in writing by the Appointing Authority. Such written requests shall specify title, class grade, class code, general duties and rate of pay for the position. When vacancies are to be filled from an original register, the Commission will certify the name of the individual standing highest on the register for the class grade to which the position belongs. When vacancies are to be filled from a promotional register, the Commission may certify to the Appointing Authority the names of the three (3) highest ranking individuals on such register. The Appointing Authority shall not pass over the person having the highest rating more than once or the person having the second highest rating more than twice. Subsequent certifications from promotional registers shall be the same as provided for applicants for original appointment.

SECTION 2. Certification

A written notice of certification will be mailed--certified mail, return receipt requested--to the last known address of eligibles to be certified for employment or promotion. A copy of the certification notice will be sent to the Appointing Authority.

SECTION 3. Expiration of Registers

The Commission may strike off all names from original or promotional registers after they have remained thereon for two (2) years and one (1) day. The Commission shall strike off all names of applicants from promotional registers after they have remained thereon for three (3) years. The Appointing Authority will be notified that names are to be stricken from a promotional eligible register in order that any existing vacancies may be filled before the register is abolished.

SECTION 4. Certification from More Than One Register

Employees who leave a position to accept employment by certification from another eligible register within Tinley Park, will be conclusively deemed to have separated themselves from their former position. Employees may be reinstated within six (6) months to a vacancy in the class of service from which they have been separated with the consent of the Commission, the Appointing Authority and with the approval of the Department Head concerned. When an employee accepts certification to a higher position, in which the duties are temporary, or when an employee with Civil Service standing accepts an appointed position, the employee *may* be reinstated to the former position without loss of seniority when the higher temporary duty has been completed or when the appointed position is either resigned or eliminated, but only with the consent of the Commission and the Appointing Authority and if an opening in the former position exists.

SECTION 5. Waiver of Certification or Reinstatement

A person certified or tendered reinstatement to a position in the Classified Service must report to the Appointing Authority within five (5) days from the date of certification. Failure to report will result in removal of the individual's name from the eligible register and automatic revocation of the certification or reinstatement. The Commission may permit an eligible to waive certification or reinstatement if the Commission is notified by the individual within five (5) days of the date of certification. If the waiver is approved by the Commission, the name of the eligible will not be certified again until the waiver has been withdrawn by the eligible, in writing, to the Commission, or ceases to be in effect due to the passage of time.

Waivers shall not be permitted for a period of more than six (6) months. If a waiver is not withdrawn within six (6) months from the date of approval, the waiver shall cease to be in effect and the individual's name will be reinstated in its proper place on the eligible register. When an eligible enters the military or naval service of the United States or is holding an existing position in the Classified Service of Tinley Park and waives certification for that reason, such waiver may stand during the life of the register, unless withdrawn.

Eligibles will be allowed to request a waiver of certification or a reinstatement only once.

SECTION 6. Probation Period

Original appointment to positions in the Classified Service shall be for a probationary period of twelve (12) months. Time served on probation, whether continuous or not, shall be credited upon the period of probation. Time spent in attending training schools and seminars shall be excluded in calculating the probationary period.

SECTION 7. Temporary Appointments

In order to prevent the stoppage of public business or to meet extraordinary exigencies, the Appointing Authority, with the written approval of the Commission, may make temporary appointments that will remain in force not to exceed 120 days and only **until** regular appointments can be made.

SECTION 8. New Positions

The Commission will not take action regarding appointments to newly created positions unless previously furnished with a description of the newly created position. The description is to be in sufficient detail that the Commission may determine correct classification and examinations necessary to include the position in the Classification System.

RULE V

PROMOTION, EFFICIENCY AND SENIORITY

SECTION 1. Method of Promotion

A. Non-Sworn Personnel,

Promotion for members of the Classified Service for all positions other than sworn police department personnel will be accomplished by competitive examinations which will include subjects and weights provided for in these rules or as the Commission may prescribe in addition thereto. The Commission shall investigate the merit and efficiency in service of individuals presenting themselves for promotion examinations. Merit and efficiency shall be assigned appropriate weights and rated on a scale of 100. The Commission shall also designate an appropriate award for seniority of service for those to be examined for promotion.

No person, regardless of seniority, merit or efficiency ratings, shall be entered upon a promotion list or register whose score is less than 70% (or who does not otherwise pass) on each of the prescribed subjects in the examination required by the Commission (not including seniority and merit and efficiency points). The weight to be given to each component of the testing process (including seniority and merit or efficiency ratings) shall be determined in writing by the Commission prior to the commencement of the promotional examination process. Once scoring is completed, persons will be placed on the promotion list or register in accordance with their scores. If 2 or more applicants achieve the identical final score, they shall be placed on the promotional eligible register in their order of seniority in the position from which they seek promotion.

B. Sworn Police Personnel.

Promotion for members of the Classified Service for sworn police department personnel positions will be accomplished by competitive examinations which will include subjects and weights provided for in these rules or as the Commission may prescribe in addition thereto. The Commission shall investigate the merit and efficiency in service of individuals presenting themselves for promotion examinations. Merit and efficiency shall be assigned appropriate weights and rated on a scale of 100. The Commission shall also designate an appropriate award for seniority of service for those to be examined for promotion. All candidates for promotion (placement on the promotional eligibility list) shall first take a written competitive examination approved by the commission. Any person, regardless of seniority, merit, or efficiency ratings, whose score is less than 70% on each and every examination, assessment, test or evaluation which results in a numerical score shall not be eligible for promotion. The weight to be given to each component of the testing process (including seniority and merit or efficiency ratings) shall be determined in writing by the Commission prior to the commencement of the promotional examination process. Once scoring is completed, persons will be placed on the promotion list or register in accordance with their scores. If 2 or more applicants achieve the identical final score, they shall be placed on the promotional eligible register in their order of seniority in the position from which they seek promotion.

SECTION 2. Eligibility for Promotion

The Commission in its notices of examination shall define lines of eligibility for promotion by indicating the class or classes of positions from which members of the Classified Service are entitled to take such examinations. Promotional examinations shall be announced when no active eligibility list exists for a position and when two or more eligible members of the Classified Service indicate to the Commission, in writing, a desire to take a promotional examination.

Should only one eligible candidate register for the examination or should all eligible candidates fail to pass the examination, the Commission may hold an entrance to service examination to fill the position.

No person shall be eligible for promotion unless the position in which he or she is actually employed at the time of the examination is in the same occupational service as the position to be filled. If, however, an employee is on leave of absence from the class of service from which the promotional examination is to be given--and is eligible to return to service--or is temporarily employed in a higher class position on a similar service while holding a rating in the class of service from which promotional examination will be given, the employee will considered eligible.

SECTION 3. Seniority

Credit for seniority will be given for continuous service in the class of positions from which promotion is sought. Credit for seniority will also be given for actual service in a higher class of position in a similar line of duty to which the applicant has temporarily been assigned from the class of positions from which promotion is sought. Seniority shall be computed as of the date service commences. The average marking to be entered for seniority in service shall be obtained by adding to a standard of 70, one point for each year of service up to a maximum of 5 points for employees other than sworn police officers. With regard to sworn police officers, credit for seniority will be given at the rate of 1 point for 5 years of continuous service, an additional 1 point for 8 years of continuous service, an additional 1 point for 12 years of continuous service and an additional 2 points for 16 years of continuous service as a police officer in the Village up to a maximum total of five (5) points. Credit, when allowed, will be added to the final grade average of those persons whose names appear on the eligible register.

SECTION 4. Merit - Efficiency

Records of merit or efficiency of employees in the Classified Service shall be developed by the Commission from reports submitted by the Appointing Authority, department heads, and/or from investigations made by the Commission. The Commission may, by written order in its minutes or in its rules, prescribe subjects or factors to be used in determining merit or efficiency ratings. Weights will be assigned to such subjects and factors in order to fairly reflect their relative values prior to the commencement of the promotional examination process.

SECTION 5. Military Preference

In promotion examinations, all persons who were engaged in the naval or military service of the United States during the years specified in Section 10-1-16 of the Illinois Municipal Code, who have been placed on the promotion eligibility register, shall be given such preferences as provided by law or ordinance. Proof of military or naval service by virtue of which an eligible is entitled to claim preference in promotion examinations shall be furnished by the eligible to the Commission. Unless such proof is made, no preference will be accorded. The credit allowed by the Civil Service Act for military or naval service shall be added to the final grade average of the persons entitled to same whose names shall appear upon promotion eligibility registers.

RULE VI

REMOVAL AND SUSPENSIONS

SECTION 1. Removal or Suspension of Civil Service Employees Other Than Sworn Police Officers

Except as hereinafter provided in this Section, no employee in the classified civil service of the Village who is appointed under the rules and after examination, may be removed or discharged, or suspended for a period of more than 30 days, except for cause upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before the Civil Service Commission, or by or before some officer or board appointed by the Commission to conduct that investigation. The finding and decision of the Commission or investigating officer or board, when approved by the Commission, shall be certified to the Appointing Authority, and shall forthwith be enforced by that officer. Before any employee in the classified service of the Village may be interrogated or examined by or before any disciplinary board or departmental agent or investigator, the results of which hearing, interrogation or examination may be the basis for filing charges seeking his removal or discharge, he must be advised in writing as to what specific improper or illegal act he is alleged to have committed; he must be advised in writing that his admissions made in the course of the hearing, interrogation or examination may be used as the basis for charges seeking his removal or discharge; and he must be advised in writing that he has the right to counsel of his own choosing present to advise him at any hearing, interrogation or examination; and a complete record of any hearing, interrogation or examination shall be made and a complete transcript thereof made available to such employee. Nothing in these Rules limits the power of any officer to suspend a subordinate for a reasonable period, not exceeding 30 days, except that any employee suspended for more than 5 days or suspended within 6 months after a previous suspension shall be entitled, pursuant to Section 8 of this Rule VI, to a hearing before the Civil Service Commission concerning the propriety of such suspension. In the course of an investigation of charges, each member of the Commission, and of any board so appointed by it, and any officer so appointed, may administer oaths and may secure by its subpoena both the attendance and testimony of witnesses, and the production of books and papers relevant to the investigation. Nothing in this Section shall be construed to require such charges or investigation in cases of persons having the custody of public money for the safekeeping of which another person has given bonds.

SECTION 2. Removal and Suspension of Police Officers

A. Except with respect to officers charged with the violation of any criminal law, the following rules shall apply to the investigation of sworn police officers ("officer").

No officer shall be subjected to interrogation without first being informed in writing of the nature of the investigation. If an administrative proceeding is instituted, the officer shall be informed beforehand of the names of all complainants. The information shall be sufficient as to reasonably apprise the officer of the nature of the investigation. All interrogations shall be conducted at a reasonable time of day. Whenever the nature of the alleged incident and operational requirements permit, interrogations shall be conducted during the time when the officer is on duty. The officer under investigation shall be informed of the name, rank and unit or command of the officer in charge of the investigation, the interrogators and all persons present during any interrogation except at a public administrative proceeding. Interrogation sessions shall be of reasonable duration and shall permit the officer interrogated reasonable periods for rest and personal necessities. The officer being interrogated shall not be subjected to professional or personal abuse, including offensive language. A complete record of any interrogation shall be made and a complete transcript or copy shall be made available to the officer under investigation without charge and without undue delay. Such record may be electronically recorded. No officer shall be interrogated without first being advised in writing that admissions made in the course of the interrogation may be used as evidence of misconduct or as the basis for charges seeking suspension, removal or discharge; and without first being advised in writing that he or she has the right to counsel of his or her choosing who may be present to advise him or her at any stage of any interrogation. The officer under investigation shall have the right to be represented by counsel of his or her choosing and may request counsel at any time before or during the interrogation. When such request for counsel is made, no interrogation shall proceed until reasonable time and opportunity are provided the officer to obtain counsel. In the course of any interrogation no officer shall be required to submit to a polygraph test, or any other test questioning by means of any chemical substance, except with the officer's express written consent. Refusal to submit to such tests not result in any disciplinary action nor shall such refusal be made part of his or her record.

For purposes of this Section, "interrogation" means the questioning of an officer pursuant to formal investigation procedures in connection with alleged misconduct which may be the basis for filing charges seeking the officer's suspension, removal or discharge. The term does not include informal questioning or questioning relating to minor infraction which may not in themselves result in removal, discharge or suspension in excess of three (3) days.

B. No police officer in the classified civil service of the Village who is appointed under the Rules and after examination, may be removed or discharged, or suspended for a period of more than five (5) calendar days, except for cause upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before the Civil Service Commission, or by or before some officer or board appointed by the Commission to conduct that investigation. The finding and decision of the Commission or investigating officer or board, when approved by the Commission, shall be certified to the appointing officer, and shall forthwith be enforced by that officer. Nothing in these Rules limits the power of the police chief to suspend a subordinate for a reasonable period, not exceeding 5 calendar days, provided the Civil Service Commission is promptly notified thereof in writing. Any officer so suspended shall be entitled, pursuant to Section 8 of this Rule VI, to a hearing before the Civil Service Commission concerning the propriety of such suspension. Upon such hearing, the Commission may sustain the action of the chief, may reverse it with instructions that the person receive his pay for the period involved, or may suspend the person for an additional period of not more than 30 days or discharge him, depending on the facts presented. In the course of an investigation of charges, each member of the Commission, and of any board so appointed by it, and any officer so appointed, may administer oaths and may secure by its subpoena both the attendance and testimony of witnesses, and the production of books and papers relevant to the investigation. If the charge is based upon an allegation of the use of unreasonable force, the charge must be brought within five years after commission of the act upon which the charge is based.

SECTION 3. Notice of Hearing

Upon written charges being filed, the Commission shall set a date for a hearing thereon which shall not be less than ten (10) days nor more than thirty (30) days after the charges have been filed. The time set for such hearing may be postponed by the Commission or a Hearing Officer if charges are referred to such Hearing Officer upon their own motion or upon the request of the person against whom the charges have been preferred.

Before any hearing is held upon any charges, the Commission or Hearing Officer to whom said charges may be referred by the Commission for hearing, shall give or cause to be given a written notice to the accused officer or employee of the time and place of such hearing, which notice shall contain a copy of the charges preferred. Such notice shall be personally served upon the accused officer or employee or mailed to him by registered mail at his address as shown on the records of the Commission at least six (6) days prior to the hearing.

A waiver of notice of such hearing signed by the accused officer or employee shall be equivalent to the giving of such notice. Attendance of any accused officer or employee by himself or by counsel at any hearing shall constitute a waiver of notice of such hearing except where the officer or employee, or his attorney, attends for the sole purpose of objecting to the sufficiency of or lack of notice of such hearing.

SECTION 4. Conduct of Hearing

Hearings on charges shall be investigated by or before the Civil Service Commission or by or before a Hearing Officer appointed by the Commission to conduct such investigation. All hearings held before the Commission shall be heard by at least two (2) Commissioners, any one of whom may act as the presiding officer thereof. The presiding officer or a Hearing Officer, if one is appointed by the Commission, shall rule upon the competency of witnesses and upon the competency, relevancy, and materiality of the evidence presented. Only such evidence as fairly tends to prove or disprove the specific charge or charges will be considered by the Commission or Hearing Officer. The hearing shall be according to right and justice irrespective of legal technicalities. The Commission may appoint an attorney, or may, in its discretion, permit the person or persons preferring the charges to appoint an attorney to prosecute the charges.

SECTION 5. Witnesses

All witnesses shall be required to take an oath to be administered by any member of the Commission or the Hearing Officer, if one be appointed by the Commission, before being examined. The Commission or the Hearing Officer, if one be appointed by the Commission, the prosecuting attorney, the accused, or the accused's attorney may examine all witnesses. The Commission upon application of either the Hearing Officer, the accused or the person or persons preferring the charges will secure by its subpoena the attendance and testimony of witnesses and production of relevant books and papers. All fees for the attendance of witnesses and for reimbursement for mileage shall be as provided for in subpoenas issued by the Circuit Court of Cook County. ·

SECTION 6. Continuances

Hearings may be continued from time to time; however, due regard shall be given to the right of the person charged to have the hearing concluded within a reasonable time.

SECTION 7. Finding & Decision

The finding and decision of the Civil Service Commission or Hearing Officer when approved by the Commission, shall be entered on the record of the Civil Service Commission and shall be certified to the Appointing Authority, and shall forthwith be enforced by that officer. Notice of the finding and decision of the Commission shall also be sent to the officer or employee involved in the hearing.

SECTION 8. Appeal from Suspension

Any employee or officer suspended for more than five (5) days, or suspended within six (6) months after a previous suspension, shall be entitled to a hearing before the Civil Service Commission concerning the propriety of such suspension, provided such employee, or officer, shall have first notified the Civil Service Commission in writing within seventy-two (72) hours of the time of such suspension, by filing written notice of such appeal with the office of the secretary of the Civil Service Commission.

A hearing shall be had upon such appeal, and due notice shall be given to the officer who suspended such employee or officer, and to the employee or officer so suspended in same manner as if charges were originally filed before the Civil Service Commission.

SECTION 9. Record

The Commission shall keep a record of all charges, hearings, and action taken thereon which shall be and constitute a part of the official records of the Commission. Such records shall contain:

- (a) The written charges against any accused officer or employee.
- (b) The notice given the accused officer or employee of the hearing together with proof of service thereof or the waiver of such notice.
- (c) A complete stenographic report of the proceedings at the hearing.
- (d) All acts or orders of the Commission in connection therewith, including the order appointing the Hearing Officer, if there be one, and the findings and decision of such investigation officer, the order of the Commission approving such findings and decision, the final order entered thereon, which final order shall contain a specific finding of the facts on which the order is based.
- (e) The certification of the Commission's decision to the proper department or office head.

SECTION 10. Removal of Employee for Physical or Mental Disability

Whenever the head of a department shall deem it to be necessary to protect the interests of the service, he or she may require any officer or employee holding a position in the Classified Service and in his or her department, to submit to a physical examination by any licensed physician designated by the Commission for the purpose of determining his or her physical or mental fitness to perform his or her duties. Said examination shall be provided without cost to the officer or employee.

The Commission shall determine from the physician's report and from consultation with the officer or employee whether the officer or employee is an otherwise qualified individual with a disability as provided in the Americans with Disabilities Act of 1990. The Commission will also determine whether a reasonable accommodation is required under the ADA. As part of this determination, the Commission will determine whether transfer to a vacant position would constitute a reasonable accommodation. If the Commission determines that the officer or employee is not a qualified individual with a disability because the individual cannot with reasonable accommodation perform the essential functions of the position which is held, the secretary of the Commission shall prepare charges against the officer or employee and the Commission shall then proceed in accordance with these rules.

RULE VII

TRANSFERS AND LEAVES OF ABSENCE

SECTION I. Transfers

Department heads, with the approval of the Appointing Authority, may effect the transfer of employees in the classified service from one position within a department to another position in the same department if they are of the same classification. The Civil Service Commission will be notified of all such transfers.

Department heads, with the approval of the Appointing Authority, may effect the transfer of employees in the classified service from one position of the same class in one department to another position of the same class in another department only after notifying the Civil Service Commission.

Transfers may not be effected in order to avoid the lay-off of an employee.

Transfers may not be effected when the examination upon which the appointment of the employee was based differs in character from the test applicable to the position to which the employee is to be transferred.

SECTION 2. Leaves of Absence

Family and medical leaves and military leaves shall be granted by the Commission in accordance with the applicable provisions of the Family and Medical Leave Act, the Veterans Re-Employment Rights Act and Sections 10-1-46 and 10-1-47 of the Illinois Municipal Code.

RULE VIII

LAYOFFS, RESIGNATIONS AND REINSTATEMENTS

SECTION 1. Layoffs

Whenever it becomes necessary to reduce employment in any department other than the police department due to a lack of work, lack of funds, or for other valid reasons, the following will apply:

- (a) The last employee certified to the class of position in which a reduction in force is to be made will be the first employee to be laid off.
- (b) Employees laid off because of a reduction in force will have their names placed on a reinstatement roster for the class of position where the force reduction was made. When employment is increased, employees will be reinstated to service in order of seniority in that class and position. Failure to accept reinstatement after notification by the Appointing Authority within a reasonable time limit, not to exceed thirty (30) days, will result in that employee's name being removed from the reinstatement roster.
- (c) Employees laid off due to reduction in force may displace an employee with less seniority in the classified service in a position of a lower classification, if the laid off employee has previously passed the examination applicable to that position.

SECTION 2. Police Layoffs

When the force of the police department is reduced, seniority shall prevail, and the officers and members so reduced in rank or removed from the service of the police department shall be considered furloughed without pay from the positions from which they were reduced or removed.

Any such reductions and removals shall be in strict compliance with seniority and in no event shall any officer or member be reduced more than one rank in a reduction in force. Officers and members with the least seniority in the position to be reduced shall be reduced to the next lower rated position. For purposes of determining which officers and members will be reduced in rank, seniority shall be determined by adding the time spent at the rank or position from which the officer or member is to be reduced and the time spent at any higher rank or position in the department. For purposes of determining which officers or members in the lowest rank or position shall be removed from the department in the event of a layoff, length of service in the department shall be the basis for determining seniority, with the least senior such officer or member being the first so removed and laid off. Such officers or members laid off shall have their names placed on an appropriate re-employment list in the reverse order of dates of layoff.

If any officers or members are reinstated, they shall be notified by registered mail of such reinstatement of positions and shall have prior right to such positions if otherwise qualified. In all cases seniority shall prevail. Written application for such reinstated position must be made by the furloughed person within thirty (30) days after notification as above provided. Such person may be required to submit to examination by physicians of both the Commission and the appropriate pension board to determine fitness.

SECTION 3. Resignation and Retirement

Upon the resignation or retirement of an employee from the classified service, the employee shall indicate such resignation or retirement in writing. A copy of the resignation or retirement document shall be filed with the Civil Service Commission by the Appointing Authority. All resignations and retirements, whether oral or written, will be considered to be final when received.

RULE IX

ADMINISTRATION

SECTION 1. Chairperson of the Commission

The Commission shall elect one of its members as Chairperson to serve a one (1) year term. Such election shall be held on the first regular meeting after May 1, each year. In the event the elected Chairperson should leave the Commission for any reason, an interim Chairperson shall be elected by the remaining members to complete the unexpired term at the next regular meeting after his or her successor to the Commission is appointed.

Section 2. Meetings

Regular meeting of the Commission shall be held on the first and third Monday of each month at 7:00 p.m. unless otherwise fixed at a preceding meeting, or unless otherwise fixed in accordance with the provisions of the Illinois Open Meetings Act.

Special meetings may be held at any time on the call of a Commissioner. Action taken at any meeting requires a quorum of the Commission be in attendance to become effective. A majority of the members of the Commission shall constitute a quorum.

All meetings shall comply with the requirements of the Illinois Open Meetings Act.

SECTION 3. Order of Business

The order of business at meetings of the Commission shall follow a printed agenda.

SECTION 4. Amendment of Rules

Changes in the Civil Service Commission rules shall be proposed at a regular meeting or a duly called special meeting. Such changes shall be in accordance with the Act of the State of Illinois being Article 10, Division 1, Sections 10-1-1 through 10-1-48 of Chapter 65 of the Illinois Compiled Statutes, as amended, or as modified by ordinance.

SECTION 5. Regulations

The Commission may adopt regulations or procedures for the administration of its rules, the operation of its office, and the guidance of its members and employees.

SECTION 6. Annual Report

The Commission shall, on or before January 15 of each year, make to the Mayor for transmission to the corporate authorities a report showing the Commission's own action, the rules in force, the practical effects thereof, and any suggestions it may have for the more effectual accomplishment of the goals and purposes of the Commission.

RULES AND REGULATIONS OF THE CIVIL SERVICE
COMMISSION

TINLEY PARK, ILLINOIS

As adopted by the Civil Service Commission of the Village of Tinley Park, Illinois, effective January __, 2020
and approved by the Village Board of Trustees Ordinance Number _____.

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CHAPTER I – ADMINISTRATION

CHAPTER I – ADMINISTRATION
SECTION 1 - SOURCE OF AUTHORITY

The Civil Service Commissioners of the Village of Tinley (the "Commission") derives its power and authority from Article 10, Division 1, of the Illinois Municipal Code (65 ILCS 5/10-1-1, *et seq.*), the applicable provisions of the Tinley Park Municipal Code and Village ordinances.

The Village Board of Trustees may adopt and amend these rules and regulations in accordance with its home rule authority. The Commission shall adopt, enforce, administer and amend these rules and regulations in accordance with the Village of Tinley Park Municipal Code, Village ordinances and consistent with governing state and federal law. All changes to these rules by the Commission shall be made at a properly convened meeting.

CHAPTER I – ADMINISTRATION
SECTION 2 – DEFINITIONS

When the following terms are used in these rules and in other documents relating to the positions in the Civil Service Commission and the Classified Service of the Village of Tinley Park, they shall be interpreted as follows:

"Appointing Authority" - The Village Manager.

"Appointment" - The designation and induction into employment of an individual to a position in the classified service of the Village by proper authority.

"Village Civil Service" - All full time non-probationary positions within the jurisdiction of the Village of Tinley Park, except those positions specifically exempted from the Village Civil Service by law or by ordinance, or removed by the Commission.

"Class" - A group of positions with duties and responsibilities sufficiently alike to require of new employees the same general abilities, experience and knowledge for the efficient performance of the assigned duties. The character of these positions justifies common treatment in selection, testing, compensation by evaluation and other personnel practices, and permits interchange of employees without material loss of efficiency or after a brief period of training. Positions in one class are sufficiently different from positions in other classes to justify different treatment in one or more of the above listed items. A class may consist of only one position where no other positions of the same kind exist.

"Class Title" - The identifying designation given to a class.

"Classification Plan" - The arrangement of class titles by occupational service, with class codes and grade numbers. Definitions of classes and class titles are set forth in written specifications indicating the factors that make the positions in one class different from those in other classes.

"Classified Positions" - All non-probationary positions under the jurisdiction of the Civil Service Commission except those exempted by law or by ordinance, or removed from the Classification plan by the Commission.

"Classified Service" - The Village Civil Service.

"Commission" - The Civil Service Commission of the Village of Tinley Park, Illinois.

"Commissioners" - Members of the Civil Service Commission.

"Employee" - Any person certified to an office, position or place of employment in the classified service, either permanent or temporary, who is paid from public funds.

"Illinois Municipal Code" - An act to revise and codify the laws relating to cities, villages and incorporated towns approved and in full force May 29, 1961 as amended, 65 ILCS 5/1-1-1 et seq.

"Position" - The authorized combination of duties and responsibilities that are to be performed by one individual on a full-time basis. The term "position" means the same as "office or place of employment" as referred to in Section 10-1-3 of the Illinois Municipal Code.

"Title" - The identifying designation given to each position.

CHAPTER I – ADMINISTRATION
SECTION 3 - OFFICERS OF COMMISSION AND THEIR DUTIES

- a) The Commission is comprised of three (3) members who shall be appointed by the Mayor with the approval of the Village Board of Trustees and serve three (3) year terms. Each Commissioner's three (3) year term shall be staggered such that no two Commissioners terms expire on the same year. The Mayor, with the approval of the Village Board of Trustees, shall annually appoint a single member to the Commission. Each member shall serve until such time he or she is reappointed by the Mayor and Board of Trustees or until such time that a new member is appointed to replace the member whose term is expiring. Any vacancy created before the natural termination of a Commissioner's term shall be filled by a member appointed to complete the term of the previous Commissioner.
- b) No person holding another office with the Village of Tinley Park shall be appointed or serve as a Commissioner. The acceptance of another office with the Village shall be treated as a resignation of his or her office as a Commissioner. No person who has been convicted of a felony under the laws of any state or the United States shall be appointed to the Commission. Anyone appointed as a Commissioner must be a resident of the Village of Tinley Park. Commissioners shall serve without compensation.
- c) Commission members may be removed at the request of the Mayor and approval of the Village Board of Trustees for any cause which, in the opinion of the Mayor and Board of Trustees warrants removal. Vacancies on the Board shall be filled in the same manner as the original appointments.
- d) The Commission shall annually elect one of its members as Chairperson to serve a one (1) year term. Such election shall be held on the first regular meeting after May 1, each year. In the event the elected Chairperson should leave the Commission for any reason, an interim Chairperson shall be elected by the remaining members to complete the unexpired term at the next regular meeting after his or her successor to the Commission is appointed. The Chairman shall be the presiding officer at all meetings.
- e) The Commission may have a Secretary who shall keep the Minutes of all meetings of the Commission in a permanent record book or by electronic means and shall be the custodian of all the forms, papers, books,

records and completed examinations of the Commission. The Commission Secretary shall be hired by the Village Clerk's office in accordance with current practice.

CHAPTER I – ADMINISTRATION
SECTION 4 – MEETINGS

- a) Regular meetings of the Commission shall be held on the first and third Monday of each month at 6:00 p.m. unless otherwise fixed at a preceding meeting, or unless otherwise fixed in accordance with the provisions of the Illinois Open Meetings Act, Illinois Compiled Statutes, Chapter 5, 120/1-120/5.
- b) Special meetings may be held at any time on the call of a Commissioner. Special meetings shall be open, notice thereof to be posted forty-eight (48) hours prior to convening. This notice shall contain a brief statement of the business to be submitted for the consideration of the Commission 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 Commission.
- c) During any regular or special meeting a closed session may be held upon a proper motion made by any single member of the Commission for the purpose of discussing personnel. Closed sessions may be limited to Commission members and such invited persons as the Commission may deem necessary. The Secretary will record the motion to close the meeting, record the roll call vote of the members on said motion and keep minutes of the closed session. An audio or video record of each closed session will be maintained by the Secretary of the Commission and, after a minimum of 18 months, shall be disposed of in accordance with the provisions of the Open Meetings Act.
- d) Action taken at any meeting requires a quorum of the Commission be in attendance to become effective. A majority of the members of the Commission shall constitute a quorum.
- e) If a member is unable to be physically present at a meeting of the Commission, that member may attend and participate at a Commission meeting by telephonic or other electronic means provided that a quorum of the Commission's members are physically present at the meeting and vote to approve the attendance of the missing member by way of telephonic or other electronic means. The minutes of the meeting shall reflect, by name, those members of the Commission who are physically present as well as the name of who is attending by telephonic or other electronic means. Notice that a Commission member will be in attendance and participating at a Commission meeting not in person but electronically, shall be provided to the Commission's recording Secretary or the municipal clerk at least 48 hours prior to the scheduled meeting.
- f) Public notice of any regularly scheduled or special meeting shall be held in accordance with the Open Meetings Act.
- g) Agendas of all meetings shall include the order of business at any meeting as follows:
 - 1. CALL TO ORDER
 - 2. APPROVAL FOR MINUTES
 - 3. REVIEW CURRENT BILLS
 - 4. OLD BUSINESS
 - 5. NEW BUSINESS

6. COMMENTS FROM PUBLIC
7. ADJOURNMENT

h) The parliamentary procedure prescribed in Robert's "Rules of Order" shall be followed as far as applicable.

**CHAPTER I – ADMINISTRATION
SECTION 5 - AMENDMENTS**

Changes in the Civil Service Commission Rules shall be proposed and may be enacted at any regular meeting or a duly called special meeting. Such changes shall be in accordance with the Illinois Municipal Code, 65 ILCS 5/10-1-1, *et seq*, as amended, or as modified by ordinance. A notice shall be published, in a newspaper of general circulation in the municipality, specifying where such Rules are available for inspection.

**CHAPTER I – ADMINISTRATION
SECTION 6 - ANNUAL REPORT AND BUDGET REQUEST**

The Commission shall, on or before January 15 of each year, make to the Mayor for transmission to the corporate authorities a report showing the Commission's own action, the rules in force, the practical effects thereof, and any suggestions it may have for the more effectual accomplishment of the goals and purposes of the Commission. This is in accordance with 65 ILCS 5/10-1-21.

Budget requests shall be made in accordance with Board of Trustee guidelines.

**CHAPTER I – ADMINISTRATION
SECTION 7 – REGULATIONS**

The Commission may adopt regulations or procedures for the administration of its rules, the operation of its office, and the guidance of its members and employees. Such regulations or procedures shall be proposed and enacted at any regular meeting or duly called special meeting.

**CHAPTER I – ADMINISTRATION
SECTION 8 – REMOVAL AND ADDITION OF POSITIONS**

The Commission has the authority to remove any position from the classified service as requested by the Appointing Authority. The Appointing Authority shall provide the Commission with a description of sufficient detail for any position to be added to the Classified service such that the Commission may determine the correct classification and examinations necessary to include the position in the Classification System.

**CHAPTER I – ADMINISTRATION
SECTION 9- RECORDS**

The Commission shall maintain its records in accordance with applicant releases, Village policies, state or federal law, and administrative regulations including document preservations of the Local Records authority. Commission records or information contained therein may be released, transferred, disclosed, disseminated, or destroyed only as provided by applicable law. All application and examination records produced on behalf of and transmitted to the Commission by any individual or entity shall become the property of the Commission and shall be retained as required by law. The Secretary shall be responsible for the storage, maintenance and destruction of the Commission's records, in accordance with applicable law.

The Commission's records shall include, but not be limited to:

- Data and documentation regarding the Commission's processes for recruitment, selection, promotion, and discipline of all applicants and employees including the sworn members of the Village's Police Department.
- Data and documentation required to comply with state and federal laws and regulations regarding equal employment, including information categorizing applicants for employment by sex, race and national origin.
- Applications, waivers and releases, educational and military records.
- Recommendations, findings, reports, and results from tests and examinations authorized by the Commission, including medical reports, physical fitness testing results, written examinations results, psychological evaluations, and oral interview ratings. Any medical information regarding an applicant, candidate or employee shall be maintained in separate, secured files in accordance with the Americans with Disabilities Act.
- Findings, reports and recommendations associated with background investigations conducted on behalf by the Village's Police Department or other outside agency.
- Documentation regarding activities and events involving employees subject to disciplinary action.

The Village's Human Resources Department, in concert with the Chief of the Village's Police Department, shall be responsible for maintaining an employee record for each police department employee, separate from the Commission's files.

The Commission shall have access to the Village's employee records when necessary for action on an employee matter.

It is the policy of the Commission to permit access to and copying of public records in accordance with the Illinois Freedom of Information Act, balanced, however, by the limited exceptions recognized in the Act to safeguard individual privacy and the efficient operation of the Commission. The Commission shall appoint the Village's Freedom of Information Officer to ensure that the Commission complies with the Act under the Village's policy.

CHAPTER II - APPLICATIONS

CHAPTER II - APPLICATIONS
SECTION 1 - RESIDENCE

Applicants for examination must be citizens of the United States and/or an alien admitted for permanent residence or lawfully admitted for temporary residence and who produces evidence of intention to become a citizen of the United States.

All full-time employees shall, as a condition of employment and continued employment, be required to comply with any residency requirement established by the Village Board of Trustees.

CHAPTER II - APPLICATIONS
SECTION 2 – NONDISCRIMINATION

It is the policy of the Commission to be a fair and equal opportunity employer. The Commission, its individual Commissioners, its administrative staff, and its agents shall not in any way discharge, refuse to employ, or discriminate against any person in regard to tenure, terms or conditions of employment, promotional opportunities, training or the like, provided the person is otherwise qualified, on the basis of race, religion, sex, color, creed, marital status, citizenship status, being a victim of domestic or sexual violence, physical or mental disability, age, national origin, ancestry, sexual orientation, pregnancy, military status, unfavorable discharge from military service, genetic information, as well as any other protected classification pursuant to state or federal law.

All applicants, candidates or employees shall be considered only on the basis of qualifications as required by the position being sought or held relative to experience, training, physical fitness, ability, skills, knowledge, and personal characteristics and integrity as a proper representative of the Village.

CHAPTER II - APPLICATIONS
SECTION 3 – FORMS

Applications for position shall be filed upon forms furnished by the Commission, and applicants must comply with all instructions and requirements of these forms. The application must be filed with the Commission prior to taking an examination.

Additional alternative formats for application, if necessary, shall be available to individuals requesting them as an accommodation for a disability.

Every applicant must be of good moral character, 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.

The applicant shall furnish with his or her application a copy of his or her Military Service Record and Discharge papers, Social Security Card, Birth Certificate, High School Diploma or G.E.D Certificate, 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.

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

Applicants must comply with the requirements of the application form and process in every respect. The Commission or its designee shall check the submitted application material for completeness. Incomplete or defective applications will not be accepted. Submission of an incomplete or defective application will disqualify any applicant.

CHAPTER II - APPLICATIONS
SECTION 4 – TIME FOR FILING APPLICATIONS

The Commission shall designate the period during which applications will be received for any original entrance to service examination and the location of the place and period during which applicants for any promotional examination shall register.

CHAPTER II - APPLICATIONS
SECTION 5 – APPLICATION FEES

The Commission may charge a fee to cover the costs of the application process as may be established from time to time. Applicable costs will be provided with the notice of the examination.

CHAPTER II - APPLICATIONS
SECTION 6 – AGE

Applicants for original entrance to service examinations may not be less than 18 years of age. Applicants for original entrance to police service may not be less than 21 years of age. The Commission shall prescribe maximum or minimum age limits for examinations where prescribed by law and in accordance with 65 ILCS 5/10-1-1, *et seq.*

Applicants for a position as a police officer shall be under 35 years of age as of the date of the written examination. The Tinley Park Civil Service Commission complies with the age restrictions defined in the Illinois Municipal Code related to Civil Service Commissions found at 65 ILCS 5-10-1 through 5-10-38. Applicants for original appointment as a police patrol officer shall not have attained their 35th birthday except where an applicant has prior military service or has previous employment as a police patrol officer in the Village of Tinley Park. Applicants who have military service or who have previous employment as a police officer in the Village of Tinley shall not be eligible for original appointment if the applicant has attained his or her 40th birthday.

Proof of birth date may be required at the time of application.

CHAPTER II - APPLICATIONS
SECTION 7 – SPECIAL QUALIFICATIONS

In examinations for positions requiring experience, technical, professional or scientific knowledge or when special qualifications are prescribed by laws or ordinances (certifications, licenses, etc.), the Commission may demand satisfactory proof of such special qualifications from the applicant prior to the written examination.

CHAPTER II - APPLICATIONS

SECTION 8 – DISQUALIFICATIONS

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

- Who is found to have made a false statement in any application for examination or promotion.
- Who is found to violate any rule, regulation or instruction of the Commission pertaining to an application or examination.
- Who is found lacking in any of the established preliminary requirements for the service for which he applies.
- Who is physically unable to perform the duties of the position to which he seeks appointment.
- Who is addicted to the use of intoxicating beverages or is found to have taken or used drugs and/or narcotics illegally.
- For persons applying for entrance into service examinations or promotion in the police department, who has been convicted of a felony or any misdemeanor, he shall have such conviction considered in determining their habits and moral character.
- Who has been dismissed from public service for cause.
- Whose pre-employment references provide information unsatisfactory for employment with the Village.
- Any applicant deemed disqualified under any of the above shall be notified by the Commission.

Nothing in this section shall be construed as a limitation on the Appointing Authority's right to discharge a probationary employee at or before the expiration of such employee's period of probation. Nor shall anything in this section be construed as a limitation on the Appointing Authority's right to discharge any other employee or right to deny any applicant the position being sought if the Appointing Authority otherwise has such right. If such termination occurs, the Appointing Authority will notify the Commission.

CHAPTER II - APPLICATIONS

SECTION 9– CHANGE OF ADDRESS

It shall be the duty of each applicant to inform the Commission in writing of any change in his or her U.S. Postal Service address, e-mail address or telephone number, so that the Commission may maintain contact with applicants from initial application to final employment disposition. Failure to properly notify the Commission of

any change may result in the striking of the applicant's name from the application process or from the eligibility roster.

CHAPTER III - EXAMINATIONS

CHAPTER III - EXAMINATIONS
SECTION 1 – GENERAL INFORMATION

The Civil Service Commission shall prescribe the subject that shall be included in original and promotional examinations. Weights will be assigned to these subjects in order to represent their value in determining a general average. Subjects and the respective weights for all original and promotional examinations shall conform to the schedule prescribed in published notices of examination as provided for in Section 10-1-11 of the Illinois Municipal Code.

The Civil Service Commission may charge an examination fee to applicants taking entrance to service examinations.

CHAPTER III - EXAMINATIONS
SECTION 2 – NOTICE OF APPLICATION AND EXAMINATION

The Commission shall call examinations to fill vacancies in the class of service in which vacancies are liable to occur. A call for such examination shall be entered in the Minutes of the Commission and shall include a statement of:

- a) The time and place where such examination will be held.
- b) The location where applications may be obtained and the date by which applications must be returned to the commission.
- c) The position to be filled from the resulting eligibility list.

Notices of the time and place, general scope, subjects, weights and fee of every entrance to service examination shall be given by the Commission by publication two (2) weeks preceding the examination. Publication will be in a newspaper of general circulation published in the municipality and/ or on the Village website. Information regarding the time and place, general scope, subjects, weights and fee of every entrance to service examination may also be published on the Village's website or shall be posted in a conspicuous place at Village Hall for two (2) weeks prior to the examination.

Examinations may be postponed by order of the Commission. The order shall state the reason for the postponement and shall designate a new date for the examination. Applicants shall be notified of the postponement and of the new date set for the examination.

CHAPTER III - EXAMINATIONS
SECTION 3 – ORIENTATION AND TESTING OVERVIEW

Applicants may be required to attend an orientation program sponsored by the Commission. When such a requirement exists, the date and location of the orientation program shall be indicated on the application material. In addition, applicants may be required to participate in a physical aptitude test, written and oral examinations as determined by the Commission and as more particularly set forth below. The examination will be practical in character and shall relate to those matters which will fairly test the relative capabilities of the person tested to

discharge the duties of the position to which they seek to be appointed. Examination on subjects prescribed may be administered in written and/or oral forms and/or may be administered as an ocular, performance, manual, physical or practical demonstration. No examination shall contain questions regarding applicant's political or religious opinions or affiliations.

Subjects may include, but are not limited to:

- Duties of position
- Educational Tests
- Aptitude Tests
- Practical Tests
- Courtesy Tests
- Discipline Tests
- Knowledge of Civil Government
- Knowledge of Laws and Ordinances
- Knowledge of the Village of Tinley Park
- Physical Agility Tests
- Performance Tests
- Polygraph Tests
- Psychological Tests
- Oral Interviews

The sequence of testing may vary at the discretion of the Commission. Failure to achieve the minimum passing grade on any examination/component disqualifies the applicant from further participation in the testing process. Candidates who fail to achieve a passing grade will be notified and eliminated from all further consideration.

The Commission shall determine the weighting of each component of the testing process and the minimum passing grade for each examination. Except for examination declared to be on a “pass/fail” basis, and unless otherwise specified by the Commission, an applicant must correctly answer at least 70% of the examination questions to receive a minimum passing grade.

All examination papers shall be and remain the property of the Commission 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.

CHAPTER III - EXAMINATIONS

SECTION 4 - MINIMUM GRADE AND RATING OF AVERAGES

Except for such examinations or tests that the commission shall declare to be on a “pass/fail” basis, and unless otherwise specified by the Commission, an applicant must correctly answer at least 70% of the questions on each examination correctly. A failure to answer at least 70% of the examination questions correctly shall constitute final disqualification of an applicant. In the event that more than one examination is given, an applicant must answer at least 70% of the examination questions correctly on each examination in order to be eligible to take any successive examinations.

Upon completion of all examinations, the commission shall prepare a preliminary list of all successful applicants. This list shall be determined by adding the number of all of a successful applicant’s correct answers to all of the

tests (except pass/fail tests), the resulting total shall be the numerator of a fraction. The denominator of that fraction will be the total number of questions on all tests, except pass/fail tests. The resulting fraction shall be expressed as a percentage, and that number shall be multiplied by 100. The preliminary list will be a list of all successful applicants listed from high score to low score.

All ratings performed by the Commission and/or its designee/agent shall be final and conclusive and not subject to review by any other board, court or tribunal of any kind or description.

CHAPTER III - EXAMINATIONS
SECTION 5 - ORIGINAL APPOINTMENT INITIAL ELIGIBILITY REGISTERS

Except as otherwise provided by law or in these rules, eligibility registers will be compiled from the scores computed according to Section 4 of this rule. The names of eligible applicants shall be entered upon registers in the order listed above. Whenever two or more eligible applicants shall have the same general average, priority in time of filing of applications shall determine the respective standing.

Within sixty days after the completion of any required orientation and any initial written examination, an initial eligibility list shall be posted by the Commission, which shall show the final grade of the candidates in order of excellence and subject to claim for military credit or any permitted preference points. Candidates who are eligible for military credit or preference points shall make a claim in writing within ten (10) days after posting of the eligibility list or such claim shall be deemed waived.

CHAPTER III - EXAMINATIONS
SECTION 6 - ORIGINAL APPOINTMENT FINAL ELIGIBILITY REGISTERS

Final eligibility registers will include a candidate's total cumulative score on all applicable examinations and shall include a candidate's request for military credit or any permitted preference points. Final eligibility registers shall rank candidates in order of excellence with the highest scoring candidate ranked first and each candidate placed on the list in descending order of their cumulative score including military credit or any permitted preference points.

The Commission may, at its discretion create an "Intermediate Eligibility Register" which shall rank applicants in order of excellence based on all applicants' initial written examination scores combined with any timely claims for military credit or permitted preference points. The Commission may use the Intermediate Eligibility Register to determine the order in which it will permit applicants to participate in continued testing or oral interviews. The Commission may select applicants individually or select any number of applicants to continue the evaluation process. The number of applicants to be advanced to an Intermediate Eligibility Register shall be determined at the discretion of the Commission.

A dated copy of the Final Eligibility Register shall be posted at the Tinley Park Village Hall and sent to each person whose name appears thereon by electronic mail or, where no email has been provided or the Commission receives a return notice from its attempt to deliver the list via electronic mail, by First Class Mail through the U.S. Postal Service.

CHAPTER III - EXAMINATIONS

SECTION 7 - ORIGINAL APPOINTMENT REQUESTS FOR CERTIFICATION OF ELIGIBLE APPLICANT

Requests for certification of eligibles to fill position vacancies shall be made in writing by the Appointing Authority to the Commission. Such written requests shall specify title, class grade, general duties and rate for pay for the position. When vacancies are to be filled from an original register, the Commission will certify the name(s) of the individual(s) standing highest on the register for the class grade to which the position belongs.

Any applicant selected for a position in the classified service shall undergo a medical and physical (including mental) examination by a medical examiner appointed by the Commission at the time the applicant is certified to fill a vacancy. Final certification shall be conditioned on the satisfactory results of all medical and physical examinations. Certification shall be withdrawn where the examination reveals that the applicants suffers from a condition which would render him or her unable to perform the essential functions of the position for which they were certified, even with reasonable accommodation, or where the applicant poses a direct threat to his or her own health or safety or the health or safety of other Village employees.

Where the results of any medical or physical (including mental) examination are not conclusively satisfactory, the Commission, in its sole discretion, may request additional documentation or testing.

CHAPTER III - EXAMINATIONS

SECTION 8 - ORIGINAL APPOINTMENT NOTICE OF CERTIFICATION

A written notice of certification will be sent to the eligible to be certified for employment. The written notice will be sent by electronic mail to the email address on file with the Village. Should the email be returned undeliverable, or the Commission fails to receive any acknowledgement of the email from the eligible applicant within fourteen (14) days, the a written notice of certification will be mailed by first class mail to the last known mailing address on file for the eligible applicant. Should the eligible applicant fail to respond within thirty (30) days, his or her name may be stricken from the eligibility roster and the Commission shall certify the next eligible name to the appointing authority.

CHAPTER III - EXAMINATIONS

SECTION 9 – ORIGINAL APPOINTMENT EXPIRATION OF ELIGIBILITY REGISTERS

The Commission may strike off all names from any original appointment register after the names have remained thereon for two (2) years and one (1) day. The Commission shall strike off all names of applicants from promotional registers after they have remained thereon for three (3) years.

In the event a Final Eligibility Register is nearing exhaustion before the expiration dates above, and the applicants were subject to additional testing or oral interviews such that the Commission utilized an Intermediate Eligibility List, the Commission, in its sole discretion may determine that any number of applicants remaining on the Intermediate Eligibility List shall be eligible for additional testing or oral interviews and placement on the Final Eligibility Register.

In the event a Final Eligibility Register is nearing exhaustion before the expiration dates above, and the Commission did not elect to use an Intermediate Eligibility List, the Commission may, in its sole discretion

commence the application and testing process before exhausting a Final Eligibility List provided that doing so will not create confusion among applicants.

CHAPTER III - EXAMINATIONS
SECTION 10 – CERTIFICATION FROM MORE THAN ONE REGISTER

Employees who leave a position to accept employment by certification from another eligible register within Tinley Park, will be conclusively deemed to have separated themselves from their former position. Employees may be reinstated within six (6) months to a vacancy in the class of service from which they have been separated with the consent of the Commission, the Appointing Authority and with the approval of the Department Head concerned. When an employee accepts certification to a higher position, in which the duties are temporary, the employee may be reinstated to the former position without loss of seniority when the higher temporary duty has been completed, but only with the consent of the Commission and the Appointing Authority and if an opening in the former position exists. When an employee accepts an appointed position or a non-classified position outside of the Commission, the employee shall relinquish his or her status in the classified service and the employee shall not be reinstated to their former position.

CHAPTER III - EXAMINATIONS
SECTION 11 – PROBATIONARY PERIOD FOR ALL POSITIONS

Original appointment to positions in the Classified Service shall be for a probationary period of twelve (12) months. Time served on probation, whether continuous or not, shall be credited upon the period of probation. Time spent attending training schools and seminars shall be excluded in calculating the probationary period.

CHAPTER III - EXAMINATIONS
SECTION 12– NON-POLICE PROMOTIONAL EXAMINATIONS

Promotion for members of the Classified Service for all positions other than sworn police department personnel will be accomplished by competitive examinations which will include subjects and weights provided for in these rules or as the Commission may prescribe in addition thereto. The Commission shall investigate the merit and efficiency in service of individuals presenting themselves for promotion examinations. Merit and efficiency shall be assigned appropriate weights and rated on a scale of 100. The Commission shall also designate an appropriate award for seniority of service for those to be examined for promotion.

No person, regardless of seniority, merit or efficiency ratings, shall be entered upon a promotion list or register whose score is less than 70% (or who does not otherwise pass) on each of the prescribed subjects in the examination required by the Commission (not including seniority and merit and efficiency points). The weight to be given to each component of the testing process (including seniority and merit or efficiency ratings) shall be determined in writing by the Commission prior to the commencement of the promotional examination process. Once scoring is completed, persons will be placed on the promotion list or register in accordance with their scores. If 2 or more applicants achieve the identical final score, they shall be placed on the promotional eligible register in their order of seniority in the position from which they seek promotion.

CHAPTER III - EXAMINATIONS
SECTION 13- NON-POLICE PROMOTIONAL SENIORITY CREDIT

Credit for seniority will be given for continuous service in the class of positions from which promotion is sought. Credit for seniority will also be given for actual service in a higher class of position in a similar line of duty to which the applicant has temporarily been assigned from the class of positions from which promotion is sought. Seniority shall be computed as of the date service commences. The marking to be entered for seniority in service shall be obtained by, one point for each year of service up to a maximum of 5 points.

CHAPTER IV – ORIGINAL APPOINTMENTS
TO THE POLICE DEPARTMENT

CHAPTER IV – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT
SECTION 1 – GENERAL INFORMATION

The Commission shall give public notice of its intent to create a list of eligible candidates for appointment to the Police Department by a publication at least two (2) weeks preceding the examination in one or more newspapers published in the Village of Tinley Park; in one or more newspapers with a general circulation within the Village of Tinley Park; and/or the Village of Tinley Park's website. Notice of the examination may also be announced through other means as the Commission may prescribe, such as police service websites, regional colleges/universities, or job placement offices or websites.

All notices shall contain the following information:

- A statement of the position or positions for which an eligibility list is to be created.
- Where applications can be obtained and the deadline for submission of the application.
- The time and place where the orientation meeting and examinations will be held.
- The applicable fees to be charged to cover examination costs.

In addition to the information above, the notice on the Village's website shall also contain information regarding the general scope of the testing process, weights of components, merit criteria for any subjective component, and any preference points.

Examinations may be postponed in accordance with Chapter III, Section 2, above.

CHAPTER IV – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT
SECTION 2 – ELIGIBILITY REQUIREMENTS

Applicants for an entry-level position in the Tinley Park Police Department must meet the following criteria for submission of an application:

- A. Citizenship and Residency - Applicants must be citizens of the United States of America. Proof of citizenship will be required at time of application. Sworn personnel of the Tinley Park Police Department shall not be required to be residents of the Village of Tinley Park.
- B. Age - Applicants must be at least twenty-one (21) years of age and shall be under thirty-five (35) years of age, unless the applicant falls under one of the following exceptions to the maximum hiring age:
 - 1. Any person previously employed as a part-time police officer in the Village of Tinley Park Police Department; or
 - 2. Any person who is a veteran, shall be allowed to exceed the maximum age provision by the number of years served on active military duty, but shall be no older than forty (40) years of age.

Determining age for employment eligibility shall be calculated as of the applicants age on the date of the written exam. Proof of birth date will be required at time of application.

- C. Education - Applicants must be a high school graduate or equivalent at the time of hire. Furthermore, applicants must have completed at least sixty (60) credit hours at an accredited college or university at the time of application and hold a Bachelor's degree in any discipline from an accredited college or university

at the time of appointment. Original, official transcripts from college or university will be required as proof of higher education.

CHAPTER IV – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT SECTION 3 – APPLICATIONS

Applicants for full-time positions with the Police Department shall make application on forms approved by the Commission. Applicants must file their application with the required documents with the Commission or its agent(s) prior to deadlines set by the Commission and before taking any examination. Applications and required documentation received after the application deadline will not be accepted.

Applicants shall furnish with their applications:

- A copy of their "birth record" as proof of citizenship and age. Applicants may submit copies of a U.S. county or state issued birth record, valid U.S. passport, or naturalization papers, as their birth record. Hospital-issued birth certificates will not be accepted.
 - A copy of their high school diploma. The Commission will also accept a copy of the applicants' high school transcript (showing graduation date) or evidence of a G.E.D. equivalence diploma. In cases of applicants who were educated outside the United States, appropriate documentation of a high school level diploma shall be determined on a case by case basis.
 - A copy of their original, official transcript from an accredited college or university. At the time of application, the transcript must reflect completion of sixty (60) credit hours.
 - A copy of their valid driver's license, including the back side if license bears renewal sticker.
- A. Releases- All applicants shall execute and deliver to the Commission or its agents on the Commission's forms a signed release of all liability prior to participating in the application and examination process and authorizing and empowering the Commission and its agents to conduct a background investigation of the applicant.
- B. Defective applications- As stated in Chapter II, Section 3 above, applicants must comply with the requirements of the application form in every respect. At the Commission's discretion, applicants may be requested to provide additional information or documentation for correction or clarification of minor omissions or deficiencies in their application. Nothing in this section shall require or obligate the Commission to seek such additional documentation. Failure to provide information or documents may be cause for refusing to further consider the applicant.

CHAPTER IV – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT SECTION 4 – MANDATORY ORIENTATION

Applicants for non-Police positions may be required to attend an orientation program sponsored by the Commission. Applicants for full-time positions with the Police Department must attend a mandatory orientation session prior to testing. The Commission or its agents shall explain the testing process and provide orientation information to familiarize applicants to the process and the position for which they are applying. Failure to attend

the mandatory orientation session prior to testing will result in the applicant being prohibited from sitting for the written examination or having his or her name removed from the initial eligibility register.

**CHAPTER IV – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT
SECTION 5 – PHYSICAL FITNESS REQUIREMENT**

Applicants are required to undergo an examination of their physical ability to perform the essential functions of the patrol officer job in the Tinley Park Police Department. The Commission may require proof of a positive evaluation on the Peace Officer Wellness Evaluation Report (POWER) test for purposes of testing physical fitness.

When the Commission requires applicants must provide a copy of their current and valid POWER test certification card it must have been issued to the applicant within the six (6) months immediately preceding the mandatory orientation date. The Commission shall accept a valid POWER test certification card from any authorized testing authority. Any costs associated with acquiring a current and valid POWER test certification will be at the expense of the applicants.

**CHAPTER IV – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT
SECTION 6 – TESTING AND ORAL INTERVIEWS**

All written examinations shall be administered in a uniform manner ensuring the security and accuracy of scores achieved. Written examinations shall be scored in accordance with Chapter III, Section 4.

The Commission shall include an oral examination component for all applicants for original appointment to the Tinley Park Police Department. The Commission shall identify a specific number of candidates (the number to be determined at the discretion of the Commission and announced at orientation) to interview from the Initial Eligibility List in order to create a Final Eligibility register. Candidates who successfully pass the oral examination, as well as the writing assessment (if given), shall be included on the Final Eligibility Register.

At least three (3) individuals, designated by the Commission with input from the Chief of Police, shall participate in the oral examination of police officer candidates. Upon completion of each oral examination, the interviewers will independently rate the candidate's ability and fitness for the position of police officer on a standard scoring sheet. The Commission or its designate agent shall add up the interviewers' individual scoring sheets to determine a combined average oral examination score for each candidate.

The writing assessment (if given during an oral examination) shall be job-related and scored by the Commission or its agent. In testing processes where the writing assessment is given, it will be added to final oral interview score in a proportion determined by the Board and announced at the time of the notice of examination.

Candidates who fail to successfully complete the oral examination and/or the writing assessment (if given during an oral examination) will be notified in writing and eliminated from all further consideration.

**CHAPTER IV – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT
SECTION 7 – EXPERIENCE PREFERENCE POINTS**

Candidates who have successfully completed police probationary training for a different certified law enforcement agency, *i.e.* applicant must already be a police officer, shall be eligible for five (5) Experience Preference points. Candidates who are eligible for preference points and military credit must make a claim in writing within ten (10) days after the posting of the initial or preliminary eligibility register or such claim shall be waived. Such request shall be made with proof of claimed prior employment attached as written documentation. Such documentation shall include contact information by which the Commission may verify said prior employment prior to awarding Experience Preference points. Candidates who are eligible for Experience Preference points shall comply with all age requirements as identified in Chapter II, Section 6.

**CHAPTER IV – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT
SECTION 8 – FINAL ELIGIBILITY REGISTER**

Final eligibility registers will include a candidate's total cumulative score on all applicable examinations and shall include a candidate's request for military credit or any permitted preference points. Final eligibility registers shall rank candidates in order of excellence with the highest scoring candidate ranked first and each candidate placed on the list in descending order of their cumulative score including military credit or any permitted preference points.

A dated copy of the Final Eligibility Register shall be posted at the Tinley Park Village Hall and sent to each person whose name appears thereon by electronic mail or, where no email has been provided or the Commission receives a return notice from its attempt to deliver the list via electronic mail, by First Class Mail through the U.S. Postal Service.

**CHAPTER IV – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT
SECTION 9 – BACKGROUND INVESTIGATION**

The Commission requires an in-depth character and background investigation to be completed after a conditional offer of employment. The Investigation shall be graded on a pass/fail basis. The Investigation may include a verification of the candidate's qualifications and credentials, work record, criminal conviction history, and/or the verification of personal references.

**CHAPTER IV – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT
SECTION 10 – WAIVER OF CERTIFICATION**

A person certified to a position must report to the Appointing Authority within five (5) days from the date of certification. Failure to report will result in removal of the individual's name from the eligible register and automatic revocation of the certification.

The Commission may permit an eligible to waive certification if the Commission is notified by the individual within five (5) days of the date of certification. If the waiver is approved by the Commission, the name of the eligible will not be certified again until the waiver has been withdrawn by the eligible, in writing, to the Commission, or ceases to be in effect due to the passage of time. Waivers shall not be permitted for a period of more than six (6) months. If a waiver is not withdrawn within six (6) months from the date of approval, the waiver shall cease to be in effect and the individual's name will be reinstated in its proper place on the eligible register.

When an eligible enters military or naval service of the United States or is holding an existing position in the Classified Service of Tinley Park and waives certification for that reason, such waiver may stand during the life of the register, unless withdrawn. Eligibles will be allowed to request a waiver of certification only once.

CHAPTER V – PROMOTIONAL APPOINTMENTS IN
THE POLICE DEPARTMENT

CHAPTER V – PROMOTIONAL APPOINTMENTS IN THE POLICE DEPARTMENT
SECTION 1 – METHOD OF PROMOTION

Promotion for members of the Classified Service for sworn police department personnel positions will be accomplished by competitive examinations which will include subjects and weights provided for in these rules or as the Commission may prescribe in addition thereto. The Commission shall investigate the merit and efficiency in service of individuals presenting themselves for promotion examinations. Merit and efficiency shall be assigned appropriate weights and rated on a scale of 100. All candidates for promotion (placement on the promotional eligibility list) shall first take a written competitive examination approved by the commission. Any person, regardless of seniority, merit, or efficiency ratings, whose score is less than 70% on each and every examination, assessment, test or evaluation which results in a numerical score shall not be eligible for promotion. The weight to be given to each component of the testing process (including seniority and merit or efficiency ratings) shall be determined in writing by the Commission prior to the commencement of the promotional examination process. Once scoring is completed, persons will be placed on the promotion list or register in accordance with their scores. If 2 or more applicants achieve the identical final score, they shall be placed on the promotional eligible register in their order of seniority in the position from which they seek promotion.

CHAPTER V – PROMOTIONAL APPOINTMENTS IN THE POLICE DEPARTMENT
SECTION 2 – NOTICE OF EXAMINATION

The Commission shall provide written notice to all sworn members of the Police Department of its intent to create a list of eligible candidates for promotion. Such notice shall be provided to the sworn members through an announcement distributed by memorandum or e-mail.

Unless waived in writing by all members of the Police Department for which the promotional examination is to be given, the Commission shall give public notice of its intent to create a list of eligible candidates for promotion in the Police Department by a publication at least two (2) weeks preceding the examination in one or more newspapers with a general circulation within the Village of Tinley Park; or the Village of Tinley Park’s website.

The notice shall contain the following information:

- A statement of the position or positions for which an eligibility list is to be created.
- The deadline for signing up to participate in the promotional testing.
- The time and place where the orientation meeting and examinations will be held.

Examinations may be postponed by order of the Commission. The order shall state the reason for the postponement and shall designate a new date for the examination. Candidates shall be notified of the postponement and of the new date set for the examination.

CHAPTER V – PROMOTIONAL APPOINTMENTS IN THE POLICE DEPARTMENT
SECTION 3 – ELIGIBILITY FOR PROMOTION

Examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves for examination, as long as they have at least five (5) years of experience in their current rank with the Village of Tinley Park.

Should only one eligible candidate register for the examination or should all eligible candidates fail to pass the examination, the Commission may hold an entrance to service examination to fill the position.

No person shall be eligible for promotion unless the position in which he or she is actually employed as a sworn member of the police department at the time of the examination. If, however, an employee is on leave of absence from the class of service from which the promotional examination is to be given -- and is eligible to return to service--or is temporarily employed in a higher class position on a similar service while holding a rating in the class of service from which promotional examination will be given, the employee will considered eligible.

**CHAPTER V – PROMOTIONAL APPOINTMENTS IN THE POLICE DEPARTMENT
SECTION 4 – SENIORITY**

With regard to sworn police officers, credit for seniority will be given at the rate of 1 point for 5 years of continuous service; an additional 1 point for 8 years of continuous service; an additional 1 point for 12 years of continuous service; and, an additional 2 points for 16 years of continuous service as a police officer in the Village up to a maximum total of five (5) points.

**CHAPTER V – PROMOTIONAL APPOINTMENTS IN THE POLICE DEPARTMENT
SECTION 5 – MERIT/EFFICIENCY POINTS**

Records of merit or efficiency of patrol officers shall be developed by the Commission from reports or ratings submitted by the Chief of Police and/or from investigations made by the Commission. The Commission may, by written order in its minutes or in its rules, prescribe subjects or factors to be used in determining merit or efficiency ratings. Weights may be assigned to such subjects and factors in order to fairly reflect their relative values prior to the commencement of the promotional examination process. Merit and efficiency shall be rated on a scale of 100. Records of merit or efficiency ratings are not subject to publication or disclosure to any or all promotional candidates.

**CHAPTER V – PROMOTIONAL APPOINTMENTS IN THE POLICE DEPARTMENT
SECTION 6 – MILITARY PREFERENCE POINTS**

In promotion examinations, all persons who were engaged in the naval or military service of the United States during the years specified in Section 10-1-16 of the Illinois Municipal Code, who have been placed on the promotion eligibility register, shall be given such preferences as provided by law or ordinance. No person shall receive preference for a promotional appointment after receiving one promotion from an eligibility register on which he or she was allowed military preference points. Proof of military or naval service by virtue of which an eligible is entitled to claim preference in promotion examinations shall be furnished by the eligible to the Commission. Unless such proof is made, no preference will be accorded. The credit allowed by the Civil Service Act for military or naval service shall be added to the final grade average of the persons entitled to same whose names shall appear upon promotion eligibility registers.

CHAPTER VI – HEARINGS FOR DISCIPLINE AND DISCHARGE

CHAPTER VI – HEARINGS FOR DISCIPLINE AND DISCHARGE
SECTION 1 – HEARING AUTHORITY

Where an employee engages in misconduct such that the Appointing Authority determines that discipline or discharge is warranted, the Appointing Authority shall have the authority to enact any such discipline or discharge against any employee hired through the provisions of the classified civil service of the Village subject to the provisions below.

The Commission shall have the authority to conduct a due process hearing in discipline or discharge matters involving non-probationary employees. Except as hereinafter provided in this Section, no employee in the classified civil service of the Village who is appointed under these rules and after examination, may be removed or discharged, or suspended for a period of more than 30 days, except for cause, upon written charges provided to the employee and the Commission and after an opportunity to be heard in his own defense. The Appointing Authority, shall, upon determining that a suspension greater than 30 days or a discharge is warranted, file with the Commission a declaration of such, providing the name of the employee, the date of discipline or discharge and a preliminary statement of charges against the employee. Upon receipt of such statement from the Appointing Authority, the Commission shall set the matter for a due process hearing which shall not be less than ten (10) days nor more than thirty (30) after the receipt of such statement by the Commission. The Appointing Authority may immediately administratively separate or suspend the employee from the Village subject to any reinstatement by the Commission.

The Chief of the Police shall have the right to suspend any officer under his command for a period not to exceed five (5) days, providing no charges on the same offense have been filed and are pending before the Commission, and he shall promptly notify the Commission in writing of such suspension. Any policeman so suspended may appeal to the Commission for a review of the suspension within five (5) days after receiving notice of such suspension by filing notice of such appeal in writing with the Secretary of the Civil Service Commission. A hearing shall be had upon such appeal, and due notice given to the Chief of the Department who suspended such Officer, and to the Officer so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal. Where a collective bargaining agreement delineates an alternative method of due process, and that method is chosen by the officer or employee, the Commission will no longer have any authority to conduct a due process hearing as to that employee. The employee shall be without recourse to the Commission hearing process once he or she elects the alternative method.

Any employee or officer suspended for more than five (5) days, or suspended within six (6) months after a previous suspension, shall be entitled to appeal the shorter suspension by hearing before the Civil Service Commission concerning the propriety of such suspension. However, the employee, or officer, must register his or her request to appeal such a suspension by notifying the Civil Service Commission in writing within seventy-two (72) hours' time of the employee receiving notice of such a suspension, by filing written request to appeal such suspension with the office of the secretary of the Civil Service Commission. The Village may refute the employee's right to appeal such a suspension by demonstrating the employee failed to file his or her appeal within the above time period.

Probationary employees may be summarily dismissed by the Appointing Authority without recourse through the hearing process identified in this Chapter VI.

CHAPTER VI – HEARINGS FOR DISCIPLINE AND DISCHARGE
SECTION 2 – HEARINGS IN GENERAL

Where the Commission has jurisdiction, the Commission shall conduct a fair and impartial administrative hearing of charges brought against any employee in a quasi-adjudicative role. Hearings before the Commission are not common law proceedings, and the provisions of the Illinois Code of Civil Procedure do not apply to hearings before the Commission.

All hearings shall be public, in accordance with the Illinois Open Meetings Act.

Parties to the proceedings may be represented by counsel, if they so desire. "Counsel" as used herein, means an individual who has been admitted to the bar as an attorney-at law in the State of Illinois.

All proceedings during a hearing before the Commission shall be recorded by a court reporter employed by the Commission.

All witnesses shall be sworn prior to testifying.

"Cause" is some substantial shortcoming 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 an employee to no longer occupying his or her position. The right to determine what constitutes cause is in the Commission.

The Commission may determine to first hear the witnesses substantiating the charges which have been made against the respondent or it may determine those witnesses in support of an appeal brought by a suspended employee shall be heard first. Thereafter the other party may present and examine those witnesses whom he desires the Commission to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

The matter will be decided by the Commission solely on the evidence presented at the hearing. No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Commission shall be allowed. The provisions of the Illinois Administrative Review Law shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Commission.

CHAPTER VI – HEARINGS FOR DISCIPLINE AND DISCHARGE
SECTION 3 – HEARING PROCEDURE

- a) Complaints: Upon the setting of a hearing date by the Commission, the Village shall provide the Commission and the employee with a written complaint containing a statement of charges and a copy of relevant evidence or exhibits. Such documents shall be filed in quintuple, setting forth a plain and concise statement of the facts upon which the complaint is based. An additional copy shall be served on the appealing employee and his or her counsel. The written complaint including the relevant evidence or exhibits shall be filed with the Commission and served on the employee at least six (6) days prior to the hearing.

- b) Probable Cause: The Commission shall have the right to determine whether there is or is not probable cause for hearing a complaint and may conduct such informal hearings as may be necessary for such purpose.
- c) Notification of Hearing: The Secretary of the Commission shall notify both the complainant and the respondent, either by registered or certified mail, return receipt requested, e-mail or personally, of the time and place of the hearing of the charges.
- d) Continuances: The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Commission.
- e) Stipulations: Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, as to evidenced guilt. The facts so stipulated shall be considered as evidence in the proceeding.

In the event a respondent has been suspended pending a hearing and desires a continuance, it shall also be stipulated and agreed that in the event said respondent is to be retained in his position as a result of a decision of the Commission following a hearing of the cause, then no compensation shall be paid to said respondent during the period of said continuance.

- f) Sufficiency of Charges-Objections to: Motions or objections to the sufficiency of written charges must be filed or made prior to or at the hearing before the Commission.

**CHAPTER VI – HEARINGS FOR DISCIPLINE AND DISCHARGE
SECTION 4 – SUBPOENAS**

Any party to an administrative hearing may, at any time before the hearing, make application to the Commission by filing with it a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records, accounts and other documents as may be deemed by the Commission 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 21 years of age 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

**CHAPTER VI – HEARINGS FOR DISCIPLINE AND DISCHARGE
SECTION 5 – WITNESSES**

All witnesses shall be required to take an oath to be administered by any member of the Commission or the Hearing Officer, if one be appointed by the Commission, before being examined. The Commission or the Hearing Officer, if one be appointed by the Commission, the prosecuting attorney, the accused, or the accused's attorney may examine all witnesses. All fees for the attendance of witnesses and for reimbursement for mileage shall be as provided for in subpoenas issued by the Circuit Court of Cook County.

**CHAPTER VI – HEARINGS FOR DISCIPLINE AND DISCHARGE
SECTION 6 – FINDING & DECISION**

The finding and decision of the Civil Service Commission or Hearing Officer, when approved by the Commission, shall be entered on the record of the Civil Service Commission and shall be certified to the Appointing Authority, and shall forthwith be enforced by that officer. Notice of the finding and decision of the Commission shall also be sent to the officer or employee involved in the hearing.

CHAPTER VI – HEARINGS FOR DISCIPLINE AND DISCHARGE
SECTION 7 – REMOVAL FOR PHYSICAL OR MENTAL DISABILITY

Whenever the head of a department shall deem it to be necessary to protect the interests of the service, he or she may require any officer or employee holding a position in the Classified Service and in his or her department, to submit to a physical examination by any licensed physician designated by the Commission for the purpose of determining his or her physical or mental fitness to perform his or her duties. Said examination shall be provided without cost to the officer or employee.

The Commission shall determine from the physician's report and from consultation with the officer or employee whether the officer or employee is an otherwise qualified individual with a disability as provided in the Americans with Disabilities Act of 1990, *as amended*. The Commission will also determine whether a reasonable accommodation is required under the ADA. As part of this determination, the Commission will determine whether transfer to a vacant position would constitute a reasonable accommodation. If the Commission determines that the officer or employee is not a qualified individual with a disability because the individual cannot with reasonable accommodation perform the essential functions of the position which is held, the Secretary of the Commission shall prepare charges against the officer or employee and the Commission shall then proceed in accordance with these rules.

CHAPTER VII – CHANGES AFTER EMPLOYMENT

CHAPTER VII - CHANGES AFTER EMPLOYMENT
SECTION 1 – TRANSFERS

Department heads, with the approval of the Appointing Authority, may affect the transfer of employees in the classified service from one position within a department to another position in the same department if they are of the same classification. The Civil Service Commission will be notified of all such transfers.

Department heads, with the approval of the Appointing Authority, may affect the transfer of employees in the classified service from one position of the same class in one department to another position of the same class in another department only after approval by the Civil Service Commission.

The Appointing Authority, may affect the transfer of an employee in the classified service to a position outside of the Classified service provided the employee is made aware that such a transfer shall cause the employee to relinquish any ability to appeal a suspension or termination through the Commission as outlined in Chapter VI above.

Transfers may not be affected in order to avoid the lay-off of an employee.

Transfers may not be affected when the examination upon which the appointment of the employee was based differs in character from the test applicable to the position to which the employee is to be transferred.

CHAPTER VII - CHANGES AFTER EMPLOYMENT
SECTION 2 – LEAVES OF ABSENCE

Family and medical leaves and military leaves shall be granted by the Commission in accordance with the applicable provisions of all Federal, State and Municipal laws. Employees may be required to provide notice of or complete an application for any such leaves. The Appointing Authority, or his or her designee, shall manage and maintain such leave programs and shall inform and continue to update the Commission of any absences by any member of the Classified service. If a Leave of Absence is granted by the Commission during a probationary period, such probationary period shall be tolled until the probationary employee returns from his leave of absence.

CHAPTER VII – CHANGES AFTER EMPLOYMENT
SECTION 3 – LAYOFFS, NON-POLICE PERSONNEL

Whenever it becomes necessary to reduce employment in any department other than the police department due to a lack of work, lack of funds, or for other valid reasons, the following will apply:

- a) The last employee certified to the class of position in which a reduction in force is to be made will be the first employee to be laid off.
- b) Employees laid off because of a reduction in force will have their names placed on a reinstatement roster for the class of position where the force reduction was made. When employment is increased, employees will be reinstated to service in order of seniority in that class and position. Failure to accept reinstatement after notification by the Appointing Authority within a reasonable time limit, not to exceed thirty (30) days, will result in that employee's name being removed from the reinstatement roster.

- c) Employees laid off due to reduction in force may displace an employee with less seniority in the classified service in a position of a lower classification, if the laid off employee has previously passed the examination applicable to that position

CHAPTER VII – CHANGES AFTER EMPLOYMENT
SECTION 4 – LAYOFFS, POLICE PERSONNEL

Unless otherwise provided in any collective bargaining agreement, when the force of the police department is reduced, seniority shall prevail, and the officers and members so reduced in rank or removed from the service of the police department shall be considered furloughed without pay from the positions from which they were reduced or removed.

Any such reductions and removals shall be in strict compliance with seniority and in no event shall any officer or member be reduced more than one rank in a reduction in force. Officers and members with the least seniority in the position to be reduced shall be reduced to the next lower rated position. For purposes of determining which officers and members will be reduced in rank, seniority shall be determined by adding the time spent at the rank or position from which the officer or member is to be reduced and the time spent at any higher rank or position in the department. For purposes of determining which officers or members in the lowest rank or position shall be removed from the department in the event of a layoff, length of service in the department shall be the basis for determining seniority, with the least senior such officer or member being the first so removed and laid off. Such officers or members laid off shall have their names placed on an appropriate re-employment list in the reverse order of dates of layoff.

If any officers or members are reinstated, they shall be notified by registered mail, email or personal notice of such reinstatement of positions and shall have prior right to such positions if otherwise qualified. In all cases seniority shall prevail. Written confirmation and acceptance of such reinstatement to a position must be made by the furloughed person within thirty (30) days after notification as above provided. Such person may be required to submit to examination by physicians of both the Commission and the appropriate pension board to determine fitness for duty.

CHAPTER VII – CHANGES AFTER EMPLOYMENT
SECTION 5 – RESIGNATION AND RETIREMENT

Upon the resignation or retirement of an employee from the classified service, the employee shall indicate such resignation or retirement in writing. A copy of the resignation or retirement document shall be filed with the Civil Service Commission by the Appointing Authority. All resignations and retirements, whether oral or written, will be considered to be final when received.

**PUBLIC
COMMENT**

ADJOURNMENT