

**VILLAGE OF GLENCOE
PUBLIC SAFETY COMMISSION**

RULES AND REGULATIONS

**Adopted by the Public Safety Commission
of the Village of Glencoe**

**Effective February 2015
Amended January 2019**

ARTICLE I: ADMINISTRATION

CHAPTER 1. AUTHORITY; BOARD OF COMMISSIONERS

Section 1.1 Source of Authority.

The Public Safety Commission of the Village of Glencoe derives its power and authority from Chapter 2, Article V, Division 7 of the Village Code and the Illinois Board of Fire and Police Commissioners Act, 65 ILCS 5/10-2.1-1 *et seq.*

Section 1.2 Definitions; Applicability of Rules and Regulations.

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

Section 1.3 The Commission.

- A. Composition; Appointments; Commissioners. The Commission consists of three Commissioners. The Chairperson of the Commission is a Commissioner and is appointed by the Village President. The Chairperson is the presiding Commissioner at all meetings of the Commission except that, in his or her absence, a temporary presiding Commissioner must be elected by the remaining two Commissioners. The Commission may appoint a Secretary from among the Commissioners or delegate to a Village staff member the responsibilities of the Secretary. The responsibilities of the Secretary are to keep the minutes of all Commission meetings in a permanent record book; to be the custodian of all the forms, papers, books, records, and completed examinations of the Commission; to keep a record of all examinations conducted by the Commission; and to perform all other duties prescribed by the Commission.
- B. Duties. The Commission appoints all Public Safety Officers and Lieutenants, in accordance with, and to the extent provided in, these Rules and Regulations and consistent with applicable law. The Commission does not appoint the Director, who is appointed by the Village Manager or the Deputy Chiefs, who are appointed by the Director. The Commission also promotes and disciplines all Public Safety Officers and disciplines Lieutenants, as provided by the Act.

Section 1.4 Commission Meetings.

- A. Regular, Special, and Emergency Meetings. The Commission will hold meetings from time to time as necessary to perform its duties. The address of the office of the Commission is 675 Village Court in the Village, and all Commission meetings will be held at that office unless otherwise provided by public notice. The Chairperson or any two Commissioners may call a special meeting or an emergency meeting of the Commission. All meetings of the Commission must be noticed at least 48 hours in advance or as otherwise provided by the Illinois Open Meetings Act. Notice of a special or emergency meeting must include the date, time, and place of the meeting and an agenda of the business to be considered at the meeting.
- B. Closed Sessions. During any regular or special meeting, a closed session may be held on a proper motion made by any Commissioner and passed by a roll call vote, for the purposes of discussing matters related to appointment, employment, discipline, performance, or dismissal of specific personnel. Closed sessions are limited to the Commissioners and other persons determined by the Commission, if any. The Secretary must record the motion and vote to close the meeting and keep minutes of the closed session. The Secretary also must make and keep an audio or video record of each closed session until its disposal in accordance with the requirements of the Open Meetings Act.
- C. Quorum. Two Commissioners are a quorum of the Commission for the conduct of all Commission business.
- D. Agenda. The agenda for each meeting typically should include the following elements: (1) Call to Order and Roll Call, (2) Approval of Minutes, (3) Public Comment, (4) Reports from Staff and Commissioners, (5) Old Business, (6) New Business, (7) Executive Session, and (8) Adjournment. The Commission may determine the appropriate matters for its agendas at any time and from time to time.
- E. Procedures; Motions. When these Rules and Regulations do not establish a specific procedure for conducting the business of the Commission, then the Commission may apply the parliamentary procedures in Roberts Rules of Order so far as they are applicable and practical. Motions may be made and seconded orally by any member of the Commission and must be recorded in the minutes together with the action taken thereon.

Section 1.5 Annual Report and Anticipated Expenses.

The Commission must submit an annual report to the Village Manager stating its activities during the preceding year and its anticipated expenses for the upcoming

year. The annual report may include a forecast of vacancies in the positions of Public Safety Officer and Lieutenant.

Section 1.6 Amendments of Rules and Regulations.

The Commission may amend these Rules and Regulations from time to time. Each amendment must be printed for distribution, and the Secretary must give notice of (A) the place where the printed Rules and Regulations, as amended, may be obtained and (B) the date not less than 10 days after publication when the Rules and Regulations as amended will take effect. That notice must be published in a newspaper published in the Village or, if no newspaper is published in the Village, then in a newspaper with a general circulation within the Village.

Section 1.7 Governing Law; Conflicts; Severability.

- A. Rules and Regulations Apply. In the case of any conflict between any provision of these Rules and Regulations and any provision of any applicable federal, State of Illinois, or Village constitution, statute, ordinance, or regulation (collectively “*Other Laws*”), the provision of these Rules and Regulations will apply and govern unless that provision is legally preempted by Other Laws.
- B. Conflict Limited. If a provision of these Rules and Regulations is rendered invalid under Subsection A of this Section, then that fact will not affect any other provision of these Rules and Regulations.
- C. Facial Invalidity. If any court of competent jurisdiction rules a particular provision of these Rules and Regulations to be invalid on its face, then that judgment will not affect any other provision of these Rules and Regulations.
- D. Invalidity as Applied. If any court of competent jurisdiction rules invalid the application of a provision of these Rules and Regulations to a particular matter under particular circumstances, then that judgment will not affect the application of that provision to other matters or under different circumstances. Nor will that judgment affect any other provision of these Rules and Regulations.

CHAPTER 2. CALLS FOR EXAMINATIONS

Section 2.1 Examination Calls.

The Commission will call examinations from time to time to establish and maintain Registers of Eligibles for Public Safety Officers and Lieutenants in the Department. The Director must advise the Commission from time to time about the status of the existing Registers of Eligibles and the need for an examination. If the Commission determines to call an examination, then the Commission will announce: (A) the rank—Public Safety Officer or Lieutenant—for which the examination is being

held, (B) the time and place where the examination will be held, (C) the location where applications may be obtained and the date by which applications must be returned to the Commission, (D) any special eligibility standards established under Subsection 4.1E of these Rules and Regulation, and (E) notice that applications for that examination will be received for a period of time established by the Commission but not less than two weeks.

The deadline date for returning an application to the Commission cannot be varied for an individual applicant, regardless of circumstances.

Section 2.2 Notice of Examination.

An examination will be held at a time and place fixed by the Commission. Notice of the examination must be given by publication at least two weeks preceding the examination either on the Village's website or in one or more newspapers published in the Village in accordance with the statutes of the State of Illinois, or both, except that notice of an examination for the promotional rank of Lieutenant may be waived in writing by all Public Safety Officers who are eligible for that examination. The notice of examination must state the matters set forth in Section 2.1 above. The examination may be postponed by order of the Commission, which order must state the reason for the postponement and must designate a new date for the examination. Applicants will be notified of the postponement of the examination and of the new date fixed for said examination.

Section 2.3 Type of Examinations.

The elements of an examination must be practical in character and fairly test the capacity of applicants to discharge the duties of the position to which the applicants seek appointment. No examination may contain questions regarding political or religious opinions or affiliations.

ARTICLE II: EXAMINATIONS AND HIRING

CHAPTER 3. REGISTERS OF ELIGIBLES

Section 3.1 Establishment of Registers of Eligibles; Tied Scores.

The Commission must establish and maintain Registers of Eligibles for the ranks of Public Safety Officer and Lieutenant. A Register of Eligibles must rank all applicants who have passed all elements of an examination for the stated rank in order of their relative excellence as determined by the examination and preferences, but without reference to priority of time of examination. In the event of tied scores, the tie will be broken by lot in the presence of at least one Commissioner, in a manner the Commission determines is appropriate under the circumstances.

Section 3.2 Initial Eligibility Lists.

- A. Entry-Level. Within 60 days after all applicants for the rank of Public Safety Officer who are placed in a single band on the written test have completed the first three elements of the entry-level examination (*see* Section 5.1), the Secretary must prepare and post an Initial Eligibility List of the applicants who passed all of those elements, ranking those applicants in order of their relative excellence.
- B. Promotional Position. Within 60 days after all applicants for the promotional rank of Lieutenant have completed all applicable elements of an examination (*see* Section 7.1 of these Rules and Regulations), the Secretary must prepare and post an Initial Eligibility List of the applicants who passed all of those elements, ranking those applicants in order of their relative excellence.

Section 3.3 Entry-Level and Promotional Preference Points.

- A. Entry-Level: Maximum Possible Points. An applicant for the entry-level rank of Public Safety Officer may receive preference points if that applicant qualifies for those points under this Section 3.3. An applicant may receive no more than a cumulative total of 5 entry-level preference points, from the categories stated in Subsection B of this Section. Points may be given only if a proper and valid claim for preference points has been made and only if the standards for the preference points have been met under the Act and these Rules and Regulations.
- B. Entry-Level: Available Points. Up to a cumulative total of 5 entry-level preference points may be awarded, as follows:
 - 1. Veteran Service Points. An applicant will be awarded 2.5 points if (a) the applicant was engaged in the active military or naval service of the United States for a total cumulative period of at least one year and was honorably discharged or (b) the applicant is currently, or was in the past, on inactive or reserve duty in military or naval service for a total cumulative period of at least one year, except as provided in Section 10-2.1-8 of the Act.
 - 2. Law Enforcement Training and Employment Points. An applicant will be awarded 2.5 points if the applicant has been awarded a certificate attesting to the successful completion of the Minimum Standards Basic Law Enforcement Training Course as provided in the Illinois Police Training Act and is currently serving as a law enforcement officer on a part-time or full-time basis within the State of Illinois.
 - 3. Fire Study and Cadet Points. An applicant will be awarded 2.5 points if the applicant has successfully completed two years of study in fire

techniques or cadet training within a cadet program established under the rules of the Joint Labor and Management Committee, as defined in Section 50 of the Fire Department Promotion Act.

4. Firefighter Experience Points. An applicant will be awarded up to 2.5 preference points under the following standards:
 - (a) Paid-On-Call, Certified Firefighter Experience with Village. An applicant will be awarded 0.5 point for each year of successful service for the Village as a (i) paid-on-call or part-time certified Firefighter II, (ii) State of Illinois or a nationally licensed EMT-B or EMT-I, or (iii) any combination of these, if the applicant at the time of the examination has been serving as one or more of these continuously for at least two years immediately prior to the time of the examination except for any periods of military service or other absences excused by the Director. No excused absence will be considered a break in service, but no excused absence will be counted toward the minimum required two years of continuous service.
 - (b) Certified Firefighter III and Licensed Paramedic Experience. An applicant will be awarded 1 point for each year of successful, continuous service as a certified Firefighter III and State of Illinois or nationally licensed paramedic. To qualify for any point under this Subsection (b), the most recent period of continuous one-year service must have occurred immediately prior to the time of the examination.
 - (c) Other Firefighter Experience. An applicant from outside the Village will be awarded 2.5 points if the applicant has been employed successfully and continuously as a full-time firefighter or firefighter-paramedic by a fire protection district or another municipality within the State of Illinois. To qualify for the 2.5 points under this Subsection c, the period of continuous employment must have occurred immediately prior to the time of the examination.
- C. Entry-Level: Time and Method of Claiming Points. Within 10 days after the posting of an Initial Eligibility List, each applicant on that list who may claim preference points under Subsection 3.3B must submit his or her claim for those veteran service points in writing to the Commission. Claims not made within that 10-day period will be deemed waived. The applicant, at the time of submitting a claim for veteran service points, must submit evidence of qualification for those points.

D. Entry-Level: Limitation of Award of Points; Ties. An applicant may not receive an amount of preference points under this Section 3.3 that would move the applicant ahead of any veteran on the Initial Eligibility List even if the applicant also is a veteran. Instead, the applicant may receive that number of preference points that will not move the applicant ahead of any veteran. If two or more candidates receiving veteran service points are prevented from receiving all of their points because they cannot move ahead of a veteran, then those candidates will be placed on the Initial Eligibility List below the veteran and in rank order based on the total veteran service points they would have received except for the prohibition of moving ahead of a veteran. In the event of tied scores, the tie will be broken by lot in the presence of at least one Commissioner, in a manner the Commission determines is appropriate under the circumstances.

E. Promotional Level: Maximum Possible Points. An applicant for the rank of Lieutenant may receive preference points if that applicant qualifies for those points under this Subsection 3.3E. An applicant may receive not more than a cumulative total of 3.5 promotional-level preference points.

1. Veteran Service Points. Upon receipt of a valid claim for a military service preference, the Commission will add $\frac{7}{10}$ of one point to the applicant's total examination score for each six months or fraction thereof of active military service, not exceeding 30 months.

2. Advanced Education Points. Upon receipt of a valid claim for an advanced education preference from an applicant for the rank of Lieutenant, the Secretary will add points to the applicant's total examination score as follows:

- For total course credit hours of 60 to 89 credit hours: 2.1 points.
- For total course credit hours of 90 or more: 2.8 points.
- For a bachelor's degree: 3.5 points.

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

Section 3.4 Final Register of Eligibles.

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

Section 3.5 Additions to Registers of Eligibles.

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

Section 3.6 Removal of Names from Registers of Eligibles.

A. Entry-Level Registers. The Secretary must strike from the Register of Eligibles for the rank of Public Safety Officer the name of:

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

B. Promotional Registers. The Secretary must strike from the Register of Eligibles for the rank of Lieutenant the name of:

1. any applicant who may be disqualified under any provision of these Rules and Regulations; and

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

CHAPTER 4. APPLICATIONS FOR RANK OF PUBLIC SAFETY OFFICER

Section 4.1 Minimum Requirements and Standards for Applicants.

- A. Citizenship. At the time of filing an application, an applicant for a position in the Department must be a citizen of the United States.
- B. Age.
 1. Proof of Age. Each applicant must provide proof of his or her birth date at time of filing an application.
 2. Maximum Age. No person who is 35 years of age or older is eligible to take an examination for the position of Public Safety Officer except as follows:
 - (a) A veteran may exceed the age limitation of this Subsection 2 by up to 10 years—one year for each year served on active military duty – so long as the veteran is under 40 years of age at the time of filing an application for a position in the Department.
 - (b) The age limitation in this Subsection 2 does not apply:
 - (i) to any person previously employed as a full-time firefighter in a regularly constituted fire department of (i) any municipality or fire protection district located in Illinois, (ii) a fire protection district whose obligations were assumed by a municipality under Section 21 of the Fire Protection District Act, or (iii) a municipality whose obligations were taken over by a fire protection district; or
 - (ii) to any person who has served a municipality as a regularly enrolled volunteer, paid-on-call, or part-time firefighter for

the five years immediately preceding the time that the municipality begins to use full-time firefighters to provide all or part of its fire protection service; or

- (iii) to any person previously employed as a full-time police officer in a regularly constituted police department of any municipality, regardless of whether that municipality is located in Illinois or in another state.
 - (iv) to any person who has served as an auxiliary police officer under 65 ILCS 5/3.1-30-20 for at least 5 years and is under 40 years of age.
3. Minimum Age. No person who is younger than 21 years of age is eligible for employment as a Public Safety Officer, except as provided in this Subsection. An applicant who is 20 years of age and who has successfully completed two years of law enforcement studies at an accredited college or university may be considered for appointment to active duty with the Department. If that applicant is appointed to active duty, he or she will not have power of arrest and will not be permitted to carry a firearm until he or she reaches 21 years of age.

A person who will reach the age of 21 years within six months after the date of examination stated in a notice of examination issued under Section 2.2 of these Rules and Regulations is eligible to take the examination, but may not be employed until reaching the age of 21 years.

- C. Fingerprinting. Each applicant may be fingerprinted after successfully completing Element 2—Initial Oral Test of the entry-level examination.
- D. Minimum Education Standards. No person is eligible to apply for the rank of Public Safety Officer unless that person has successfully completed two years of studies—equaling an associate’s degree, or 60 hours of course work, or equivalent credits—at a junior college, college, or university accredited by a nationally recognized accreditation agency.
- E. Special Standards. Each person applying for the rank of Public Safety Officer must meet the special standards stated in this Subsection E. In addition, the Commission may set, at the time that it calls an examination, particular additional special standards for eligibility for the rank of Public Safety Officer if the Commission determines that the position requires special qualifications. The Commission also may require evidence from each applicant establishing that the applicant meets those particular special standards.

1. A person applying for the rank of Public Safety Officer must have successfully completed the Illinois Peace Officer Wellness Evaluation Report (POWER) test within six months prior to the date of application.

Section 4.2 Application Form, Basic Standards.

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

Section 4.3 Filing of Application.

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

Section 4.4 Disqualification.

- A. Grounds. The Commission may refuse to examine, or after examination refuse to certify as eligible, or after certification as eligible refuse to retain on the Register of Eligibles, any applicant:
1. who is found lacking in any of the established general requirements, or in any special standards established under Subsection 4.1E of these Rules and Regulations, for the entry-level position of Public Safety Officer as stated in these Rules and Regulations or in the Act; or
 2. who is a user of narcotics or other non-prescription drugs, or a habitual user of intoxicating beverages; is a gambler; or is not a person of good character; or
 3. who has been convicted of a felony, a crime of moral turpitude, or a misdemeanor specifically listed in 65 ILCS 5/10-2.1-6 as amended from time to time; or
 4. who, in the judgment of the Commission, has practiced or attempted to practice any dishonesty, deception, or fraud in his or her application, examination, or other submissions to or dealings with the Commission, the Department, or the Village; or
 5. who has failed to abide by the rules and procedures governing any aspect of the application process; or
 6. who is physically or mentally unable to perform the duties of the position to which he or she seeks appointment; or
 7. who has been dismissed from any public service for good cause; or
 8. whose character or employment references are unsatisfactory; or
 9. who has applied for a position in the Department and is, or has been, classified as a conscientious objector; or

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

Section 4.5 Release of Liability.

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

Section 4.6 Admission to Examination.

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

Section 4.7 No Creation of Applicant Right or Interest.

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

in any person to apply for, be examined for, or be appointed to any position in the Departments.

Section 4.8 Correction of Application.

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

**CHAPTER 5. EXAMINATIONS AND APPOINTMENTS
FOR RANK OF PUBLIC SAFETY OFFICER**

Section 5.1 Examination Elements; Grading.

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

<u>Examination Element</u>	<u>Minimum Passing Grade</u>
Element 1. Written Test:	35 of 50 points
Element 2. Initial Oral Test:	35 of 50 points
Element 3. Character and Background Check:	Pass
Element 4. Polygraph Test:	Pass
Element 5. Psychological Test:	Pass
Element 6. Medical Examination and Drug Test:	Pass
Element 7. Final Oral Test:	Pass
<u>Total Possible Score:</u>	100 points
<u>Minimum Required Score:</u>	75 points

The Commission may rearrange the order for administering Examination Elements 3 through 6. The failure to achieve the minimum passing grade in any examination element disqualifies the applicant from any further participation.

- B. Grading Generally. No information concerning grades or test scores will be disclosed or provided to any applicant until after the posting of an Initial Eligibility List or at another time designated specifically by the Commission. The name of a person failing the examination need not be posted, published, or disclosed by the Commission except to that person. Each applicant will be notified within a reasonable time of the result of his or her examination. On request, an applicant may review his or her raw scores on the elements of the examination, but not individual test items, sheets, or reports.

All examination files and materials, if they are retained, will be maintained as files of the Commission and not of the Department. Those files will be physically maintained in the location designated by the Village Manager.

Section 5.2 Examination Descriptions and Procedures; Deferral.

- A. Element One—Written Test. All applicants must submit themselves for a written test.

1. Procedure. The written test will be conducted by persons or a service designated by the Commission, at a location designated by the Commission, which rooms may be at a testing agency's facility. The test scores will be banded by the Commission or its designee.
2. Finality. All test papers are the property of the Commission and any entity assisting the Commission with the test, and the grading thereof will be final and conclusive and not subject to review by any other board or tribunal of any kind or description.

Banding. The Commission will determine to the best of its ability, after completion of the written test, the number of applicants who are likely to be hired from the Register of Eligibles being created, based on historical averages and anticipated hiring needs during the term of the Register of Eligibles (the "*Anticipated Hire Number*"). From that determination, the Commission will divide the applicants initially into two bands, the first band must include three times the Anticipated Hire Number, but not fewer than the lesser of 20 applicants or the total number of eligible applicants (the "*First Band*"). During the term of the Register of Eligibles, the Commission must create a second band when the names of applicants on the First Band have been reduced by 50 percent, whether by hiring or other form of removal from the Register of Eligibles. The second band must include a number of applicants at least equal to one-half of the number of applicants that were included in the First Band, or all remaining eligible applicants, whichever is less (the "*Second Band*"). The Commission may designate additional bands in the same manner as it designated the Second Band.

- B. Element Two—Initial Oral Test. All applicants who have successfully passed all prior elements of the examination must submit themselves for an oral test when and as directed by the Commission. Candidates who fail to successfully complete the oral test will be notified and eliminated from all further consideration.
1. Procedure. The initial oral test of each applicant will be conducted by two or more Commissioners and, if desired by the Commission, a test facilitator. The test will be administered to those applicants included within the First Band and, if determined by the Commission to be necessary, the Second Band and succeeding bands. Each applicant included in the First Band will be given an opportunity to take the test before the Commission administers the test to any applicant in the Second Band or any lower band. At the end of the test of each applicant, the examiners may discuss the merits of that applicant. Each examiner must individually grade the applicant. The applicant's final grade, which will be computed only after the test has been administered to all applicants, will be the average of all of the examiners' grades.
 2. Subjects of Initial Oral Test. Applicants will be asked questions during the initial oral test that will enable the examiners to properly evaluate and grade them on maturity, communication skills, judgment, leadership ability, appearance, demeanor, emotional stability, self-confidence, friendliness, interest in the position, personal fitness for the position, and any other matters that are pertinent to the proper review and analysis of an applicant. Each applicant for a particular examination must be asked questions in similar areas of inquiry so that the examiners can satisfactorily compare the merits of the applicants.
- C. Element Three—Character and Background Check. At the request of the Commission, the Department will conduct a character and background check of an applicant who has successfully passed all prior elements of the examination. The check must review the applicant's employment history, references, educational background, credit history, litigation history, military record, driving record, neighborhood and community standing and service, and any other data and information pertinent to a proper review and analyses of the applicants.
- D. Element Four—Polygraph Test. When directed by the Commission, an applicant must submit to a polygraph device deceptive test, commonly known as a lie detector test, at a time and place designated by the Commission. An applicant will be considered to have achieved an adverse result on the polygraph test if the Commission finds the applicant has been deceptive by (1) admitting in a pre-test interview wrongdoing that was not admitted in the applicant's application or in the course of the applicant's initial oral test, or (2) admitting wrongdoing during the polygraph test that was not admitted in a

pre-test interview, or (3) answering questions during the course of the polygraph test in a manner which the Commission determines to be indicative of deception. Results of the polygraph test must be submitted to the Commission for its evaluation. An unsatisfactory result on the polygraph test may subject the applicant to disqualification or to additional testing, at the discretion of the Commission, including but not limited to an additional background and character check, an additional oral test, an additional polygraph test, or any combination of these tests.

- E. Element Five—Psychological Test. When directed by the Commission and after a conditional offer of employment has been made, the applicant to whom the conditional offer has been made must submit to a psychological test to be given by a qualified examiner selected by the Commission. The test must be designed and administered solely to determine an applicant's suitability and fitness for the rank of Public Safety Officer. The examiner must prepare and submit a report of the examination to the Commission for its evaluation. The Commission will determine, based on the report, whether the applicant passed the test, whether additional psychological testing is necessary, or whether the applicant failed the test.

- F. Element Six—Medical Examination and Drug Test. When directed by the Commission and after a conditional offer of employment has been made, the applicant to whom the conditional offer has been made must submit to a medical examination and drug test, including without limitation a vision test and drug screening, by a licensed physician designated by the Commission. The test must be designed and administered for the purpose of determining fitness for, and physical ability to perform, all of the duties of a Public Safety Officer. A medical test must be completed not earlier than 180 days prior to the date of appointment. A positive result on a confirmatory drug screening test will be a sufficient basis for a determination by the Commission that an applicant has failed the medical test. At any point in the examination process, an applicant may be requested to submit evidence of vision sufficient to meet the standards of the Department to which he or she is applying or to submit to a vision examination to determine if his or her vision meets those standards. Each applicant is responsible for advising the Commission of any changes in his or her physical condition subsequent to the medical test. The Commission may, at its discretion, require an applicant to submit to a follow-up medical test prior to appointment to a position.

- G. Element Seven—Final Oral Test. All applicants who have successfully passed all prior elements of the examination must submit themselves for a final oral test. The final oral test will be conducted in generally the same manner as the initial oral test, unless provided otherwise by the Commission in advance of conducting the final oral test. Candidates who fail to successfully complete the final oral test will be notified and eliminated from further consideration.

H. Deferral of Various Examination Elements.

1. Deferral Based on Band Placement. After banding under Subsection 5.2A, the Commission may defer all subsequent elements of an examination for the applicants who are not included in the First Band. Those elements may be deferred until the Commission determines that the First Band contains, or may contain, fewer applicants than the Commission determines to be sufficient to properly fill the existing or potential vacancies in the rank of Public Safety Officer. In the event of a deferral, all applicants for whom test elements have been deferred will be listed on the Register of Eligibles under the First Band in order of their scores on the written test, until after the deferred test elements have been administered to those applicants in the Second Band or succeeding bands as the Commission determines is appropriate.
2. Deferral Based on Existence of Vacancies. Any or all examination elements after administration of the initial oral test, including the character and background check, the polygraph test, the psychological test, the medical examination and drug test, and the final oral test, may be deferred by the Commission for all applicants until the Commission receives notice from the Director that a vacancy exists in the rank of Public Safety Officer. In the event of a deferral, all applicants who successfully completed the written test and the initial oral test will be integrated into the Register of Eligibles subject to the condition that they successfully complete each deferred element of the examination at the time it is administered. When the Commission receives notice of a vacancy from the Director, the Commission must administer the deferred examination elements to the same number of the highest ranking applicants who still qualify to remain on the Register of Eligibles and who have not been so previously examined as there are vacancies to be filled and any additional number of the next highest ranking applicants as the Commission thereafter determines, either before or after receiving the results of the examination of the highest ranking applicants.

Section 5.3 Appointments of Public Safety Officers.

- A. Basis of Appointment. Appointments to the rank of Public Safety Officer will be made in accordance with the Act. Promptly after notification by the Director that a vacancy exists in the rank of Public Safety Officer, the Commission must appoint to fill the vacancy the highest ranking applicant on the Register of Eligibles for that position. For each appointment, the vacancy will be filled with the then-highest ranking applicant on the Register of Eligibles, except that the Commission, at its discretion, may fill a vacancy in the rank of Public Safety Officer by appointing an applicant from the applicable Register of Eligibles who has been awarded a certificate attesting to his or her successful completion of

the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, ahead of applicants who have not achieved that certification.

- B. Waiver of Appointment. An applicant, within seven days after the date of notice from the Commission of a conditional offer of appointment or an appointment, may waive the right to that appointment. That request must be made in writing, signed by the applicant. If the Commission receives a proper notice of waiver, then the Commission will retain the name of the applicant on the Register of Eligibles until the next opportunity for an appointment and will fill the current vacancy (or vacancies, if more than one appointment is being made at that time) under the procedures of Subsection A of this Section. If no notice of waiver or response to the notice of appointment is received within the prescribed time, then the Commission will strike the applicant's name from the Register of Eligibles under Section 3.6 of these Rules and Regulations and will fill the vacancy under Subsection A of this Section. No applicant may be allowed more than one waiver.
- C. Oath of Office and Bond. Before entering into duty, a new Public Safety Officer must take an oath and enter into an bond as provided by the Illinois law and the Village Code.

Section 5.4 Probation.

- A. Probation Generally. A newly appointed Public Safety Officer will be on probation for a period of two years.
- B. Training During Probation. A newly appointed Public Safety Officer, within two years after the date of his or her initial appointment, either (1) must take and complete a training course approved by the Director at an academy approved by the Director on dates designated by the Director and be certified by the Illinois Local Governmental Law Officers' Training Board that he or she has successfully completed said course or (2) if previously certified by the Illinois Local Governmental Law Officers' Training Board as successfully completing an approved course, must make a written request for and receive a waiver of additional training from the Illinois Local Governmental Law Officers' Training Board.

In addition, a newly appointed Public Safety Officer, within two years after the date of his or her appointment, must complete training to become certified as a "Basic Firefighter" and a "Hazardous Materials First Responder" through the Office of the Illinois State Fire Marshal.

- C. No Rights. During his or her probationary period, the Public Safety Officer will be deemed not to have any vested, property, or other right or interest in his or her employment with the Village, and nothing in this Section or in any other

provision of these Rules and Regulations may be construed or applied to create any vested, property, or other right or interest.

- D. Dismissal. During his or her probationary period, the Public Safety Officer may be dismissed at any time by the Commission, without prior notice or hearing, on the recommendation of the Director stating that, in the Director's opinion, it is not in the best interest of the Department to continue the employment of that Public Safety Officer. That recommendation must include a report setting forth the Director's evaluation of the Public Safety Officer and the circumstances of the recommendation. The report will be confidential and need not be made available to the Public Safety Officer. The decision of the Commission will be final.
- E. Suspension. During a probationary period, the Director may suspend the probationary Public Safety Officer without pay for a period not exceeding five days, except that no suspension may be imposed without first giving the Public Safety Officer written notice thereof setting forth the basis for the suspension and advising the Public Safety Officer of his or her opportunity to be heard by the Director, or the Director's designee, concerning the relevant facts and circumstances.
- F. Disciplinary Provisions Not Applicable. The provisions of Chapter 9 of these Rules and Regulations do not apply to the dismissal or suspension of a probationary Public Safety Officer. Nothing in this Section 5.4 may be construed to alter the application of, or to limit the effect of, the provisions of the Uniform Peace Officers' Disciplinary Act, 50 ILCS 725/1 *et seq.*, or the Firemen's Disciplinary Act, 50 ILCS 745/1 *et seq.* when applicable to the investigation of misconduct.

CHAPTER 6. APPLICATIONS FOR PROMOTION

Section 6.1 Filing of Application.

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

Section 6.2 Special Standards.

The Commission may set particular standards for eligibility for the rank of Lieutenant if the Commission determines that the position requires special qualifications.

Section 6.3 Disqualification.

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

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

Section 6.4 Release of Liability.

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

Section 6.5 Admission to Examination.

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

Section 6.6 No Creation of Applicant Right or Interest.

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

Section 6.7 Correction of Applications.

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

CHAPTER 7. PROMOTIONAL EXAMINATIONS AND APPOINTMENTS

Section 7.1 Promotional Examination Elements; Grading.

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

<u>Examination Element</u>	<u>Minimum Passing Grade</u>
Element 1. Seniority:	1.4 of 7 points
Element 2. Written Test:	26 of 37 points
Element 3. Character and Background Check:	Pass
Element 4. Promotional Potential Rating:	13 of 19
Element 5. Physical Ability Test:	Pass
Element 6. Initial Oral Test:	26 of 37 points
Element 7. Psychological Test:	Pass
Element 8. Medical Examination and Drug Test:	Pass
Element 9. Final Oral Test:	Pass
<u>Total Possible Score:</u>	100 points
<u>Minimum Required Score:</u>	75 points

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

The Commission may determine not to administer Elements 5, 7, 8, and 9 of an examination depending on the circumstances existing at the time of the examination.

- B. Grading Generally. Each applicant's score will be calculated based on the points attributed to Elements 1, 2, 4, and 6.

No information concerning grades or test scores will be disclosed or provided to any applicant until after the posting of an Initial Eligibility List or other time designated specifically by the Commission. On request after the posting, an applicant may review his or her raw scores on the elements of the examination, but not individual test items, sheets, or reports.

The names of persons failing the examination need not be posted, published, or disclosed by the Commission except to those persons. Each applicant will be notified within a reasonable time of the result of his or her examination.

If an applicant does not achieve the minimum passing grade for an examination element, then that applicant is not eligible for promotion but that applicant, by request to and approval of the Commission, may continue in the examination process (except Elements 7, 8, and 9) for the purpose of gaining experience with the promotional examination process.

- C. Method of Filling Vacancies. A vacancy in the rank of Lieutenant will be filled by promotion when practical. The examination for the rank of Lieutenant will be competitive among the qualified Public Safety Officers who desire to submit themselves to the examination. 65 ILCS 5/10-2.1-11 and 10-2.1-15.

Section 7.2 Promotional Examination Element Descriptions and Procedures.

- A. Element One—Seniority. The Commission will award to each applicant for the rank of Lieutenant 7/10s of a point for each full year of service with the Department up to a cumulative total of 7 points.
- B. Element Two—Written Test. All applicants for the rank of Lieutenant must submit themselves for a written test.
1. Procedure. The written test will be conducted by persons or a service designated by the Commission, at a location designated by the Commission, which rooms may be at a testing agency's facility.
 2. Finality. All test papers are the property of the Commission and any entity assisting the Commission with the test, and the grading thereof will be final and conclusive and not subject to review by any other board or tribunal of any kind or description.
- C. Element Three—Character and Background Check. At the request of the Commission, the Department will conduct character and background checks of each applicant for a promotional position. The check must review the

applicant's employment history, references, educational background, credit history, litigation history, military record, driving record, neighborhood and community standing and service, and any other data and information pertinent to a proper review and analyses of the applicants.

- D. Element Four—Promotional Potential Rating. Each applicant for the rank of Lieutenant must submit himself or herself to the Departmental promotional potential review process conducted in the manner established by the Director for the purpose of evaluating the applicant's knowledge, skills, and experience as they relate to the position of Lieutenant.
- E. Element Five—Physical Ability Test. All applicants who have successfully completed all prior elements of the examination may be required to take a physical ability test to be conducted and graded by persons determined by the Commission. The Commission may determine not to administer a physical ability test as provided in Subsection A of Section 7.1. If a physical ability test is given, then only applicants who have participated in and passed that test will be allowed to continue in the examination process. The Commission, regardless of whether a physical ability test has previously been administered, may determine to administer a physical ability test at the time there is an opening in the rank of Lieutenant to be filled
- F. Element Six—Initial Oral Test. All applicants for the rank of Lieutenant must submit themselves for an initial oral test.
1. Oral Test. The Commission and the Director will conduct the oral test. The examiners must discuss the merits of each applicant tested and grade the applicant.
 2. Subjects of Oral Test. Applicants will be asked questions that will enable the examiners to properly evaluate and grade them on maturity, communication skills, judgment, leadership ability, managerial ability, appearance, demeanor, emotional stability, self-confidence, friendliness, interest in the position, personal fitness for the position, and such other matters as are pertinent to the proper review and analysis of an applicant. Each applicant will be asked questions in similar areas of inquiry so that the examiners can satisfactorily compare the merits of the applicants.
- G. Element Seven—Psychological Test. When directed by the Commission, the applicant must submit to a psychological test to be given by a qualified examiner selected by the Commission. The Commission may determine not to administer a psychological test as provided in Subsection A of Section 7.1. The test must be designed and administered solely to determine an applicant's suitability and fitness for the rank of Lieutenant. The examiner must prepare and submit a report of the examination to the Commission for its evaluation.

The Commission will determine, based on the report, whether the applicant passed the test, whether additional psychological testing is necessary, or whether the applicant failed the test.

- H. Element Eight—Medical Examination and Drug Test. When directed by the Commission, the applicant must submit to a medical examination and drug test, including without limitation a vision test and drug screening, by a licensed physician designated by the Commission. The Commission may determine not to administer a medical examination and drug test as provided in Subsection A of Section 7.1. The medical examination and drug test must be designed and administered for the purpose of determining fitness for, and physical ability to perform, all of the duties of Lieutenant. A positive result on a confirmatory drug screening test will be a sufficient basis for a determination by the Commission that an applicant has failed the medical test.
- I. Element Nine—Final Oral Test. All applicants who have successfully passed all prior elements of the examination must submit themselves for a final oral test. The final oral test will not be administered until there is an opening in the rank of Lieutenant to be filled. The Commission may determine not to administer a final oral test as provided in Subsection A of Section 7.1. The final oral test will be conducted in generally the same manner as the initial oral test, unless provided otherwise by the Commission in advance of conducting the final oral test. Candidates who fail to successfully complete the final oral test will be notified and eliminated from further consideration.

Section 7.3 Promotional Appointment.

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

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

CHAPTER 8. TEMPORARY APPOINTMENTS AND VOLUNTARY DEMOTIONS

Section 8.1 Temporary Appointments.

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

Section 8.2 Voluntary Demotion.

A Lieutenant may request a demotion to the rank of Public Safety Officer, subject to the approval of the Commission. Demotion will result in a reduction in compensation to a rate not exceeding the maximum rate of the rank of Public Safety Officer.

ARTICLE III: DISCIPLINE

CHAPTER 9. SUSPENSIONS, REMOVALS, DEMOTIONS, AND DISCHARGES

Section 9.1 Collective Bargaining Agreement; Just Cause Required.

- A. Collective Bargaining Agreements. If the Village enters into a collective bargaining agreement between the Village and Public Safety Officers that includes provisions governing suspension, removal, discharge, or demotion, then those provisions of the collective bargaining agreement will apply in place of the provisions of this Article. The provisions of this Article will apply in the absence of applicable provisions in the collective bargaining agreement.

- B. Just Cause Required. Except as provided for probationary Public Safety Officers under these Rules and Regulations, no member of the Department may be suspended, removed, discharged, or demoted except for just cause.

Section 9.2 Suspensions; Appeals.

- A. Suspensions. The Director has the right to suspend any member of the Department for a period not exceeding five days without pay by serving a written notice of suspension on that member that sets out the facts constituting just cause for suspension. Any member who is suspended may appeal the suspension to the Commission by filing a notice of appeal within five days after service of written notice of the suspension, regardless of when the suspension is to be served. The Commission must conduct a hearing on appeal in accordance with the provisions of Sections 9.4, 9.5, and 9.6 of this Chapter, except that the suspended member has the burden of establishing by clear and convincing evidence that just cause for the suspension does not exist.
- B. Appeal. On an appeal, the Commission must review the action of the Director to determine if just cause exists in light of all the evidence presented. The Commission may sustain the action of the Director, may reverse the action of Director with instructions that the suspended member receive his or her pay for the period involved, may suspend the member for a period of not more than 30 days, or may discharge the member, depending on the evidence presented.

Section 9.3 Charges.

- A. Complainant. Charges may be brought against a member by the Director or the Village Manager.
- B. Charges. Charges must be in writing and signed by the Director or the Village Manager and must state with specificity the facts alleged to constitute just cause for suspension, removal, discharge, or demotion. The charges must be filed with the Commission and served on the respondent.

Section 9.4 Pre-Hearing Procedures.

- A. Hearing Date. On the filing of a charge, the Commission must set the date, time, and place for hearing, which date must be within 30 days after the filing date.
- B. Notice of Hearing. The Commission must cause notice of hearing to be served on the parties promptly and not less than five days prior to the hearing date.
- C. Answer. The respondent may file a written answer to the charges. The respondent must sign the answer and file it with the Commission, and must serve it on the Director not less than 48 hours prior to the hearing.

- D. Reply. The Director or the Village Manager may reply to any affirmative matter contained in an answer by signing, filing, and serving on the respondent a reply not less than eight hours prior to the hearing.
- E. Continuance. Either party may make a motion for a continuance of the hearing. Any motion for a continuance must be in writing, filed with the Commission, and served on the opposing party not less than 48 hours prior to the time set for hearing. The Commission may waive these requirements on good cause shown by the movant and a finding that no prejudice will result to the other party from the waiver. The Commission may grant or deny a motion for a continuance. The Commission may not extend the time for commencement of the hearing beyond 30 days after the filing date. If a continuance is granted on the motion of a respondent who has been suspended by the Commission, with or without pay, under Subsection I of this Section and that continuance causes postponement of the conclusion of the hearing to a date more than 30 days after the date on which charges were filed, then the respondent must waive his or her right to challenge the extended hearing date and his or her right to pay for the period beginning with the 31st day after the filing and ending on the date of the conclusion of the hearing.
- F. Attendance of Witnesses. Either party, at any time prior to the hearing, may file applications with the Commission for the issuance of subpoenas for any person or persons to appear at the hearing, or to have any person produce books, papers, records, accounts, and other documents at the hearing. The applications must be in writing and must adequately identify the person, persons, or documents sought to be subpoenaed. The Commission will issue a subpoena if the Commission deems the testimony of the subpoenaed person or documents to be relevant to the hearing. The subpoena may be authorized either by resolution at a Commission meeting or by the signature of any two Commissioners without a meeting. Subpoenas may be served by any person age 21 years or older.
- G. Evidence Depositions. Evidence depositions may be taken and used in the manner and under the conditions prescribed therefor in courts of general jurisdiction in the State of Illinois.
- H. Stipulations. The parties may stipulate and agree in writing, or on the record, as to evidentiary facts or other matters. The Commission may consider any stipulated facts to be evidence in the proceeding.
- I. Suspension Before Hearing. The Commission may suspend the respondent pending the hearing, with pay or without pay, for not more than 30 days. If the Commission, after hearing, determines that the charges are not sustained, then the respondent will receive any pay withheld during the suspension period.

Section 9.5 Hearing.

- A. Commencement and Adjournment. A hearing must be commenced within 30 days after the filing of the charges and may be adjourned from time to time thereafter for lack of a quorum or in order to complete the hearing at a later date. The commencement date for the hearing cannot be extended beyond the 30-day deadline except as provided in Subsection 9.4E of these Rules and Regulations.
- B. Scheduling. The Commission may issue a scheduling order to govern the hearing process, including among other things deadlines for exchanging and filing pre-hearing motions, witness lists, stipulations, exhibits and other evidence, imposition of time limits, and similar matters.
- C. Quorum to Conduct Hearing. Two Commissioners constitute a quorum of the Commission for the conducting of a hearing.
- D. Public Hearings and Closed Hearings. All disciplinary hearings of the Commission must be held in accordance with the Open Meetings Act. The hearing must be public, but at any time before or during the hearing the Commission may determine that the hearing, or any portion of the hearing (except for final action), will be closed.
- E. Counsel. The respondent may, at his or her election, be represented by an attorney at law licensed to practice law in the State of Illinois. That attorney must file and serve his or her appearance with the Commission.
- F. Oath. All witnesses must be sworn under oath prior to testifying. The oath may be administered by any member of the Commission or an Illinois notary public.
- G. Order of Proceedings; Cross Examination. After disposition of any preliminary motions for continuance, motions directed to the charges, or other motions, the complainant must present and examine witnesses and offer other evidence substantiating the charges that have been made against the respondent. Thereafter the respondent may present and examine witnesses and offer other evidence refuting the charges. The complainant then may present evidence in rebuttal. All parties will have the right to cross examine witnesses presented by the opposite party.
- H. Rules of Evidence.
 - 1. Irrelevant, immaterial, or unduly repetitious evidence may be excluded. The rules of evidence, as applied in civil cases in Illinois, need not be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules of evidence, evidence not admissible under

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

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

Section 9.6 Findings and Decision.

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

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

Section 9.7 Administrative Review.

Either party may file a complaint for review of a final decision by the Commission in accordance with the provisions governing administrative review in Article III of the Illinois Code of Civil Procedure, 735 ILCS 5/3-101 *et seq.* A complaint must be filed within the time period required under the Illinois Code of Civil Procedure.

Section 9.8 No Applicability To Probationary Employees.

The provisions of this Chapter 9 do not apply to Public Safety Officers who are on probation under Section 5.4 of these Rules and Regulations.

ARTICLE IV: DEFINITIONS AND GRAMMAR

CHAPTER 10. DEFINITIONS AND GRAMMAR

Section 10.1 General Definitions.

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

- A. Act. The Illinois Board of Fire and Police Commissioners Act, 65 ILCS 5/10-2.1-1 through 5/10-2.1-30, as amended from time to time.

- B. Banding. The process by which specified scores for the position of Public Safety Officer are divided by the Commission or its designee into groups or clusters of applicants under Subsection 5.2A of these Rules and Regulations. Each of these groups is known as a “band.”
- C. Board of Trustees. The President and Board of Trustees of the Village.
- D. Charge. A written statement alleging just cause against the respondent for suspension, removal, discharge or demotion.
- E. Clear and Convincing Evidence. That evidence which, when fairly considered, produces an abiding conviction that the truth of the factual contentions is highly probable.
- F. Commission. The Public Safety Commission of the Village.
- G. Complainant. The person, either the Director or the Village Manager, who files a charge under this Chapter.
- H. Day. One calendar day.
- I. Department. The Department of Public Safety.
- J. Deputy Chiefs. The Deputy Chiefs of the Department of Public Safety, as appointed by the Director.
- K. Director. The Director of the Department of Public Safety.
- L. Filing. Presenting a document to the Commission by delivery to the Secretary personally, or by delivery to the Office of the Village Manager addressed to the attention of the Commission, or by mailing by regular mail to the office of the Commission. In the case of filing by mail, the date of filing will be deemed to be the second day following the date of mailing, unless said second day be a Saturday, Sunday, or federal or state legal holiday, in which event the date of filing will be the first regular business day following said Saturday, Sunday, or legal holiday.
- M. Just Cause. Some substantial shortcoming on the part of a member of the Department that renders his or her continued employment in the Department in some way detrimental to the discipline and efficiency of the public service rendered by the Department and something that the law and sound public opinion recognize as cause for the member to no longer occupy his or her position. Without in any manner limiting the foregoing, “just cause” includes but is not limited to the following:

1. the existence of, or discovery of, any fact that would have required disqualification from original appointment; or
 2. non-disclosure of any fact that, if disclosed, would have constituted a ground for disqualification from original appointment; or
 3. the making of a false statement, oral or written, of a material fact in connection with original appointment that could have substantially affected the decision to appoint the applicant; or
 4. an act or occurrence, after appointment, that would have required disqualification from original appointment, or could have constituted ground for disqualification from original appointment; or
 5. any violation of any federal, state, or municipal law affecting the member's ability or qualifications to continue in the performance of his or her duties; or
 6. incompetence, nonfeasance, misfeasance, or malfeasance in office; or
 7. failure to maintain required certifications or licenses for the position held; or
 8. failure to qualify for the pension fund for the Department in which he or she holds a position; or
 9. violation of a rule or regulation of the Department.
- N. Lieutenant. The promotional-level permanent, sworn position in the Department.
- O. Member. Any person holding a permanent, sworn position in the Department, except the Director.
- P. Open Meetings Act. The Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.*
- Q. Parties. The complainant and the respondent.
- R. Public Safety Officer. The entry-level permanent, sworn position in the Department.
- S. Respondent. A member of the Department against whom a charge is filed.
- T. Rules and Regulations. These Rules and Regulations of the Commission.

- U. Secretary. The Secretary of the Commission or a person designated by the Secretary to perform some or all of the administrative and clerical duties of the Secretary.
- V. Service. The presentation by a party to the other party, or by the Commission to a party, of any document by personal delivery to the other party or by mailing by United States mail in an envelope properly addressed, with postage prepaid, to the last known address of the other party, together with a written certificate of service. In the case of service by mail, the date of service will be deemed to be the second day following the date of mailing, unless said second day be a Saturday, Sunday, or federal or state legal holiday, in which event the date of service will be the first regular business day following said Saturday, Sunday, or legal holiday.
- W. Village. The Village of Glencoe, Illinois.
- X. Village Code. The Village Code of the Village of Glencoe.
- Y. Village Manager. The Village Manager of the Village.
- Z. Village President. The Village President of the Village.

Section 16.2 Grammar Rules.

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