

**RULES AND REGULATIONS OF THE  
BOARD OF FIRE & POLICE COMMISSIONERS**

**VILLAGE OF ROSELLE  
COOK AND DUPAGE COUNTIES,  
STATE OF ILLINOIS**

**REVISED April 11, 2023**

**Board of Fire and Police Commissioners  
Village of Roselle, Illinois**

TABLE OF CONTENTS

**CHAPTER I - ADMINISTRATION**

Section 1	Source of Authority/Conflict with Collective Bargaining Agreement.....	1
Section 2	Definitions.....	1
Section 3	Members of the Board and Their Duties.....	1
Section 4	Meetings.....	5
Section 5	Order of Business.....	7
Section 6	Attendance by Other Means.....	8
Section 7	Amendments.....	8
Section 8	Annual Report and Budget Request.....	9
Section 9	Resolutions.....	9

**CHAPTER II – QUALIFICATIONS FOR ORIGINAL APPOINTMENT**

Section 1	Residency Requirements.....	10
Section 2	Age Requirements.....	10
Section 3	Qualification/Disqualification.....	11
Section 4	Conscientious Objector.....	12
Section 5	Educational Requirements.....	12
Section 6	Special Licenses/Certifications.....	12
Section 7	Driver’s License Requirement.....	12

**CHAPTER III - APPLICATION**

Section 1	Examination Notices.....	13
Section 2	Application Fees.....	13
Section 3	Application Forms.....	13
Section 4	Submitting Application Information.....	13
Section 5	Application Information Review.....	14
Section 6	Releases Required.....	14

**CHAPTER IV – SELECTION PROCESS**

Section 1	Fair and Equal Opportunity Employment.....	15
Section 2	Outside Agencies.....	15
Section 3	Examination Process for Police Officer Candidates.....	16
Section 3.1	Alternative Eligibility Register - Police.....	18
Section 4.1	Notification of Results for Police Officer Candidates.....	18
Section 4.2	Register of Eligibles for Police Officer Candidates.....	19
Section 4.3	Preference Points for Police Officer Candidates.....	19
Section 4.4	Final Eligibility List.....	20
Section 5	Post-List Hiring Components.....	20
Section 6	Conditional Offers of Employment for Police Officer Candidates.....	21
Section 6.1	Expiration of Lists/Merger of Lists for Police Officer Candidates.....	22
Section 7	Examination Process for Firefighter Candidates.....	22

Section 7.1	Final Eligibility List of Firefighter Candidates.....	25
Section 7.2	Preference Points for Firefighter Candidates.....	25
Section 7.3	Expiration of Lists/Merger of Lists for Firefighter Candidates....	27
Section 7.4	Additional Testing of Firefighter Candidates.....	27
Section 7.5	Conditional Offers of Employment for Firefighter Candidates .	28
Section 7.6	Alternative Procedure for Original Appointment of Firefighters.....	29
Section 8	Retention & Release of Records.....	29

## **CHAPTER V – ORIGINAL APPOINTMENTS**

Section 1	Waiver of Appointment.....	30
Section 2	Probation.....	31
Section 3	Oath of Office/Certificates of Appointment/Initial Employment Agreement.....	31
Section 4	Temporary Appointment.....	31
Section 5	Layoff and Recall.....	32

## **CHAPTER VI – PROMOTIONAL EXAMINATIONS**

Section 1	Promotions.....	33
Section 2	Promotions in the Police Department.....	33
Section 2A	Promotions in the Fire Department.....	34
Section 3	Military Credit for Promotional Appointments.....	38
Section 4	List of Persons Eligible for Promotion.....	38
Section 5	Order of Rank.....	39

## **CHAPTER VII – HEARING OF CHARGES, REMOVALS, SUSPENSIONS, DEMOTIONS AND DISCHARGES**

Section 1	Authority of Commission.....	41
Section 2	Violation of Rules of Law.....	41
Section 3	Hearing of Charges.....	41
Section 4	Hearing Procedure and Legal Principles.....	42
Section 5	Subpoenas.....	44
Section 6	Service.....	45
Section 7	Filing.....	45
Section 8	Forms of Paper.....	45
Section 9	Computation of Time.....	46
Section 10	Suspension.....	46
Section 11	Demotions.....	46
Section 12	Discharge or Suspension After Hearing.....	47
Section 13	Date of Hearing.....	47
Section 14	Rules Conflict.....	47
Section 15	Finding and Decision.....	47

## **CHAPTER VIII – GENERAL**

Section 1	Observance and Violation of Rules.....	48
Section 2	Observance and Violation of Laws.....	48
Section 3	Severability.....	48
Section 4	Political Contributions.....	48

## CHAPTER I – ADMINISTRATION

### SECTION 1 – SOURCE OF AUTHORITY/CONFLICT WITH COLLECTIVE BARGAINING AGREEMENT

These rules are established by the Board of Fire and Police Commissioners (the “Board”) of the Village of Roselle pursuant to power and authority derived from the Board of Fire and Police Commissioners Act (65 ILCS 5/10-2.1-1 *et seq.*).

In the event of a conflict between any Board rule and the laws or Constitution of the United States, the provisions of the applicable federal law shall prevail. In the event of a conflict between any Board rule and the laws or constitution of the State of Illinois, the provisions of the applicable state law shall prevail, unless the Board rule is based upon a proper exercise of the Village of Roselle’s non-home rule authority.

In the event of a conflict between any Board rule and the provisions of the Village of Roselle Village Code, the two shall be read together and deemed complementary to each other wherever possible, but the Village Code shall prevail if there is a direct conflict, and the Board’s rule and the Village’s Code cannot be read together.

In the event of any conflict between any Board rule and the terms of an applicable collective bargaining agreement covering the Village’s fire and police department personnel, the two shall be read together and deemed complementary to each other wherever possible, but the collective bargaining agreement’s provisions shall prevail if there is a direct conflict, and the agreement and rule cannot be read together.

### SECTION 2 – DEFINITIONS

The word “**Commission**” and the word “**Board**” wherever used shall mean the Board of Fire and Police Commissioners of the Village of Roselle. The word “**Village**” shall mean the Village of Roselle. The word “**Officer**” shall mean a sworn person holding a full-time, non-probationary appointment in the Police Department of the Village of Roselle. The word “**Firefighter/Paramedic**” shall mean any sworn person holding a full time, non-probationary appointment to the Fire Department of the Village of Roselle. The masculine noun or pronoun includes the feminine. The word “**Act**” shall mean Division 2.1, Board of Fire and Police Commissioners Act, 65 ILCS 5/10-2.1-1 *et seq.*, and all amendments thereto.

### SECTION 3 – MEMBERS OF THE BOARD AND THEIR DUTIES

The Board is comprised of three (3) members, who shall be appointed by the Mayor with the approval of the Village Board and serve three (3) year terms which shall terminate on June 30 of the year in which the term is expired. The Commissioners shall be considered

officers of the Village, and shall file an oath and a fidelity bond in such amount as may be required by law.

Any person appointed to the position of Commissioner must possess the qualifications as set forth in 65 ILCS 5/10-2.1-3. No person who has been convicted of a felony under the laws of Illinois or the United States shall be appointed to the Board. No person who is related, either by blood or marriage up to the degree of first cousin, to any elected official of the Village, shall be appointed to the Board. No more than 2 members of the Board shall belong to the same political party existing in such municipality at the time of such appointments and as defined in Section 10-2 of The Illinois Election Code. If only one or no political party exists in such municipality at the time of Commission appointments, then state or national political party affiliations shall be considered in making Commission appointments. Party affiliation shall be determined by affidavit of the person appointed as a member of the Board. Anyone appointed to the Board must be a resident of the Village of Roselle. The Board members shall serve without compensation.

Board members may be removed at the request of the Mayor and approval of the Village Board for any cause which in the opinion of the Mayor and the Village Board warrants removal. Vacancies on the Board shall be filled in the same manner as the original appointments.

The Board shall annually elect a Chairperson and a Secretary to serve during the Village's fiscal year. All elections shall be conducted in an open session of a Board meeting. Each person so elected shall hold office for one (1) year and until his or her successor is duly elected. If any officer of the Board is unable to complete his or her term, a permanent replacement shall be elected by the Board to complete the term. If the Chairperson or Secretary is absent from a meeting or is temporarily incapacitated, the Board shall make a pro tempore appointment to temporarily perform their duties.

The Chairperson shall be the presiding officer at all meetings. The Secretary shall keep the minutes of all meetings of the Board, shall be the custodian of all records pertaining to the business of the Board, and shall keep a record of all examinations held. The administrative aspects of the Secretary's duties may be delegated to a Staff Liaison, assigned by the Village to provide administrative support to the Board.

The Board may act only in a properly convened meeting, and no Board member shall have the authority to act for the Board or under the title of his or her Board position unless specifically authorized by statute or by the Board. Any act delegated to a Board member by the Board must be ratified by the Board.

Any governmental unit with a contractual relationship with the Village of Roselle may appoint a resident liaison to the Board who is empowered to attend meetings, participate during the public session and may attend closed session upon the invitation of the Board. The liaison shall not participate in the Commission's decision-making process. (65 ILCS 5/10-2.1-1 and 10-2.1-3)

The powers and duties of the Board shall generally include the following:

- A. To have charge of all appointments to, and promotions and demotions within, the Village's Fire and Police Departments, except for those ranks which serve at the pleasure of the Village Mayor or the Chief(s).
- B. To conduct and hold all entrance examinations for firefighter/paramedics and police officers in the manner required by law.
- C. To conduct and hold all promotional examinations to sworn ranks to which it has been charged with appointment within the Village's Fire and Police Departments in the manner required by law.
- D. To make temporary appointments, in order to prevent a stoppage of public business, to meet extraordinary exigencies, or to prevent material impairment of either the Village's Police or Fire Department, to remain in force until regular appointments may be made.
- E. To conduct hearings to consider written charges for discipline, removal or discharge of an officer or member of the Village's Fire or Police Department, where the Board has been charged with those duties.
- F. To adopt, enforce, administer, and amend rules and regulations which are consistent with governing state and federal law, and which are not in conflict with the Village Code.
- G. To employ its own attorney, as authorized by the Village of Roselle. In the event the authorization is withdrawn, the Village's attorney shall represent the Board and shall handle prosecutions before the Board. When the Village attorney is also serving as the Village prosecutor, the Board may employ an attorney for the purpose of representing the Board. (65 ILCS 5/10-2.1-25)
- H. To hire outside independent contractors to conduct aspects of the Board's testing processes.
- I. To assign administrative tasks to the Board's Staff Liaison, assigned by the Village to provide administrative support to the Board.
- J. To periodically attend training programs and conferences applicable to the Board's duties.
- K. To submit a budget request in accordance with the Village budget submission guidelines prior to the end of the fiscal year.
- L. To submit an annual report of its activities and its rules to the Mayor within six months following the end of each fiscal year.

## **BOARD MEMBER ETHICS**

Each Commissioner shall agree that as a member of the Board, he or she shall do his or her utmost to represent the Village by adhering to the following commitments:

A. He or she will represent the Village honestly and equally and refuse to surrender his or her responsibilities to special interest or partisan political groups.

B. He or she will avoid any conflict of interest or any appearance of impropriety which could result from his or her position and shall not use his or her Board membership for personal gain or publicity.

C. He or she will recognize that a Board member has no legal authority as an individual and that decisions can be made only by a majority vote at a Board meeting.

D. He or she will take no private action that might compromise the Board or administration of the Board's business and will respect the confidentiality of privileged information.

E. He or she will abide by majority decisions of the Board while retaining the right to seek changes through ethical and constructive channels.

F. He or she will encourage and respect the free expression of opinion of fellow Board members and others who seek to be heard before the Board.

G. He or she shall faithfully and diligently perform the duties of the Board, including attendance at all Board meetings and other functions where the Board's attendance is required.

H. He or she shall not intentionally solicit or accept any gift from any prohibited source as prescribed in Article 10 of the State Officials and Employees Ethics Act. However, Board members may accept gifts from prohibited sources under the limited exceptions set forth in Section 10-15 of the Act. If the Village adopts or maintains a more restrictive policy on the acceptance of gifts, the Board members shall adhere to the Village's policy.

## **ATTENDANCE AT CONFERENCES/CONTINUING EDUCATION AND EXPENSES**

Board members are encouraged to attend commission-related conferences or continuing education. The Board shall cover the Commissioners' expenses incurred while attending a conference or continuing education as determined by the Board in accordance with the Board's rules and Village's Travel Policy Guide.

Any Board member who attends a conference or continuing education shall present the material that was covered at the conference or continuing education at the next scheduled

Board meeting.

## **SECTION 4 – MEETINGS**

### **A. Regular and Special Meetings**

All meetings shall be conducted in accordance with the Open Meetings Act. Regular meetings of the Board shall be held pursuant to the schedule adopted by the Board prior to the beginning of the calendar or fiscal year.

An agenda for each regular meeting shall be posted at the principal office of the Board and at the location where the meeting is to be held at least forty-eight (48) hours in advance of the holding of the meeting. At least one copy of the notice and agenda for all meetings will be continuously available for public review during the entire forty-eight (48) hour period preceding the meeting. This requirement may be met by posting the notice and agenda on a website that is maintained by the Village. Lack of continuous availability of a notice or agenda for the full 48-hour period due to actions outside of the control of the Board will not invalidate the meeting or any action taken at the meeting.

Special meetings may be called by the Chairperson of the Board or any two (2) members upon at least forty-eight (48) hours' notice to all Board members. Such call shall set the time and place of holding the special meeting, and the purpose for which it is called. A special meeting may also be called for a future date at any meeting of the Board by a majority vote of the members attending the meeting.

### **B. Quorum and Required Vote**

Two (2) members of the Board shall constitute a quorum to do business. All meetings shall only be held with a quorum of the Board present. The affirmative vote of two (2) members is necessary to adopt any motion or resolution, unless a greater number is otherwise required.

### **C. Closed Sessions**

All meetings of the Board shall be open, unless a motion is made, seconded and carried upon a roll call vote, to go to closed session pursuant to an exception set forth under the Open Meetings Act. The motion to go to closed session shall set forth the specific exception pursuant to which the closed session will be held.

### **D. Minutes**

#### **1. Generally**

The Secretary or the Board's Staff Liaison shall keep written minutes of all transactions of the Board in regular and special meetings, open or closed, and committee meetings.



The minutes shall include the date, time and place of the meeting; the members of the Board as either present or absent; a summary of discussion on all matters proposed, deliberated, or decided; and a record of any votes taken, including the member making the motion, the second and the results of the voting.

The minutes of the proceedings of the Board at regular or special meetings shall be prepared in draft form and copies shall be mailed or delivered to all Board members along with the notice of the next meeting. The minutes of the preceding meeting, with any changes made by a motion properly made and carried or as directed by the Chairperson without objections, shall be approved by the Board and signed by the Secretary no later than 30 days after that meeting or the Board's second subsequent regular meeting, whichever is later.

Any verbatim recording of the open session of meetings by the Secretary or the Board's Staff Liaison shall be only for the purposes of preparing the written minutes. Once the Board has approved the written minutes, the Staff Liaison shall destroy the verbatim recording.

The official minutes of the Board shall be kept in the Board's files at the Commission's Administrative Office and shall be made available to citizens for inspection during regular business hours and on the Village's website within ten (10) days of approval.

## **2. Verbatim Record of Closed Meetings**

The Secretary or the Board's Staff Liaison shall audio record all closed meetings. After the closed meeting, the person making the audio recording shall label the recording with the date and store it in a secure location.

After eighteen (18) months have passed since being made, the audio recording of a closed meeting shall be destroyed, provided that the Board has approved its destruction and approved written minutes of the particular closed meeting.

The verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce this Act. At no time will an audio recording be released that would violate state or federal privacy or confidentiality requirements, including, but not limited to, any matter concerning (i) communications between the Board and an attorney representing the Board; and (ii) all information exempted from disclosure under the Illinois Freedom of Information Act.

### **3. Semi-Annual Review of Minutes**

The Board shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings which have not been released for public inspection. After the review is made, the Board shall make a determination and report in open session that the need for confidentiality still exists as to all or part of those minutes or that the minutes or portions thereof no longer require confidential treatment and are available for public inspection.

#### **E. Open Meetings Act Designee**

The Board shall designate one or more individuals to receive training on compliance with the Illinois Open Meetings Act as the Board's Open Meetings Act Designee. The Board shall submit a list of its designated individual(s) to the Public Access Counselor of the Illinois Attorney General's Office. The designated individual(s) must successfully complete an electronic training curriculum, developed and administered by the Public Access Counselor, and thereafter must successfully complete an annual training program. Whenever the Board designates an additional individual to receive this training, that individual must successfully complete the electronic training curriculum within 30 days after such designation.

#### **F. Open Meetings Act Training**

Each Board member must complete the electronic training curriculum developed and administered by the Public Access Counselor within 90 days of appointment to the Board and file a copy of the certificate of completion with the Board's Staff Liaison.

## **SECTION 5 – ORDER OF BUSINESS**

The order of business at any meeting shall be:

- A. Call To Order
- B. Roll Call
- C. Public Comments
- D. Approval of Minutes
- E. Communications
- F. Old Business

- G. New Business
- H. Executive/Closed Session
- I. Adjournment

## **SECTION 6 – ATTENDANCE BY OTHER MEANS**

Members may attend meetings by video or audio conference subject to the following conditions:

- A. A quorum of members must be physically present at the meeting location.
- B. The member requesting to attend by audio or video conference must be unable to physically attend the meeting because of (a) personal illness or disability; (b) employment purposes or the business of the Board; or (c) a family or other emergency.
- C. The member requesting to attend by audio or video conference must notify the Secretary before the meeting if practicable.
- D. A majority of the members must approve the member's request to attend by audio or video conference.
- E. Equipment must be available that will permit the member to participate in the meeting so that the member can hear and/or see the other members and the other members can hear and/or see the member attending by audio or video conference.

If a member attends a meeting by audio or video conference in accordance with this policy, the minutes of that meeting shall reflect that the member was present via audio or video conference. Members attending by audio or video conference shall be permitted to participate in the meeting as if they were physically present to the extent permitted by the equipment used including the right to vote on any matters that come before the Board. (5 ILCS 120/7)

## **SECTION 7 – AMENDMENTS**

Amendments to the Rules and Regulations of the Board may be made at any regular meeting or at any special meeting called for that purpose.

Publication of the rules shall be in conformity with the provisions of 65 ILCS 5/10-2.1-5.

All amendments to the Rules and Regulations of the Board which are adopted by the

Board shall be in full force and effect ten (10) days subsequent to the adoption, subject to the requirements of 65 ILCS 5/10-2.1-5.

### **SECTION 8 – ANNUAL REPORT AND BUDGET REQUEST**

The Board shall submit a budget request in accordance with the Village budget submission guidelines. The Board shall submit an annual report of its activities and its rules to the Mayor within six months following the end of each fiscal year.

### **SECTION 9 – RESOLUTIONS**

The Board is hereby authorized to adopt various resolutions governing the conduct of their business and may modify or rescind these resolutions upon majority vote of the Board.

## **CHAPTER II – QUALIFICATIONS FOR ORIGINAL APPOINTMENT**

### **SECTION 1 – RESIDENCY REQUIREMENTS**

Applicants for the Police and Fire Departments must be citizens of the United States or an alien admitted for permanent residence or lawfully admitted for temporary residence who produces evidence of intention to become a citizen of the United States. Applicants selected for employment must meet the Department's residency requirements.

### **SECTION 2 – AGE REQUIREMENTS**

At the time of original appointment for a position in the Fire Department or Police Department, applicants must have passed their twenty-first birthday.

Applicants shall be under thirty-five years of age as of the last date that applications are due, unless the applicant falls under one of the exceptions to the maximum hiring age detailed in 65 ILCS 5/10-2.1-6 or 65 ILCS 5/10-2.1-6.3(c). Proof of date of birth may be required. The maximum age limitation shall not apply in the case of any person having previous employment status as a firefighter or police officer in a regularly constituted fire or police department.

For firefighter applicants, "previous employment status" shall mean, for purposes of this section, (1) employment 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; (2) service with 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 services; or (3) any person who turned 35 while serving as a member of the active or reserve components of any of the branches of the Armed Forces of the United States or the National Guard of any state, whose service was characterized as honorable or under honorable, if separated from the military, and is currently under the age of 40.

For police officer applicants, "previous employment status" shall mean, for purposes of this section, part-time employment status of at least twenty (20) hours per month or full-time employment status as a police officer in any municipal police department for a period of at least ninety (90) consecutive days prior to the deadline for submission of the application for employment to this Village. To qualify as "employment status" for purposes of this section, the applicant must have received or should receive a W-2 from a municipality under federal law or regulations.

Furthermore, to qualify for either of the exceptions to the age limitations set forth in this section, the applicant shall have been actively working as a firefighter or police officer within two (2) years of the date of his or her application to this Village.

Applicants who are twenty years of age and who have successfully completed two years of law enforcement studies in an accredited college or university may be considered for appointment to active duty with the Police Department. Any such applicant who is appointed to active duty shall not have power of arrest, nor shall the applicant be permitted to carry firearms, until he reaches twenty-one years of age. (65 ILCS 5/10-2.1-6)

### **SECTION 3 – QUALIFICATION/DISQUALIFICATION**

The Board may refuse to examine an applicant or, after examination, to certify the applicant as eligible:

- a) Who is found lacking in any of the established preliminary requirements for the service for which he/she applies.
- b) Who is physically unable to perform the duties of the position to which he/she seeks appointment (65 ILCS §5/10-2.1-6h).
- c) Who is a habitual drunkard, gambler, or person who has been convicted of a felony or a crime involving moral turpitude (65 ILCS 5/10-2.1-6(j); 65 ILCS 5/10-2.1-6.3(i)).
- d) Who has been convicted of a felony or any misdemeanor involving moral turpitude or which precludes employment pursuant to applicable law (65 ILCS §5/10-2.1-6c, 65 ILCS §5/10-2.1-6j).
- e) Who has been dismissed from any public service for good cause.
- f) Who has attempted to practice any deception or fraud in his/her application.
- g) Who may be found disqualified in personal qualifications or health (65 ILCS §5/10-2.1-6h).
- h) Whose character and employment references are unsatisfactory.
- i) Who does not possess a high school education or its equivalent or the educational requirements of the Village (65 ILCS §5/10-2.1-6h).
- j) Any applicant eligible or deemed disqualified hereunder, shall be notified by the Board (65 ILCS §5/10-2.1-6).

## **SECTION 4– CONSCIENTIOUS OBJECTOR**

No person who is classified by his local Selective Service draft board as a conscientious objector, or who has ever been so classified, may be appointed to the Police Department.

## **SECTION 5 – EDUCATIONAL REQUIREMENTS**

**No person shall be appointed to the police or fire department if he or she does not possess a high school diploma or an equivalent high school education.**

The Board shall announce any additional applicable education requirements for entry-level positions at the beginning of the application process. Failure to obtain or thereafter maintain requisite certifications as established by the Village's Board of Trustees and/or the Commission shall result in the removal of an applicant from the application process, removal from an eligibility list, termination if the individual is employed as a probationary employee, or constitute just cause for dismissal if the individual is employed as a non-probationary employee.

## **SECTION 6 – SPECIAL LICENSES/CERTIFICATIONS**

The Board maintains the right to require applicants for the position of firefighter/paramedic or police officer to meet any reasonable certification and special licenses requirements the Board may establish and to designate qualified agencies to conduct testing of applicants. Any testing required may be at the cost of the applicant.

The Board shall announce any applicable license or certification requirements for applicants for the position of firefighter/paramedic prior to the start of the application process. Applicants for the position of police officer must possess valid Illinois Firearms Owner's Identification Card at the time of application, proof of which must accompany the completed application.

## **SECTION 7 – DRIVER'S LICENSE REQUIREMENT**

Applicants for the Fire and Police Departments must have a valid Illinois driver's license at time of hire and shall maintain at all times during employment, as a condition of continuous employment, a valid Illinois driver's license. In addition, the applicant must be capable of qualifying for such other licenses, which may from time to time be specifically required as a firefighter/paramedic in the Fire Department, or as an officer in the Police Department.

## **CHAPTER III – APPLICATION**

### **SECTION 1 – EXAMINATION NOTICES**

The Board shall give public notice of its examination process to create a list of eligible candidates for initial appointment to the Police or Fire Department. The notice of examination shall be by publication of general circulation for the greater Village of Roselle area or, in the case of Fire Department hiring, on the Village of Roselle's Internet website. The notice shall contain a statement of the position or positions for which an eligibility list is to be created, the application fees, the basic requirements, the testing process components scoring and weight of components, and when and where applications can be obtained and the manner of submission. All applications must be filed within the period of time stated in the notice. (65 ILCS 5/10-2.1-13). Additionally, in the case of a testing process for the original appointment of firefighters, the notice shall include the general scope of the test, the merit criteria for any subjective component set forth by the Board and criteria necessary for any available preference points. (65 ILCS 5/10-2.1-6.3(d))

### **SECTION 2 – APPLICATION FEES**

The Board may charge a fee to cover the costs of the application process. The fee may be waived at the discretion of the Board for good reason shown by the applicant. (65 ILCS 5/10-2.1-6.3(c))

### **SECTION 3 – APPLICATION FORMS**

Application for positions in the Fire and Police Departments shall be filed upon forms furnished by the Board or its agent and applicants must comply with the requirements of said form in every respect (see **Appendix A, Forms 2 and 7**). The Board may require the submission of electronic applications as stated in any notice of examination.

All applications shall be made under oath and the application shall be notarized.

### **SECTION 4 – SUBMITTING APPLICATION INFORMATION**

Applicants for the Fire and Police Department shall submit all required application material at the time, manner, and location indicated by the Board.

Application information shall be complete and include copies of all required documents including copies of birth certificate, valid driver's license, military service records and discharge papers, high school diploma or equivalency, copies of high school transcripts and college transcripts. All questions shall be answered truthfully.



It shall be the duty of each applicant to inform the Board in writing of any change in address or telephone number. Failure to properly notify the Board of any change may result in the striking of the applicant's name from the application process or the eligibility roster.

The Board is empowered to remove persons certified to positions in the Fire or Police Department upon a finding that false statements have been made or material facts have been misrepresented or omitted while applying for such position.

## **SECTION 5 – APPLICATION INFORMATION REVIEW**

The Board or its designee shall check the application material submitted for completeness. Applicants may be required to provide additional information or documentation for clarification of their application provided that the applicant is otherwise qualified for the position sought. However, nothing in this section shall require the Board to seek such additional documentation not properly provided by the applicant, and the failure to provide information or documents may be cause for refusing to further consider the applicant.

## **SECTION 6 – RELEASES REQUIRED**

All applicants shall execute and deliver to the Board a form authorizing and empowering the Board and its agents or other outside service company engaged by the Board to conduct a background investigation of the applicant (see **Appendix A, Forms 2 and 7**).

Any false statement or omission of a material nature knowingly made by a person in an application or examination, or connivance in any false statement made in a certificate that may accompany such application, or complicity in any fraud touching the same shall be regarded as good cause for disqualification or exclusion from the examination process, and/or discharge from the Village.

## **CHAPTER IV – SELECTION PROCESS**

### **SECTION 1 – FAIR AND EQUAL OPPORTUNITY EMPLOYMENT**

It is the policy of the Board to be a fair and equal opportunity employment agency. The Board, 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 to any person otherwise qualified on the basis of race, religion, sex, color, creed, marital status, citizenship status, use of lawful products while not at work, 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, gender-related identity, expunged or sealed criminal history records, order of protection status, or lack of a permanent mailing address or using the mailing address of a shelter or social service provider, 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.

The Board shall use reasonable measures to inform employees and applicants that the Village is an equal opportunity employer, such as by posting required notices.

### **SECTION 2 – OUTSIDE AGENCIES**

The Board recognizes the scope and complexity of the recruitment, examination and review of candidates for the position of firefighter/paramedic in the Fire Department or police officer in the Police Department. It further recognizes that agencies exist which have special expertise in this area. Therefore, under the Board's overall supervision, the Board retains the right to specify a qualified outside agency to assist the Board with respect to the conduct of examinations and the conduct of medical, psychological, and other testing of candidates for employment, including the conduct of a character and background investigation.

The assistance of outside agencies may, if the Board elects, include certification under the provisions of these Rules and Regulations. The certification process may eliminate the need for the separate conduct of the physical ability test and written test as hereinafter set forth.

### **SECTION 3 – EXAMINATION PROCESS FOR POLICE OFFICER CANDIDATES**

This section applies to ONLY the examination of candidates for the position of police officer with the Village of Roselle Police Department.

All submitted or developed exam materials, documents, electronic data, and records in any form are the exclusive property of the Board.

All examinations shall fairly test the capacity of the applicant to discharge the duties of the position to which the applicant seeks appointment. Applicants must receive a passing score on each examination component in order to continue with the testing process. (see **Appendix B**)

The examination and qualifying standards for employment of police officers shall be based on: mental aptitude, physical ability, preferences, moral character, and health. The mental aptitude, physical ability, subjective component based on merit criteria as determined by the Board, and preference components shall determine the applicant's qualification for and placement on the final register of eligible candidates. No examination shall contain questions regarding the applicant's political or religious opinions or affiliations. (65 ILCS 5/10-2.1-6.3(d). (see **Appendix B**)

#### **A. Written Test**

Each applicant shall take a written test which is in compliance with the validity standards of the various federal and State agencies. The test shall be administered in order to measure specific job-related criteria. All written examinations shall be administered in a manner that ensures the security and accuracy of scores achieved and all documents and electronic data shall become the property of the Board. Applicants must attain a passing score on the written exam as established by the testing agency in order to continue the testing process.

#### **B. Physical Ability Test**

The Board may prescribe a comprehensive physical ability test to be administered to applicants under the Board's overall supervision but to be conducted under the specific direction of a person or agency skilled in conducting physical ability tests. Currently, this test is the Police Officer Wellness Evaluation Report (P.O.W.E.R. Test). Possession of a valid NIPSTA (P.O.W.E.R. Test) card or equivalent criteria as per the State standard (such as Triton Community College or Joliet Junior College). Any physical ability test prescribed by the Board must conform with the standards of the Americans with Disabilities Act and the Equal Employment Opportunity Commission. In addition, as a condition of employment officers must successfully pass any physical fitness test required for participants in any required police academy.

**C. Police Department Subjective Components**

1. Every candidate who has passed the physical ability and written tests shall participate in a Police Department Subjective Activity. The components of the subjective activity will be established by the Board and provided prior to the written exam.
2. The subjective activity may include an interview, application review, initial background investigation, or other components.
3. Results of the subjective activity will be provided to the Board for its evaluation of whether the candidate will proceed to the Oral Examination.

**D. Commission Oral Examination**

1. This component is an oral examination to enable the Commission to evaluate and grade the candidate on his or her qualifications for the position sought.
2. Oral examination shall be conducted by no less than two (2) Commissioners. If two Commissioners are used, the same two Commissioners must conduct all of the oral interviews for all of the candidates.
3. Interviews shall be administered according to a structured pattern established by the Board and shall measure criteria which the Board shall designate prior to the interview. The Board reserves the right to determine the number of applicants who will be selected to participate in the oral examination process. The Commissioners may discuss the candidate's interview performance after the interview, but shall independently grade each candidate for positions using the established criteria. At the time of the oral interview, the Board will know only if the candidate is otherwise qualified for the position and that the candidate has earned a grade on the written examination sufficient to participate in the oral examination process. Specific scores on the other tests will not otherwise be known to the Board at the time of the oral interview.
4. The Board members shall submit their individual scores of each

candidate on a ten (10) point scale with ten (10) being the highest score. Only whole number scores shall be used. The individual scores by each Board member will be forwarded to a designated administrator responsible for the overall testing where an average score will be determined for the candidate for the oral interview.

5. Applicants must attain a passing score on the oral exam in order to be placed on the eligibility list.

### **SECTION 3.1 – ALTERNATIVE ELIGIBILITY REGISTER- POLICE**

All persons must meet the following criteria to be considered for placement on the Alternative Eligibility Register pursuant to 65 ILCS 5/10-2.1-6:

- a) Certification from the Illinois Law Enforcement Training and Standards Board as a certified full-time police officer; and
- b) Previous continuous service as a police officer in the State of Illinois for a minimum of two years; and
- c) In good standing in the police department in which the person currently serves or separated from in good standing with no adverse employment action; and
- d) Eligible to be granted a waiver of basic training from the Illinois Law Enforcement Training and Standards Board.

Alternative eligibility applicants who have been determined by the Board to meet the preceding requirements will not be required to attend the orientation or take the written examination. However, all candidates must successfully complete all other phases of the entry process as outlined in Section 3, Examination Process for Police Officer Candidates, prior to an offer of employment being given. The Chief of Police shall present the qualifications of any person eligible for the Alternative Eligibility Register to the Board of Fire and Police Commissioners for approval. Applicants approved for placement on the Alternative Eligibility Register will be listed in order of excellence based on their final score as determined by the Board.

### **SECTION 4.1 – NOTIFICATION OF RESULTS FOR POLICE OFFICER CANDIDATES**

If possible, each applicant will be notified as to whether or not the individual passed or failed a test phase at the conclusion of each test phase during the course of the examination process.

## **SECTION 4.2 – REGISTER OF ELIGIBLES FOR POLICE OFFICER CANDIDATES**

The Board will prepare and keep an initial eligibility register of persons whose general average standing, after the certification and/or examination process and after review as established by the Board, is not less than the minimum fixed by the Board and who are otherwise eligible. These persons shall take rank upon the initial eligibility register as candidates in the order of their relative excellence as determined by the Board. Where more than one candidate receives the same number of points, placement on the initial eligibility list shall be assigned by lottery.

## **SECTION 4.3 – PREFERENCE POINTS FOR POLICE OFFICER CANDIDATES**

65 ILCS 5/10-2.1-8 entitled “Veteran’s and Educational Preference” and 65 ILCS 5/10-2.1-9 entitled “Original Appointments - Preferences - Limitation” mandate preference points for original appointment to certain eligible persons. The Board will apply preference points to the initial eligibility list in accordance with those provisions and any other applicable provisions in the Illinois Compiled Statutes. It is the obligation of those candidates seeking preference points to comply with the time provisions set forth in the statute and failure to so comply will result in a waiver of such claim. Candidates shall be responsible for submitting all official documentation to support their claim for preference points within the applicable time frame.

Candidates shall receive information regarding preference points (see **Appendix A, Form 3**), and if eligible for preference points shall make a claim in writing using the form set forth in **Appendix A, Form 4** of these Rules, or such other forms as the Board or Board’s agent may require, with proof thereof within ten (10) days after the date of the Initial Eligibility List or such claim shall be deemed waived. The Commissioners will prepare a “Final Eligibility List” which shall include approved preference points. (see **Appendix A, Forms 5 and 10**)

The Board shall assign preference points as follows:

### **A. Veteran’s Preference Points**

Applicants who were engaged in the military or naval service of the United States for a period of at least one year and who were honorably discharged there from, or who are now or may hereafter be on inactive or reserve duty in such military or naval service (not including, however, in the case of offices, positions and places of employment in the police department, 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) shall receive five (5) points. Proof of such service must include a copy of Military Form DD-214 (long form) as proof of active service, evidence of the honorable discharge, and a sworn affidavit by the applicant. Veteran’s and educational preference points shall not be cumulative.

**B. Educational/Experience Preference Points**

Applicants who have successfully obtained an associate's degree in the field of law enforcement, criminal justice, or a bachelor's degree from an accredited college or university; and persons who have 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 (50 ILCS 705/1 *et seq.*) and are currently serving as a law enforcement officer on a part-time or full-time basis within the State of Illinois shall receive five (5) points provided that the applicant has not received Veteran's preference points. A certified transcript must be included with the request for preference points as proof of the attainment of degree.

**C. Police Explorer or Cadet Preference Points**

Applicants who have successfully completed 2 years of study in the Roselle Police Explorer program will be preferred and will receive 2 preference points (65 ILCS 5/10-2.1.8) at the Board's discretion.

**D. Limitations on Application of Preference Points**

Applicants for police officer may only receive a maximum of five (5) preference points, either veteran's or education/experience, or 2 points for police explorer/cadet points .

**SECTION 4.4 – FINAL ELIGIBILITY LIST**

Following the expiration of the ten (10) day period for making claims for preference points, after the certification and/or examination process and review by the Board is completed, the Final Eligibility List of the candidates qualified for further participation shall be posted by the Board and will show the final grades of the candidates. The candidates will be eligible for further participation based upon the order in which they are ranked on the eligibility list. The Final Eligibility List shall remain in force for two years from the date of posting after which time it will expire and the Board will strike off all remaining names. (65 ILCS 5/10-2.1-9)

**SECTION 5 – POST-LIST HIRING COMPONENTS**

Before an applicant is eligible for a conditional offer of employment, the applicant must complete and pass the character/background check and polygraph exam. The character/background check and polygraph exam are done on a pass/fail basis.

**A. Character and Background Check**

A detailed character and background investigation of each candidate for the position police officer shall be conducted. This investigation may include a check of all credit references, school records, military records, interview of



neighbors, other persons, and previous employers, and a complete criminal background investigation.

Each candidate must submit to fingerprinting by the Police Department. Such fingerprints shall be submitted to the Federal Bureau of Investigation and Illinois State Police in the criminal background investigation.

The Police Department or such persons as may be designated by the Board shall perform the character and background investigation. (65 ILCS 5/10-2.1-6.1)

**B. Polygraph**

The Board recognizes that a polygraph examination is an instrument of some investigatory utility and value. Therefore, the Board may require all candidates to take a polygraph examination. Questions to be asked of a candidate by the polygraph operator may be reviewed by the Board to ensure that they are job-related.

The Board shall select a polygraph examiner licensed by the State of Illinois to conduct the examination. In the event, the polygraph tests are inconclusive, the applicant may be retested until a conclusive determination can be made.

The results of the polygraph examination as well as admissions by the candidate in the conduct of the polygraph examination may be considered by the Board in determining whether the candidate should be disqualified

**SECTION 6 – CONDITIONAL OFFERS OF EMPLOYMENT FOR POLICE OFFICER CANDIDATES**

Any vacancy in the Police Department shall be filled from the eligibility list by making a conditional offer of employment to candidates on the list in the order of their relative excellence. An offer of employment shall be conditioned upon the candidate passing a psychological exam and a medical examination by a medical professional selected by the Board.

**Medical and Psychological Examinations**

These examinations may include comprehensive drug evaluations. The extent and scope of the examinations shall be determined by the Board and shall be graded on a pass/fail basis. The Board shall pay for the basic required medical examination; however, if additional medical evaluations, testing, or treatment are required in order to determine the candidate's fitness for duty, the candidate shall be responsible for obtaining and paying for the additional medical evaluation, testing, or treatment. (65 ILCS 5/10-2.1-6)

The applicant must completely and truthfully provide medical history information. Any

failure to do so can be cause for disqualification or, if hired, termination from employment.

In the event that any applicant who has been found eligible for appointment and whose name has been placed upon the final eligibility list has not been appointed as an officer within one year after the date of his or her physical ability test, the Board may require that applicant provide proof of physical ability within one year of his or her appointment date prior to his or her appointment. If the applicant does not pass the physical ability component as established by the Board, the applicant shall not be appointed. His or her name will be retained upon the list of eligible candidates and when next reached for certification and appointment that applicant may be again examined. If at this time the candidate's physical ability is again found to be less than the minimum standard fixed by these rules, the applicant shall not be appointed, and his or her name shall be removed from the Final Eligibility List.

### **SECTION 6.1 - EXPIRATION OF LISTS/MERGER OF LISTS FOR POLICE OFFICER CANDIDATES**

Nothing contained in the Rules under this Chapter shall be deemed to prevent the Board from initiating examinations for original appointments when a current Register has not expired. Any individual on the incumbent Register may elect to re-enter the examination process, provided, however, that said applicant's score from their previous exam will expire at the end of a two-year period and that the score from the more recent examination will remain in effect for a two-year period following the certification of the Final Eligibility Register of the most recent examination. Any person on the original Final Eligibility Register not participating in the subsequent examination shall have their name stricken from the eligibility Register on the two-year anniversary date of their placement on the Final Eligibility Register.

### **SECTION 7 – EXAMINATION PROCESS FOR FIREFIGHTER CANDIDATES**

This section applies to ONLY the examination of candidates for the position of firefighter with the Village of Roselle Fire Department.

All submitted or developed exam materials, documents, electronic data, and records in any form are the exclusive property of the Board.

The examination and qualifying standards for employment of firefighters shall be based on: mental aptitude, physical ability, preferences, moral character, and health. The mental aptitude, physical ability, subjective component based on merit criteria as determined by the Board, and preference components shall determine the applicant's qualification for and placement on the final register of eligible candidates. No examination shall contain questions regarding the applicant's political or religious opinions or affiliations. (65 ILCS 5/10-2.1-6.3(d).

**A. Written Examination**

Written examinations shall be administered in order to measure specific job-related criteria. The test procedure will be determined by the Board or its agent or designee. Written tests may be used to differentiate among candidates beyond the passing level when the tests can be shown to be predictive of job skills or performance as documented by a validation study. All written examinations shall be administered in a manner that ensures the security and accuracy of scores achieved. The grading of the written examination by the Board and/or its designees or agents shall be final and conclusive and not subject to review by any other board, tribunal, or court of any kind or description. All candidates shall be ranked based on their scores on the written examination. This initial ranking shall be used to determine eligibility to participate in subsequent portions of the examination process.

**B. Physical Ability Testing**

Applicants are required to undergo an examination of their physical ability to perform the essential functions included in the duties they may be called upon to perform as a member of a fire department. The Board elects to utilize the Candidate Physical Ability Test (CPAT) with ladder certification for the purpose of testing physical fitness. Applicants must provide proof of a current and valid CPAT card with their completed job application to qualify for placement on any list of eligible candidates. 65 ILCS 5/10-2.1-6.3(f). Any costs associated with the CPAT certification will be at the expense of the applicants. The Board reserves the right to use an alternative physical ability test, and if changed the Board will give notice in the notice of examination.

**C. Preliminary Eligibility List**

The Board may create a Preliminary Eligibility Register. A candidate is eligible to be placed on this Register based upon his or her passage of the written examination, by attaining the minimum score set by the Board. The Board will announce the minimum score prior to each written test. The Board may consider CPAT before or after the creation of the Preliminary Eligibility Register and any subjective components subsequent to the creation of the Preliminary Eligibility Register. The Board may exercise its option to utilize a Preliminary Eligibility Register until after all applications have been accepted.

**D. Subjective Component**

The Board may conduct subjective evaluations of candidates, which may include an oral interview or job-related skills assessment. The merit criteria for any subjective component shall be announced by the Board in the public

notice of the exam. There shall be no minimum passing score for this component. Scores will be calculated objectively and used to rank candidates for placement on the Initial Eligibility Register.

#### Oral Examination

- i) All Commissioners shall participate in the oral examination process except where one Commissioner is absent due to illness or when matters of an emergency nature preclude his or her attendance. In no event shall less than two (2) Commissioners conduct the oral examination.
- ii) Interviews shall be administered according to a structured pattern established by the Board and shall measure criteria which the Board shall designate prior to the interview. The Board reserves the right to determine the number of applicants who will be selected to participate in the oral examination process. The Commissioners may discuss the candidate's interview performance after the interview but shall independently grade each candidate for positions using the established criteria. At the time of the oral interview, the Board will know only if the candidate is otherwise qualified for the position and that the candidate has earned a grade on the written examination sufficient to participate in the oral examination process. Specific scores on the other tests will not otherwise be known to the Board at the time of the oral interview.
- iii) The Board members shall submit their individual scores of each candidate on a ten (10) point scale with ten (10) being the highest score. Only whole number scores shall be used. The individual scores by each Board member will be forwarded to a designated administrator responsible for the overall testing where an average score will be determined for the candidate for the oral interview.

#### **E. Initial Eligibility List**

Following proof of physical ability, passage of the written examination and application of any subjective component points, the Board will prepare an "Initial Eligibility List." The examination components for an initial eligibility register shall be graded on a 100-point scale. The candidates will be listed in order of excellence based on their score without the application of any available preference points. When more than one applicant receives the same number of points, placement on the Initial Eligibility List shall be

assigned by lottery. No more than 60 days after the written examination and subjective evaluation, the Board shall post a dated copy of the Initial Eligibility List at the Village of Roselle Fire Department Headquarters. The Initial Eligibility List is subject to change with the addition of preference points.

## **SECTION 7.1 – FINAL ELIGIBILITY LIST OF FIREFIGHTER CANDIDATES**

The Board reserves the right to prescribe the score to qualify for placement on the Final Eligibility Register. (65 ILCS 5/10-2.1-6.3) Where more than one applicant receives the same number of points, placement on the Final Eligibility Register shall be assigned by lottery. (65 ILCS 5/10-2.1-8 and 10-2.1-9) The Final Eligibility Register shall remain valid for two (2) years after which it will expire, and the Board will strike off all remaining names. (65 ILCS 5/10-2.1-9)

## **SECTION 7.2 – PREFERENCE POINTS FOR FIREFIGHTER CANDIDATES**

Candidates shall receive information regarding preference points with the application form (see **Appendix A, Forms 8, 9**). The Board must provide for no fewer than 10 and no more than 30 preference points for applicants to apply for each test. The Board reserves the right to establish the amount of preference points to be awarded for every category except preference points for veteran status. The Board will state any available preference points in the remaining categories at the time notice of the examination is posted. If eligible for preference points, candidates shall make a claim in writing using the form designated by the Board or its Agent, with proof thereof within ten (10) days after the date of the Initial Eligibility Register or such claim shall be deemed waived. The Board will prepare a “Final Eligibility Register” which shall include approved preference points.

The Board shall assign preference points as follows:

### **1. Veteran’s Preference Points**

Applicants who served in the United States military actively for at least one (1) year and who were honorably discharged or are now on inactive or reserve duty shall be preferred for employment and shall receive a total of five (5) preference points. Proof of such service must include a copy of Military Form DD-214 (long form) as proof of active service, evidence of the honorable discharge and a sworn affidavit by the applicant (see **Appendix A, Forms 8, 9**). Proof of current inactive or reserve service must include the applicant’s most recent Leave and Earnings Statement.

### **2. Fire Cadet Preference Points**

Applicants who have successfully completed 2 years of study in fire techniques or cadet training within a cadet program established under the

rule of the Joint Labor and Management Committee may receive from zero (0) to five (5) preference points, at the Board's discretion.

3. **Educational Preference Points**

Any applicant who has successfully obtained an associate's degree in the field of fire science or emergency medical services, or a bachelor's degree from an accredited college or university may receive from zero (0) to five (5) preference points, at the Board's discretion. The Board reserves the right to award a greater number of preference points for job-related degrees than for non-job-related degrees.

4. **Paramedic Preference Points**

Applicants who have obtained licensure as an Emergency Medical Technician-Paramedic (EMT-P) may receive from zero (0) to five (5) preference points, at the Board's discretion.

5. **Experience Preference Points**

All applicants employed by the Village who have been paid-on-call or part-time certified Firefighter II / Basic Operations Firefighter, certified Firefighter III / Advanced Technician Firefighter, State of Illinois or nationally licensed EMT-B, EMT-I, A-EMT, or licensed paramedic, or any combination of those capacities may be awarded preference points for their experience.

Applicants from outside the Department who were employed as full-time certified Firefighter II/Basic Operations Firefighter, certified Firefighter III/Advanced Technician Firefighter or Firefighter-Paramedic by a fire protection district or municipality for at least 2 years may be awarded up to one point per year of full-time experience, up to the maximum available preference points for this category at the Board's discretion. No experience preference points will be awarded under this section to applicants for service with a private employer who had a contract for fire or ambulance service with a fire protection district or municipality.

Proof of such service must include submission of copies of applicable certificates and a sworn affidavit by the applicant (see **Appendix A, Form 8, 9**). Note that proof of POC or full-time service may be verified by the Board. Applicants may be awarded up to one half (1/2) point for each complete year of paid-on-call, part-time, or full-time service, up to a total of five (5) preference points, at the Board's discretion. The Board shall prorate the awarding of the points based on partial years of experience under this section.

No application of available experience preference points may be allowed that will cause any candidate on the Initial Eligibility Register to pass over or be listed above a veteran. In the case of a tie between candidates immediately below a veteran, those tied shall be ranked according to the total they would have achieved if all experience points could have been awarded. Any remaining ties shall be broken by lottery.

6. **Residency Preference Points**

The Board, at its discretion, may award from zero (0) to five (5) preference points to applicants whose principal residence is located within the Village's jurisdiction. In order to receive residency preference points the applicant must demonstrate that he or she has been a legal resident of the primary response area of the department for at least twelve (12) full months prior to the application for points.

7. **Additional Preference Points**

The Board reserves the right to award up to an additional five (5) preference points for unique categories based on an applicant's experience or background as identified by the Board and announced with the notice of the examination.

### **SECTION 7.3 - EXPIRATION OF LISTS/MERGER OF LISTS FOR FIREFIGHTER CANDIDATES**

Nothing contained in the Rules under this Chapter shall be deemed to prevent the Board from initiating examinations for original appointments when a current Register has not expired. Any individual on the incumbent Register may elect to re-enter the examination process, provided, however, that said applicant's score from their previous exam will expire at the end of a two-year period and that the score from the more recent examination will remain in effect for a two-year period following the certification of the Final Eligibility Register of the most recent examination. Any person on the original Final Eligibility Register not participating in the subsequent examination shall have their name stricken from the eligibility Register on the two-year anniversary date of their placement on the Final Eligibility Register.

### **SECTION 7.4 – ADDITIONAL TESTING OF FIREFIGHTER CANDIDATES**

After creation of the final eligibility register and before it expires, the Board has the authority to conduct additional examinations on a pass/fail basis, including without limitation a character and background check, an oral examination, and a polygraph test. Scoring of these additional examinations shall be prescribed by the Board prior to conducting these examinations; however, no minimum passing score shall be

established. Any oral examination shall be administered according to a structured pattern established by the Board.

Prior to appointment, the Board shall also require that an in-depth background investigation be completed for all positions in the Department for which it has jurisdiction. Such investigation shall examine the candidate's work record, criminal conviction history, educational experience, credit reference check, and other factors of background and life experience which shall be reasonably related to the requirements of the position. (65 ILCS 5/10-2.1-6.3(i)).

In the event that any applicant who has been found eligible for appointment and whose name has been placed upon the final eligibility register has not been appointed to a firefighter position within one year after the date of his or her CPAT examination with ladder certification, the Board may cause a second examination to be made of that applicant's physical ability prior to his or her appointment. If the applicant does not pass the physical ability component as established by the Board on this subsequent testing, the applicant shall not be appointed. His or her name will be retained upon the register of eligible candidates and when next reached for certification and appointment that applicant may be again examined. If at this time the candidate's physical ability is again found to be less than the minimum standard fixed by these rules, the applicant shall not be appointed, and his or her name shall be removed from the Final Eligibility Register. 65 ILCS 5/10-2.1-6.3(c).

## **SECTION 7.5 – CONDITIONAL OFFERS OF EMPLOYMENT FOR FIREFIGHTER CANDIDATES**

Whenever a vacancy exists in a position subject to the jurisdiction of the Board, the Board of Trustees shall so notify the Board. All original conditional offers of employment shall be made from the Final Eligibility List, provided the candidates have satisfied all requirements established by the Board. The Board shall appoint the person with the highest ranking on the final eligibility list; however, if the Board has reason to conclude that the highest ranked person fails to meet the minimum standards for the position or if the Board believes an alternative candidate would better serve the needs of the department, then the Board has the right to pass over the highest ranked individual. In this event, the Board may appoint either (i) any person ranking in the top five percent (5%) of the final eligibility roster, or (ii) any person who is among the top five (5) highest ranked persons on the final eligibility list if the number of people ranking in the top five percent (5%) is less than five (5) individuals. 65 ILCS 5/10-2.1-6.3(b).

At the time a candidate accepts a conditional offer of employment, he or she shall execute an initial employment agreement. At the time an eligible candidate receives a conditional offer of employment, he or she shall be required to be fingerprinted as directed by the Board. (65 ILCS 5/10-2.1-6.3(i); 65 ILCS 5/10-2.1-6.1 and 10-2.1-6.2; 20 ILCS 2605/2605-330)



## **Medical Examination**

After a conditional offer of hire, and the successful completion of any other conditions of hire, eligibles for original appointment shall be required to submit to basic medical examinations, by medical professionals selected by the Board. These examinations may include psychological and comprehensive drug evaluations. The extent and scope of the examinations shall be determined by the Board and shall be graded on a pass/fail basis. The Board shall pay for the basic required medical examination; however, if additional medical evaluations, testing, or treatment are required in order to determine the candidate's fitness for duty, the candidate shall be responsible for obtaining and paying for the additional medical evaluation, testing, or treatment. (65 ILCS 5/10-2.1-6.3(g))

## **SECTION 7.6 – ALTERNATIVE PROCEDURE FOR ORIGINAL APPOINTMENTS OF FIREFIGHTERS**

The Board acknowledges the availability of an alternate procedure for the original appointment of firefighters utilizing a state-wide list of eligible candidates. However, at this time, the Board, pursuant to the authority under the Board of Fire and Police Commissioners Act (65 ILCS 5/10-2.1-6.3 *et seq.*) declines to participate in the selection of candidates from that list and elects to follow the procedure outlined above. However, nothing in this section shall be deemed to foreclose the decision by the Board at a future date to participate in the alternative procedure for original appointment of firefighters pursuant to the Board of Fire and Police Commissioners Act, 65 ILCS 5/10-2.1-6.4. In the event such option is exercised, the Board will give appropriate notice and the procedures of that option will govern the original appointment of firefighters.

## **SECTION 8 – RETENTION & RELEASE OF RECORDS**

All application and examination records, including electronic records shall become the property of the Board and shall be retained as required by law. Information regarding specific elements of the testing process for any candidate shall be deemed to be confidential and shall not be released to a third party without written approval of the candidate or as otherwise required by law.

## **CHAPTER V – ORIGINAL APPOINTMENTS**

### **SECTION 1 – WAIVER OF APPOINTMENT**

An applicant certified for appointment may request from the Board a waiver of appointment without loss of place on the eligibility list within a Village hiring cycle. A hiring cycle is defined as the Board's receipt of authorization from the Village of Roselle Manager to hire one or more employees. An applicant may only request a waiver on one occasion, and the applicant will be removed from the list upon a second offer for initial employment in a new hiring cycle. In the event the only remaining candidates on an eligibility list have all previously taken a waiver, those candidates may be forced to either accept or decline an offer for initial employment with no additional opportunity for a waiver within a Village hiring cycle.

### **SECTION 2 – PROBATION**

All persons appointed as an officer to the Police Department shall be on probation for a period of eighteen (18) months. All persons appointed as a firefighter/paramedic shall be on probation for a period of twelve (12) months. A probationary police officer or firefighter/paramedic is an employee-at-will.

The probationary period of a newly appointed police officer shall commence as of the first date said individual reports for work with the department. If an employee is injured and unable to work during his/her probationary period for a period exceeding two (2) weeks, the Board may extend the probation of that officer for the period of time the officer had been unable to perform the job as outlined in the police officers' job description. Further, the Board may extend the probationary period of an officer if he/she is absent for five (5) or more consecutive days for the same number of days they have been absent.

The probation period for service in the Fire Department shall exclude periods of training, or injury or illness leaves, including duty related leave of more than 30 days in length. If an absence greater than thirty (30) days is granted by the Department during a firefighter's probationary period, the probationary period shall automatically be extended by the length of the absence. The employee shall be notified of the extension of the probationary period. The probationary period may further be extended for firefighters who are required as a condition of employment to become a certified paramedic who fail to become a paramedic in the first year of employment. During this extended period, the probationary employee may only be discharged without hearing if he or she fails to meet the requirements for paramedic certification.

Upon satisfactory completion of the probationary period, the appointment shall become permanent upon written notification from the Board. If a paramedic has not completed an Emergency Medical Technician Paramedic certificate prior to the time of hire, he or she must enroll in a paramedic class as directed by the Village, and the probationary period shall extend for an additional two (2) years from the beginning of the class.

At any time during the probationary period, the Chief of the Police Department or the Chief of the Fire Department, as the case may be, may recommend to the Board the termination of a probationary officer or firefighter/paramedic. The Board shall consider the termination recommendation of the Chief and, after consideration, may discharge the probationary officer or firefighter/paramedic, or continue with his appointment. The probationary officer or firefighter/paramedic is not entitled to a hearing before the Board.

In any case, the Chief of the Police or Fire Department must recommend to the Board prior to the expiration of the probationary period that the probationary officer or firefighter/paramedic either be terminated or be granted a full-time non-probationary appointment.

The Board shall consider the recommendation of the Chief of the Police or Fire Department to terminate or appoint to full-time, non-probationary status and shall act upon that recommendation by either appointment or termination. The probationary officer or probationary firefighter/paramedic is not entitled to a hearing before the Board, and the action of the Board is final. (65 ILCS 5/10-2.1-4)

### **SECTION 3 – OATH OF OFFICE/CERTIFICATES OF APPOINTMENT/INITIAL EMPLOYMENT AGREEMENT**

Any person about to become a member of the Police or Fire Department shall take such oath, certifying he or she as a sworn, full-time member of the Department, and sign an employment agreement as prescribed by this Board and/or by ordinance of the Village of Roselle. The Board shall issue Certificates of Appointment signed by the chairman and secretary of the Board upon successful completion of the probationary period. (65 ILCS 5/10-2.1-4). The sole authority to issue certification of original appointments shall be vested in the Board of Fire and Police Commissioners and all certificates of appointment issued to any member of the fire department shall be signed by the chairman and secretary of the Board. 65 ICLS 5/10-2.1-6.3(b)

### **SECTION 4 – TEMPORARY APPOINTMENT**

The Board may make temporary appointments to the Police or Fire Departments, with such appointments to remain in force until regular appointments are made. A temporary appointment shall not exceed 60 days. The temporary appointments may be made to prevent a stoppage of public business, to meet extraordinary emergencies, or to prevent material impairment of either the Police or Fire Department. No one person shall have a temporary appointment more than twice in any calendar year. (65 ILCS 5/10-2.1-6.3(j); 65 ILCS 5/10-2.1-16)

## **SECTION 5 – LAYOFF AND RECALL**

When the force of the fire department or police department is reduced, and positions displaced or abolished, employees shall be reduced in rank or removed from service in the inverse order of their seniority. Such employees shall be considered furloughed without pay from the positions from which they were reduced or removed.

In no event shall any officer or member be reduced more than one rank in a reduction in force. Employees with the least seniority in the position to be reduced shall be reduced to the next lower rated position. For purposes of determining which promoted employees will be reduced in rank, seniority shall be determined by adding the time spent at the rank from which the employee is to be reduced and the time spent at any higher rank in the department.

Seniority in the lowest rank of the department shall be determined by length of service in the department, with the least senior employee being the first removed and laid off. Laid off employees shall have their names placed on a re-call list in the reverse order of their dates of layoff.

If any positions which have been vacated because of a reduction in force or displacement and abolition of positions are reinstated, such employees shall be re-called from lay-off according to their seniority and in accordance with the terms of any applicable collective bargaining agreement. The Board shall send notice of re-call to the laid-off employees by certified or registered mail. The Village shall be deemed to have fulfilled its obligations by mailing the re-call notice by certified mail, return receipt requested, to the mailing address last provided by the employee. It is the obligation and responsibility of the employee to provide the Village with his or her current mailing address at all times.

Written acceptance of re-call must be made by the laid off employee within 30 calendar days after notification. Laid-off employees shall have prior right to reinstated positions if otherwise qualified, and may be required to submit to examination by physicians of the Board to determine physical fitness. Laid off employees shall be removed from the re-call list after one full calendar year from the date of lay-off. (65 ILCS 5/10-2.1-18)

## CHAPTER VI – PROMOTIONAL EXAMINATIONS

### SECTION 1 – PROMOTIONS

Promotions in the Fire and Police Departments shall be made by the Board on the basis of ascertained merit, seniority in service and written and oral examinations.

### SECTION 2 – PROMOTIONS IN THE POLICE DEPARTMENT

The Board, by its rules, shall provide for promotion in the Police Department based on ascertained merit and seniority in service and examination, and shall provide in all cases, where it is practicable, that vacancies shall be filled by promotion from the next lower rank. All examinations for promotion shall be competitive among such eligible members of the next lower rank who submit themselves for examination. All candidates for promotion shall submit to the Board within the time specified by the Board a letter of intent to participate in the promotional process. Accompanying the letter of intent shall be the candidate's resume, a statement of goals and objectives for the promotional position, and proof of meeting all established eligibility requirements.

The final Promotional Examination score shall be determined as follows:

Examination	Weight	Passing Grade
Written Test	44%	*
Oral Interview/Assessment Center	40%	*
Departmental Merit and Efficiency (based on scale of 1-100) maximum of 10 points	10%	N/A

- Educational Points (maximum of 6 points):
  - Associates Degree from an Accredited College or University shall receive 2 points
  - Bachelor's Degree from an Accredited College or University shall receive 4 points
  - Master's degree from an Accredited College or University shall receive 6 points

#### Seniority

Each candidate must have at least 5 years of police service as a Roselle Police Officer in order to be eligible to take the promotional test.

\*To be announced by the Board prior to conducting the examination and may vary based upon the examination or the testing agency used by the Board.

The Board may modify or provide additional requirements and will state such modifications or additions in the notice of examination.

In the event no candidate from the immediate next lower rank qualifies for promotion, the Board in determining next in order of rank in promotional examinations herewith determines a policy of extending the examination successively through all the orders of rank in the services in an endeavor to qualify suitable eligible or eligibles for the vacancy or vacancies existing before extending the examination to the general public.

c) Candidates who are otherwise qualified and have timely requested credit for prior military service shall be granted veterans preference points as provided by state statute.

All promotions shall be made from the three (3) candidates having the highest rating, and where there are less than three (3) names on the promotional eligibility list, as originally posted, or remaining thereon after appointments have been made from the eligibility list, appointments to fill existing vacancies shall be made from those names or name remaining on the promotional eligibility list. The method of examination and the rules governing examination for promotion shall be the same as provided for applicants for original appointment, except that original appointments only shall be on probation, as provided by the rules. The Board shall strike off the names of candidates for promotional appointment after they have remained thereon for more than three (3) years, provided there is no vacancy existing which can be filled from the promotional register.

- A. All members who submit themselves to examination will be graded according to the schedule established by the Board prior to the testing process. (see **Appendix C**)
- B. The Board may review the candidate's personnel file prior to the oral interview.
- C. The Board in determining next in order of rank in promotional examinations herewith determines a policy of extending the examination successively through all the eligible orders of rank in the services in an endeavor to qualify suitable eligibles for the vacancy or vacancies existing before the promotional examination to the general public. (65 ILCS 5/10-2.1-15)

Any candidate may refuse a promotion once without losing his or her position on the final adjusted promotion list. Any candidate who refuses promotion a second time shall be removed from the final adjusted promotion list, provided that such action shall not prejudice a person's opportunities to participate in future promotion examinations.

## **SECTION 2A – PROMOTIONS IN THE FIRE DEPARTMENT**

### **A. Rank and Classification**

The Fire Department's order of ranks in the chain of command shall be as determined by the Village. The Board shall confer with the Fire Chief and its designees for the purpose of establishing and maintaining standards of

examinations and promotions based upon such information as job descriptions and departmental regulations. The determination of whether a position is a rank classification rests solely with the Village of Roselle.

**B. Eligibility**

Participants in the promotional process for lieutenant shall have a minimum of four (4) years of service as a Village of Roselle firefighter/paramedic to be eligible to test.

**C. Method of Promotion**

All promotions to ranks in the Fire Department under the jurisdiction of the Board of Fire and Police Commissioners may be made on the basis of ascertained merit, subjective evaluation, seniority points, and written examination in full compliance with the Fire Department Promotion Act (50 ILCS 742/1 *et seq.*), as well as other applicable laws. All vacancies shall be filled by promotion. All Interested candidates for promotion must submit a letter of intent to participate in the promotional examination.

All examinations for promotions, where practicable shall be competitive among the members of the next lower rank who meet any eligibility requirements set forth for the promoted position. If the Board finds that a sufficient number of suitable candidates do not apply from the next lower rank, the Board shall extend the examination successively through all the orders of rank or seniority in the Fire Department in an endeavor to qualify suitable candidates. If a suitable number of suitable candidates are not available through all orders of rank, the Board shall extend the examination to the general public.

All promotions shall be awarded to the person with the highest ranking on the final adjusted promotion list for that rank, unless the Board has reason to conclude that the highest ranked person has demonstrated substantial shortcomings in work performance or has engaged in misconduct affecting the person's ability to perform the duties of the promoted rank since the posting of the final promotion list. Any candidate may refuse a promotion once without losing his or her position on the final adjusted promotion list. Any candidate who refuses promotion a second time shall be removed from the final adjusted promotion list, provided that such action shall not prejudice a person's opportunities to participate in future promotion examinations.

If there is no final adjusted promotion list in effect for the rank on the date a vacancy occurs, or if all persons on the final adjusted promotion list refuse the promotion, the Board shall not make a permanent promotion until a new final adjusted promotional list has been prepared. In such cases, a successor list shall be prepared and distributed within 180 days after a vacancy. Temporary promotions may be made for up to 180 days in the

absence of a promotional list. (50 ILCS 742/15 and 20; 65 ILCS 5/10-2.1-16)

**D. Criteria for Determining Promotions**

The Board shall identify the criteria to be used in the evaluation of all candidates prior to administering each promotional examination. Eligibility requirements shall be published by posting on station bulletin boards at least one (1) year in advance of the date of the beginning of the promotional exam process. All promotional candidates shall be allowed to participate in all components of the testing process irrespective of their score on any one component. Each component of the testing process shall be based on a 100-point scale, and following the application of the weighting process, the total score shall also be based on a 100-point scale. Any candidate who fails to complete any component of the test shall be eliminated from remainder of the testing process (50 ILCS 742/20 and 30).

**E. Examination Process**

The exact examination process and testing procedures used shall be determined by the Board prior to advertising for the examination and shall be disseminated to all participants. In all cases, the compilation and posting of a seniority list shall take place first and shall be calculated as of the date of the written examination, followed by the ascertained merit and subjective evaluation portions of the examination process. The written examination shall in all cases be administered and graded last. Monitoring of the portions of the promotional examination that are amenable to monitoring may take place in accordance with Section 25 of the Fire Department Promotion Act (50 ILCS 742/15, 25, 30, 35, and 40).

The Board shall follow the provisions of the applicable collective bargaining agreement to determine the percentages to be used in the evaluation process for promotion in the Fire Department. (See **Appendix D**) For promotions to ranks not covered by a collective bargaining agreement, the Board shall announce at the beginning of the process the applicable percentages to be used in the evaluation process. A person who is the knowing recipient of test information in advance of the examination shall be disqualified from the examination or discharged from the position to which he or she was appointed, as applicable, and otherwise subjected to disciplinary actions. 65 ILCS 5/10-2.1-6.3(k).

**F. Notice of Promotional Examinations**

Written notice of the time, date and location of every promotional examination shall be posted by the Board on the Fire Department's bulletin board for a minimum of ninety (90) days prior to the written examination component of the promotional examination. The Board shall also give notice



of every promotional examination by publication at least two (2) weeks preceding the examination, in one or more newspapers published in the Village.

However, all members of the Fire Department for which the promotional examination is to be given may waive notice by publication in writing. The notice of examination shall include a statement of:

- The deadline by which all applications will be received;
- The time and place where such examinations will be held;
- The position to be filled from any resulting eligibility list;
- The applicable minimum aggregate passing score, if any;
- The components of the testing and the evaluation procedures; and
- A list of recommended reference materials and their availability.

Reading and study materials for current written examinations and the reading list for the last two (2) written examination for each rank shall be made available and accessible at each fire station. (50 ILCS 742/15 and 35; 65 ILCS 5/10-2.1-13)

G. **Promotional List**

After completion of the promotional testing process, the Board will prepare a preliminary promotion list. Applicants who are eligible for and elect to use their military preference credit must make a claim for such credit in writing to the Board within ten (10) days after the posting of the preliminary promotion list or such claims shall be deemed waived. (see **Appendix A, Forms 13, 14**). The Board shall award veteran's preference points to those eligible veterans timely claiming the credit in accordance with Sections 10-2.1-10, 10-2,1-11, and 10-2.2-12 of the Illinois Municipal Code. No person shall receive preference for a promotional appointment after receiving one promotion from an eligibility list on which he or she was allowed military preference points (see **Appendix A, Form 13**).

Once all claimed preference points have been awarded, the Board shall certify a final adjusted promotion list. The final adjusted promotion list shall expire on a date set by the Board at least two (2) but not more than three (3) years from the date of its creation. (50 ILCS 742/20; 65 ILCS 5/10-2.1-10, 10-2.1-11 and 10-2.1-12)

I. **Right to Review**

Any person or party who believes that an error has been made with respect to eligibility to take an examination, examination result, placement or position on a promotional list, or veteran's preference, shall be entitled to a review of the matter by the Board. The person or party seeking a review has

ten (10) days following the posting of the final promotional list to request the right to review, and untimely requests are deemed waived. The Board will conduct the review at its next regularly scheduled meeting and issue a final opinion on the matter within seven (7) days thereafter. (50 ILCS 742/60)

J. **Voluntary Reassignment**

Any officer may petition the Chief for reassignment to a lower rank. Upon approval of the Chief, the officer will be reassigned to the lower rank, and simultaneously therewith the Board will promote another employee to the position held by the officer requesting reassignment as long as the Village of Roselle determines the position is open.

K. **Removal or Demotion**

The Fire Chief may file charges pursuant to Chapter VII of these Rules seeking the removal or demotion of an officer to a lower rank. A hearing on the charges will be held in accordance with the procedures set forth in Chapter VII for suspension, removal, and dismissal hearings.

### **SECTION 3 – MILITARY CREDIT FOR PROMOTIONAL APPOINTMENTS**

- A. Upon election by the candidate, seven-tenths (7/10) of one point for each six (6) months or fraction thereof of active military service of the United States, not exceeding thirty (30) months, will be added to a final grade average for a person who at any time has been engaged in the active military service of the United States for a period of one year or more, and who satisfies the following requirement: (1) received an honorable discharge, (2) was not convicted by a court martial for disobedience of orders where such disobedience consisted of the refusal to perform military service on the grounds of alleged religious or conscientious objections against war.
- B. Candidates who are eligible for military credit shall make a claim in writing within ten (10) days after the posting of the eligibility list for promotional appointment or such claim shall be deemed waived.
- C. No person shall receive military credit for a promotional appointment under this section after he has received one promotion from an eligibility list on which he was allowed such preference. (65 ILCS 5/10-2.1-11)

### **SECTION 4 – LIST OF PERSONS ELIGIBLE FOR PROMOTION**

- A. The Board shall prepare, post, and keep a “List of Persons Eligible for

Promotion” (Promotion List). In order to be listed on the Promotion List, the candidate must attain the minimum aggregate score of 70% unless provided differently by a collective bargaining agreement. Any candidate who fails to complete any component of the testing process shall not appear on the final eligibility list.

- B. Upon the completion of the examination process, the candidates shall be listed on a Promotion List in order of their final score. An applicant may elect to take credit for Military Service, in accordance with the provisions listed above in Section 3 of this chapter. After the claim period for military credit has passed, the candidate with the highest score shall be listed first on the Promotion List.
- C. The Promotion List shall be posted and a copy given to the Chiefs of the Fire and Police Departments. All candidates for promotion will be notified of their grade and final position on the Promotion List. (65 ILCS 5/10-2.1-14)

## **SECTION 5 – ORDER OF RANK**

The order of rank within the members of the Police Department shall be determined by the Official Village Pay Plan in effect from time to time. These ranks may include, in rank order:

- Chief of Police – not subject to the promotional process of the Board
- Deputy Chief of Police – not subject to the promotional process of the Board
- Sergeant
- Police Officer

A Police Specialist position is not a rank. An officer shall be considered a police officer or sergeant and his or her title as specialist in a certain field shall be merely a description of his job responsibilities.

The order of rank of the Fire Department shall be determined by the Official Village Pay Plan in effect from time to time. These ranks may include, in rank order:

- Chief of Fire/EMS – not subject to the promotional process of the Board
- Deputy Chief – not subject to the promotional process of the Board
- Battalion Chief
- Lieutenant
- Firefighter/Paramedic

The specialist positions of Code Administrators, Fire Marshal, Training Officer, EMS Coordinator, and Specialty Team Coordinators are not ranks. These special titles shall be merely a description of his or her job responsibilities. Pay differentials shall not be considered as rank specific and are the sole responsibility of the Official Village Pay Plan.

## **CHAPTER VII – HEARING OF CHARGES FOR DISCIPLINE AND DISCHARGE**

### **SECTION 1 – AUTHORITY OF COMMISSION**

The Board shall have authority to conduct due process hearings in discipline or discharge matters involving non-probationary officers or members of the Roselle Fire and Police Departments, except where a collective bargaining agreement covers such officer or member and provides an alternative or supplemental form of due process, which is chosen by the officer or member, or where such officer or member is subject to discipline or discharge by the Village Board or Village Manager by ordinance or personal contract.

Probationary firefighters and police officers may be summarily dismissed by the Board upon the recommendation of the Fire or Police Chief, as provided by the Board's rules, and are not entitled to the protection afforded to other full-time officers or members, by statute or these rules.

### **SECTION 2 - VIOLATION OF RULES OR LAW**

All members of the Roselle Fire and Police Departments shall be subject to the regulations of such departments and the Rules of the Board, and a violation of such rules or regulations may be cause for filing of charges before the Board, a subsequent hearing, and action by the Board on such charges, except as otherwise provided.

Any violation of the laws of any municipality, or any state or federal law, by any member of the Roselle Fire and Police Departments may be cause for the filing of charges against said member or officer, except as otherwise provided.

### **SECTION 3 - HEARING OF CHARGES**

- A. Hearings before the Board are not common law proceedings. The provisions of the Illinois Code of Civil Procedure do not apply to hearings before the Board. The Board may determine any special rules for conducting the hearing.
- B. "Counsel" as used herein means: One who has been admitted to the bar as an attorney-at-law in this State.
- C. No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall be allowed.
- D. The Board shall have the right, in its reasonable discretion, to determine what constitutes cause.

- E. The complainant or appellant initiating any proceedings which call for a hearing before the Board shall have the burden of proof to establish a preponderance of the evidence that cause for discipline exists or that a suspension, previously imposed by the Chief of a Department, is unwarranted. Should the question of a crime be involved, the standard of proof, “beyond a reasonable doubt,” shall not control.
- F. The phrase “preponderance of evidence” is defined as the greater weight of the evidence, that is to say, it rests with that evidence which, when fairly considered produces the stronger impression, and has greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.
- G. All hearings shall be public, in accordance with the Open Meetings Act.
- H. All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board.
- I. The records of all hearings will not be transcribed by a court reporter unless requested to do so by the Board or any party of interest.
- J. All witnesses shall be sworn prior to testifying and the matter will be decided by the Board solely on evidence presented at the hearings.
- K. The Board will first hear the witnesses either substantiating the charges which have been made against the respondent or in support of an appeal brought by a suspended police officer or firefighter. Thereafter, the other party may present and examine those witnesses presented by the opposite party. Both parties have the right of rebuttal and the opportunity to cross-examine witnesses presented by the opposing party.
- L. All hearings shall be bifurcated. The Board shall first determine if the allegations of the Complaint have been proved. If the allegations of misconduct in the complaint are proved, the Board shall conduct an aggravation and mitigation hearing to determine what penalty is to be imposed.

#### **SECTION 4 – HEARING PROCEDURE AND LEGAL PRINCIPLES**

- A. **COMPLAINTS:** In all cases, written complaints shall be filed in quintuplicate, setting forth a plain and concise statement of the facts upon which the complaint is based.
- B. **PROBABLE CAUSE:** The Board shall have the right to determine whether there is probable cause for hearing a complaint and may conduct such

informal hearings as may be necessary for such purpose. The Board shall maintain a record of any such informal hearing.

- C. NOTIFICATION OF HEARING: Upon the filing of a complaint in quintuplicate with the Secretary of the Board, and the determination by the Board of proper cause for entertaining said complaint, the Secretary of the Board shall notify both the Complainant and Respondent, either by Registered or Certified Mail, return receipt requested, or personally, for the time and place of the Hearing of the charges contained in the Complaint. The Respondent shall also be served with a copy of the Complaint, and if an Order of Suspension Pending a Hearing is entered by the Board, the Respondent, the Complainant, the Chief of the Department, the Treasurer, Comptroller, Manager, or other Finance Officer of the Municipality shall be notified of the entry of such Order of Suspension Pending a Hearing, and be served either personally or by Registered or Certified Mail, return receipt requested, with a copy of such Order.
- D. ORDER OF SUSPENSION PENDING A HEARING: If an Order of Suspension Pending a Hearing is entered by the Board, the parties and the Village's Finance Director shall be notified of the entry of such order, and be served either personally or by certified mail, return receipt requested, with a copy of such order.
- E. CONTINUANCES: The matter of granting or refusing to grant a Continuance of a Hearing is within the discretion of the Board.
- F. STIPULATIONS: Parties may, on their own behalf, or by counsel, stipulate and agree in writing, or on the record as to any evidentiary matter including, but not limited to, the guilt of the Respondent. 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 the result of a decision of the Board following a Hearing of the cause, then no compensation shall be paid to said Respondent during the period of said Continuance.
- G. 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 Board.
- H. PRESENTATION OF THE WITNESSES: The Board will first hear the witnesses substantiating the charges which have been made against the respondent or in support of an appeal brought by a suspended officer or member. Thereafter, the other party may present and examine those witnesses whom he/she desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

- I. **LEGAL PRINCIPLES FOR DISCIPLINARY HEARINGS:** Proceedings before the Board in disciplinary matters shall be governed by the following legal principles:
- Burden of proof – The complainant or petitioner initiating any proceedings which call for a hearing before the Board shall have the burden of proof to establish by a preponderance of evidence that cause for discipline exists or that a suspension, previously imposed by the Chief, is unwarranted. Should the question of a crime be involved, the criminal standard of “reasonable doubt” shall not control.
  - Standard of review – The test used to determine if the burden of proof has been met in an administrative hearing is the “preponderance of the evidence test.” The phrase “preponderance of evidence” is defined as the greater weight of the evidence; that is to say, it rests with that evidence which, when fairly considered, produces the stronger impression, and has a greater weight, and is more convincing as to its truth, when weighted against the evidence in opposition thereto. In other words, the Board, as the trier of fact, must be persuaded that the proposition is more probably true than not true.
  - Cause – “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 the officer or firefighter to no longer occupying his or her position. The right to determine what constitutes cause lies with the Board.

## **SECTION 5 – SUBPOENAS**

- A. Any party to an administrative Hearing, may, at any time before the Hearing, make application to the Board 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 Board 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.
- B. Any request for continuance by reason of inability to serve subpoenas shall be filed in the office of the Board at least three (3) days before the date set



for such hearing, provided, however, that the Board in its discretion may waive this rule.

## **SECTION 6 – SERVICE**

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

## **SECTION 7 – FILING**

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

## **SECTION 8 – FORMS OF PAPER**

- A. All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
- B. If typewritten, the lines shall be double-spaced, except that long quotations may be single spaced and indented.
- C. All papers shall be not larger than 8-1/2" X 11" with inside margins of not less than one inch.
- D. The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent or attorney thereof, and copies thereof provided the opposing party or his counsel.
- E. If papers are filed by an attorney, his name and address shall appear thereon.

## **SECTION 9 – COMPUTATION OF TIME**

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

## **SECTION 10 – SUSPENSION**

- A. The Board may suspend any member of the Fire or Police Department against whom charges have been proffered, pending a Hearing of the charges by the Board, but not to exceed thirty (30) days, without pay, at any one time.
- B. The Chief of the Fire or Police Department shall have the right to suspend any officer under his command for a period of not to exceed five (5) days, providing no charges on the same offense have been filed and are pending before the Board, and he shall notify the Board in writing within 24 hours of the time of such suspension. Any police officer or firefighter so suspended may appeal to the Board for a review of the suspension within five (5) calendar days after such suspension by filing notice of such appeal in writing with the Secretary of the Board of Fire and Police Commissioners. 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. The Board may sustain the action of the Chief of the Department, may reverse it with instructions that the suspended officer receive pay for the period involved, or may suspend the officer for an additional period, not more than 30 days, or discharge the officer, depending on the facts presented (65 ILCS 5/10-2.1-17).
- C. For purposes of this section, a day shall be defined as a calendar day for suspension of Fire Department personnel assigned to 24-hour shifts or for patrol officers assigned to 12-hour shifts.
- D. For purposes of this section, a day shall be defined as a calendar day of 8 hours for the suspension of Fire Department personnel assigned to 8-hour shifts.

## **SECTION 11 – DEMOTIONS**

- A. The Board may demote any member of the Fire or Police Department to the next lower rank for cause.

- B. Any such demotion shall take place only after a hearing before the Board on a written complaint for demotion filed by the Chief of the Fire or Police Department.
- C. The hearing conducted by the Board on the complaint for demotion shall be conducted in accordance with the provisions of this Chapter.

## **SECTION 12 – DISCHARGE OR SUSPENSION AFTER HEARING**

- A. Discharge from office, or suspension from service in the Fire or Police Department shall be in compliance with the Fire and Police Commissioners Act of the State of Illinois (65 ILCS 5/10-2.1-1 through 10-2.1-30).
- B. The Board shall, within a reasonable time after the hearing is completed, enter its findings on the records of the Board.

## **SECTION 13 – DATE OF HEARING**

The time for the Hearing of charges shall be set by the Board, within thirty (30) days of the time of the filing of such charges. Continuances may be granted from time to time upon motion of any party to the proceeding by order of the Board. This time limitation is not applicable to hearings conducted to review suspensions of five (5) days or less imposed by a Chief of a Department on one of its members.

## **SECTION 14 – RULES-CONFLICT**

The personnel of the Fire and Police Department shall be governed by the Rules & Regulations as adopted by the Commission and the Rules & Regulations of the Fire and Police Departments. In case of conflict, the Rules of the Board shall govern.

## **SECTION 13 – FINDING AND DECISION**

The finding and decision of the Board, following a hearing of charges, shall be preserved by the Secretary, and notice of said finding and decision sent to the officer involved and the department head for enforcement. If the finding or decision is that an officer or employee is guilty of charges investigated, and removal or discharge is ordered, such order of removal or discharge shall become effective forthwith. No decision of the Board shall be subject to arbitration.

## **CHAPTER VIII – GENERAL**

### **SECTION 1 – OBSERVANCE AND VIOLATION OF RULES**

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

### **SECTION 2 – OBSERVANCE AND VIOLATION OF LAWS**

The Board shall have such other Powers and Duties as are given by the statutes of the State of Illinois or by ordinance. Any violation of the laws of the municipality or state or federal law by any member of the Fire or Police Department of the municipality may be cause for the filing of charges.

### **SECTION 3 – SEVERABILITY**

Any Chapters, Sections and/or Subsections of the foregoing Rules for the operation of the Board that are in conflict with the State Statute or with any amendments thereto that may hereafter be enacted are null and void. This, however, does not invalidate any other Chapters, Sections and/or Subsections of said Rules.

### **SECTION 4 – POLITICAL CONTRIBUTIONS**

No person in the Fire Department or Police Department of Village of Roselle, Illinois shall be under any obligation to contribute any funds to render any political service, and no such person shall do so or be removed or otherwise prejudiced for refusing to do so. No person in the Fire Department or the Police Department of Village of Roselle, Illinois shall discharge or promote or reduce, or in any manner change the official rank or compensation of any person in such service, or promise or threaten to do so, for withholding or refusing to make any political purpose, or in any other manner, directly or indirectly use his official authority or influence to compel or induce any other person to pay or render any political assessment, subscription, contribution or service.