

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



**CITY OF DES PLAINES, ILLINOIS**

Revised and Recommended by the Board of Fire and Police Commission  
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This Board of Fire and Police Commissioners was created in 1935 by the voters of the  
City of Des Plaines.

The authority and duties of the Board were enacted by the Mayor and City Council as a  
result of the efforts of the voters.

These Rules and Regulations Supersede all previous versions.

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

## **CITY OF DES PLAINES, ILLINOIS**

As approved by the Des Plaines City Council  
and adopted by the Board of Fire and Police Commissioners

### **CHAPTER I - ADMINISTRATION**

#### **SECTION 1 – Source of Authority**

The Board of Fire and Police Commissioners of the City of Des Plaines, Illinois, derives its power and authority from the Des Plaines City Council in the exercise of its home rule authority and from the Illinois Board of Fire and Police Commissioners Act, 65 ILCS 5/10-2.1-1 *et seq.*

#### **SECTION 2 – Definitions**

- The word "Board" means the Board of Fire and Police Commissioners of the City of Des Plaines, Illinois.
- The word "City" means the City of Des Plaines.
- The word "officer" means any person holding a full time non-probationary appointment in the in the Police Department or Fire Department of the City.
- The term "police officer" does not include auxiliary police officers.
- The "Recording Secretary" is a City staff member designated by the City Manager who serves as the liaison to the Board.

The singular includes the plural, and the plural the singular.

#### **SECTION 3 – Board Members and their Duties**

The Board shall, annually, on the first meeting, elect a Chairperson and a Secretary. They shall hold office until their successors are duly elected and qualified. The Chairperson shall be the presiding officer at all meetings.

#### **SECTION 4 – Meetings**

a) Regular meetings shall be held at such times as the Board shall determine. Notice shall be posted and meetings shall be open to the public. The Board may act only in a properly convened meeting, and no single Board member shall have the authority to

act on behalf of the Board except only if that Board member is authorized by State law, or the City Council, or a majority of the Board members during a meeting of the Board.

b) Special meetings shall be open, notice thereof to be posted 48 hours prior to convening. The notice shall state the general purposes of the special meeting and shall set forth the time and place of such special meeting.

c) During any regular or special meeting, a closed session may be held pursuant to the Illinois Open Meetings Act and upon a proper motion made by any single member of the Board, with the motion seconded and approved. Closed sessions may be limited to Board members, the Recording Secretary and such invited persons as the Board may deem necessary. The Recording Secretary will record the motion to close the meeting, record the roll call vote of the members on said motion and keep minutes of the closed session.

d) Public notice of any regularly scheduled or special meeting shall be given in accordance with the Illinois Open Meetings Act.

e) Minutes shall be kept as follows:

- The Recording Secretary shall keep written minutes of all meetings of the Board, regardless of the nature of the meeting.
- The minutes shall include the date, time and place of the meeting, the presence or absence of the Board members; a summary of all discussions deliberations, decisions and other activities, any and all votes taken, including the member making the motion, the second and the results of voting.
- All minutes of the proceedings of the Board at regular or special meetings shall be prepared in draft form and copies provided 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 Chairman and the Secretary no later than 30 days after the meeting or the Board's second subsequent regular meeting, whichever is later.
- Any verbatim recording of the open session of meetings by the Recording Secretary shall be only for the purposes of preparing written minutes. Once the Board has approved the written minutes, the Recording Secretary shall destroy the verbatim recording

The official minutes of the Board shall be provided to the City Clerk to be kept on file or kept in the Board's files at City Hall and shall be made available to persons for inspection during regular business hours and on the City's website within 10 days after approval.

- f) Verbatim Record of Closed Meetings shall be managed as follows:
- The Recording Secretary 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 18 months have passed since being made, the audio recording of a closed meeting shall be destroyed, provided the Board has approved its destruction and approved any 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, 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 the disclosure under the Illinois Freedom of Information Act.

g) 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 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 of portions thereof no longer require confidential treatment and are available for public inspection.

h) Open Meetings Act: 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 to the Recording Secretary.

## **SECTION 5 – Quorum**

Two members of the Board shall constitute a quorum for the conducting of all business. A quorum is required to conduct a meeting.

## **SECTION 6 – Order of Business**

The order of business at any meeting shall be as follows unless the Board determines otherwise for a particular purpose:

- a) Call to order
- b) Roll Call
- c) Public Comments
- d) Approval of Minutes
- e) Communications

- f) Unfinished Business
- g) New Business
- h) Report of Commissioners
- i) Executive/Closed Session
- j) Adjournment

## **SECTION 7 – Procedure**

The current edition of Robert’s “Rules of Order” shall govern the proceedings of the Board except when these or any other adopted rules are in conflict, in which case these or any other adopted rules shall prevail.

## **SECTION 8 – Amendments**

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

## **SECTION 9 – Annual Report and Budget Request**

The Board shall submit to the City Council an Annual Report of its activities and shall provide, as requested by the City Manager, data and other input relevant to the City’s budget process.

## **SECTION 10 – Attorney for Board**

The City Attorney shall be the attorney for the Board. However, in the event of a conflict of interest and/or potential or perceived conflict of interest, the City Council shall employ an attorney of its choosing to represent the Board for the matter for which there is or may be a conflict of interests.

## **CHAPTER II – POLICE DEPARTMENT APPLICATIONS**

### **SECTION 1 – Qualifications**

All applicants for a position in the police department other than accelerated entry applicants shall be subject to an examination, which shall be public and competitive. The Board may charge a fee for any examination.



Applicants for examination for the police department must be electors of the United States.

Applications for positions shall be filed upon forms furnished by the Board, and applicants must comply with the requirements of said form in every respect. The application must be filed with the Board prior to taking an examination.

Applicants must possess, at minimum, a high school diploma or GED equivalent, plus the following:

- Documentation of successful completion of a physical ability test as approved by the Board, if required.

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

The applicant shall furnish, with the applicant's application, a Military Service Record and Discharge papers if applicable and proof of eligibility for preference points as provided in Chapter III, Section 5.

No person with a record of misdemeanor convictions shall be disqualified from taking the examination to qualify for a position in the police department on the grounds of habit or moral character, unless the conviction involved one or more of the following misdemeanors (or an offense with substantially the same elements, or prior or newer versions or numbering thereof): 720 ILCS 5/11-1.50 Criminal sexual abuse; 720 ILCS 5/11-6, Indecent solicitation of a child; 720 ILCS 5/11-7, Adultery; 720 ILCS 5/11-9, Public indecency; 720 ILCS 5/11-14, Prostitution; 720 ILCS 5/11-15, Soliciting for a prostitute; 720 ILCS 5/11-17, Keeping a place of prostitution; 720 ILCS 5/11-18, Patronizing a prostitute; 720 ILCS 5/11-19, Pimping; 720 ILCS 5/11-30, Public Indecency; 720 ILCS 5/11-35, Adultery; 720 ILCS 5/12-2, Aggravated assault; 720 ILCS 5/12-6, Intimidation; 720 ILCS 5/14-4 Eavesdropping Sentence; 720 ILCS 5/12-15, Criminal sexual abuse; 720 ILCS 5/16-1, Theft; 720 ILCS 5/21-1.3 Criminal Defacement of Property; 720 ILCS 5/24-1(A)1, Unlawful use of weapons (sale, manufacture, possession of certain weapons); 720 ILCS 5/24-1(A)6, Unlawful use of weapons (possession of silencer); 720 ILCS 5/24-1(A)8, Unlawful use of weapons (firearms, etc. in intoxicating beverage establishment at public gathering); 720 ILCS 5/24-3.1, Unlawful possession of firearms and firearm ammunition; 720 ILCS 5/24-5, Defacing identification marks of firearms; 720 ILCS 5/25-1, Mob action; 720 ILCS 5/28-3, Keeping a gambling place; 720 ILCS 5/31-1, Resisting or obstructing a peace officer, firefighter, or correctional institution employee; 720 ILCS 5/31-4, Obstructing justice; 720 ILCS 5/31-6, Escape; failure to report to a penal institution or to report for periodic imprisonment; 720 ILCS 5/31-7, Aiding escape; 720 ILCS 5/32-1, Compounding a crime; 720 ILCS 5/32-2, Perjury; 720 ILCS 5/32-3, Subornation of perjury; 720 ILCS 5/32-4, Communicating with jurors and witnesses; 720 ILCS 5/32-8, Tampering with public records; as amended.

## **SECTION 2 – Disqualification**

Any false statement knowingly made by a person in an application for examination, including inducing a third party to make any false statement, or complicity in any fraud touching the same, shall be regarded as good cause for exclusion from any examination.

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

a) Who is found lacking in any of the established preliminary requirements for the service for which he or she applies.

b) Who is not an otherwise qualified person by reason of being unable to perform the essential functions of the job sought with or without reasonable accommodation.

c) Who suffers from alcoholism that prevents the applicant from performing the essential functions of the job, with or without reasonable accommodation, or an individual who is currently using drugs and/or narcotics illegally, or who has engaged in any illegal use of marijuana within the last 2 years, cocaine use within the last 5 years, designer drugs within the last 5 years, prescription drug use within the last 5 years, or who has ever used heroin and/or hallucinogens; and/or has ever used any illicit drug or controlled substance through injection, which when combined with other relevant factors suggests the applicant will not be able to successfully perform the job duties of a police officer.

d) Who is a chronic gambler or has been convicted of a felony or a crime involving moral turpitude or abuse of a family member or domestic battery, as defined by 720 ILCS 5/12-3.2. However, no person shall be disqualified from appointment to the police department because of such person's record of misdemeanor convictions, except those under 720 ILCS 5/11-1.50 Criminal sexual abuse; 720 ILCS 5/11-6, Indecent solicitation of a child; 720 ILCS 5/11-7, Adultery; 720 ILCS 5/11-9, Public indecency; 720 ILCS 5/11-14, Prostitution; 720 ILCS 5/11-15, Soliciting for a prostitute; 720 ILCS 5/11-17, Keeping a place of prostitution; 720 ILCS 5/11-18, Patronizing a prostitute; 720 ILCS 5/11-19, Pimping; 720 ILCS 5/11-30, Public Indecency; 720 ILCS 5/11-35, Adultery; 720 ILCS 5/12-2, Aggravated assault; 720 ILCS 5/12-6, Intimidation; 720 ILCS 5/14-4 Eavesdropping Sentencing; 720 ILCS 5/12-15, Criminal sexual abuse; 720 ILCS 5/16-1, Theft;; 720 ILCS 5/21-1.3, Criminal Defacement of Property; 720 ILCS 5/24-1)A)1, Unlawful use of weapons (sale, manufacture, possession of certain weapons); 720 ILCS 5/24-1(A)6, Unlawful use of weapons (possession of silencer); 720 ILCS 5/24-1(A)8, Unlawful use of weapons (firearm, etc. in intoxicating beverage establishment at public gathering); 720 ILCS 5/24-3.1, Unlawful possession of firearms and firearm ammunition; 720 ILCS 5/24-5, Defacing identification marks of firearms; 720 ILCS 5/25-1, Mob action; 720 ILCS 5/28-3, Keeping a gambling place; 720 ILCS 5/31-1, Resisting or obstructing a peace officer, firefighter, or correctional institution employee; 720 ILCS 5/31-4,

Obstructing justice; 720 ILCS 5/31-6, Escape; failure to report to a penal institution or to report for periodic imprisonment; 720 ILCS 5/31-7, Aiding escape; 720 ILCS 5/32-1, Compounding a crime; 720 ILCS 5/32-2, Perjury; 720 ILCS 5/32-3, Subornation of perjury; 720 ILCS 5/32-4, Communicating with jurors and witnesses; 720 ILCS 5/32-8, Tampering with public records; as amended, or prior or newer versions or numbering thereof, or of an offense with substantially the same elements as an offense enumerated above, or arrest for any cause without conviction thereon. Any such person who is in the department may be removed on charges brought as herein provided.

e) Who has criminal proceedings pending or is under investigation for a crime if the Board determines after investigation that the applicant's underlying conduct makes him or her unfit to be a police officer; or who maintains an ongoing relationship with individuals (excluding immediate family members) who have been convicted of felony crimes and are reputed to be involved in recent or current criminal activity.

f) Who has been dismissed from any public service for good cause and/ or violation of public trust.

g) Who, in the judgment of the Board, has willfully provided false or misleading information during the application process, in his/her written Personal History Questionnaire, or has attempted to practice any deception or fraud in his or her submissions to or dealings with the Board, the Police Department, or the City of Des Plaines.

h) Whose character and employment references are unsatisfactory.

i) Who is lacking in personal qualifications, educational requirements, or health qualifications.

j) Who has applied for the position of police officer and is or has been classified by his or her Local Selective Service Draft Board as a conscientious objector.

k) Who does not have a valid Illinois driver's license or the ability to obtain an Illinois license.

The Police Department shall submit to the Board a written statement of the character, fitness, and/or other factors bearing on the ability of the applicant to perform the duties of a police officer.

Any applicant, or eligible, deemed disqualified hereunder, shall be notified by the Board.

### **SECTION 3 – Age Requirements**

All applicants shall be under 35 years of age at the time of the written examination. This age limitation does not apply to any person previously employed as a police officer in a regularly constituted police department of any municipality, or to any person who

has served as an auxiliary police officer pursuant to Section 3.1-30-20 of the Illinois Municipal Code for at least five (5) years and is under 40 years of age, or to any person who has served as a deputy under Section 3-6008 of the Counties Code and otherwise meets the necessary training requirements, or to any person who has served as a sworn officer as a member of the Illinois Department of State Police. Additionally, a veteran shall be allowed to exceed the maximum age provision of this Section by the number of years served on active military duty, but by no more than 10 years of active military duty. Applicants for the police department must be at least 21 years of age as of the date of written examination.

#### **SECTION 4 – Release of Liability**

All applicants shall execute and deliver to the Board a release of all liability that may result from taking any examinations and the physical ability test in favor of the City of Des Plaines on a form to be prescribed by the Board.

### **CHAPTER III – POLICE DEPARTMENT EXAMINATIONS** **ORIGINAL APPOINTMENTS**

#### **SECTION 1 – Notice of Examinations**

A. Entry-Level Examination. An examination for the entry-level position of police officer is public and competitive. In this regard, the examination is practical in character and related to those matters that will fairly test the capacity of the persons examined to discharge the duties of a police officer.

B. Call for Examination. The Commission may announce a call for an entry-level examination from time to time to maintain an entry-level Register of Eligibles. The call for the examination must be entered in the minutes of the Commission and must be published at least two weeks preceding the examination. The examination must be published (i) in one or more newspapers published in the City or, if no newspaper is published in the City, then in a newspaper with general circulation within the City, or (ii) on the City's internet website, or (iii) in both places.

C. Postponement. An examination may be postponed by order of the Commission, which order must state the reason for the postponement and must set a new date for the examination. The applicants will be notified of the postponement of an examination and of the new date for the examination. Each applicant will be notified at the address listed on the application form. It is the responsibility of the applicant to notify the Commission of any change in the applicant's address, phone number, email address, and other forms of contact.

## **SECTION 2 - Examinations**

The Commission may, at any time, call for an examination to fill vacancies in the entry-level Register of Eligibles. A call for the examination will be entered in the minutes of the Commission and shall include these matters:

1. A statement of the time and place where the examination will be held.
2. Each applicant will be given a Police Department Orientation Packet and an application from the testing vendor or the Commission.
3. Each applicant will be given notice of a Physical Ability test, if that test is required by the Commission.
4. Each applicant may submit, at the time of submitting an application, a request for one or more preference points based on the types and number of preference points available as determined by the Commission. The submission must include proof of eligibility for the requested points.
5. The submission of an incomplete application may be cause for immediate disqualification of the applicant from the examination process. Applicants disqualified from the examination process may not re-apply for an entry-level position with the City for 12 months from the time of the disqualification.

## **SECTION 3 – Type of Tests**

Applicants may be required to participate in a physical ability test, polygraph test, written test, oral test, and any other components as determined by the Commission prior to the beginning of the examination process, and as more particularly set forth in Section 4 below. Tests will not include questions regarding political or religious opinions or affiliations.

## **SECTION 4 – List of Examinations – Minimum Grade**

The following tests will be administered in the following order, except that the Commission may add, eliminate, modify or otherwise change one or more tests. The Commission will summarize the types and order of tests, percentage weights, and minimum passing grades. The failure to achieve a minimum passing grade for any test will disqualify the applicant from any further participation.

<u>Examinations</u>	<u>% of Total Grade</u>	<u>Minimum Passing</u>
Written Test *	100%	75%
Polygraph Test		Pass or Fail

Background Investigation	Pass or Fail
Final Oral Examination (interview) by Commission/Staff	Pass or Fail
Psychological Examination**	Pass or Fail
Medical Examination**	Pass or Fail

\* The Written Test will be announced by the Commission prior to conducting the test, and the test may vary based upon the examination or the testing agency used by the Commission.

\*\* The Psychological and Medical Examinations will be given only to an applicant after said applicant has received a conditional offer of employment; however, if the post-offer Psychological and/or Medical Examination shows that the applicant is unable to perform the essential functions of the job, with or without reasonable accommodations, the Commission reserves the right to withdraw said employment offer.

**SECTION 5 – Preference Points**

Upon the request of an applicant, the Commission will add 1 point for the completion of an associate’s degree from an accredited college or university (copy of official college transcript required), 2 points for completion of a Bachelor’s Degree or a higher degree from an accredited college or university (copy of official college transcript required) and 3 points for at least three years of active military service. An applicant who has lived continuously within the corporate limits of Des Plaines for at least one year as of the date of the written test shall receive 1 preference point. Proof of active military duty will be required as well as proof of an honorable discharge if separated from the military.

**SECTION 6 – Original Appointment – Written Tests**

Information as to the type of written test employed by the Commission will be provided. All test papers are, and will remain, the property of the City and the grading thereof by the Commission is final and conclusive. Applicants who fail to achieve a passing grade will be notified and eliminated from all further consideration.

**SECTION 7 – Eligibility Register**

A. The Commission will prepare an “Eligibility Register” based on the written test and preference points. In the case of a tie on the eligibility list at any position, a process of random selection will be used to break the tie as necessary prior to the hiring process.

B. A dated copy of the Register of Eligibles will be posted in the Des Plaines City Hall. That copy will include the date of expiration of the register, which will be two years after the date of posting. The expiration date may be extended, however, by the Commission at any time prior to the expiration of the register.

C. Appointment from the Register of Eligibles is subject to satisfactory completion of further examinations, including oral interviews, background investigations, polygraph testing, and tests to screen for the use of drugs and/or narcotics, as determined by the Commission. Additionally, after an applicant has received a conditional offer of appointment, the applicant will be required to submit to an in-depth Psychological Examination and thorough Medical Examination.

### **SECTION 8 – Preliminary Background Investigation**

Each applicant who has successfully passed all prior tests and examinations will be fingerprinted and photographed for the purpose of conducting the background investigation.

### **SECTION 9 – Background Investigation**

The Police Chief or the Chief's designee will conduct a detailed character and background investigation to review each applicant's employment history, references, educational background, criminal history, credit history, litigation history, military record, driving record, neighborhood and community standing and service, and such other data and information pertinent to a proper review and analysis of the applicant. The results of the investigation will be submitted to the Commission for review. In the event a police department investigator is not available, the Commission will approve the Chief's external investigator recommendations.

### **SECTION 10 – Original Appointment – Final Oral Examination/Interview**

The Commission will undertake a Final Oral Examination of each applicant. All Commissioners must attend an examination if possible. At least two Commissioners must be present. The Chief of Police or one or more of the Chief's designees must be present at each examination. The participants will ask questions of the applicant regarding the applicant's speech, alertness, ability to communicate, judgment, self-confidence, social skill, and general fitness for the position, among other things. After an examination is completed, the Commissioners and the Chief will discuss the applicant's abilities. An applicant who does not complete the Final Oral Examination successfully will be notified and removed from all further consideration.

### **SECTION 11 – Offers**

A. Each applicant who passes the written test but does not successfully complete all of the remaining requirements may not submit another application for a period of one year after the date of the written test.

B. The Commission will not tender a conditional offer of employment to an applicant until the applicant provides a certification that the applicant has passed the Physical Ability Test required by the Police Academy or has completed a Police Academy to which the City sent the applicant.

C. The Commission may reassess the physical condition of any applicant who received a conditional offer of employment from the Commission at any time before an offer is made. The Commission may withdraw the conditional offer of employment if the Commission determines the applicant (i) is physically unable to perform the duties of a Police Patrol Officer or (ii) is unable to gain admittance to the Police Academy designated by the Commission.

D. At the time the Register of Eligibles has been depleted to 30 eligible applicants or is within 6 months of the posted expiration date, the Chief of Police may recommend to the Commission that it start the next examination cycle.

## **SECTION 12 – Professional Tests**

A. An in-depth Psychological Examination must be performed by a licensed psychologist designated by the Commission.

B. A Polygraph Test must be administered by a licensed operator designated by the Commission.

C. A Medical Examination must be performed by a licensed physician designated by the Commission.

D. A Physical Ability Test must be administered by persons designated by the Commission.

E. An applicant's binocular vision must be correctable to 20/20.

## **SECTION 13 – Vacancy Eligibility and Probationary Appointment**

A. Vacancies to the Police Department may be filled by individuals from the Final Register of Eligibility, in the order in which their names appear on the register and having met all requirements previously listed. Some vacancies may be filled as provided in Chapter IIIA of these Rules regarding Police Officer Lateral Entry Eligibility.

B. All original appointments are for a probationary period of not less than one year upon the successful completion of all formalized training as designated by the Police Chief. In no event, however, will the probationary period exceed 36 months.

C. Any person whose name appears on the Register of Eligibles may decline appointment. The Commission thereafter may strike that person from the register or may keep that name on the register in the same order.



## **SECTION 14 - Certification**

The final certification of Probationary Police Officers is subject to the successful completion of the Basic Training Course as provided by the Illinois Governmental Law Enforcement Officers Training Board within the prescribed probationary period. If an applicant does not successfully complete the Basic Training Course within the prescribed probational period, then the applicant may be dismissed.

### **Chapter IIIA — Police Officer Lateral Entry**

#### **SECTION 1 – Establishment of Lateral Entry Process**

This Chapter IIIA includes, as provided by the City and the Commission, a Police Officer Lateral Entry process for applicants who have previously served as full-time sworn police officers.

#### **SECTION 2 – Applications for Police Officer Lateral Entry**

A. Notice of Police Officer Lateral Entry Process. The Commission may, at any time and for any time period, determine to start a Police Officer Lateral Entry application process. When a Police Officer Lateral Entry process is commenced, the Commission will post a notice stating "Police Officer Lateral Entry Application." The notice will include requirements for applicants and the City's contact information.

B. Timing. Applications for Police Officer Lateral Entry will be accepted throughout a designated time period, and will be reviewed as they are received. All applications received throughout the designated time period will expire at the end of the designated time period, except as otherwise determined by the Commission. An applicant may resubmit an application during the next designated time period.

#### **SECTION 3 – Qualifications and Experience**

An applicant for Police Officer Lateral Entry must provide and meet the following minimum experience requirements:

A. The applicant must have been employed as a full-time law enforcement officer in good standing in another law enforcement agency. The employment may be in any municipal, county, university, state, or federal law enforcement department or agency.

B. The applicant must be certified, or have the ability to be qualified to be certified by academy waiver or by the Illinois Law Enforcement Training and Standards Board by either:

1. Award of a certificate attesting to the applicant's successful completion of the minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, or
  2. If, having previously been certified as a law enforcement officer in another state, then having met the conditions of reciprocity as regulated by the Illinois Law Enforcement Training and Standards Board and having been employed as a full-time law enforcement officer in good standing for at least 12 months preceding the application.
- C. The applicant must establish that the applicant meets all of the following standards:
1. The applicant must have been awarded a certificate attesting to the applicant's successful completion of the Minimum Standards Basic Law Enforcement Training Course in accordance with the Illinois Police Training Act.
  2. The applicant must have earned a high school diploma or certification of completion of a GED.
  3. The applicant must be of good moral character, of temperate habits, and of sound health and must be physically able to perform the essential job functions of police officer.
  4. At the time of application, the applicant must be at least 21 years old but must not have reached the applicant's 65th birthday.
  5. The applicant must not have any of the disqualifying elements stated in these Rules.
  6. The applicant must speak and understand the English language sufficiently to successfully undertake and discharge all duties of Police Officer.

#### **SECTION 4 – Required Elements of Application**

A. Filing of Application. An application for Police Officer Lateral Entry position must be filed on a form furnished by the City and Commission, and an applicant must complete all elements of the application. The applicant must furnish copies of the following documents: (i) Birth certificate, (ii) High School diploma or certificate of completion of GED tests, and (iii) Military service records if applicable, including discharge papers (DD Form 214).

B. Entry-Level Application. In addition to an application for Police Officer Lateral Entry, applicants also may file a separate application under Chapter III of these Rules for an entry-level police department position.

C. Disqualification. An applicant will be disqualified from consideration if the applicant makes any false statement, misrepresentation, or omissions or submits any false or contrived document.

## **SECTION 5 – Release of Liability; Admission; Corrections**

A. Release of Liability. In consideration of being admitted to the Police Officer Lateral Entry examination process, each applicant must sign and deliver to the Commission or its designated representative a release of all liability as a result of participating in the examinations, and all waivers and releases of information necessary to allow the Board to complete all elements of the examination, on forms approved by the Commission.

B. Admission to Examination; Qualification. No person may knowingly participate in any element of any examination who does not meet the minimum qualifications established for a police officer. The admission of an applicant to any examination or process is not proof the applicant is qualified or eligible for the position of police officer. Nor may the filing of an application, or the acceptance of an application, or the satisfaction of the general or special qualifications for filing an application, or being admitted to an examination, or any other provision of these Rules be construed or applied as creating any vested, property, or any other right or interest in any person to apply for, be examined for, or be appointed to any position in the Police Department.

C. Correction of Application. A defective application will be returned to the applicant for correction if the applicant otherwise is qualified for the position of police officer. A returned application must be resubmitted within the time period established by the Commission or its designated representative.

## **SECTION 6 – Examination Elements**

A. Types of Tests and Examinations. Applicants will undertake tests and examinations as determined by the Commission and will be scored on a pass or fail standard.

B. Disqualification. An applicant will be disqualified if the applicant fails a test or a significant element of a test. As a result, the applicant will be disqualified from further participation in the examination process. The refusal of an applicant to take any examination element or test will disqualify the applicant from all participation in the testing process. An applicant for lateral entry has no appeal rights relating to the examination and appointment process.

C. Test and Examination Elements. The tests and examinations for police officer lateral entry will include the following elements and shall be scored as follows:

<u>Examination Element</u>	<u>Scoring</u>
Pre-Screening/Preliminary Background Check	Pass or Fail
Polygraph Test	Pass or Fail
Oral Interview	Pass or Fail
Detailed Character/Background Check	Pass or Fail
Psychological/Psychiatric Examination	Pass or Fail
Medical Examination	Pass or Fail

At any time, the Commission may change the order of the tests and examinations, may change the test or examination elements, and may delete a test or examination, for the purpose of determining the skills, experience, and other features of the applicants.

## **SECTION 7 – Pre-Offer Examination Elements**

The Commission will examine applicants for Police Officer Lateral Entry who have properly applied and have met the standards for applicants stated in this Chapter. Examination elements may include, but are not limited to, the following elements:

A. Pre-Screening. The Police Department may conduct a pre-screening of the applicant. The pre-screening may include reference checks and a screening interview, as determined by the Chief of Police or the Chief’s designee, upon notification of the Commission.

B. Detailed Character and Background Investigation. The Commission may conduct a detailed character and background investigation of each applicant. The Commission will determine whether an applicant has passed this element, based on the results of the investigation. If the applicant fails this element, then the applicant will not be accepted and will be removed from further participation.

C. Polygraph Test. The Commission may require that applicants undertake a polygraph test administered by a licensed polygraph examiner.

D. Oral Interview. If required by the Commission, each applicant who has passed all preceding examination elements must undergo one oral or more interviews with the Commission and Chief of Police or the Chief of Police's designee.

## **SECTION 8 – Post-Offer Examination**

After the Commission gives notices to applicants for the position of police officer, the Commission may require that all applicants undergo the examination elements in this Section 8.

A. Psychological/Psychiatric Examination. The Commission will require each applicant to undergo a psychological examination administered by a psychologist or psychiatrist designated by the City Council as recommended by the Commission. The examination will be given solely to determine the applicant's suitability for the position of police officer. The examiner(s) must prepare and submit a report of the examination to the Commission, which will determine whether the applicant has passed the examination. If the applicant fails the examination, then the applicant's name will be removed from the Register of Eligibles; provided however that the Commission may determine that the applicant should undertake a supplemental psychological examination before a final decision is made.

B. Medical Examination. The Commission will require each applicant to undertake a comprehensive medical examination administered by a licensed physician designated by the Commission. The examiner(s) must prepare and submit a report of the examination to the Commission, which will determine whether the applicant has passed this examination. If the applicant fails this examination element, then the applicant's name will be removed from the Register of Eligibles; provided however that the Commission may determine that the applicant should undertake a supplemental medical examination before a final decision is made. The medical examination will include a physical examination as prescribed by the Commission. The examiner must include these elements in a final report (i) an opinion regarding the overall health and vision of the applicant and (ii) the results of a drug screening test administered by a licensed physician or another person designated by the City Council and recommended by the Commission. If the applicant fails the drug screening, then the applicant's name will be removed from the Register of Eligibles.

C. Supplemental Physical Test. If an applicant has not been appointed to the position of police officer because the applicant has failed the medical test or the psychological/psychiatric test, but the applicant has been retained on the Register of Eligibles, then the Commission may, within 60 days after the applicant failed the test, give the applicant a second conditional offer of appointment and authorize a retesting of the element the applicant had failed and the medical test if the applicant had not taken it.

D. Deferral. The Commission may defer any post-offer test or examination for all applicants until the Commission receives notice from the City Manager that a vacancy exists in the rank of police officer. When the City Manager gives notice to the Commission of a vacancy, then the Commission will administer the deferred examinations to the applicants who received and accepted an offer of employment and were qualified to be placed on the Register of Eligibles.

## **SECTION 9 – Police Officer Lateral Entry Eligibility List**

A. Establishment of List. The Commission may establish a Police Officer Lateral Entry Eligibility List at any time. The Lateral Entry Eligibility List will include experienced police officers, as determined by the Commission. The Lateral Entry Eligibility List will not include entry-level police officer applicants.

B. Included Applicants.

1. All applicants who pass the pre-offer examination elements stated in Section 7 of this Chapter will be included on the Lateral Entry Eligibility List.

C. Appointments. The Commission may, but is not in any way required to, appoint a police officer from the Lateral Entry Eligibility List.

D. Modifications. The Commission may modify the number of applicants on the Lateral Entry Eligibility List and may otherwise modify the Lateral Entry Eligibility List as applicants withdraw and as new applications are received and applicants are granted conditional offers of appointment. All applicants affected by a modification of the Lateral Entry Eligibility List will be notified of the modification.

E. New List. The Commission at any time may create a new Lateral Entry Eligibility List to replace the existing list.

F. Placement on Entry-Level Register. An applicant on the Lateral Entry Eligibility List may also be placed on the Police Department Entry-Level Register of Eligibles. In that case, the applicant will be ranked on the Police Department Entry-Level Register of Eligibles in accordance with the applicant's test score in addition to being placed on the Lateral Entry Eligibility List.

G. Dissolution of List. The Commission and the City Manager may decide, at any time, that it is no longer necessary or useful under the current circumstances to maintain a Lateral Entry Eligibility List. In that event, the Lateral Entry Eligibility List will be dissolved. The dissolution of a Lateral Entry Eligibility List does not prevent the Commission, upon the request of the City Manager, from establishing a new Lateral Entry Eligibility List.

H. The Commission will post and maintain the Police Officer Lateral Entry Eligibility List from time to time.

1. The Commission may select, at the request of the City Manager, one or more applicants from the Lateral Entry Eligibility List.

2. The Commission is not required at any time to select applicants from the Lateral Entry Eligibility List.

3. A copy of the Lateral Entry Eligibility List, and any updated Lateral Entry Eligibility List, will be sent to each applicant on the list.

I. Removal of Applicant from Eligibility List. The Commission may strike, in consultation with the Chief of Police, any applicant from the Lateral Entry Eligibility List who, as determined of the Commission, (i) does not have the necessary qualifications for a Lateral Entry police officer, or (ii) does not meet other applicable standards set forth in this Chapter or elsewhere in these Rules, or (iii) makes a false presentation on any document or in any test or examination, or (iv) commits fraud or aids in the commission of fraud.

## **SECTION 10 – Selection of Applicants**

When the Commission receives a written request from the City Manager for the appointment of a police officer from the Lateral Entry Eligibility List, then the Commission will promptly choose an applicant, in consultation with the Chief of Police. The final evaluation of the chosen applicant by the Commission and the Chief of Police may include, among other things, consideration of qualifications such as (i) law enforcement experience, (ii) the level of law enforcement training, (iii) experience in specialty law enforcement functions, (iv) result of an oral interview, and (v) result of background investigations.

## **CHAPTER IV – POLICE DEPARTMENT PROMOTIONAL EXAMS**

### **SECTION 1 – General – Police Department**

The Board, by its rules, shall provide for promotion in the Police Departments on the basis of ascertained merit and seniority in service and examinations, and shall provide in all cases, where it is practicable, that vacancies shall be filled by promotion. No probationary employee shall be considered for promotion. All examinations for promotion shall be competitive among such members of the Des Plaines Police Department of the next lower rank as desire to submit themselves to examination. The applicant with the highest rating who has passed all testing components shall be promoted to the rank sought to be filled. Should the applicant with the highest rating be unable or unwilling to accept the promotion, or should there be more than one vacancy in any rank to be filled,

the applicant with the next highest rating shall be promoted to the rank sought to be filled. This procedure shall be followed until all vacancies for any one rank on the promotional register are filled. The method of examination and the rules governing examinations for promotion shall be the same as provided for applicants for original appointment, including a one-year probation. The Police Sergeant/Lieutenant who is on the one-year probationary period as a result of promotion shall be subject to demotion per Chapter IX, Section 9, Subsection C.

An eligibility promotion list shall expire three years from the date of its posting or shall expire the date that the list is exhausted, whichever occurs earlier. The eligibility requirements include:

a) Except as provided in Subsection (c) below, no person shall be examined for promotion until that person has served in the next lower rank from which promotion is sought.

b) The final Promotional Examination score shall be determined as follows:

1. Written Test Score - maximum of 36 points (minimum passing grade of 70%)
2. Assessment Center Score - maximum of 36 points (minimum passing grade of 70%)
3. Each section (written and assessment center) must be passed with a minimum of 70% in order to continue in the promotion process.

Police Chief Rating: A maximum of 22 points. The Chief's rating process/system to be approved by the Board.

Seniority: 0.30 point per full year of service on the Des Plaines Police Department up to a maximum of six points as of the date of the written exam for officers taking the promotional examination for the police sergeant position.

For the ranks of police lieutenant: 0.30 point per full year of service, on the Des Plaines Police Department up to a maximum of three points as of the date of the written exam; and 0.30 point per full year of time in grade as a sergeant, up to a maximum of three points, as of the date of the written exam.

c) If a suitable applicant cannot be found using the above procedures, the Board, in determining next in order of rank in promotional examinations, will determine a policy of extending the examination successively through all the ranks in the Police Department in an endeavor to qualify suitable eligible or eligibles for the vacancy or vacancies existing before extending the examination to the general public.



## **SECTION 2 – Total Score**

An applicant's total score shall consist of the combined scores of the Chief's rating, written examination, assessment center, and seniority. Veterans' preference points will be awarded to eligible applicants for a promotional position who provide proof of active military service as provided in 65 ILCS 5/10-2.1-8 and evidence of honorable discharge at the time of application for veteran's preference points, in the amount of 7/10 of one point to the applicant's total score for each six months or fraction thereof of the applicant's active military service, not exceeding 30 months or 3.5 points. Promotional applicants may only receive veterans' preference points for one promotional appointment from a promotional eligibility list. Applicants shall take ranks upon a promotional eligibility register in the order of their relative excellence as determined by their total scores. In case of a tie on the promotional list at any position, applicants shall be ranked in order of seniority.

## **SECTION 3 – Promotional Vacancy**

Upon request from the Police Chief and acknowledgment by the City Manager that a promotional vacancy exists, the Board shall select the individual to be promoted in the manner specified in Section 1 of this Chapter.

## **SECTION 4 – Refusal of Appointment**

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

## **CHAPTER V – FIRE DEPARTMENT APPLICATIONS**

### **SECTION 1 – Qualifications**

a) All applicants for a position in the fire department shall be subject to an examination, which shall be public and competitive. The Board may charge a fee for any examination.

b) Applicants for examination for the fire department must be residents of the United States.

c) Applications for positions shall be filed on forms furnished by the Board or its agent, as provided by the notice of examination. An applicant must comply with the requirements of the forms.

d) An applicant must be licensed by the Illinois Department of Public Health as a paramedic or enrolled in a paramedic program at the time of receiving the application. If an applicant successfully earns placement on the final eligibility list, then

the applicant must be a licensed paramedic or within two months of completing the paramedic program to begin the background check process. If an applicant receives a conditional offer but does not possess the paramedic licensure, the applicant shall be passed over. The applicant shall remain on the list until such time a paramedic licensure is obtained, at which time the applicant is eligible to continue, or until no other applicants remain and the list is considered exhausted.

e) An applicant must possess high school diploma or GED equivalents.

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

g) The applicant shall furnish, with application, a copy of all Military Service Record and Discharge papers, if applicable.

h) The Board may refuse to examine, or after examination refuse to certify as eligible, or after certification as eligible refuse to retain on the Register of Eligibles, any applicant:

- Who is found lacking in any of the established general requirements, or in any special standards established in these Rules and Regulations for an entry level position, or
- Who is a habitual user of narcotics or other drugs, or intoxicating beverages; is a gambler; or is not a person of good character, or
- Who has been convicted of a felony, or a misdemeanor specifically listed in 65 ILCS 5/10-2.1-6 as amended from time to time, or
- Who, in the judgment of the Board, has practiced or attempted to practice any dishonesty, deception, or fraud in his or her application, examination, or other submissions, to or dealings with, the Board, the City staff, or
- Who has failed to abide by the rules and procedures governing any aspect of the application process, or
- Who is physically or mentally unable to perform the duties of the position to which he or she seeks appointment, with or without reasonable accommodations as required by law for qualified individuals with disabilities unless doing so would result in undue hardship, or
- Who has been dismissed from any public service for good cause, or
- Whose character or employment references are unsatisfactory, or

- Who, for a position in the Fire Department, does not meet the standards set forth in these Rules, or
- Who makes a false statement knowingly in an application for examination, including, without limitation, inducing a third party to make any false statement, or complicity in any fraud.

## **SECTION 2 - Disqualification**

The Board may disqualify any application from the examination process at any time if the applicant:

- Who is found lacking in any area established in Subsection 1(h) above, or
- Who is not an otherwise qualified person by reason of being unable to perform the essential functions of the job sought with or without reasonable accommodation, or any one of the following, or
- Who uses narcotics or other non-prescription drugs or prescription drugs not prescribed to the applicant or who is a habitual user of intoxicating beverages, or
- Who is an illegal gambler, or
- Who is not a person of good character, or
- Who, in the judgment of the Board, has practiced or attempted to practice any dishonesty, deception, or fraud in his or her application, examination, or other submissions to or dealings with the Board, the Fire Department, or the City, or
- Who has failed to abide by the Rules and Regulations, or
- Who is physically or mentally unable to perform the duties of the position to which he or she seeks appointment, except if the physical or mental disability is or can be managed, or
- Who has been dismissed from any public service for good cause. or
- Whose character or employment references are unsatisfactory, or
- Who has failed to appear for, or failed any element of, a required examination, or who otherwise has not successfully completed any portion of the examination process, or

- Who does not have a valid Illinois drivers license or the ability to obtain one.

Any applicant who has been disqualified will receive notice from the Board of the disqualification.

### **SECTION 3 – Age Requirements**

All applicants must be under 35 years of age at the time of the written examination, except that the age limitation does not apply to:

- any person who turned 35 while serving as a member of the active or reserve components 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, or
- any person previously employed as a full-time firefighter in a regularly constituted fire department of:
  - i) any municipality or fire protection district located in Illinois, or
  - ii) a fire protection district whose obligations were assumed by a municipality under Section 21 of the Illinois Fire Protection District Act, or
  - iii) a municipality whose obligations were taken over by a fire protection district.
- any person who has served in a municipality as a regularly enrolled volunteer, paid-on-call or part-time firefighter.

Applicants for the fire department may be 20 years old at the time of the written examination, but may not be appointed before reaching age 21.

### **SECTION 4 – Release of Liability**

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

### **SECTION 5 – Admission to Examination**

No person shall knowingly participate in any element of any examination who does not meet the minimum qualifications established for the position sought. The fact that a

person is allowed to participate in an element of an examination shall not be considered as evidence that he is qualified or eligible for the position.

### **SECTION 6 – No Creation of Applicant Right or Interest**

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

### **SECTION 7 – Correction of Application**

A defective application shall be returned to the applicant for correction, if the applicant otherwise is qualified for the position he or she seeks. A returned application must be resubmitted within the application due date established by the Board or its designated representative.

## **CHAPTER VI – FIRE DEPARTMENT EXAMINATIONS** **ORIGINAL APPOINTMENTS**

### **SECTION 1 – Notice of Examinations**

The examinations shall be public and competitive. In this regard, the examinations shall be practical in character and relate to those matters which will fairly test the capacity of the persons examined to discharge the duties of the positions to which they seek appointment. Examinations shall be held on the dates fixed by the Board and advertised in the manner provided in Chapter III, Section 1 of these Rules and Regulations. Examinations may be postponed by order of the Board, which order shall state the reason for the postponement and shall designate a new date for said examination. Applicants shall be notified of the postponement of any examination and of the new date fixed for said examination. Applicants will be notified at the address listed on the application form and/or via email. It is the responsibility of the applicant to notify the Board of any change in address or contact information.

### **SECTION 2 - Examinations**

The Board shall call for examinations to fill vacancies in the class of service in which vacancies are liable to occur. A call for such examination shall be entered in the Minutes of the Board and the Board must publish the call at least two weeks preceding the first examination by one or both of the following: (i) in one or more newspapers published in the City or, if no newspaper is published, then a newspaper with general circulation within the City and/or on the City's internet website. Such examination call shall include a statement of:

- The time and place where such examinations will be held.

- The general scope of the examination and the fee for participation.
- Who the applicants shall contact to obtain information on qualifications to take the examination and the application process.
- A description of the merit criteria to be used for the Situational Judgment Test.
- The position to be filled from the resulting eligibility list.

### **SECTION 3 – Type of Examinations**

Applicants shall be required to participate in a physical ability test, situational judgment test, polygraph test, written and oral examinations, and other evaluations as determined by the Board and as more particularly set forth in Section 4 below. No examination shall contain questions regarding an applicant's political or religious opinions or affiliations.

### **SECTION 4 – Sequence of Examinations – Minimum Grade**

Examinations will be held, passing grades identified, and lists established, in the following order. Failure to achieve the minimum passing grades in the written or physical ability exams disqualifies the applicant from any further participation.

a) Written Examination. A written examination shall be conducted which shall be practical in character and relate to those matters that fairly test the capacity of the persons examined to discharge the duties performed by members of the fire department. Written examinations shall be administered in a manner that ensures the security and accuracy of the scores achieved. The written examination shall be based on a 100-point scale. A minimum passing score shall be announced by the Board prior to conducting each written examination and such passing score shall be noted in the Board's meeting minutes. The minimum passing score may vary from one testing process to another based upon the specific examination utilized, the testing agency used by the Board, or test validation criteria. At the same time as the written exam, all applicants shall submit to a written situational judgment test, which shall be considered a subjective examination.

b) Preliminary Eligibility Register. Within 60 days after the written examination, the Board shall post a Preliminary Eligibility Register consisting of the names of those applicants who passed the written examination, in order from highest-to-lowest.

c) Physical Ability Exam. 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 the fire department. The Board may elect to conduct its own properly validated physical ability test or to use the Fire Service Joint Labor Management Wellness-Fitness Initiative Candidate Physical Ability Test (CPAT) with ladder certification for the purpose of testing physical fitness. If CPAT is used, then each

the applicant must provide proof of a current valid CPAT card with their completed job application to qualify for placement on any list of eligible applicants. The CPAT shall be prepared and administered by an agency that is licensed by the International Association of Firefighters to administer the CPAT. Any costs associated with the CPAT certification will be at the expense of the applicants. If the Board conducts its own test, then the Board will give notice in the notice of examination. The physical ability examination shall be a pass/fail examination, and complies with applicable law.

d) **Situational Judgment Test.** At the same time as the written exam, each applicant shall also submit to a written situational judgment test, which is designed to evaluate how the applicant would respond to various situations and measure conflict resolution skills, service orientation, initiative, integrity, team orientation, and other traits. This test shall be considered a subjective evaluation component.

e) **Initial Eligibility Register.** Within 60 days after the physical ability examination, the Board shall post an Initial Eligibility Register consisting of the names of those applicants who passed the written examination and the physical ability examination, in order from highest-to-lowest scores on the written examination and situational judgment test, in the following proportions:

- i. Written Examination 60%
- ii. Situational Judgment Test 40%

Scores on each component shall be "standardized." For each applicant, the standardized score for each component will be multiplied by the component's relative percentage weighting. The resulting scores for the components will be added to determine the applicant's final score on a 100-point scale.

## **SECTION 5 – Preference Points**

A. **Maximum Possible Fire Department Entry-Level Points.** An applicant for an entry-level position in the Fire Department may receive preference points if that applicant qualifies for such points under this Section. The Board may prescribe the total number of preference points awarded under this Section, but the total number of preference points may not be less than 10 points or more than 30 points. Points may be given only if a proper and valid claim for preference points has been made and only if the standards for such preference points have been met under the law and these Rules and Regulations.

B. **Available Fire Department Entry-Level Points.** Entry-level preference points in the Fire Department may be awarded for veteran service, fire cadet completion, education, paramedic certification status, experience, and residency as follows:

1. **Veteran Service Points.** An applicant will be awarded 5 points if (a) the applicant was engaged in the active military or naval service of the United

States for a total cumulative period of at least one year and was honorably discharged or (b) the applicant is currently or has been on inactive or reserve duty in such military or naval service for a total cumulative period of at least one year.

2. Fire Study and Cadet Points. An applicant who has successfully completed two years of study in fire techniques or cadet training within a cadet program established under the rules of the Joint Labor and Management Committee, as defined in Section 50 of the Fire Department Promotion Act, may be awarded 0 to 5 points as set by the Board prior to issuance of a notice of examination under the Rules and Regulations.
3. Education Points. An applicant who has obtained an associate's degree in the field of fire service or emergency medical services, or a bachelor's degree from an accredited college or university, may be awarded 0 to 5 points as set by the Board prior to issuance of a notice of examination under the Rules and Regulations.
4. Paramedic Points. Persons who have obtained a license as a paramedic shall be preferred for appointment to and employment with the fire department of an affected department providing emergency medical services. Applicants shall be awarded 0 to 5 points as set by the Board prior to issuance of a notice of examination under the Rules and Regulations.
5. Experience Points. An applicant may be awarded up to 5 preference points under the following standards. This number of 5 experience points presumes a rating scale totaling 100 points for the Register of Eligibles. If fewer than 100 total points are used in the rating scale for the Register of Eligibles, then the points awarded under this Subsection b will be decreased proportionately.
  - a. Certified Firefighter III/Advance Firefighter and Licensed Paramedic Experience. An applicant will be awarded 1 point for each year of successful, continuous service as a certified Firefighter III and State of Illinois or nationally licensed paramedic. To qualify for any point under this Subsection a, the most recent period of continuous one-year service must have occurred immediately prior to the time of the examination. The applicant may be awarded up to a maximum of 5 points under this Subsection a.
  - b. Other Experience. An applicant from outside the City may be awarded experience points as determined by the Board and as provided by State law.



6. Residency Points. An applicant whose principal residence is located within the corporate limits of the City for the previous 12 months from application due date may be awarded from 0 to 5 points as set by the Board prior to issuance of a notice of examination under these Rules and Regulations.
7. Board Right to Award. The Board reserves the right to award up to an additional five preference points for unique categories based on an applicant's experience or background as identified by the Board and announced with the notice of examination.

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

1. Veteran Service Points. Within 10 days after the posting of an Initial Eligibility List, each applicant on that list who may claim preference points for veteran service must submit his or her claim for those veteran service points in writing to the Board. Claims not made within that 10-day period will be deemed waived. The applicant, at the time of submitting a claim for veteran service points, must submit evidence of qualification for those points.
2. Paramedic and Experience Points. Within 10 days after the posting of an Initial Eligibility List, each applicant who may claim preference points for paramedic status or other experience must submit his or her claim for one or more of those preferences to the Board. Claims not made at or before that time will be deemed waived. The applicant, at the time of submitting a claim for a preference, must submit evidence of qualification for that preference.  
  
Paramedic and experience preference points will be added to the applicant's written grade prior to placement of the applicants on a final Register of Eligibles, but only if the applicant has completed the written examination with at least the minimum passing grade.
3. Fire Study and Cadet, Education, and Residency Points. Within 10 days after the posting of an Initial Eligibility List, each applicant on that list who may claim preference points for fire study and cadet, education, or residency must submit his or her claim for that preference in writing to the Board. Claims not made within that 10-day period will be deemed waived. The applicant, at the time of submitting a claim for a preference, must submit evidence of qualification for that preference.
4. Limitation of Award of Preference Points. An applicant may not receive an amount of preference points that would move the applicant ahead of any veteran on the Initial Eligibility List. Instead, the applicant may receive that

number of preference points that will not move the applicant ahead of any veteran. If two or more applicants receiving veteran points are prevented from receiving all of their points because they cannot move ahead of a veteran, then those applicants will be placed on the Initial Eligibility List below the veteran and in rank order based on the total veteran points they would have received except for the prohibition of moving ahead of a veteran. In the event of tied scores, the tie will be broken by lot in the presence of at least two Board Members, at a regular or special meeting of the Board, in a manner the Board determines is appropriate under the circumstances.

D. Final Eligibility Register.

1. The Board shall post a Final Eligibility Register, which shall consist of the applicants and scores from the Initial Eligibility Register with the applicable preference points added. The scores on the Final Eligibility Register shall be calculated by adding any preference points to the Initial Eligibility Register score, except that an applicant may not receive the full amount of Experience Preference Points, if the amount of points awarded would place the applicant before a veteran on the eligibility list. The names shall be posted on the Final Eligibility Register in order from highest-to-lowest combined total scores. In case of a tie on the Final Eligibility Register at any position other than due to the inability of one or more applicants to pass a veteran, a process of random selection shall be used to break the tie as necessary prior to the posting of the Final Eligibility Register.
2. A dated copy of the Final Eligibility Register shall be posted in the Des Plaines City Hall. The copy shall include the date of expiration of the register, which shall be two years after the date of posting.

## **SECTION 6 – Original Appointment**

A. Appointment from this Final Eligibility Register is subject to a satisfactory Polygraph Test, a Background Investigation, a test to screen for the use of drugs and/or narcotics, and an oral interview, as determined by the Board. Each of these examinations shall be on a pass/fail basis, as determined by the Board. These examinations may occur any time while the Final Eligibility Register is valid. Applicants who fail to successfully complete any of the above examinations shall have their names stricken from the final eligibility list. This shall not preclude any such applicant from applying for testing processes for future lists, provided he/she meets the requirements for participation at the time of the future process.

B. If the Board has elected to use the CPAT, applicant shall be required to have a valid CPAT card dated within one year of the anticipated date of hire if a conditional offer has been tendered to the applicant. If it has been longer than one year since an

applicant's physical ability examination, the Board may elect to have a second physical ability examination conducted prior to making a conditional offer of employment to the applicant. If, based on the second examination, the physical ability of the applicant shall be found to be less than the minimum standard, the applicant shall not be appointed. The applicant's name may be retained upon the Final Eligibility Register for a future potential appointment prior to the expiration date of the register. In such instance, the applicant may again be examined, and if the physical ability of the applicant is found to be less than the minimum standard, the applicant shall not be appointed and the name of the applicant shall be stricken from the Final Eligibility Register.

C. After an applicant has received a conditional offer of appointment, the applicant shall be required to submit to an in-depth Psychological Examination and a thorough Medical Examination. The City may require the candidate to provide a valid CPAT card or repeat the physical ability test if more than one year has elapsed from the original date of the physical ability test.

D. At such time that the Final Eligibility Register has been depleted to 30 eligible applicants or is within six months of the posted expiration date, it shall be the option of the Fire Chief to recommend to the Board to begin the next examination cycle.

## **SECTION 7 – Original Appointment – Written Examinations**

Information as to the type of written examination employed by the Board will be provided. All examination papers shall be and shall remain the property of the Board and the grading thereof by the Board shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description. Applicants who fail to achieve a passing grade will be notified and eliminated from all further consideration.

## **SECTION 8 – Background Investigation**

A. Elements of Investigation. Each applicant on the Final Eligibility Register may be fingerprinted and photographed for the purpose of conducting a background investigation. The Fire Chief or the Fire Chief's designee, (with prior approval of the designee by the Board), shall conduct a detailed character and background investigation to review the applicant's employment history, references, educational background, criminal history, credit history, litigation history, military record, driving record, neighborhood and community standing and service, and such other data and information pertinent to a proper review and analysis of the applicant. The results of such investigation shall be submitted to the Board for review prior to any oral examination.

B. Oral Examination. As part of the Background Investigation, all Board members shall participate in the Oral Examination except wherein one Board member is absent due to illness or when matters of an emergency nature preclude his/her attendance. In no event shall less than two Board Members conduct the Oral Examination.

The Fire Chief or one or more of the Fire Chief's designee(s), may be present to answer questions of the Board or to provide clarification. On completion of each Oral Examination, the Board will discuss the applicant. Each Board member will then evaluate the applicant. Applicants who fail to successfully complete the Oral Examination will be notified and eliminated from all further consideration.

## **SECTION 9 – Professional Examination and Tests**

A. The in-depth Psychological Examination shall be performed by a licensed psychologist designated by the Board and approved by the City Council.

B. The Polygraph Tests shall be administered by a licensed operator designated by the Board and approved by the City Council.

C. The Medical Examinations shall be performed by a licensed physician designated by Board and approved by the City Council.

D. The Physical Ability Tests shall be administered by persons designated by the Board and approved by the City Council.

E. An applicant's binocular vision must be correctable to 20/20.

## **SECTION 10 – Probationary Appointment**

A. All vacancies to the Fire Department shall be filled by individuals from the Final Eligibility Register in the order in which their names appear on the register and having met all requirements previously listed. If the Board has reason to conclude that the highest-ranked applicant fails to meet the minimum standards for the position, or if the Board believes an alternate applicant would better serve the needs of the fire department, then the Board may pass-over the highest-ranked person and appoint any applicant who is in the top 5% (of the number of applicants) on the Final Eligibility Register (if 5% is less than five applicants, then the Board may appoint any of the top five ranked applicants).

B. Each original appointment shall be for a probationary period not to exceed 12 months in duration from the date of appointment to the Fire Department, which 12 months may exclude periods of training (including up to two weeks of Department/City orientation, any time spent at the Fire Academy, any time spent in basic- and operations-level Hazardous Materials training, up to four weeks of local preparation for shift assignment while on a 40-hour week schedule, and up to 10 24-hour shifts for paramedic system-entry and orientation programs) and any leaves (including injury or illness leaves) in excess of 30 calendar days.

C. Any person whose name appears on the Final Eligibility Register may decline appointment one time. It shall be the option of the Board to strike from or maintain on the register the name of such an applicant, without otherwise altering the applicant's

original position on the Final Eligibility Register, if the applicant declines an appointment a second time.

## **SECTION 11 - Certification**

Final certification of probationary Firefighters/Paramedics shall be subject to successful completion and acceptance into the EMS system that the City of Des Plaines Fire Department is currently a part of as a paramedic, receipt of an Office of the Illinois State Fire Marshal certification as a Firefighter 2 or Basic Firefighter, and receipt of an Office of the Illinois State Fire Marshal certification in Hazardous Materials Operations within the prescribed probationary period. Inability to successfully complete all of these courses shall be grounds for dismissal.

## **CHAPTER VII – FIRE DEPARTMENT PROMOTIONAL EXAMINATIONS**

### **SECTION 1 – General – Fire Department**

Promotions to the rank of Lieutenant shall be in accordance with the provisions of this Article, unless an alternative process has been agreed to by the City and the bargaining unit. In case of a conflict between this Article and any agreement between the City and the bargaining unit, the agreement with the bargaining unit shall control. The examination process for promotion to the rank of Lieutenant shall be competitive among employees in the rank of Firefighter who meet the eligibility requirements set forth in Section 2 below and desire to submit themselves to such process.

### **SECTION 2 – Eligibility Requirements**

Members of the bargaining unit shall be eligible to participate in the process for promotion to Lieutenant if, as of the date of the first examination component, they:

- a) have served at least five years on the job as a Des Plaines Firefighter, and
- b) are certified as Firefighter 3 or Advanced Firefighter as established by the Illinois Office of the State Fire Marshal. The applicant's Firefighter 3 certificate must be in the possession of the Fire Department's Training Division prior to the date of the first examination component. Furthermore, for an applicant to be promoted to the rank of Lieutenant, the applicant must have a total of at least eight years on the job as a Des Plaines Firefighter. Any future amendments to the eligibility requirements delineated in this section shall be published by the Board at least one year prior to such amendments taking effect.

Upon the announcement of the promotional examination, members will be required to submit to the Fire Chief a resume and a cover letter requesting to participate in the promotional process by the date indicated on the examination announcement.

**SECTION 3 – Components of the Promotional Process and the Weighting of Components**

A Lieutenant Promotional eligibility list shall be created based on the points achieved by the applicants on weighted components of the testing process. The City and the Firefighters’ Bargaining Representative shall negotiate the components of each testing process, and each component’s relative weighting, prior to the testing process. If an agreement on the components and weighting cannot be reached six months prior to the scheduled date for the first component, then the following examination components and weighting shall be utilized without further bargaining or interest arbitration proceedings:

<b>Component</b>	<b>Percentage Weighting</b>
Chief’s Points	10%
Seniority	10%
Assessment Center	
Tactical	20%
Training Presentation	10%
Written examination	50%

Scores on each component shall be “standardized.” For each applicant, the standardized score for each test component will be multiplied by the component’s relative percentage weighting. The resulting scores for the components will be added to determine the applicant’s final score for the promotional process.

The Board will publish the dates of the testing components, and this will be posted at each fire station and the Fire Prevention Bureau. If an applicant wishes to participate in the promotional process, (s) he shall submit in writing, on a designated form, his/her request. Each eligible applicant shall be entitled to participate in all components of the promotional process. If an applicant wishes to withdraw from the promotional process before the completion of all components of the promotional process, the applicant shall so advise the Board in writing.

Notwithstanding the above-indicated “default” components and weighting, for the 2019 Lieutenant promotional process only, the following shall be the components, relative weighting, and descriptions:

<b><u>Component</u></b>	<b><u>Percentage Weighting</u></b>
Chief’s Points	10%
Seniority	10%

Assessment Center	
Fire Tactical Exercise	10%
Non-Fire Tactical Exercise	10%
Training Presentation	10%
Leadership Exercise	10%
Written examination	40%
Veterans Preference Points (Following Preliminary List Establishment)	
In accordance with 50 ILCS 742/55, 65 ILCS 5/10-2.1-11	

For the 2019 process, the raw score (“not standardized”) for the Assessment Center- (40%) and Written Examination for each applicant will be multiplied by the component’s relative percentage weighting. The resulting scores for the components will be added together and added to the Chief’s Points raw score and Seniority Points raw score (which are already on 0-10 point scales to result in their 10% weighting) to determine the applicant’s score on the Preliminary Promotion List.

#### **SECTION 4 – Promotion Process Components**

If, pursuant to Chapter VII, Section 3, above, the City and the Bargaining Representative cannot reach agreement on the promotional testing components and weighting, and thus the components/weighting delineated in Section 3 are to be used, then the components of the promotion process shall be administered in the following order:

a) Seniority Points.

Zero seniority points shall be awarded for less than 78 months of service in the Fire Department up to and including the date of the first testing component. 0.2631 seniority points shall be awarded for the completion of 78 months of service, and for each additional 6 months of service completed, an applicant is awarded 0.2653 seniority points for the completion of the 295th through 300th months of service. The maximum number of seniority points that may be awarded under this section is 10. Months of service shall exclude any breaks of service due to unpaid leave exceeding 30 calendar days. Seniority points will be calculated to four decimal points. The posting of seniority points shall include listings of any breaks in service, the total of eligible time, and the total number of seniority points.

b) Chief’s Points.

For confidentiality, each applicant shall be assigned an identification number at random that will correlate to the amount of chiefs points earned on the

posted list. The posting of the Chief's points shall include identification number and total number of points awarded. Upon posting of the Chief's points, an applicant will only have 14 days from the posted date to request, in writing, a breakdown of his Chief's points.

c) Assessment Center.

The assessment center shall be developed by an independent outside agency hired by the Board. The Assessment Center shall include one EMS or rescue simulation, one fire tactical simulation with a written report due after the exercise, and a training presentation. Notwithstanding the previous sentence, for the 2019 promotion process only, the Assessment Center shall include one fire tactical simulation with a written report due after the exercise, a tactical simulation of another nature, a training presentation, and an exercise demonstrating leadership ability. State certified assessors need not be utilized if the City and the employee's Bargaining Representative can agree on a list of alternate assessors to be used in the Assessment Center. If agreement cannot be reached on the alternate assessors to be used, then state certified assessors must be utilized for the Assessment Center.

d) Written Examination.

The written examination shall be administered after all the other components have been administered. The subject matter of the written examination shall fairly test the capacity of the applicant to discharge the duties of a Lieutenant. The written examination shall be developed by an independent outside agency. The examination shall be based only on the contents of written materials that the Fire Chief has identified as being appropriate for promotion to the rank of Lieutenant in the Des Plaines Fire Department and made available to potential examinees at least 180 days before the examination is administered. The test questions and material must be pertinent to the rank of Lieutenant. The written examination will be graded on a scale of 0 (i.e., no questions answered correctly) to 100 (i.e., all questions answered correctly) and shall count for 50% of the overall promotional score.

## **SECTION 5 – Monitors**

Up to two impartial persons who are not members of the Des Plaines Fire Department may be selected by the Union to serve as monitors. If the Union designates such monitors, the City may also designate up to two monitors. Each party shall be responsible for all the costs and expenses of its designated monitors. Monitors are authorized to be present and observe the following components of the promotional



process: written examination, individual oral examinations (if any), and assessment center. Monitors shall not interfere with the promotional process, but shall report in writing to the Union, the Fire Chief, and the Board the full details and facts concerning any observed or suspected violations of the provisions of this Article that are applicable to the component being observed. To be considered, such written report must be submitted within three calendar days of the date of the observed or suspected violation.

## **SECTION 6 – Scoring of Components and Posting of Promotion List**

The scores for each component of the promotional process shall be disclosed to each applicant as soon as practicable after the component is completed. Once all applicants have completed all components of the promotional process, the scores for all components for each applicant shall be tallied and a promotional list shall be prepared by the Board on which applicants shall be ranked in rank order based on the highest to the lowest points scored on all components of the promotional process. In case of a tie on the promotional list at any position, applicants shall be ranked in order of seniority. This promotion list shall then be posted on the bulletin board at each fire station and in the fire prevention bureau. Veterans' preference points will not be awarded as part of the promotional examination process in the Fire Department.

Notwithstanding the previous paragraph, for the 2019 Lieutenant Promotional process only, once all candidates have completed all components of the promotional process, the scores for all components for each candidate shall be tallied and a Preliminary Promotional List shall be prepared by the Board of Fire & Police Commissioners on which candidates shall be ranked in rank order based on the highest to lowest points scored on all components of the promotional process. In case of a tie on the promotional list at any position, candidates shall be ranked in order of seniority.

Veterans Preference Points. For the 2019 Lieutenant Promotional Process only, following the publication of the Preliminary Promotional List, a candidate who was engaged in a military or naval service of the United States at any time for a period of one year, and who was honorably discharged therefrom, or who is now or who may hereafter be on inactive or reserve duty in such military or naval service, not including, however, persons who were convicted by court martial of disobedience of orders where such disobedience consisted in the refusal to perform military service on the ground of alleged religious or conscientious objections against war, and whose name appears on the Preliminary Promotion List shall be preferred for promotional appointment by adding to the candidate's score on the Preliminary Promotion List 7/10 of one point for each 6 months or fraction thereof of military or naval service not exceeding 30 months. The Final Promotional List shall then be posted on the bulletin board at each fire station and in the fire prevention bureau.

## **SECTION 7 – Order of Selection**

When there is a vacant or newly created position in the rank of Lieutenant that the City Council has funded and the City Manager has authorized to be filled, the Fire Chief shall appoint the person with the highest ranking on the final promotional list who has at least eight years on the job as a Des Plaines Firefighter; except the Fire Chief shall have the right to pass over that person if the Fire Chief has reason to conclude that the highest ranking person has demonstrated substantial shortcomings in work performance or has engaged in misconduct affecting the person's ability to perform the duties of Lieutenant since the posting of the promotional list. If the ranking person is passed over, the Fire Chief shall document the reasons for the decision and shall so advise the person passed over. Unless the reason for passing over the highest-ranking person on the list at the time of the vacancy is not remediable, no such person shall be passed over more than once unless (s)he has less than eight (8) years on the job.

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

The Lieutenant who is on the one-year probationary period as a result of promotion shall be subject to demotion per Chapter IX, Section 9, Subsection C.

## **SECTION 8 – Duration of Final Promotion List**

An eligibility promotion list shall expire three years from the date of its posting or shall expire on the date that the list is exhausted, whichever occurs earlier.

## **CHAPTER VIII - ORDER OF RANK, CLASSIFICATION AND OATH OF OFFICE**

### **SECTION 1 - Rank**

The order of rank in the Police Department shall be as provided by ordinance and municipal budget.

The order of rank in the Fire Department shall be as provided by ordinance and municipal budget.

### **SECTION 2 - Classification**

The Board classifies such offices in the fire and police services for the purpose of establishing and maintaining standards for examinations and promotions based upon job descriptions and departmental regulations.

**SECTION 3 – Oath of Office**

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

I, \_\_\_\_\_, do solemnly swear or affirm that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability.

Signed \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

**CHAPTER IX - HEARING OF CHARGES, REMOVAL, SUSPENSIONS, DISCHARGES, AND DEMOTIONS**

**SECTION 1 – Hearing of Charges**

- a) Hearings before the Board are not common law proceedings. The provisions of the "Code of Civil Procedure" do not apply to hearings before the Board.
- b) "Counsel" as used herein means a person 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) "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 to no longer occupy his/her position. The right to determine what constitutes cause lies within the Board. Cause is not required for the discipline or discharge of entry level probationary Firefighters and Police Officers.
- e) The complainant or appellant initiating any proceedings which call for a hearing before the Board shall have the burden of proof to establish by 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 rule of "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 a greater weight, and is more convincing as to its truth when weighted against the evidence in opposition thereto.
- g) All hearings shall be public, in accordance with the Open Meetings Act.
- h) At the time and place of hearing, both parties may be represented by counsel, if they so desire.
- i) All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board.
- j) The records of all hearings will not be transcribed by the reporter unless requested to do so by the Board or any party of interest.
- k) All witnesses shall be sworn prior to testifying and the matter will be decided by the Board solely on evidence presented at the hearings.
- l) 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 whom he or she desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

## **SECTION 2 – Hearing Procedure**

- a) **COMPLAINTS:** No non-probationary police officer or firefighter shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his/her own defense. 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 or is not probable cause for hearing a complaint and may conduct such informal hearings as may be necessary for such purpose.

- c) **NOTIFICATION OF HEARING:** 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, of the time and place of the hearing of the charges contained in the complaint. The respondent shall also be served with a copy of the complaint, 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 financial officer of the City 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) **CONTINUANCES:** The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.
- e) **STIPULATIONS:** Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, as to evidentiary facts. The facts so stipulated shall be considered as evidence in the proceeding.

In the event an officer has been suspended without pay pending a hearing, at the request of the officer, one continuance will be granted for the purposes of conducting discovery. If one such continuance has been granted, and said officer requests further continuances for purposes of conducting discovery, the Board shall have the right, in its discretion, to not grant said request unless the officer so stipulates and agrees that no compensation shall be paid to said officer during the period of the additional continuances.

- f) **SUFFICIENCY OF CHARGES-OBJECTIONS TO:** Motions or objections to the sufficiency of charges must be filed or made prior to or at the hearing before the Board.

### **SECTION 3 - 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 4 - Service**

All papers required by these Rules and Regulations to be served shall be delivered personally to the party designated, or mailed by United States mail in an envelope properly addressed with postage prepaid, to the designated party at his/her last known residence as reflected by the complaint filed with the Board, except as herein otherwise provided. Proof of service of any paper 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 5 - Filing**

All papers may be filed with the Board by mailing them or delivering them personally to the Secretary of the Board at the City of Des Plaines, Illinois. For the purposes 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 6 – 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" by 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 7 – Computation of Time**

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

## **SECTION 8 - Suspension**

- a) **BOARD SUSPENSION:** The Board may suspend any member of the Fire or Police Department against whom charges have been preferred, pending a hearing of the charges by the Board, but not to exceed 30 days, without pay, at any one time. If the Board determines that the charges are not sustained, such member shall be reimbursed for all compensation withheld, except such compensation withheld due to said member's request for a continuance pursuant to Section 2(e) above.
- b) **AUTHORITY OF CHIEF OF DEPARTMENT:** The Chief of the Fire or Police Department shall have the right to impose fines and order forfeitures of leave time not to exceed an equivalent of five days pay, or suspend any officer under his command for a period totaling not more than five days, providing no charges on the same offense have been filed and are pending before the Board, and he/she shall notify the Board in writing within 24 hours of the fine, forfeiture of leave time and/or suspension. Any police officer or firefighter may appeal any such action so imposed, to the Board for a review within five calendar days after receiving notice thereof, by filing notice of such appeal in writing with the Secretary of the Board. A hearing shall be had upon such appeal, and due notice given to the Chief of the Department who imposed such action upon the officer, and to the officer. The burden of establishing that the action is unwarranted shall be upon the individual bringing the appeal. Fines and forfeiture of leave time may only be imposed against the ranks of Lieutenant and above in the Fire Department and Sergeant and above in the Police Department.
- c) Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse, and if suspended, with instructions that the officer so suspended receive his pay for the period involved, may impose lesser or greater fines or forfeiture of leave time, suspend the officer for a period of not more than 30 days, or discharge him, depending on the

evidence presented. The Board may suspend the officer for a period up to but not greater than ninety (90) days if the Board makes the determination that the pending charges warrant dismissal. Any officer who has previously served a thirty (30) day suspension, may be suspended for a period up to but not greater than ninety (90) days if the charges so warrant.

## **SECTION 9 – Discharge, Suspension, or Demotion after Hearing**

- a) Discharge from office, or suspension from service in the Fire or Police Department shall be in compliance with the Illinois Board, 65 ILCS 5/10-2.1-1, *et seq.*, as amended. Fines and forfeitures of leave time and suspensions greater than 30 days shall be in compliance with Title II, Chapter 6 of the City Code of Des Plaines.
- b) Fines shall be assessed on the basis of an amount not to exceed the member's regular eight hours pay, per day. For the purposes of this Chapter, "day" shall mean a "shift day" except with respect to Department members who may be assigned to 24-hour tours of duty, in which case a day shall mean one-third thereof.
- c) The Board shall have the authority, in addition to any other penalties provided in this Chapter, to demote for cause a person who is in his/her one-year probationary period either as a police sergeant or lieutenant or fire lieutenant or captain. A ranked employee may request a lower rank at any time and the Board will consider such a request.
- d) The Board shall, within a reasonable time after the hearing is completed, enter its findings on the records of the Board.

## **SECTION 10 – Date of Hearing**

The time for the hearing of charges shall be set by the Board for a date within 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 days or less imposed by a Chief of a department on one of its members.

## **SECTION 11 – Finding and Order**

In case any member of the Fire or Police Department shall be found guilty of the charges preferred against him after a hearing by the Board, he may be fined, ordered to forfeit leave time, discharged, or suspended for a period not exceeding 90 days, without pay, as set forth in Section 8(c) above. Fines and forfeiture of leave time may only be



imposed against the ranks of Lieutenant and above in the Fire Department and Sergeant and above in the Police Department. Upon an appeal, the Board may sustain the action of the Chief, may reverse it, in whole or in part, or may suspend the officer or firefighter for an additional period of not more than 90 days as set forth in Section 8(c) above, or fine, order forfeiture of leave time or discharge him depending on the facts presented.

## **SECTION 12 – Rules - Conflict**

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

## **SECTION 13 – Political Contributions**

No person in the Fire Department or Police Department of the City of Des Plaines, Illinois, shall be under any obligation to contribute any funds or 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 the City of Des Plaines, Illinois, shall discharge or promote or reduce, or in any manner change the official rank or compensation of any other person in such service, or promise or threaten to do so, for withholding or refusing to make any contribution of money or service or any other valuable thing for 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.

## **SECTION 14 – Exercise of Political Rights**

No employee shall be in any way inhibited or prohibited from exercising his/her full political rights to engage in political activities including the right to petition, make speeches, campaign from door to door, and to run for public office so long as the employee does not use his/her official position to coerce or influence others and does not engage in these activities while he/she is on duty.

## **SECTION 15 – Violation of Rules**

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

## **SECTION 16 – Violation of Law**

Any violation of federal, state or city laws by any member of the Fire or Police Department of the City may be cause for the filing of charges against said officer, except as herein otherwise provided.

## **SECTION 17 – 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 a fine, forfeiture of leave time, suspension, demotion or discharge is ordered, such order shall become effective forthwith. (See Section 9 of this Chapter).

## **CHAPTER X - GENERAL**

### **SECTION 1**

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

### **SECTION 2**

The Board shall have such other powers and duties as are given it by the Statutes of the State of Illinois and/or by City ordinance.

### **SECTION 3**

Amendments to the Rules and Regulations of the Board may be made at any meeting of the Board. A notice shall be published, in a newspaper of general circulation in the City, specifying where such Rules and Regulations are available for inspection. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication when said Rules and Regulations shall become effective.

### **SECTION 4 – Leave of Absence**

Leaves of Absence shall be granted by reason of Military service or duty related disability as specified in 65 ILCS 5/10-2.1-23. If a Leave of Absence is granted during a

probationary period, the running of such probationary period shall be suspended until the probationary employee returns from his/her leave of absence.

## **SECTION 5 – Equal Opportunity/Affirmative Action Employer**

Recruitment, selection and promotion procedures will be designed to ensure fundamental fairness to all applicants, regardless of sex, race, religion, creed, color, national origin, age or disability related to an individual's ability to perform essential job functions. The Chief of Police and Fire Chief will have the responsibility and authority for administering the Department's role in the area of recruitment, selection, and promotion.

The Board shall advertise as an Equal Opportunity/Affirmative Action Employer on all employee application forms and in any recruitment advertisements formulated by the City or Board.