



DES PLAINES BOARD OF FIRE AND POLICE COMMISSIONERS
SPECIAL MEETING MINUTES
SEPTEMBER 11, 2023
FIRST FLOOR CONFERENCE ROOM 101 – 6:00 P.M.

Call to Order: 6:00 p.m.

Roll Call:

Albrecht: Present

Green: Present

Garceau: Present

D. Michael Albrecht	Commissioner	Dan Shanahan	Deputy Chief Patrol
Thomas Green	Commissioner	Caitlyn Culbertson	Attorney
Kristy Garceau	Commissioner	Jim Powers	Attorney
Dan Anderson	Fire Chief	Becky Madison	Director of Human Resources
Matt Matzl	Deputy Chief Operations	Sarah Gianni	Management Analyst
Dave Anderson	Police Chief		

Public Comment: None.

New Business:

1. Review and Approval of July 31, 2023 Special Meeting Minutes.

Regarding the first paragraph of the minutes, Chairman Albrecht asked about NTN making the recommendation for a passing score for each testing cycle. Police Chief Anderson responded that the recommendation is indeed for each test cycle, and that the Police Department will be sure to provide the commission with NTN’s recommendation.

Motion to approve Special Meeting Minutes of July 31, 2023, as presented.

Motion Made by	2 nd	Albrecht	Green	Garceau
Green	Garceau	Aye	Aye	Aye

Motion carried.

2. Review and Approval of August 3, 2023 Special Meeting Minutes

Chairman Albrecht inquired about the utilization of Veteran’s Points and Experience Points for Fire Department candidates. Fire Chief Anderson responded that there was discussion of the use of points. A Veteran locks the list and prevent someone from using experience points. Therefore, a candidate cannot use experience points that put them ahead of a Veteran. Chairman Albrecht further asked when the passing score for the NTN test is determined. Police Chief Anderson stated the score will be known each testing cycle and the BFPC will be notified. Applicants will also be made aware so they know what score they need to get.

Motion to approve Special Meeting Minutes of August 3, 2023, as presented.

Motion Made by	2 nd	Albrecht	Green	Garceau
Green	Garceau	Aye	Aye	Aye

Motion carried.

3. Review and Approval of August 7, 2023 Special Meeting Minutes

Motion to approve Special Meeting Minutes of August 7, 2023, as presented.

Motion Made by	2 nd	Albrecht	Green	Garceau
Green	Garceau	Aye	Aye	Aye

Motion carried.

4. Review and approval of amendments to Chapter 1, Sections 1, 2, 4, 6, 7, and 8; Chapter 2, Sections 1, 2, 3, and 4; Chapter 3, Sections 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, and 14; Chapter 3A, Sections 1, 3, 4, 5, 6, 7, 8, 9, and 10; Chapter 4, Sections 1 and 3; Chapter 5, Sections 1, 2, and 7; Chapter 6, Sections 1, 2, 3, 4, 5, 7, 8, 9, 11; Chapter 7, Section 1; Chapter 8, Section 1; Chapter 9, Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 13, and 14; and Chapter 10, Sections 3 and 4 of the Rules and Regulations of the Board of Fire and Police Commissioners.

A general review of the amendments to the Board of Police and Fire Commissioner’s Rules and Regulations commenced. Human Resources Director Becky Madison noted that, while there had been some changes made in the recent past, those tended to be piecemeal. Most recently, Attorney Jim Powers was asked by the City to perform a comprehensive review of the Rules and Regulations and to make recommendations to the BFPC for changes based on best practices. The review began in order of each section with suggested changes.

Chairman Albrecht asked whether a vote can be held if there are only two commissioners present, noting that this question is not based on something in the document being reviewed, just something he wanted to confirm. Specifically, he gave the example of if two commissioners vote opposite of one another and there is no prevailing side. Attorney Powers noted the item would likely be tabled and brought up again at a later meeting when all commissioners are attending. Attorney Culbertson concurred, adding that it may be more prudent to

table the vote all together if discussion indicates there may be a split vote instead of voting and having a failed vote on the record. They could vote to continue it to the next meeting.

Chairman Albrecht then turned attention to the amendment about hiring non-citizens for the Police Department, asking for clarification. Attorney Powers stated that the way the rules are currently written, Firefighters do not have to be U.S. Citizens—as long as they are legally authorized to work in the United States. This is consistent with Federal Law. However, the Rules currently state one must be able to vote in a national election to be a Police Officer. This does have a limiting effect on applicants. With this recommendation, Powers was trying to gauge interest on the part of the Commission as to whether they would like to open up the application pool to non-citizens for Police hiring. For non-Home Rule municipalities, there is a ban on such language prohibiting non-citizens from applying to be Police Officers. This is based on a law recently passed by the Illinois Governor which allows for the hiring of non-citizen Police Officers so long as they are legally authorized to work and legally authorized to carry and possess a firearm. This applies to all law enforcement agencies, however because the City of Des Plaines is a Home Rule municipality, it has the option to not implement that rule. He noted there are passionate views on both sides of the issue, and that this also runs up against the current issue of not enough people applying to be Police Officers in the first place.

Police Chief Anderson noted that he is aware of other agencies hiring non-citizens in because they are highly qualified and also because the citizenship process can take several years. Chairman Albrecht asked whether this should be voted on now or whether they should come back to it. Attorney Powers stated he included the updated language in Chapter 2, Section 1 if they decide. Commissioner Green stated that he did not necessarily like the argument of opening up qualifications for the sake of more applicants, but he did agree with the notion that if one can carry a gun and serve in the military, they should be allowed to also be a Police Officer. Police Chief Anderson stated it would not be a relaxing of qualifications, just a relaxing of the hiring qualification. Commissioners agreed with the change in citizenship qualification for police officers.

Moving to page 7, Chairman Albrecht asked about the Conscious Objector portion, to which Attorney Powers stated he wanted to bring the Board's attention to it as it seemed to be language from a bygone era. On page 8, there was a question about phrasing. Attorney Powers explained it was a reference to keeping exact language to what the State statute regarding the age limitations and exceptions for candidates. Specifically, making sure any exemptions to the rule track with the law verbatim. That has currently been done in the rules and regulations.

There was discussion regarding the publication of job vacancies in local papers and whether the Board wants to continue with that. Human Resources Director Becky Madison noted that the vast majority of applicants find the posting either on the City's website or through publication on electronic job boards, such as The Blue Line as well as having a hiring presence on Facebook, "X" formally known as "Twitter", Instagram, and LinkedIn. So even those not on social media will see advertisements throughout town. Management Analyst Sarah Gianni stated that she reviews applications and there is a section that asks how applicants heard about the position. She noted that the vast majority cite The Blue Line, while the second highest way is through word of mouth from current employees. Police Chief Anderson concurred and stated there is a lot of direct recruiting. Human Resources Manager Becky Madison stated she would appreciate if it was optional to post in a local paper instead of mandatory. Attorney Powers noted his draft language change suggestion was to take out the requirement that it be published in the City, instead that it should be published in one or more newspapers or



on the City’s website. Human Resources Director Madison stated that the Board could always direct her to post in a paper on a case-by-case basis.

On page 9 Chairman Albrecht asked about the statement that written exams must not have disparate impact on protected categories. Attorney Powers clarified that this language is intended to comply with Federal Civil Rights laws and gave a brief overview of the different types of discrimination that people are protected against. In the case of testing, it’s a question of whether the way the questions are phrased or the test is structured can have an impact on certain types of applicants. Essentially, Attorney Powers advised that the consultant the Board uses to create exams and recommend a passing grade is taking all of that into account when making said recommendation. It is a reminder to always work with your testing consultant to make sure the test is not adversely affecting any category. Police Chief Anderson stated this was considered when considering RFP’s for the testing consultant. One of the reasons NTN was selected was because it has larger datasets, and therefore can be more confident in the impact of questions on applicants. Regarding minutes on the website, Human Resources Director Becky Madison stated they are not all up yet, however they are all available upon request. All the agendas are posted.

Regarding the physical agility test on page 10, Attorney Powers confirmed that the City no longer holds its own physical agility test, instead it is up to the candidate to choose and attend a physical agility exam before they apply. Since the City itself does not administer the test, Powers was just cleaning up the language. It was also discussed that polygraph tests are administered before there is a conditional offer of employment. Chairman Albrecht then asked about alternating between the Lateral and Entry Level Officer lists. Attorney Powers said there is no statutory limitation on which pool to pick from. However, he recommended having a legitimate, non-discriminatory reason for going between one source and the other. Police Chief Anderson stated they have been hiring from both lists because they want a good mix of experience.

Chairman Albrecht then inquired about the probationary period and whether the Chief can terminate in that period. Attorney Powers stated that under collective bargaining laws, you can be terminated for good, bad, or no reason during that period. Then you also do not have to do procedural due process. Police Chief Anderson stated that their department does try to keep candidates and provide them with opportunities to amend what is lacking in their performance and document all of it.

Chairman Albrecht noted all his concerns had been addressed and Commissioner Green stated he did not have any other comments. Human Resources Director Becky Madison stated if the Board agreed with the recommended changes and wanted to proceed, they could make a motion to approve the amendments. The recommendation would then go to City Council for final approval of the changes.

Motion to approve amendments to the Rules and Regulations of the Board of Fire and Police Commissioners, as presented.

Motion Made by	2 nd	Albrecht	Green	Garceau
Green	Garceau	Aye	Aye	Aye

Motion carried.

Executive Session:

1. Motion to go into Executive session for the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the City under section 2(c)(1) of the Open Meetings Act and Discussion and approval of minutes under Section 2(c)(21) of the Open Meetings Act at 6:44 p.m. via roll-call vote.

Motion Made by	2 nd	Albrecht	Green	Garceau
Green	Garceau	Aye	Aye	Aye

Motion carried.

Back in Regular Session at 6:55 p.m.

1. Consideration of motions pertaining to the approval of Letters of Appointment for Firefighter/Paramedic Candidates Nathan Croce, Kevin Brogan, Timothy Wunderlich and Anna Sorota.
 - a. Motion to approve Letters of Appointment for Firefighter/Paramedic Candidates Nathan Croce, Kevin Brogan, Timothy Wunderlich and Anna Sorota.

Motion Made by	2 nd	Albrecht	Green	Garceau
Green	Garceau	Aye	Aye	Aye

Motion carried. Letters approved.

2. Consideration of motions pertaining to the retention or removal of Lateral Police Officer Candidates from continued consideration in the selection process.
 - a. Motion to disqualify Lateral Police Officer Candidate Mitchell Bujak.

Motion Made by	2 nd	Albrecht	Green	Garceau
Green	Garceau	Aye	Aye	Aye

Motion carried. Candidate disqualified.

- b. Motion to disqualify Lateral Police Officer Candidate Joshua Marshall.

Motion Made by	2 nd	Albrecht	Green	Garceau
Green	Garceau	Aye	Aye	Aye

Motion carried. Candidate disqualified.

3. Consideration of motions pertaining to the retention or removal of Probationary Police Officer Candidates from continued consideration in the selection process.

None.

4. Consideration of motions pertaining to the retention or removal of Probationary Firefighter Candidates from continued consideration in the selection process.

None.

Report of Commissioners: None.

Human Resources Director Becky Madison stated they needed to discuss the scheduling of Lateral interviews for a special meeting in a few weeks. They settled on September 21st.

Adjournment

Motion to adjourn.

Motion Made by	2 nd	Albrecht	Green	Garceau
Green	Garceau	Aye	Aye	Aye

Motion carried.

Adjourned at 7:07 p.m.

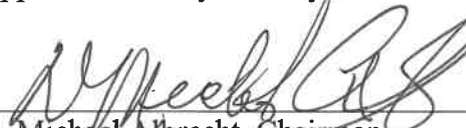
Next Special Meeting: September 21, 2023, 2:00 p.m.

Next Regular Meeting: December 11, 2023, 6:00 p.m.

Respectfully submitted,

Sarah Gianni, Management Analyst HR/Risk

Approved this day 11th day of December, 2023



D. Michael Albrecht, Chairman



Thomas Green, Secretary