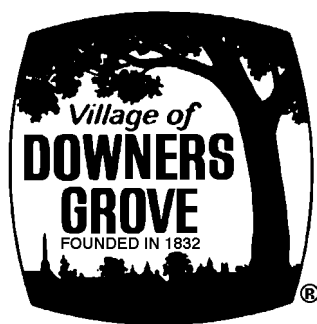


**Rules and Regulations of the Downers Grove
Board of Fire and Police Commissioners**



APPROVED June 19, 2018

Table of Contents

CHAPTER 1 - ADMINISTRATION	4
Section 1 SOURCE OF AUTHORITY - NO CONTRACT OR OFFER	4
Section 2 EQUAL EMPLOYMENT OPPORTUNITY	4
Section 3 APPLICATION	4
Section 4 DEFINITIONS	4
Section 5 OFFICERS OF THE BOARD	6
Section 6 MEETINGS	7
Section 7 QUORUM	7
Section 8 ORDER OF BUSINESS	7
Section 9 MEETING PROCEDURES	7
Section 10 AMENDMENTS TO RULES	7
Section 11 TRAINING PROGRAM FOR NEW COMMISSIONERS	7
CHAPTER 2 – OATH OF OFFICE	7
Section 1 OATH OF OFFICE	7
CHAPTER 3 – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT	8
ARTICLE 1 – QUALIFICATIONS	8
Section 1 CITIZENSHIP	8
Section 2 CHARACTER AND FITNESS	8
Section 3 AGE REQUIREMENTS	8
Section 4 EDUCATIONAL	8
Section 5 STANDARDS	8
Section 6 DRIVER’S LICENSE REQUIREMENT	8
ARTICLE 2 - APPLICATIONS	8
Section 1 APPLICATIONS	8
Section 2 FILING OF APPLICATIONS	8
Section 3 DOCUMENTATION	9
Section 4 DISQUALIFICATION	9
Section 5 RELEASE OF LIABILITY	10
Section 6 INVESTIGATION OF APPLICANT’S BACKGROUND/WAIVER	10
ARTICLE 3 – EXAMINATION OF POLICE OFFICER CANDIDATES	10
Section 1 EXAMINATION PROCESS FOR POLICE OFFICER CANDIDATES	10
Section 2 EXAMINATION COMPONENTS & MINIMUM GRADE	10
ARTICLE 4 - AGILITY/POWER TEST	12
Section 1 ESTABLISHMENT OF TEST	12
ARTICLE 5 - WRITTEN EXAMINATIONS	12
Section 1 – TESTING PROCEDURE	12
ARTICLE 6 – SUBJECTIVE ASSESSMENT – CHIEF OF POLICE	12
Section 1 PARTICIPATION	12
Section 2 SUBJECTS OF ASSESSMENT	12
Section 3 SCORING OF ASSESSMENT	12
ARTICLE 7 – ORAL EXAMINATION – BOARD	13
Section 1 PARTICIPATION	13
Section 2 SUBJECTS OF EXAMINATION	13
Section 3 SCORING OF EXAMINATION	13
ARTICLE 8 – OTHER EXAMINATIONS	13
Section 1 BACKGROUND INVESTIGATION	13
Section 2 POLYGRAPH DEVICE DECEPTIVE TEST	13
Section 3 PSYCHOLOGICAL EXAMINATION	13
Section 4 MEDICAL EXAMINATION	14
ARTICLE 9 – APPOINTMENTS	14
Section 1 INITIAL ELIGIBILITY LIST	14
Section 2 PREFERENCE POINTS	14
Section 3 ESTABLISHMENT AND POSTING OF FINAL ELIGIBILITY LIST	14
Section 4 CONDITIONAL OFFER OF EMPLOYMENT	15
Section 5 DECLINING APPOINTMENT	15
Section 6 PROBATION	15
Section 7 TRAINING OF PROBATIONARY EMPLOYEES	16

CHAPTER 4 – POLICE DEPARTMENT – PROMOTIONAL EXAMINATIONS	16
ARTICLE 1 – PROCEDURE.....	16
Section 1 ESTABLISHMENT	16
Section 2 APPLICATION FOR PROMOTIONAL APPOINTMENT.....	16
Section 3 EXAMINATION.....	17
Section 4 COMPONENTS & MINIMUM GRADE.....	17
Section 5 WRITTEN EXAMINATION	18
Section 6 ASSESSMENT CENTER	18
Section 7 ORAL EXAMINATION	18
Section 8 MERIT AND EFFICIENCY RATING	18
ARTICLE 2 – SELECTION/APPOINTMENTS	19
Section 1 SELECTION OF CANDIDATE TO POSITION.....	19
Section 2 LIST OF QUALIFIED CANDIDATES	19
Section 3 PROBATIONARY PERIOD.....	19
CHAPTER 5 – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT	19
ARTICLE 1 – QUALIFICATIONS	19
Section 1 AUTHORIZATION TO WORK.....	19
Section 2 SPECIAL QUALIFICATIONS	19
Section 3 PHYSICAL AND MEDICAL REQUIREMENTS.....	20
Section 4 CHARACTER REQUIREMENTS	20
Section 5 AGE REQUIREMENTS	20
Section 6 EDUCATIONAL.....	20
Section 7 STANDARDS	21
Section 8 DRIVER’S LICENSE REQUIREMENT	21
ARTICLE 2 - APPLICATIONS.....	21
Section 1 APPLICATIONS.....	21
Section 2 FILING OF APPLICATIONS.....	21
Section 3 DOCUMENTATION	21
Section 4 DISQUALIFICATION.....	21
Section 5 RELEASE OF LIABILITY	22
Section 6 INVESTIGATION OF APPLICANT’S BACKGROUND/WAIVER	22
ARTICLE 3 - EXAMINATION OF FIREFIGHTER CANDIDATES	22
Section 1 EXAMINATION PROCESS.....	22
Section 2 EXAMINATION COMPONENTS.....	23
Section 3 EXAMINATION AND SCORING PROCEDURES	24
Section 4 CONDITIONAL OFFERS OF APPOINTMENT/FINAL APPOINTMENT.....	25
Section 5 REAPPLICATION	26
Section 6 PROBATIONARY PERIOD.....	26
Section 7 FINALITY.....	26
Section 8 EMERGENCY APPOINTMENTS	26
CHAPTER 6 – PROMOTIONAL APPOINTMENTS TO THE FIRE DEPARTMENT.....	26
CHAPTER 7 – HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES	27
Section 1 IN GENERAL	27
Section 2 PROCEDURE	27
Section 3 SUSPENSION PENDING HEARING.....	29
CHAPTER 8 - MISCELLANEOUS RULES	29
Section 1 COMPLIANCE WITH RULES	29
Section 2 SEVERABILITY.....	29
Section 3 RESIGNATION	29
Section 4 COMPUTATION OF TIME	29
Section 5 LEAVE OF ABSENCE.....	29
Section 6 VOLUNTARY DEMOTIONS	30

CHAPTER 1 - ADMINISTRATION

Section 1 SOURCE OF AUTHORITY - NO CONTRACT OR OFFER

The Board derives its power and authority from the Illinois Board of Fire and Police Commissioners Act (the "Act") (65 ILCS 5/10—2.1-1 *et seq.*) and the home rule ordinances of the Village, as amended, establishing a Board and setting forth the powers and duties thereof. The Village of Downers Grove is a home rule community, and to the extent these rules and regulations conflict with any specific provisions of said law, the provisions of these rules and regulations shall supersede and be given full force and effect. These rules and regulations are promulgated pursuant to the Village's home rule authority and are not intended to constitute, and shall not be construed as creating, any contract or offer to contract. No property or tenure rights in employment shall be created, or deemed to be created, by these rules and regulations, such rights being defined and limited to those created under the Act and Municipal Code. All provisions of these rules and regulations are subject to change, at the sole discretion of the Board. No policy or procedure set forth in these rules and regulations implies or may be construed to imply that it or any portion thereof is an employment contract. Employment and compensation may be terminated by the Village with or without notice at any time at the option of the Village.

Section 2 EQUAL EMPLOYMENT OPPORTUNITY

All rules and regulations shall be in compliance with existing laws and consistent with the Equal Employment Opportunity Commission ("EEOC") Regulations and shall prohibit discrimination based on any legally protected status. In the event of a conflict between these Rules and the EEOC Regulations, the EEOC Regulations shall prevail.

Section 3 APPLICATION

These rules and regulations do not apply to civilian employees in the police and fire departments.

Section 4 DEFINITIONS

The masculine noun or pronoun includes the feminine. The singular includes the plural and the plural the singular.

4.2-1 ACT shall mean the Illinois Board of Fire and Police Commissioners Act as now or hereafter amended. (65 ILCS 5/10-2.1-1 *et seq.*)

4.2-2 APPEAL shall mean a request to review a suspension imposed by a chief as provided in the Act and the Village Code.

4.2-3 APPELLANT shall mean an officer initiating the appeal.

4.2-4 APPLICANT shall mean a person who has submitted a full and complete application for a promotional or non-promotional position in the police or fire department, and has not been disqualified or otherwise eliminated from the examination process.

4.2-5 APPOINT or APPOINTMENT shall mean an appointment by the Board of a candidate to a non-promotional position within the fire or police department. The following are the non-promotional positions: firefighter, firefighter/paramedic and police officer.

4.2-6 BOARD shall mean the Board of Fire and Police Commissioners of the Village of Downers Grove.

- 4.2-7 CANDIDATE shall mean a person who has been placed upon an eligibility list and has not been stricken or otherwise removed therefrom.
- 4.2-8 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 no longer occupying such officer's position. The right to determine what constitutes causes is in the Board.
- 4.2-9 CHIEF shall mean an employee who has been duly appointed by the Village Manager and is currently holding the employment position and rank of chief with either the Village of Downers Grove fire or police department. Although not required, a chief may also hold a permanent rank under the Village ordinances and rules of the Board.
- 4.2-10 COMMISSIONER shall mean a duly appointed and acting member of the Board.
- 4.2-11 COMPLAINT shall mean the notice of charges seeking the suspension, demotion or removal of an officer.
- 4.2-12 COMPLAINANT shall mean the chief who has filed a complaint.
- 4.2-13 DEMOTION a "demotion" occurs when an officer is appointed to a lower ranked position. A demotion must be approved by the Village Manager and can be either voluntary or involuntary on the part of the employee.
- 4.2-14 DEPARTMENTS shall refer to the Fire and Police Departments when used in the singular or the plural without specific identification.
- 4.2-14 DIRECTOR shall mean Village of Downers Grove Director of Human Resources, or the Director's designee.
- 4.2-16 ELIGIBILITY LIST refers to a list of all persons to have qualified for appointment to a position within one of the Departments.
- 4.2-17 EMPLOYEE shall mean an employee of the Village of Downers Grove who has not resigned, retired, been discharged or otherwise ceased employment with the Village.
- 4.2-18 EXAMINATION refers to all tests given by the Board for original entry into Departments or promotion therein.
- 4.2-19 FINAL ELIGIBILITY LIST shall mean a list of applicants for original appointment to the Departments that includes the applicants from the Initial Eligibility List plus any preference points.
- 4.2-20 FIREFIGHTER shall mean an officer who has been duly appointed by the Board, and is currently holding the position of firefighter with the Village of Downers Grove fire department.
- 4.2-21 FIREFIGHTER/PARAMEDIC shall mean an officer who has been duly appointed by the Board, and is currently holding the position of firefighter/paramedic with the Village of Downers Grove fire department.
- 4.2-22 INITIAL ELIGIBILITY LIST a list of applicants for original appointment to the Departments that successfully pass the physical ability examination and have taken both the written/oral subjective examination and the written examination.
- 4.2-23 LIEUTENANT shall mean an officer who has been duly appointed by the Board, and is currently holding the position of lieutenant with either the Village of Downers Grove fire or police department.

- 4.2-24 GRADE shall mean the mark assessed by the examining body under the direction of the Board.
- 4.2-25 OFFICER shall mean a person who has been duly appointed by the Board and has not resigned, retired, been discharged or otherwise ceased employment with the fire or police departments in a position under the jurisdiction of the Board.
- 4.2-26 POLICE OFFICER shall mean an officer who has been duly appointed by the Board, and is currently holding the position of police officer with the Village of Downers Grove police department.
- 4.2-27 POSITION shall mean those employment positions with the Village of Downers Grove police and fire departments which are under the jurisdiction of the Board. The following are the non-promotional positions: firefighter, firefighter/paramedic and police officer. The following are the promotional positions: lieutenant and police sergeant.
- 4.2-28 PROBATIONARY OFFICER shall mean a person who has been duly appointed to a position but has not yet completed their probationary period.
- 4.2-29 PREPONDERANCE OF EVIDENCE shall mean the greater weight of the evidence. The preponderance of the evidence 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 weighed against the evidence in opposition thereto.
- 4.2-30 PROMOTION means the advancement from one position of a lower rank to a position of a higher rank after passing the qualified process as established by the Board. The following are the promotional positions: police sergeant and fire or police lieutenant.
- 4.2-31 RESPONDENT shall mean either the officer charged, in the case of a complaint, or the chief, in the case of an appeal.
- 4.2-32 REQUIREMENTS refer to all ages, physical, medical and other qualifications as required by the Board of all applicants and candidates.
- 4.2-33 RULES shall mean the Rules and Regulations of the Board.
- 4.2-34 SERGEANT shall mean an officer who has been duly appointed by the Board, and is currently holding the position of sergeant with the Village of Downers Grove police department.
- 4.2-35 SUSPENSION refers to the temporary removal of an officer for cause. Suspensions may be for a specified number of calendar or regularly scheduled work days.
- 4.2-36 VILLAGE CODE shall mean the Downers Grove Municipal Code, as from time to time amended.

Section 5 *OFFICERS OF THE BOARD*

The Board shall consist of three members. The Mayor, subject to the advice and consent of the Village Council, shall designate one of the members of the Board as Chairperson. The Chairperson shall be the presiding officer at all meetings. In the absence of the Chairperson, the Board shall select an Acting Chairperson for that meeting.

The Director of Human Resources shall be secretary to the Board. The secretary shall provide support to the Board, shall be responsible for keeping the minutes of all meetings of the Board in a permanent record book, shall be the custodian of all forms, papers, books, records of all examinations held by the Board, shall provide all official notices in compliance with the Open Meetings Act (5 ILCS 120/1 *et seq.*), and shall perform such other duties as the Board prescribes.

Section 6 MEETINGS

Regular meetings shall be held at dates and times as designated by the Board. Special meetings may be called by the filing of a notice in writing with the secretary of the Board or his/her designee, signed by the chairperson or any two commissioners. This notice shall contain a brief statement of the business to be submitted for the consideration of the Board at such special meetings, and shall set forth the time and place of such special meetings, and no other business shall be considered at such special meeting.

All meetings shall be held in accordance with the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*).

Section 7 QUORUM

Two commissioners shall constitute a quorum for the conduct of all business.

Section 8 ORDER OF BUSINESS

The order of business at any meeting shall be as follows:

1. Call to Order
2. Roll Call
3. Approval of the Minutes
4. Communications
5. Unfinished business
6. New business
7. Public Comment
8. Adjournment

Section 9 MEETING PROCEDURES

The parliamentary procedure prescribed in Robert's "Rules of Order" shall be followed as far as applicable. Public comment shall be limited to issues germane to the Board and in order to give as many visitors as possible an opportunity to speak and in the interest of adjourning the meeting in a timely fashion, comments shall be limited to five (5) minutes in length, unless further time is granted by the Board.

Section 10 AMENDMENTS TO RULES

Amendments to these Rules may be made at any meeting of the Board. Notice of all amendments shall be published on the Village's website and shall otherwise be given in accordance with the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*). Amendments will go into effect ten (10) days subsequent to the adoption.

Section 11 TRAINING PROGRAM FOR NEW COMMISSIONERS

All new members are encouraged to attend Phase I and Phase II of the training program for new members conducted by the State Board of Fire and Police Commissioners or such successor program as may be established.

CHAPTER 2 – OATH OF OFFICE

Section 1 OATH OF OFFICE

Before entering upon his/her duty, any person about to become a member of the Fire or Police Department shall be sworn in as a Firefighter or Police Officer by taking an oath certifying he or she is a sworn, fulltime member of the Department. Accordingly, any officer receiving a promotion shall take the appropriate oath.

CHAPTER 3 – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

ARTICLE 1 – QUALIFICATIONS

Section 1 CITIZENSHIP

Applicants for all examinations must be citizens of the United States at the time of application.

Section 2 CHARACTER AND FITNESS

Every applicant must be of good moral character, of temperate habits, of sound health and must be physically able to perform the essential job duties of the position applied for. (65 ILCS 5/10-2.1-6). The burden of establishing these facts rests upon the applicant.

Section 3 AGE REQUIREMENTS

At the time of last date for filing an application, applicants must have passed their twenty-first birthday. Applicants shall be less than thirty-five (35) years of age, at the time of application, unless otherwise provided in Section 10-2.1-6 of the Act. This age limitation does not apply to any person currently employed as a police officer in a regularly constituted police department of any municipality. Proof of birth date will be required at time of application.

Section 4 EDUCATIONAL

Applicants for original appointment to a position within the police department, at time of application, shall have successfully completed at least sixty (60) semester hours (or their equivalent in quarter or trimester hours) of credit from an accredited college or university.

Section 5 STANDARDS

An applicant must meet the mental, medical, physical and psychological standards established by the Board and be able to successfully complete such screening examinations as required by the Board.

Section 6 DRIVER'S LICENSE REQUIREMENT

Applicants must have a valid driver's license at the time of hire.

ARTICLE 2 - APPLICATIONS

Section 1 APPLICATIONS

Applications for positions to the Police Department 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 fully and truthfully completed and filed with the Board prior to taking an examination.

Section 2 FILING OF APPLICATIONS

Applications shall be addressed to the Board and filed with the secretary or such other person as the Board may, from time to time, designate. The secretary or other designated person shall endorse the date on which each application is received. All applications shall be signed by the applicant. Persons answering questions untruthfully on the application shall be rejected by the Board and the applicant shall be notified of such action. The Board may remove persons certified to positions on the Police Department upon learning that false statements or omissions were made or material misrepresentations of fact were made to the board.

Section 3 DOCUMENTATION

Each applicant shall furnish to the Board:

- a. A completed employment application;
- b. A certified copy of the applicant's birth certificate;
- c. A certified copy of the applicant's high school diploma or G.E.D. and transcript of grades from an accredited college or university;
- d. A copy of a valid Illinois driver's license;
- e. When applicable, a certified copy of the applicant's military service record and discharge papers ("DD214").

All documents shall be forwarded to the secretary for record keeping.

Section 4 DISQUALIFICATION

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

- a. To have been convicted of a felony or any misdemeanor involving moral turpitude as specified in the Board of Fire and Police Commissioners Act.
- b. To have been dismissed from any public service for good cause.
- c. To have practiced any deception or fraud in the applicant's application, supporting information, or the examination process.
- d. To have unsatisfactory character or employment reference.
- e. To have failed to attend any phase of the testing process including the orientation meeting.
- f. To have failed to fulfill any of the requirements for applicants which are set forth in State law, Village ordinance and these Rules and Regulations.
- g. To be a current user of narcotics, Cannabis Sativae or other dangerous drugs, as defined in 720 Ill. Comp. Stat. 570/100 *et seq.*, not legally prescribed to the applicant by a licensed physician.
- h. To be under the age of twenty-one (21) as of the date of application.
- i. To have been classified by the local Selective Service Draft Board as a conscientious objector, or who has ever been so classified.
- j. To have failed to fully and truthfully have completed all application materials.
- k. To be otherwise unqualified for service in the Police Department.

Any applicant disqualified hereunder shall be notified in writing within thirty (30) days by the Board of such disqualification. All determinations by the Board in this regard shall be final.

Section 5 *RELEASE OF LIABILITY*

All applicants shall execute and deliver upon forms furnished by the Board, a release in favor of the Board and the Village of Downers Grove, as well as each of their officers, agents and employees, relative to all liability, loss, damage or expense that may arise as a result of or in connection with the applicant's participation in any phase of the testing process, said release to be in the form prescribed by the Board.

Section 6 *INVESTIGATION OF APPLICANT'S BACKGROUND/WAIVER*

By making application for a position to the Police Department, each applicant expressly authorizes the Board to conduct such investigation into the applicant's history and character to determine that the applicant would not be disqualified under the requirements of the Rules and Regulations. All applicants shall execute a form authorizing and empowering the Board and its agents to conduct a background investigation of the applicant.

ARTICLE 3 – EXAMINATION OF POLICE OFFICER CANDIDATES

Section 1 *EXAMINATION PROCESS FOR POLICE OFFICER CANDIDATES*

a. Every applicant shall answer such questions and submit to such examination as to physical strength, mental and physical capacity and activity, and also as to educational qualifications, as the Board may deem necessary to ascertain such applicant's fitness for the position sought. Every applicant must be physically and mentally able to perform the essential duties for the position sought. Proof at any time produced to the Board that the applicant is not qualified for the position sought, including but not limited to previous dismissal for cause, shall be deemed sufficient basis to exclude such applicant from further examination and/or for removal from an eligibility list after examination.

b. All applicants are required to attend an orientation program. Any person failing to attend the orientation program shall be eliminated from consideration.

c. Examinations shall be held on dates fixed by the Board and the date of said examinations shall be advertised in a newspaper as required by the Act. Examinations may be postponed by order of the Board. In that event, said order shall state the reason for the postponement and shall designate a new date for the conduct of the examinations. All applicants shall be notified of a postponement and of the new date fixed for the examination.

d. The subject matter for orientation, written, and oral examinations shall be such as will test the capacity of the applicant to discharge the duties of the position to which the applicant seeks appointment. No examination shall contain questions regarding applicant's political or religious opinions or affiliations.

e. Tests and examinations will be conducted under the direction of the Board to preserve the integrity of the examination. On completion of examination all applicants will return all papers to the secretary or his/her designee who will note time of completion thereon. All applicants will be notified within a reasonable time as to their grades.

f. Any person guilty of fraud in the examination process shall be excluded from the examination, and his/her name stricken from any eligibility list upon which it may appear, and he/she shall not be permitted to take part in any further examination.

Section 2 *EXAMINATION COMPONENTS & MINIMUM GRADE*

a. Examinations will be conducted in the following sequence. Failure to achieve the minimum passing grade in any examination disqualifies the applicant from any further participation. In addition, applicants who achieve the minimum passing grade in any examination are subject to such limitations as the Board may set pursuant to these Rules. All grades are based on a maximum weighted grade of 100 plus any preference points as hereinafter provided.

EXAMINATIONS	% OF TOTAL GRADE	MINIMUM PASSING
Orientation	--	No score - but attendance mandatory.
Physical agility, strength, skill and/or performance tests related to the applicants ability to perform the essential functions of the position involved including, the initial power test	--	Pass or Fail
Written Examination -	Police - 60%	70%
Subjective Assessment – Chief, etc.	Police – 40%	70%
Background Investigation	--	Pass or Fail
Oral Examination - Board	-	Pass or Fail
Medical Examination related to the applicants ability to perform the essential functions of the position involved (post offer)	--	Pass or Fail
Psychological and Polygraph (post offer)	--	Pass or Fail

b. An applicant's final point score shall be the sum total of the weighted average of his/her written and oral examinations.

c. The Board, following expiration of the deadline for application, but prior to the written examination, may set a maximum number of applicants which will be permitted to participate in the next phase of the examination process. Where the number of applicants who achieve the minimum passing grade in any examination exceed the limits set by the Board for the next phase of testing, the applicants with the highest cumulative score from the prior examination phases, up to such limits, shall be permitted to continue with the testing process. Provided, where such limits are reached, and there is more than one applicant with the same cumulative score competing for the last available slot, all such applicants shall be entitled to continue in the examination process.

d. Any candidate for original appointment to the police department that is entitled to preference points pursuant to Article 8 Section 2 shall be entitled to the following additional points upon written request of the applicant

1. Military Preference – 2.5 points;
2. Downers Grove Auxiliary Police Preference – 2.5;
3. Community Service Officer Preference – 5 points;
4. Certified Full Time Law Enforcement Officer - 5 points.

No candidate shall be eligible to receive more than five (5) preference points in total.

ARTICLE 4 - AGILITY/POWER TEST

Section 1 ESTABLISHMENT OF TEST

Only applicants who have participated in the orientation program will be permitted to participate in the agility/power test. The components and requirements of the agility/power test shall be of such a nature that the test will adequately evaluate the applicant's aptitude and ability to perform the essential functions of the position involved. Prior to the commencement of any examination process the Board shall establish the agility/power test to be used. The Board may, in its sole discretion, require certified proof that the candidate has passed the Peace Officer Wellness Evaluation Report (POWER) Test in the past twelve months from time of application, in lieu of conducting the agility/power test.

ARTICLE 5 - WRITTEN EXAMINATIONS

Section 1 – TESTING PROCEDURE

- a. Only applicants who have participated in the orientation program and passed the agility/power test will be permitted to participate in the written examination.
- b. The material used in the examinations shall be of such a nature that it will adequately evaluate the applicant's aptitude to assimilate training and perform the duties of the position involved.
- c. All written examinations shall be and become 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 within thirty (30) days and eliminated from all further consideration.
- d. Fingerprints and a photograph of the applicants will be required as directed by the Board.

ARTICLE 6 – SUBJECTIVE ASSESSMENT – CHIEF OF POLICE

Section 1 PARTICIPATION

The Board in its discretion shall determine the manner in which the subjects of this Subjective Assessment will be tested. It may be an oral or written assessment, or any combination thereof. If it is an oral assessment at a minimum the Police Chief and/or his/her designees will participate in the subjective assessment.

Section 2 SUBJECTS OF ASSESSMENT

An assessment shall be conducted of the applicant that will enable the examiners to properly evaluate and grade the applicant on the ability to function in the position of police officer. Characteristics for assessment include, but are not limited to, ethical decision-making, problem solving, maturity, judgment, leadership, appearance, demeanor, verbal and written communication, the ability to function under stress, and general fitness for the position. Each applicant shall be asked questions in similar areas of inquiry so that the examiners can satisfactorily compare the merits of the applicants.

Section 3 SCORING OF ASSESSMENT

The Subject Assessment shall be administered, scored, evaluated and interpreted in a uniform manner. All portions of the Subjective Assessment shall be validated by a third party test facilitator. Applicants who fail to achieve a passing grade will be notified within thirty (30) days and eliminated from further consideration.

ARTICLE 7 – ORAL EXAMINATION – BOARD

Section 1 PARTICIPATION

It is generally expected that all Board members will participate in the oral examination. Where a Board member is absent the remaining members may conduct such examination. Provided, in no event shall less than two (2) Board members conduct any oral examination. The Police Chief shall have the right to be present at any oral examination and to ask such questions as he deems appropriate.

Section 2 SUBJECTS OF EXAMINATION

An oral examination shall be conducted of the applicant that will enable the Board members to properly evaluate and grade the applicant on past work performance, speech, ability to communicate, judgment, emotional stability, self-confidence, social skill and general fitness for the position.

Section 3 SCORING OF EXAMINATION

Upon completion of each oral examination the Board members will discuss the applicant's abilities with respect to the traits listed above. Each Board member will then grade the applicant. The applicant's final grade will be the average of the grades provided by the Board members present. Applicants who fail to achieve a passing grade will be notified within thirty (30) days and eliminated from further consideration.

ARTICLE 8 – OTHER EXAMINATIONS

Section 1 BACKGROUND INVESTIGATION

A background investigation of each applicant shall be conducted prior to appointment. The investigation will include a verification of the information contained on the application, review of any criminal record and interviews of at least three (3) references.

Section 2 POLYGRAPH DEVICE DECEPTIVE TEST

Each applicant for original appointment to the Police Department shall be required to submit to a polygraph examination, commonly known as a lie detector test. Failure of the candidate to take such test shall disqualify him/her to enter upon the duties of the office for which examination was filed. Test results shall be considered on a pass/fail basis. Such exam shall be given without expense to the applicant.

Section 3 PSYCHOLOGICAL EXAMINATION

Each applicant shall be required to submit to a psychological examination by an accredited, licensed testing firm as designated by the Board, which shall be administered on a pass-fail basis without charge to the applicant.

Section 4 *MEDICAL EXAMINATION*

An applicant on notification of a pending appointment shall submit himself/herself for a post-offer medical examination related to the applicant's ability to perform the essential functions of the position involved. Such exam shall be administered on a pass-fail basis without charge to the applicant.

ARTICLE 9 – APPOINTMENTS

Section 1 *INITIAL ELIGIBILITY LIST*

The Board shall prepare and post an initial Eligibility List of the candidates successfully completing the required components of the examination process for police officer. Candidates shall be placed on the Initial Eligibility List in order of their relative excellence as determined by their test scores.

Section 2 *PREFERENCE POINTS*

- a. *Military*: Within ten (10) days after posting the Initial Eligibility List, applicants for police officer may claim preference points if they were engaged in the military or naval service of the United States for at least one year and who were honorably discharged or who are now or may hereafter be on inactive or reserve duty in such military or naval service (not including persons who were convicted by court martial of disobedience of orders where such disobedience consisted of refusal to perform military service on the ground of religious or conscientious objection).
- b. *Downers Grove Auxiliary Officer*: Within ten (10) days after posting the Initial Eligibility List, applicants for police officer may claim preference points if they have been an active member of the Downers Grove Police Department Auxiliary Unit for at least one (1) year and are currently in good standing.
- c. *Community Service Officer*: Within ten (10) days after posting the Initial Eligibility List, applicants for police officer may claim preference points if they have been employed with the Village as a Community Service Officer for at least two (2) years and are currently an employee in good standing.
- d. *Certified Full Time Law Enforcement Officer*: Within ten (10) days after posting the Initial Eligibility List, applicants for police officer may claim preference points if they possess a certificate from the Illinois Law Enforcement Training and Standards Board.
- e. Evidence of qualification for preference points must accompany the claim. If the claim is not made within ten (10) days it shall be deemed waived. After receipt of a valid claim of preference from an applicant, the secretary or his/her designee shall add the appropriate number of points to that applicant's examination score. After preference points have been added, the secretary shall re-rank the applicants on the Initial Eligibility List and establish a Final Eligibility List in accordance with Article 3 Section 2 (c).

Section 3 *ESTABLISHMENT AND POSTING OF FINAL ELIGIBILITY LIST*

- a. The Board will prepare and post a Final Eligibility List of the applicants who successfully passed the examination, within thirty (30) days after the posting of the Initial Eligibility List. Applicants shall take rank as candidates for appointment in relation to all other applicants and then listed candidates, as determined by the aggregate score earned by such applicant for the entire pre-offer examination testing procedure.
- b. Applicants will be listed on the Final Eligibility List in order of excellence based upon their final point score in the pre-offer examinations.

c. A dated copy of the Final Eligibility List shall be posted and sent to each person appearing thereon.

d. In the event that two (2) or more applicants attain identical numerical scores after the completion of all pre-offer examinations, said applicants shall take rank upon the Final Eligibility List in the order of their relative excellence as determined by their numerical score on the written examinations. The numerical result thus obtained shall be applied by the Board in determining the position of each such applicant on any eligibility list which has been prepared as the result of any examination.

e. The Board may at any time strike from the Final Eligibility List the names of all (but not less than all) candidates that have been on the eligibility list for one year or longer. Names placed on the Final Eligibility List shall remain thereon until so stricken or until removed for cause. Regardless of the length of time the name of a candidate has remained on the Final Eligibility List, it may be removed for cause by the Board for physical disability, conviction for a misdemeanor or felony, fraud or misrepresentation in obtaining standing on the eligibility list, or for other reasonable justification determined by the Board.

Section 4 CONDITIONAL OFFER OF EMPLOYMENT

All offers of employment shall be made from the Final Eligibility List. When a vacancy exists the Police Chief, with concurrence of the Village Manager, shall select a candidate among the three (3) candidates then standing highest on the Final Eligibility List. Provided, at the time of such appointment, the candidate must be physically and psychologically able to perform the essential functions of the position.

Appointment from the Final Eligibility List is subject to the following:

(1) Passing a medical examination related to the applicant's ability to perform the essential functions of the position involved, which may include, but is not limited to, a test to screen for the use of drugs and/or narcotics and a vision examination.

(2) Appointees to the police department must:

(a) Pass a psychological and polygraph examination;

(b) Pass an oral examination with the Board;

(c) Pass the training board power test; and,

(d) Be admitted to the Police Academy. Provided, this provision shall not apply to an appointee who had successfully completed the Academy program prior to appointment.

Section 5 DECLINING APPOINTMENT

A candidate who fails to accept or request a waiver of an offer of appointment within five (5) days of receipt thereof shall be deemed to have declined such appointment and his/her name shall be stricken from the Final Eligibility List. A candidate may request to waive an offer of appointment and retain his/her position on the eligibility list, by submitting a written statement to the Board, setting forth the reasons for such request. The Board shall have the sole discretion to approve or reject such waiver. Provided, no candidate shall be permitted more than one waiver of appointment. If the Board approves the waiver request, the candidate shall retain his/her position on the Final Eligibility List. If the Board rejects the waiver request, it shall advise the candidate who shall have five days from receipt of such notice to accept the offer of appointment. A candidate who fails to accept the offer of appointment within five days of receipt of notice from the Board of its decision not to grant a waiver shall be deemed to have declined such appointment and his/her name shall be stricken from the Final Eligibility List.

Section 6 PROBATION

a. The probationary period for original appointees to the Police Department, any extension thereof, and discharge of such employee during the period of probation or extension thereof, as the case

may be, shall be as provided in the applicable collective bargaining agreement covering the patrol officers.

- b. A probationary officer may be discharged from employment with the Village by the Police Chief, subject to approval of the Village Manager, with or without cause, and without hearing, at any time during the probationary period. Such action shall be reported to the Board for informational purposes.
- c. In addition to satisfactory performance, final certification of a probationary officer in the position of police officer shall be subject to successful completion of the Basic Training Course and examination as provided by the Illinois Governmental Law Enforcement Officers Training Board within the prescribed probationary period and as otherwise provided by law.
- d. Computation of Probationary Period
 - 1. The probationary period provided herein shall commence on the first day of employment on the Village payroll, but shall not include, and shall be stayed during, the following:
 - i. When a probationary appointee enters the United States armed forces during the probationary period.
 - ii. When a probationary appointee is unable to perform normal duties due to illness or injuries.
 - iii. When a probationary appointee is granted a leave of absence.
 - iv. Time spent on formal training courses as required for the position.
- e. Unless a probationary officer is discharged or demoted during a probationary period, or the probationary period is extended as provided in the Village Code, upon completion of a probationary period, an appointee shall receive full status as a police officer.

Section 7 TRAINING OF PROBATIONARY EMPLOYEES

Certification of probationary police officers shall be subject to successful completion of the Basic Training Program as provided by the ILETSB. The failure of an appointee to successfully complete said course within six (6) months of his original appointment may result in his/her dismissal.

CHAPTER 4 – POLICE DEPARTMENT – PROMOTIONAL EXAMINATIONS

ARTICLE 1 – PROCEDURE

Section 1 ESTABLISHMENT

The examination process for promotions within the Police Department shall be among such qualified and physically abled officers from the next lower rank that desire to submit themselves to such examination. Provided, to be qualified to sit for a Sergeant’s examination, the officer must have a minimum of five (5) years experience as a sworn police officer and in order to be qualified to sit for a Lieutenant’s examination, the officer must have held the rank of Sergeant for a period of one year following completion of their probationary period in such position. In the event that the Board determines that no officer participating in the examination process is qualified for promotion under the standards herein provided, or in the event that no officer elects to participate in said promotional examination, then in that event the Board shall have the option of extending the examination process to the general public. Provided however, that all officers who desire to submit themselves to said examination shall again be provided an opportunity to participate in said examination.

Section 2 APPLICATION FOR PROMOTIONAL APPOINTMENT

Applications for promotional appointment shall be in such form, and include the applicant's resume, letter of application and such other information, as the Board may direct at the time the examination is called.

Section 3 EXAMINATION

a. Every applicant shall answer such questions and submit to such examination as to physical strength, mental and physical capacity and activity, and also as to educational qualifications, as the Board may deem necessary to ascertain such applicant's fitness for the position sought. Every applicant must be physically and mentally able to perform the essential duties for the position of which he/she is applying. Proof at any time produced to the Board that the applicant is not qualified for the promotional position sought shall be deemed sufficient cause to exclude such applicant from further examination and/or for removal from an eligibility list after examination.

b. Examinations shall be held on dates fixed by the Board and the date of said examinations shall be advertised as required by the Act. Examinations may be postponed by order of the Board. In that event, said order shall state the reason for the postponement and shall designate a new date for the conduct of the examinations. All applicants shall be notified of a postponement and of the new date fixed for the examination.

c. The subject matter for written and oral examinations shall be such as will test the capacity of the applicant to discharge the duties of the position to which the applicant seeks promotion. No examination shall contain questions regarding applicant's political or religious opinions or affiliations.

d. Tests and examinations will be conducted under the direction of the Board to preserve the integrity of the examination. On completion of examination all applicants will return ALL papers to the Secretary or his/her designee who will note time of completion thereon. All applicants shall be notified within a reasonable time as to their grades.

e. Any person guilty of fraud in the examination process shall be excluded from the examination, and his/her name stricken from any eligibility list upon which it may appear, and he/she shall not be permitted to take part in any future examination.

Section 4 COMPONENTS & MINIMUM GRADE

Examinations will be conducted in the following sequence. Failure to achieve the minimum passing grade in any examination disqualifies the applicant from any further participation. In addition, applicants who achieve the minimum passing grade in any examination are subject to such limitations as the Board may set pursuant to these Rules. All grades are based on a maximum weighted grade of 100.

EXAMINATIONS	% OF TOTAL GRADE (If eligible to proceed to Phase II)	MINIMUM PASSING
Written Examination	30%	70%
Assessment Center	30%	70%
Oral Examination	20%	70%
Merit and Efficiency Rating	20%	DNA

The Board, following expiration of the deadline for application, but prior to the written examination, may set a maximum number of applicants which will be permitted to participate in the next phase of the examination process. Where the number of applicants who achieve the minimum passing grade in any examination exceed the limits set by the Board for the next phase of testing, the applicants with the highest cumulative score from the prior examination phases, up to such limits, shall be permitted to continue with the testing process. Provided, where such limits are reached, and there is more than one applicant with the same cumulative score competing for the last available slot, all such applicants shall be entitled to continue in the examination process.

Section 5 WRITTEN EXAMINATION

- a. Only applicants who have met the eligibility requirements shall be permitted to participate in the written examination.
- b. The material used in the examinations shall, in the Board's determination, test the capacity of the applicant to discharge the duties of the position tested.
- c. Each applicant will receive a description of the position; a schedule of times, dates, and locations of all elements of the process; a description of the eligibility requirements; and a description of the process to be used in selecting personnel for vacancies.
- d. All examinations shall be and become 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. All records shall be maintained for five (5) years. Applicants who fail to achieve a passing grade or who fall below limits established by the Board, or who otherwise fail to be eligible to participate in further examination, will be notified and eliminated from all further consideration.

Section 6 ASSESSMENT CENTER

The assessment center process is a review of each candidate by such persons as the Board may appoint as assessors. In general, this uses interviews and exercises that are based on the requirements of the position, i.e. sergeant or lieutenant and shall evaluate the candidate based upon the following criteria: leadership abilities, administrative skills, oral and written communication skills, ability to function in emergency situations and ability to supervise subordinates. There is a score given to each exercise and a cumulative score given at the end for the total process.

Section 7 ORAL EXAMINATION

- a. All Board members are expected to participate in the oral examination. In no event shall less than two (2) Board members conduct the oral examination. The Police Chief shall have the right to be present at any oral examination and to ask such questions as he deems appropriate.
- b. Questions may be asked of the applicant that will enable the Board members to properly evaluate and grade the applicant on speech, alertness, ability to communicate, judgment, emotional stability, self confidence, social skill, and general fitness for the position.
- c. On completion of each oral examination the Board members will discuss the applicant's abilities with respect to the traits listed above. Each Board member will then grade the applicant. The applicant's final grade will be the average of the grades of the Board members present. Applicants who fail to achieve a passing grade will be notified within thirty (30) days and eliminated from all further consideration.

Section 8 MERIT AND EFFICIENCY RATING

The merit and efficiency rating shall include a review of each candidate's past and current performance by the Chief of Police and/or his/her designee/s.

The Chief shall submit his ratings to the Director of Human Resources prior to the administration of the written examination.

ARTICLE 2 – SELECTION/APPOINTMENTS

Section 1 SELECTION OF CANDIDATE TO POSITION

a. After completion of the entire promotional examination process, the Board shall eliminate any remaining candidate who is believed to be unqualified and shall certify a list of qualified candidates to the Police Chief. Candidates on the list shall be ranked according to their overall percentage points attained during the above stated phases of the promotional examination.

b. The Police Chief, subject to the approval of the Village Manager, shall then select a candidate to be promoted from among the three candidates as then standing highest on the applicable eligibility list. Provided, at the time of such promotion the candidate must be qualified, physically able, and psychologically able to perform the essential functions of the position.

Section 2 LIST OF QUALIFIED CANDIDATES

The list of qualified candidates as certified by the Board shall be posted by the Police Chief and shall be valid for future selection to the positions. The Promotional List will be valid for a period of time as set by the Board, unless otherwise declared invalid by the Board.

Section 3 PROBATIONARY PERIOD

A probationary officer in a promotional position may be demoted to such person's previous rank by the Police Chief, subject to approval of the Village Manager, with or without cause, and without hearing, at any time during the probationary period. In the event the probationary officer in a promotional position did not hold a previous rank with the police department from which they were promoted, they may be discharged from employment with the Village by the Police Chief, subject to approval of the Village Manager, with or without cause, and without hearing, at any time during the probationary period. Such action shall be reported to the Board for informational purposes.

CHAPTER 5 – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

ARTICLE 1 – QUALIFICATIONS

Section 1 AUTHORIZATION TO WORK

Applicants must be eligible to work in the United States as a condition of employment and must provide proof thereof.

Section 2 SPECIAL QUALIFICATIONS

Applicants for appointment to any position within the fire department shall, at time of application, have not less than a Basic Operations Firefighter or Firefighter II Certification from the Office of the Illinois State Fire Marshall and shall have a current license from the Illinois Department of Public Health as a paramedic.

The Board may require evidence of any special training or practical experience that it from time to time deems appropriate.

Section 3 PHYSICAL AND MEDICAL REQUIREMENTS

All candidates for appointment with the Fire Department shall be required to successfully pass a physical and medical examination related to the applicant's ability to perform the essential functions of the position involved. The applicant must be free from medical conditions that would prevent him/her from fulfilling the essential job functions of his/her position with a reasonable accommodation.

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 will accept the Candidate Physical Ability Test ("CPAT") with ladder climb exercise for the purpose of testing physical fitness. Applicants must have successfully completed the CPAT with ladder climb exercise within the twelve (12) months immediately preceding and inclusive of the date of the written examination and provide proof thereof with either a photo copy of the CPAT card or a CPAT Certificate from an authorized CPAT testing center. Failure to provide proof of successful completion of the CPAT with ladder climb exercise within the time frame specified will exclude the applicant from participating in the written examination and from the remaining testing components. Any costs associated with the CPAT certification with ladder climb exercise will be at the expense of the applicant.

The Board shall possess the authority to establish from time to time reasonable additional physical standards.

Section 4 CHARACTER REQUIREMENTS

No person shall be appointed to the Fire Department unless that person is of good character. No person who is an habitual: user of narcotics, drugs, intoxicating substances, or any other substance or matter which is detrimental to the health of an individual; drunkard; gambler; or a person who has been convicted of a felony or crime involving moral turpitude shall be eligible for appointment to the Fire Department as a Firefighter/Paramedic.

Section 5 AGE REQUIREMENTS

At the time of last date for filing an application, applicants must have passed their twenty-first birthday. Applicants shall be less than thirty-five (35) years of age, at the time of application. This age limitation does not apply to any person currently employed as a full-time firefighter in a regularly constituted fire department of any municipality or fire protection district located in Illinois; or a fire protection district whose obligations were assumed by a municipality; or any person who has served a municipality as a regularly enrolled volunteer, paid-on-call, or part-time firefighter for the five (5) years immediately preceding the time that the municipality begins to use full-time Firefighters to provide all or part of its fire protection services. Proof of birth date will be required at time of application.

Section 6 EDUCATIONAL

Applicants for original appointment to a position within the fire department, at time of application, shall possess an Associate's Degree or a minimum of sixty (60) college credit hours from an accredited college or university and not less than a Basic Operations Firefighter or Firefighter II Certification from the Office of the Illinois State Fire Marshall and shall have a current paramedic license from the Illinois Department of Public Health.

Section 7 STANDARDS

An applicant must meet the mental, medical, physical and psychological standards established by the Board and be able to successfully complete such screening examinations as required by the Board.

Section 8 DRIVER'S LICENSE REQUIREMENT

Applicants must have a valid Illinois driver's license at the time of hire.

ARTICLE 2 - APPLICATIONS

Section 1 APPLICATIONS

Applications for positions to the Fire Department 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 fully and truthfully completed and filed with the Board prior to taking an examination.

Section 2 FILING OF APPLICATIONS

Applications shall be addressed to the Board and filed with the secretary or such other person as the Board may, from time to time, designate. The secretary or other designated person shall endorse the date on which each application is received. All applications shall be typed or hand printed, and signed by the applicant. Persons answering questions untruthfully on the application shall be rejected by the Board and the applicant shall be notified of such action. The Board may remove persons certified to positions on the Fire Department upon learning that false statements or omissions were made or material misrepresentations of fact were made to the Board.

Section 3 DOCUMENTATION

Each applicant shall furnish to the Board:

- a. A completed employment application;
- b. A certified copy of the applicant's birth certificate;
- c. A certified copy of the applicant's Associate's Degree or transcripts reflecting a minimum of sixty (60) semester credit hours from an accredited college or university;
- d. A copy of the applicant's Basic Operations Firefighter or Firefighter II certification from the Office of the Illinois State Fire Marshall;
- e. A copy of the applicant's current paramedic license from the Illinois Department of Public Health;
- f. A copy of a valid Illinois driver's license;
- g. When applicable, a certified copy of the applicant's military service record and discharge papers ("DD214").

All documents shall be forwarded to the secretary for record keeping.

Section 4 DISQUALIFICATION

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

- a. To have been convicted of a felony or any misdemeanor involving moral turpitude as specified in the Board of Fire and Police Commissioners Act.

- b. To have been dismissed from any public service for good cause.
- c. To have practiced any deception or fraud in the applicant's application, supporting information, or the examination process.
- d. To have unsatisfactory character or employment reference.
- e. To have failed to attend any phase of the testing process including the orientation meeting.
- f. To have failed to fulfill any of the requirements for applicants which are set forth in State law, Village ordinance and these Rules and Regulations.
- g. To be a current user of narcotics, Cannabis Sativae or other dangerous drugs, as defined in 720 Ill. Comp. Stat. 570/100 *et seq.*, not legally prescribed to the applicant by a licensed physician.
- h. To be under the age of twenty one (21) as of the date of application.
- i. To have been classified by the local Selective Service Draft Board as a conscientious objector, or who has ever been so classified.
- j. To have failed to fully and truthfully have completed all application materials.
- k. To be otherwise unqualified for service in the Fire Department.

Any applicant disqualified hereunder shall be notified in writing within thirty (30) days by the Board of such disqualification. All determinations by the Board in this regard shall be final.

Section 5 RELEASE OF LIABILITY

All applicants shall execute and deliver upon forms furnished by the Board, a release in favor of the Board and the Village of Downers Grove, as well as each of their officers, agents and employees, relative to all liability, loss, damage or expense that may arise as a result of or in connection with the applicant's participation in any phase of the testing process, said release to be in the form prescribed by the Board.

Section 6 INVESTIGATION OF APPLICANT'S BACKGROUND/WAIVER

By making application for a position to the Fire Department, each applicant expressly authorizes the Board to conduct such investigation into the applicant's history and character to determine that the applicant would not be disqualified under the requirements of the Rules and Regulations. All applicants shall execute a form authorizing and empowering the Board and its agents to conduct a background investigation of the applicant.

ARTICLE 3 - EXAMINATION OF FIREFIGHTER CANDIDATES

Section 1 EXAMINATION PROCESS

a. Every applicant shall answer such questions and submit to such examination as to physical strength, mental and physical capacity and activity, and also as to educational qualifications, as the Board may deem necessary to ascertain such applicant's fitness for the position sought. Every applicant must be physically and mentally able to perform the essential duties for the position sought. Proof at any time produced to the Board that the applicant is not qualified for the position sought, including but not limited to previous dismissal

for cause, shall be deemed sufficient basis to exclude such applicant from further examination and/or for removal from an eligibility list after examination.

b. All applicants may be required to attend an orientation program.

c. Examinations shall be held on dates fixed by the Board. Notice of the time, place, general scope, merit criteria for any subjective component, and fee of every examination shall be given by the Board at least two (2) weeks preceding the examination: (i) in one or more newspapers published in the Village; or (ii) on the Village's Internet website. Additional notice of the examination may be given as determined by the Board. Examinations may be postponed by order of the Board. In that event, said order shall state the reason for the postponement and shall designate a new date for the conduct of the examinations. All applicants shall be notified of a postponement and of the new date fixed for the examination.

d. The subject matter for orientation, written, and oral examinations shall be such as will test the capacity of the applicant to discharge the duties of the position to which the applicant seeks appointment. No examination shall contain questions regarding applicant's political or religious opinions or affiliations.

e. Tests and examinations will be conducted under the direction of the Board to preserve the integrity of the examination. On completion of examination all applicants will return all papers to the Secretary or his/her designee who will note time of completion thereon. All applicants to be notified within a reasonable time as to their grades.

f. Any person guilty of fraud in the examination process shall be excluded from the examination, and his/her name stricken from any eligibility list upon which it may appear, and he/she shall not be permitted to take part in any further examination.

Section 2 EXAMINATION COMPONENTS

All applicants for original appointment to the Fire Department shall participate in the following examination phases (a failure on any phase designated as pass/fail shall disqualify the applicant from consideration). The order in which the various phases will be given will be established by the Board prior to the commencement of the testing. Any phase for which a passing score is not established or which is not designated as pass/fail, may be applied by the Board in any manner which it, in its sole discretion, deems appropriate.

a. Physical Aptitude Test

All candidates shall submit themselves to a valid and job-related physical ability examination to be conducted as the Board may direct. Such examinations shall determine the physical ability of the candidate to perform the essential functions of a Firefighter/Paramedic. Failure to pass the Physical Ability Test shall disqualify a candidate and such candidate shall not participate in the remaining phases of the selection process.

b. Written Examination

All candidates shall take a mental aptitude and behavioral attributes examination. The material used in this examination, which may consist of separate parts, shall be of such a nature that it will adequately evaluate the candidate's mental aptitude and behavioral attributes to discharge the duties performed as a Firefighter/Paramedic.

c. Written/Oral Subjective Examination

All candidates shall take a subjective examination in the form and manner as determined by the Board to assess skills and work styles of the candidates. Said subjective examination may be both written and oral.

d. Polygraph Examination

A candidate extended a conditional offer of employment shall submit to a Polygraph Device Deceptive test, commonly known as a Lie Detector Test, at such time and place as Board may designate. Such test shall be given without expense to the candidate. The examination shall be conducted by a testing service licensed by the State of Illinois. The Board shall have the sole authority to determine whether or not the results of the examination disqualify an applicant from employment by the Fire Department.

e. Background Investigation

i. A candidate extended a conditional offer of employment shall submit to an in-depth background investigation. Each candidate shall submit to fingerprinting and shall provide a signed waiver for access to such records as may be required by the Board to conduct a thorough background investigation. The background investigation may consist of a number of elements, including, but not limited to, a background interview conducted by a designated investigator, relevant credit, reference, criminal history and employer checks, etc.

ii. The background investigation shall also include an oral interview before the Board and the Fire Chief on a pass/fail basis. Failure to appear for the oral interview shall result in a failed grade and the candidate's removal from the Eligibility List.

f. Psychological Examination

A candidate extended a conditional offer of employment shall submit to a psychological examination by such psychologist selected by the Board. Such examination shall be without expense to the candidate. Failure of the candidate to receive an evaluation satisfactory to the Board shall be grounds for disqualification.

g. Physiological and Medical Examination

A candidate extended a conditional offer of employment shall submit to a physiological and medical examination including drug analysis by a licensed medical practitioner designated by the Board. Such examination shall be without expense to the candidate. Failure of the candidate to receive an evaluation satisfactory to the Board shall be grounds for disqualification.

Section 3 EXAMINATION AND SCORING PROCEDURES

a. Initial Eligibility List

An Initial Eligibility List shall be created by the Board. The Initial Eligibility List shall consist of the candidates who have successfully passed the physical ability examination and have taken both the subjective examination and the written examination.

Any candidate that has failed the physical ability examination shall be removed as a candidate from the remainder of the testing process and shall not be qualified for appointment.

Candidates on the Initial Eligibility List shall be ranked based on their relative excellence in the combined scores of their written examination and subjective examination. The combined score shall be calculated on a 100 point scale, weighted as shown below.

Weighted Scoring For Initial Eligibility List

<u>Examination</u>	<u>Weighted Percentage of Score</u>
Physical Ability Examination	Pass/Fail
Written Examination	60% of combined score
Subjective Examination	40% of combined score

b. Preference Points

Any candidate placed on the Initial Eligibility List may be entitled to a maximum of five (5) preference points to be added to their Initial Eligibility List scores as provided in this section. Candidates wishing to avail themselves of such points must do so in writing and provide verifiable evidence and proof of the requested preference within ten (10) days after the posting of the Initial Eligibility List, or any claim shall be deemed waived and no unclaimed points shall apply to the candidate.

Veteran Preference

Candidates engaged in the military service of the United States for a period of at least one year of active duty and who were honorably discharged therefrom, or who are now or have been members on inactive or reserve duty shall receive five (5) preference points added to their Initial Eligibility List score.

c. Final Eligibility List

A Final Eligibility List shall be created by the Board. The Final Eligibility List shall consist of those candidates who achieved a score at or above the minimum score on the written examination. The Board shall then apply the written subjective examination score and all verified preference points to each eligible candidate's score to determine the rank of the Final Eligibility List. The names of the candidates appearing on the Final Eligibility List shall apply in rank order based upon the candidate's total cumulative score.

All preference points will be applied in the manner required by the Illinois Municipal Code.

In the event of a tie score, the placement of the tied candidates' names on the Final Eligibility List shall be determined by lot, in the presence of the Board or its designee, in the manner as determined by the Board.

- d. The Final Eligibility List of the Fire Department will remain in force for two (2) years from the date of posting. In the event a Final Eligibility List is exhausted prior to its expiration, the Board may establish another Final Eligibility List based on the qualified, non-stricken candidates from the Initial Eligibility List in accordance with these Rules.

Section 4 ***CONDITIONAL OFFERS OF APPOINTMENT/FINAL APPOINTMENT***

- a. Appointment for an original appointment to the Fire Department shall be from the names appearing on the Final Eligibility List in descending order, as provided by these Rules.
- b. If the Board has reason to conclude that the highest ranked candidate fails to meet the minimum standards for the position or if the Board believes an alternate candidate would better serve the needs of the Fire Department, the Board may pass over the highest ranked candidate on the Final Eligibility List and may appoint a candidate from the top five percent (5%) of candidates listed on the Final Eligibility List; however, if the top five percent (5%) of candidates listed on the Final Eligibility List is fewer than five (5) candidates then appointment may be from the top five (5) candidates listed on the Final Eligibility List.
- c. Prior to making a final offer of appointment to a candidate, the Board shall make a conditional offer of appointment, conditioned on the candidate's successful completion of the additional examinations required by these Rules.
- d. Each candidate who has been extended a conditional offer of appointment by the Board shall submit to and satisfactorily pass the following examinations as provided in Section 3:
- i. Physical Examination;

- ii. Polygraph Examination;
 - iii. Background Examination
 - iv. Psychological Examination
 - v. Physiological and Medical Examination
- e. **Failure to Pass any Examination after Conditional Offer**
Failure of the candidate to successfully pass any such examination, as determined by the Board, shall eliminate and disqualify that candidate from further consideration and the candidate's name shall be stricken from the Final Eligibility List.
- f. **Final Offer of Appointment**
Once a candidate who has accepted a conditional offer successfully completes the remaining examinations, the Board shall make a final offer of appointment.
- g. **Declining Conditional Offer or Final Appointment**
Any candidate may decline a conditional offer or a final appointment one time without losing his/her position on the Final Eligibility List. Refusal to accept a conditional offer or a final appointment after a candidate has previously refused either a conditional offer or a final appointment shall result in that candidate being stricken from the Final Eligibility List.

Section 5 REAPPLICATION

Candidates who have been disqualified may reapply for a subsequent or later job opening. Reapplication will be processed as new applications.

Section 6 PROBATIONARY PERIOD

The probationary period for original appointees to the Fire Department, any extension thereof, and discharge of such employee during the period of probation or extension thereof, as the case may be, shall be as provided in the applicable collective bargaining agreement covering the Fire Department.

Section 7 FINALITY

All examination papers shall be and become the property of the Board or the Board's designee and the grading thereof by the Board shall be final and conclusive and not subject to review by this Board or any board or tribunal of any kind or description.

Section 8 EMERGENCY APPOINTMENTS

The Board, upon order of the Village Manager, may make such temporary appointments as it shall deem necessary to prevent a stoppage of public business, to meet extraordinary exigencies, or to prevent material impairment of the Fire Department, with such temporary appointments to remain in force only until regular appointments are made, but never to exceed sixty (60) days. No temporary appointment of any one person shall be made more than twice in any calendar year.

CHAPTER 6 – PROMOTIONAL APPOINTMENTS TO THE FIRE DEPARTMENT

Promotional appointments are made by the Fire Chief in accordance with the Collective Bargaining Agreement between the Village and the Downers Grove Professional Firefighters Union, Local No. 3234 of the International

CHAPTER 7 – HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES

Section 1 IN GENERAL

- a. Discipline proceedings before the Board are governed by the Act and the Downers Grove Municipal Code.
- b. Hearings before the Board are not common law proceedings. The provisions of the "Civil Practice Act" do not apply to hearing before the Board.
- c. No rehearing, reconsideration, vacation, or alternation of a decision of the Board can be allowed.
- d. The time for the hearing of charges shall be set by the Board, within thirty (30) days of the time of the filing of the appeal or complaint.
- e. The Board may grant continuances from time to time upon such terms as the Board may direct including a waiver of salary from any employee requesting such continuance.

Section 2 PROCEDURE

- a. **APPEAL:** An appeal shall set forth a plain and concise statement of the facts upon which the appeal is based and shall include a copy of the written notice giving rise to the appeal.
- b. **COMPLAINT:** A complaint shall set forth a plain and concise statement of the facts and charges upon which the complaint is based. This complaint may be amended with leave of the Board at any time throughout the proceedings on such terms as the Board may order.
- c. **PROBABLE CAUSE:** The Board shall have the right to determine whether there is probable cause and/or jurisdiction for hearing a complaint and may conduct such informal hearings and meetings as may be necessary for such purpose.
- d. **NOTIFICATION OF HEARING:** Upon the filing of a complaint or an appeal, and the determination by the Board of probable cause and jurisdiction for entertaining said matter, the Board shall serve a copy of the complaint or appeal on the respondent and notify all parties of the time and place of the hearing. Service shall be either personal service, or by registered or certified mail, return receipt requested.
- e. **OPEN MEETINGS:** All hearings shall be public and subject to the Open Meetings Act. Provided, the Board may go into closed session as permitted under the Illinois Open Meetings Act.
- f. **CONTINUANCES:** The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board. Except for bona fide emergencies, written notice of motion to continue a scheduled hearing shall be given to the opposing party and the Secretary of the Board not less than 48 hours prior to the scheduled hearing. A copy of the proposed motion for a continuance supported by the reasons for the continuance shall be served with the notice. Service of notice shall be made upon the opposing party or his attorney personally. In the event of a bona fide emergency, the movant shall provide the Board and the other

parties as much notice as is practical, including phone and/or faxed notice. The Board shall have the right to determine whether a bona fide emergency existed.

g. **REPRESENTATION BY COUNSEL:** At the time and place of hearing, both parties may be represented by counsel, if they so desire.

h. **TRANSCRIPT:** All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board. The records of hearings will not be transcribed by the reporter unless requested to do so by the Board or any party of interest. Unless otherwise ordered by the Board, the party requesting such transcript shall be responsible for the costs of production.

i. **ORDER OF PROCEEDING:** The Board will first hear the witnesses offered on behalf of the complainant or appellant. Thereafter the respondent may present and examine those witnesses who he desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party. In addition, the Board reserves the right to examine any witness presented by any party and to require the production of witnesses and documents under the control of any party.

j. **STIPULATIONS:** Parties may, on their own behalf, or by counsel, stipulate and agree in writing, or on the record as to evidentiary or legal matters. The matters so stipulated shall be considered as established in the proceeding.

k. **PRE-HEARING MOTIONS:** Pre-hearing motions, such as objections to the sufficiency of written charges, must be made in writing and a copy of such motion or objection shall be personally served on the opposing party or his/her attorney and the Secretary of the Board together with a notice of such motion or objection at least 72 hours prior to the first scheduled hearing or within such additional time thereafter as may be granted by the Board.

l. **SUBPOENAS:** Either party may, at any time before hearing, make application for issuance of a subpoena by filing with the Board a written request along with proposed 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 of the age 21 years and upwards designated by the party requesting the subpoenas. Any motion for a continuance because of inability to serve a subpoena shall be in writing and shall specify the name or names of witnesses sought to be subpoenaed, the number and nature of attempts to serve the subpoena, and that the necessity for the witnesses' testimony is essential to the hearing.

m. **SERVICE:** All papers required by these Rules 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.

n. **FILING:** All papers may be filed with the Board by mailing them or delivering them personally to the Secretary of the Board. Such service may be made care of the Director of Human Resources, 801 Burlington, Village Hall, Downers Grove, Illinois. The filing date shall be the date of receipt by the Board or, if mailed, the postmark date.

o. **FAILURE TO APPEAR:** If a party fails to appear at the hearing before the Board or fails to participate in a meaningful manner, the Board may hear such evidence as it shall deem proper or necessary, and shall make its findings according to such evidence produced.

p. VIOLATION OF RULES: The failure of an officer, who is a witness before the Board, to fully and truthfully answer proper questions regarding the matter involved will be grounds for disciplinary action.

q. FINDING AND DECISION: The finding and decision of the Board, following a hearing shall be preserved by the Secretary, and notice of said finding and decision sent to the parties and their attorneys, if any.

Section 3 *SUSPENSION PENDING HEARING*

On petition of the Chief of the applicable department, the Board may suspend an officer against whom a complaint has been filed, pending a hearing of the charges by the Board, but not to exceed thirty (30) days, without pay, at any one time. The Chief shall file a petition with the Board, with a copy served on the officer, setting forth the basis for such request. The officer shall have the right to file a response within 48 hours of receipt of the petition. All factual matters in the petition or response shall be supported by appropriate affidavits. The Board shall render its decision as promptly as practical after receipt of the response or expiration of the response period. If the Board determines that the charges are not sustained, the officer shall be reimbursed for all wages withheld, if any.

CHAPTER 8 - MISCELLANEOUS RULES

Section 1 *COMPLIANCE WITH RULES*

Applicants, candidates, probationary officers and officers shall be bound and shall observe and obey all rules and orders of the Board of Fire and Police Commissioners which are in force or which may be adopted hereafter; as well as all applicable department and Village rules and regulations.

Section 2 *SEVERABILITY*

In case any one or more of the provisions contained in these Rules should be held by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby.

Section 3 *RESIGNATION*

Any member of the police or fire departments who voluntarily resigns shall submit notice of such resignation in writing to the Chief of the appropriate department. The Chief shall promptly give a duplicate of said resignation to the Secretary of the Board.

Section 4 *COMPUTATION OF TIME*

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

Section 5 *LEAVE OF ABSENCE*

In addition to Leave of Absence granted by reason of military service or disability, the Board shall have the right to grant a Leave of Absence for a period not to exceed one year for such reason or reasons as in the sound discretion of the Board shall be a valid reason therefore. If a Leave of Absence is granted by the Board during a

probationary period, such probationary period shall be lengthened by an amount of time equal to the Leave of Absence.

Section 6 VOLUNTARY DEMOTIONS

The Board may, at the joint request of an officer and the department chief, demote such officer to a lower rank.

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