

*Board of Fire and
Police Commissioners
Village of Lincolnwood*



Rules and Regulations

AMENDED APRIL 2020

**VILLAGE OF
LINCOLNWOOD**

BOARD OF FIRE AND POLICE COMMISSIONERS

**SHERI DONIGER, Chairperson
STEPHEN LASKER, Vice Chairperson
GEORGIA TALAGANIS, Secretary
GLEN WHERFEL, Commissioner
PABLO ALCANTARA, Commissioner**

**Village President
BARRY I. BASS**

Trustees

**RONALD S. COPE JESAL B. PATEL, SR.
GEORJEAN HLEPAS NICKELL ATOUR SARGON
JEAN IKEZOE-HALEVI CRAIG KLATZCO**

**Village Clerk
BERYL HERMAN**

**Village Manager
ANNE MARIE GAURA**

**Chief of Police
JASON S. PARROTT**

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

**Adopted by the Board of Fire and Police Commissioners
Effective August 1, 2007**

comprehensively amended July 2011

Art. VII, §2 amended August 2011

Amended April 2020

TABLE OF CONTENTS

ARTICLE I BOARD OF FIRE AND POLICE COMMISSIONERS	1
SECTION 1: Board Membership; Officers	1
SECTION 2: Board Powers, Duties, and Responsibilities	1
SECTION 3: Board Rules; Amendments	2
SECTION 4: Applicability of State Act	2
SECTION 5: Meetings; Quorum; Order of Business	2
SECTION 6: Rules of Procedure	3
ARTICLE II NOTICE OF ENTRY LEVEL EXAMINATION; APPLICATIONS.....	3
SECTION 1: Notice of Entry Level Examination	3
SECTION 2: General Application Requirements	3
SECTION 3: Disqualification	5
SECTION 4: Release of Liability	6
SECTION 5: Ownership of Documents	6
ARTICLE III ENTRY LEVEL EXAMINATIONS.....	6
SECTION 1: Notice of Commencement of Examination	6
SECTION 2: Substance of Written, Physical Fitness Tests	6
SECTION 3: Conduct of Examination	7
SECTION 4: Qualifications of Certified Entry Program for Police Officers	9
SECTION 5: Test Grading	9
SECTION 6: Disqualification if Fraud	10
ARTICLE IV ENTRY LEVEL ELIGIBILITY LIST	10
SECTION 1: Creation of Entry Level Police Officer Eligibility List	10
SECTION 2: Removal from List for Cause	10
SECTION 3: Subsequent Application after Disqualification	11
ARTICLE V CONDITIONAL OFFERS; POST-OFFER EXAMINATION ELEMENTS; STRIKING NAMES; APPOINTMENTS.....	11
SECTION 1: Conditional Offers of Employment	11
SECTION 2: Post-Offer Examination Elements	11
SECTION 3: Striking Name From Eligibility List	11
SECTION 4: Appointment	12
ARTICLE VI OATH OF OFFICE; PROBATION	12
SECTION 1: Oath of Office	12
SECTION 2: Probation	12

ARTICLE VII PROMOTIONAL APPOINTMENTS OF SERGEANTS..... 12

SECTION 1: Promotional Process 12

SECTION 2: Promotional Examination; Notice; Elements 13

SECTION 3: Promotional Eligibility List; Appointment..... 13

ARTICLE VIII DISCIPLINE 14

SECTION 1: Disciplinary Action 14

SECTION 2: Suspensions by the Chief of Police..... 14

SECTION 3: Charges 15

SECTION 4: Pre-Hearing Procedures..... 15

SECTION 5: Hearing..... 16

SECTION 6: Findings and Decision..... 18

SECTION 7: No Use of ID and Property During Suspension 19

ARTICLE IX POLITICAL CONTRIBUTIONS..... 19

ARTICLE X GENERAL..... 19

SECTION 1: Definitions..... 19

INTRODUCTION

The Board of Fire and Police Commissioners of the Village of Lincolnwood were created on June 24, 1957, by action of the President and Board of Trustees in conformity with the laws of the State of Illinois and the ordinances of the Village of Lincolnwood.

When the Board was created, fire protection for the Village of Lincolnwood was provided on a contractual basis by the Chicago Fire Department. Accordingly, these Rules of the Board of Fire and Police Commissioners did not apply to firefighters. In 1989, the Village of Lincolnwood purchased its own firefighting equipment and contracted through an outside private company for the personnel and operation of the Village's fire department. These Rules did not apply to the personnel provided by this private outside company. Unless these Rules are amended to provide otherwise, these Rules are applicable only to the Lincolnwood Police Department but still maintain the formal name of the Board of Fire and Police Commissioners.

Specific terms used in these Rules are defined in Article X, Section 1 of these Rules.

ARTICLE I BOARD OF FIRE AND POLICE COMMISSIONERS

SECTION 1: Board Membership; Officers

- A. Membership. The Board shall be composed of five Commissioners appointed by the Village President with the advice and consent of the Village Board. The Commissioners shall have staggered terms of appointment as provided by Village ordinance.
- B. Officers. At its annual meeting, the Board shall elect a chairperson, a vice chairperson, and a secretary. The chairperson shall be the presiding officer at all meetings and shall attend to all other duties usually pertaining to that position. The vice chairperson shall act as chairperson in the absence of the chairperson. The secretary or designee shall (1) keep the minutes of the Board's proceedings, (2) be the custodian of all papers pertaining to the business of the Board, (3) keep a record of all examinations held, and (4) perform such other duties as the Board may prescribe.

SECTION 2: Board Powers, Duties, and Responsibilities

The Board shall have the following powers, duties, and responsibilities and such others as are assigned by the Village Board from time to time. In addition, the Board shall exercise, in a manner consistent with these Rules, all powers given to it by the Illinois Board of Fire and Police Commissioners Act, 65 ILCS 5/10-2.1-1 *et seq.* (the "*State Act*"). The powers, duties, and responsibilities of the Board include, without limitation, the following:

- A. Amending these Rules from time to time as provided in Section 3 of these Rules.
- B. Determining when to call an examination to create or supplement an Eligibility List.
- C. Scheduling, issuing notice of, and conducting examinations of applicants for the entry level rank of Police Officer and for the promotional rank of Sergeant in the Police Department.
- D. Making appointments of all Police Officers and Police Sergeants except for the positions of Chief of Police, Deputy Chief of Police, and Police Lieutenants.
- E. Handling all matters relating to the suspension, demotion, removal, and discharge of the police officers and police sergeants subject to these Rules except to the extent such matters are governed by the provisions of a current, valid bargaining agreement between the Village and those police officers.

The Board has no responsibility relating to making rules or procedures for, or engaging in any aspect of, the operation of the Police Department.

SECTION 3: Board Rules; Amendments

The Board shall maintain these Rules governing the authority and conduct of the Board. The Board may amend these Rules from time to time as the Board determines is appropriate to serve the Board's purposes. Amendments may be proposed at any meeting of the Board and may be adopted at any subsequent meeting. All amendments must be made in writing and printed for distribution. Each time these Rules are amended, notice of the amendment must be posted on the Village's website not less than 10 days prior to the effective date of the amendment. That notice must specify the effective date of the amendment and state the place or places where a copy of the amendment and these Rules may be obtained.

SECTION 4: Applicability of State Act

The provisions of the State Act apply to the Board. When a provision of the State Act is inconsistent with a provision of these Rules or any Village code or ordinance, the provision of these Rules or Village code or ordinance shall apply and control.

SECTION 5: Meetings; Quorum; Order of Business

- A. Meetings. Meetings of the Board shall be held as required and called by (1) the chairperson or (2) any two Commissioners with written notice, which may be by e-mail, to the other Commissioners. An annual meeting shall be held in May or June of each year, at which time the Board shall elect its officers as provided in Subsection 1B of this Article I. At the Village Board's request, the Board shall prepare and submit a report of its proceedings and actions.

Each meeting must be held in accordance with the requirements of the Illinois Open Meetings Act. Meetings must be open to the public except when closed in conformance with the Open Meetings Act. Notice of a meeting must include the agenda for the meeting and must be posted not less than 48 hours prior to the meeting (absent a “bona fide emergency” within the meaning of the Open Meetings Act).

- B. Quorum. Three Commissioners shall constitute a quorum for the transaction of business at a meeting.
- C. Order of Business. The order of business at a public meeting of the Board shall be generally as follows. The Board may revise any agenda of any meeting by majority vote of the Board.

- (1) Call to order
- (2) Roll call
- (3) Approval of minutes
- (4) Report from Chief of Police
- (5) Unfinished business
- (6) New business
- (7) Public comment
- (8) Adjournment

SECTION 6: Rules of Procedure

The Board shall conduct its meetings generally in accordance with the applicable parliamentary procedures prescribed in Robert’s “Rules of Order.” Strict adherence to those parliamentary procedures is not required. The chairperson shall decide matters of parliamentary procedure.

ARTICLE II NOTICE OF ENTRY LEVEL EXAMINATION; APPLICATIONS

SECTION 1: Notice of Entry Level Examination

When the Board deems it necessary to conduct an examination for the entry level rank of police officer, the Board shall publish a notice of that examination on the Village’s website and on the Blueline website or a similar website as appropriate for the recruitment of qualified candidates for the position of police officer with the Village. The notice must include the date that applications are due and the proposed date and place of the examination. The Board also may advertise the examination in other manners as it deems appropriate.

SECTION 2: General Application Requirements

- A. Citizenship. Applicants for the entry level rank of police officer must be citizens of the United States.

- B. Preparation and Submission. An application must be submitted on a form provided by the Village, completed personally by the applicant, and signed by the applicant. The form may be paper or electronic, or both. The application must be filed with the Board in accordance with the instructions included with the application. Each application will be marked with the date and time it was received, which shall determine the priority of filing.
- C. Application Fee. Each applicant must pay an application fee at the time of submission of an application in an amount stated in the application. The Board may adjust the application fee at any time or decide to waive the fee.
- D. Age.
- (1) Exception to 35- Years of Age Standard. Applicants must be less than 35 years of age by the date of first testing. The 35-year old maximum age restriction is subject to the exceptions found in 65 ILCS 5/10-2.1-6 (as may be amended from time to time), which currently include but are not limited to: (a) veterans by the number of years they have served on active military duty, but by no more than 10 years of active military duty; (b) persons previously employed as a police officer in a regularly constituted police department of any state municipality; (c) persons who have served as an auxiliary police officer under Section 3.1-30-20 for at least 5 years and are under 40 years of age; (d) persons who have served as a deputy under Section 3-6008 of the Counties Code and otherwise meet necessary training requirements; and (e) persons who have served as a sworn officer as a member of the Illinois Department of State Police.
- (2) Exception to 21-Year Standard. Applicants must be at least 21 years of age by the date of first testing. The 21-year minimum age requirement does not apply to an applicant (a) who is 20 years of age and (b) who has successfully completed two years of law enforcement studies at an accredited college or university and who is otherwise eligible to take the initial examination for police officer. No applicant who is appointed to active duty shall have the power of arrest or be permitted to carry a firearm until he reaches 21 years of age.
- E. Birth Certificate; Military Papers. At the time of application, each applicant must furnish a copy of his birth certificate and, if he or she has served in the armed forces of the United States, then a copy of his or her military service record and honorable discharge papers. Applicants that have been dishonorably discharged from the armed forces of the United States (with an RE-4 code) are disqualified for application.

F. Minimum Education, Experience. An applicant must have completed or achieved one of the following levels of education or experience to participate in an examination:

(1) At least 60 semester (90 quarter) hours of credit from a college or university accredited by one of the six regional accrediting bodies responsible for evaluating two- and four-year institutions that grant associate's or bachelor's degrees; or

(2) At least 30 semester (or 45 quarter) hours of credit from a college or university accredited by one of the six regional accrediting bodies responsible for evaluating two- and four-year institutions that grant associate's and bachelor's degrees and, in addition, one year of continuous active duty in the armed forces of the United States; or

(3) At least four years of continuous active duty in the armed forces of the United States; or

(4) Current service as a police officer certified by the State of Illinois and actively working for not less than two continuous years for a regularly constituted police department of an Illinois municipality.

G. Character, Health. Every applicant must be of good moral character, temperate habits, sound health, and physically and psychologically able to perform the essential job functions of a police officer. Each applicant must meet standards for a police officer prescribed by the Illinois Law Enforcement Training and Standards Board.

H. Photograph, Fingerprints. Each applicant will be photographed and fingerprinted by the Village after making application, at no cost to the applicant.

I. Driver's License. At the time of application, each applicant must have a valid motor vehicle driver's license.

SECTION 3: Disqualification

The Board may disqualify any applicant at any time before, during, or after the examination if that applicant:

A. Has improperly filed his application.

B. Has made any untruthful answer or response on the application or during the examination process.

C. Is found lacking in any of the requirements or qualifications for a police officer under these Rules.

- D. Has been convicted of a felony.
- E. Has been convicted of a misdemeanor that in the judgment of the Board renders the applicant unsuitable to be a police officer.
- F. Has engaged in or attempted to engage in any deception or fraud in his application or the hiring process.
- G. Has character or employment references that are unsatisfactory.
- H. Is unable to sufficiently speak, read, write, or understand the English language, as determined by a standardized test.
- I. Has been dismissed from some public or private sector employment.
- J. Has been involved in the sale, possession, or use of any controlled substance or of drug paraphernalia in violation of 720 ILCS 570/102(f), 720 ILCS 600/1 relating to drug paraphernalia, and the Cannabis Regulation and Tax Act, 410 ILCS 705/1.
- K. Is unable to perform the essential job functions of a police officer.

SECTION 4: Release of Liability

Prior to commencing the examination, the applicant must sign and deliver to the Board a release of all liability related to the examination processes in form and content provided by the Board.

SECTION 5: Ownership of Documents

All documents submitted to the Board by any applicant become the property of the Board.

ARTICLE III ENTRY LEVEL EXAMINATIONS

SECTION 1: Notice of Commencement of Examination

The Board will notify qualified applicants by U.S. Mail or other suitable means of the final date and time fixed by the Board for commencement of the examination. The Board, by order, may postpone any element of an examination. The Board will notify qualified applicants by U.S. Mail or other suitable means of the postponement of a test and of the new date and time fixed for that test.

SECTION 2: Substance of Written, Physical Fitness, Oral Tests

The subject matters of the written test, physical fitness test, and oral test shall fairly test, in the opinion of the Board, the capacity of the applicant to undertake the duties of a police officer.

SECTION 3: Conduct of Examination

Each applicant shall take the following tests as part of the examination:

- A. Written Test. A written test designed to measure the general intelligence, observation, aptitude, and memory of the applicant.
- B. Physical Fitness Test. A physical fitness test shall be conducted by the Board or an agency selected by the Board. The physical fitness test will be graded on a pass/fail basis in accordance with the standards prescribed by the Illinois Law Enforcement Training and Standards Board.
- C. Administrative Interview. Any candidate for the original position with the police department of the Village of Lincolnwood, shall, at the discretion of the Board, submit to an interview by a panel of members, designated by the Chief of Police from within the police department that comprises a police officer and at least two members, each of the rank of sergeant and/or lieutenant and/or deputy chief. Failure for the candidate to appear for this interview disqualifies the candidate from any further consideration. The candidate shall be then stricken from any further consideration. This interview is structured with standard questions for all candidates and is pass/fail at the unanimous recommendation of the panel.
- D. Banding. After completion of the written test, physical fitness test, and administrative interview, the Board shall determine, to the best of its ability, the number of applicants who are likely to be hired from the Eligibility List being created, based on historical averages and anticipated hiring needs during the term of the Eligibility List (the "*Anticipated Hire Number*"). From that determination, the Commission shall divide the applicants into bands. The first band must include three times the Anticipated Hire Number, but no fewer than 15 applicants or the total number of eligible applicants, whichever is less. Subsequent bands may be designated by the Board from time to time. Each subsequent band must include a number of applicants at least equal to one-half of the number of applicants included in the first band or all remaining eligible applicants, whichever is less. Bands (and the candidates contained therein) will be stricken in conjunction with the expiration of the entry level eligibility list.
- E. Oral Test. An oral test designed to enable the Board to evaluate the applicant's suitability to be a police officer. The oral test shall be administered as follows:
 - (1) Procedure. The oral test of each applicant shall be conducted by all Commissioners, except when a Commissioner is absent due to illness or other good cause. In no event may the oral test be administered by fewer than three Commissioners. The oral test will be conducted in a closed

session. The oral test may include a written exercise at the outset of the test which then may be the subject of discussion during the oral test.

(2) Testing by Bands. The oral test shall be administered to those applicants included within the highest band and, if determined by the Board to be necessary, the next succeeding band or bands. Each applicant included in the highest band shall be given an opportunity to take the oral test before the Board administers the oral test to any applicant in a lower band. At the end of the test of each applicant, the examiners may discuss the merits of that applicant. Each examiner shall individually grade the applicant. The applicant's final grade, which shall be computed only after the test has been administered to all applicants, shall be the average of all of the examiners' grades.

(3) Subjects of Oral Test. Applicants may be asked questions that will enable the examiners to properly evaluate and grade them on maturity, communication skills, judgment, leadership ability, managerial ability, appearance, demeanor, self-confidence, friendliness, interest in the position, and such other matters as are pertinent to the proper review and analysis of an applicant. Each applicant for a particular examination shall be asked questions in similar areas of inquiry so that the examiners can satisfactorily compare the merits of the applicants.

F. Character and Background Investigation. The Board will cause a character and background investigation to be conducted of one or more applicants prior to a conditional offer of employment. An applicant may be disqualified for any of the reasons described in Article II, Section 3 of these Rules during such a character and background investigation.

G. Polygraph Test. If the applicant is not disqualified after the character and background investigation, then the applicant shall submit to a polygraph test, commonly known as a lie detector test. The applicant will be disqualified from employment if the applicant fails to sign any waiver required to take the polygraph test or to authorize the disclosure of the results of that test. Failure to successfully complete the polygraph test will disqualify the applicant.

H. Conditional Offer Examination Elements.

(1) Psychological Evaluation. Each applicant who has received a conditional offer of employment must undergo a psychological evaluation as provided in Article V of these Rules.

(2) Medical Examination. An applicant who has successfully completed the psychological evaluation will be administered a medical examination as provided in Article V of these Rules.

SECTION 4: Qualifications of Certified Entry Program for Police Officers

All persons possessing certification from the Illinois Law Enforcement Training and Standards Board may be considered for accelerated entry (referred to as “certified entry candidates”). Certified entry candidates selected must first meet all the following criteria:

- Previous status as a police officer and successfully completing the probationary period; and
- Currently in good standing in the police department in which the person serves; and
- Possesses substantially equivalent skills and abilities as a Village of Lincolnwood Police Officer who has completed the probationary period, as determined by the Village; and
- Has at least 60 semester (90 quarter) hours of credit from a college or university accredited by one of the six regional accrediting bodies responsible for evaluating two- and four-year institutions that grant associate’s or bachelor’s degrees; or at least four years of continuous active duty in the armed forces of the United States; and
- Taken and passed such examinations as the Board deems necessary to determine fitness for duty as a police officer with the Village.

Certified entry candidates who have been determined by the Board to meet the aforementioned requirements will not be required to attend an orientation or take the written entry level examination for police officer. For such candidates, the examination process may consist of an administrative interview, background investigation, oral interview by the Board, polygraph, psychological, physical agility examination (P.O.W.E.R. Test) and medical examination, including drug screen. Such candidates will be included on a separate certified entry eligibility list.

SECTION 5: Test Grading

- A. Weighing of Test Scores. The Board, with the advice and consent of the Chief of Police, shall weight the scores of the written test and the oral test so that, when the applicant’s raw scores are combined, the applicant’s grade on the written test equals 50 percent of the applicant’s total score and the applicant’s grade on the oral test equals 50 percent of the applicant’s total score.
- B. Specific Scoring Standards.
- (1) Written and Oral Test Grades. The written test and oral test grades each shall be based on a maximum score of 100. In no case shall a score below 70 percent on any test be considered a passing grade.
 - (2) Physical Fitness Test. The physical fitness test is pass/fail.
 - (3) Administrative Interview. This interview is pass/fail.

SECTION 6: Disqualification

An applicant will be disqualified and removed from an examination or Eligibility List if the applicant makes any false representation regarding himself, or of any of other applicant, or in any document signed or furnished by the applicant, or in cooperation with any other person. An applicant also will be disqualified and removed from an examination or Eligibility List if the applicant is impersonated during any element of an examination or if the applicant uses, or provides for others to use, any unauthorized aid during any element of an examination.

ARTICLE IV ENTRY LEVEL ELIGIBILITY LIST

SECTION 1: Creation of Entry Level Police Officer Eligibility List

The Board shall prepare, post, and maintain an Eligibility List of the applicants who have successfully completed the written, physical fitness, and oral elements of an examination for the entry level rank of police officer. The official date of the Eligibility List will be the date of the posting. Each applicant will be listed on the Eligibility List in order of his combined, weighted scores on the three test elements. A copy of the Eligibility List will be sent to each applicant on the Eligibility List.

The initial term of the Eligibility List will be for 12 months after the date of posting. The Board, in its discretion, may extend the term of the Eligibility List from time to time. Each extension of the term may not exceed six months, and the total length of all extensions may not exceed 12 months. Accordingly, the maximum term of any Eligibility List is 24 months. Upon the expiration of an Eligibility List, any underlying bands described in Article III, Section 3(D) (as well as candidates listed in those bands) will likewise expire and be stricken.

Veterans preference points will be awarded pursuant to 65 ILCS 5/10-2.1-8 and 10-2.1-9.

At any time during the initial term or any extended term of an Eligibility List for the entry level rank of police officer, the Board may call an examination for the purpose of supplementing that Eligibility List with additional applicants.

SECTION 2: Removal from List for Cause

Regardless of the length of time an applicant's name has remained on an Eligibility List, the Board may remove that applicant's name from the Eligibility List at any time the applicant no longer meets all of the qualifications for employment as a police officer.

SECTION 3: Subsequent Application after Disqualification

An applicant who has been disqualified from an examination or an Eligibility List may not apply for the position of police officer with the Village for one year after the date of disqualification. Any subsequent application will be processed as a new application.

ARTICLE V CONDITIONAL OFFERS; POST-OFFER EXAMINATION ELEMENTS; STRIKING NAMES; APPOINTMENTS

SECTION 1: Conditional Offers of Employment

At the time the Village Board decides that a vacancy in the entry level rank of police officer exists and will be filled, the Board shall at its discretion make an offer of employment to the highest-ranked candidate on either the Entry Level Eligibility List or Certified Entry Eligibility List. That offer of employment will be conditioned on successful completion by the applicant of a psychological evaluation and a medical examination, which are given in order to determine the applicant's ability to perform the essential functions of a police officer, with or without accommodation. Failure to successfully complete either of these elements of the examination will disqualify the applicant and the conditional offer of employment will be withdrawn.

SECTION 2: Conditional-Offer Examination Elements

- A. Psychological Evaluation. If the applicant is not disqualified as a result of the character and background investigation conducted prior to a conditional offer of employment, then, on written notification from the Board and at such time and place as the Board designates, the applicant must undergo a psychological evaluation administered by a licensed physician. Failure to successfully complete the psychological evaluation will disqualify the applicant.
- B. Medical Examination. If the applicant has successfully completed the psychological evaluation conducted after a conditional offer of employment, then the applicant will be administered a medical examination by a physicians group designated by the Board, to determine whether the applicant can perform the duties of a police officer. Failure to successfully complete the medical examination will disqualify the applicant.

SECTION 3: Striking Names From Eligibility List

The Board may strike an applicant's name from the Eligibility List, or may place the applicant's name at the bottom of the Eligibility List, if the applicant fails to appear or cooperate with the administration of the psychological evaluation or medical examination.

SECTION 4: Final Offer Examination Elements

Upon the successful completion of all elements of testing, a final offer of employment may be considered by the Board.

Appointments

The Board will appoint the applicant with the highest rating after completion of every element of the examination.

ARTICLE VI OATH OF OFFICE; PROBATION

SECTION 1: Oath of Office

Before entering into the duties of police officer, a newly appointed police officer must recite an oath in the following form, which must be administered by a person authorized to administer oaths in the State of Illinois:

I, _____, do solemnly swear [or affirm] that I will support the Constitution of the United States and the Constitution of the State of Illinois, I will uphold the Ordinances of the Village of Lincolnwood, and I will faithfully discharge the duties of the office of police officer to the best of my ability.

In addition, the newly appointed police officer must sign this oath in written form in the presence of a notary public who shall verify the authenticity of the police officer's signature.

SECTION 2: Probation

- A. Probationary Period. Each original appointment to the entry level rank of police officer shall be for a period of two years, which shall serve as a probationary period.
- B. Evaluation During Probationary Period. During the probationary period, the probationary officer's work shall be evaluated and rated by his commanding officers.
- C. Dismissal During Probationary Period. During the probationary period, the probationary officer may be dismissed by the Police Chief Board without a hearing or any other recourse of the probationary officer.

ARTICLE VII PROMOTIONAL APPOINTMENTS OF SERGEANTS

SECTION 1: Promotional Process

At the time the Village Board determines that a vacancy in the rank of sergeant in the Police Department exists and will be filled, the Board shall select the person to be promoted after examination and creation of a Promotional Eligibility List in the manner specified in Sections 2 and 3 of this Article VII. If no Promotional Eligibility List exists for the rank of sergeant, then the Board shall call for an examination to create the required list.

SECTION 2: Promotional Examination; Notice; Elements

In all cases, a vacancy in a rank of sergeant shall be filled by examination on the basis of merit, seniority, and service. An examination for promotion will be competitive among those officers in the entry level rank of police officer (except probationary police officers) who desire to submit themselves to the examination. Notice of the examination must be posted prominently within the Department not fewer than 30 days before the beginning of the examination, except that the time period for the notice may be shortened or the notice waived with the written consent of all officers eligible to take the examination.

The examination to establish the Promotional Eligibility List will have the following elements:

<u>Written examination</u>	25%
<u>Oral interview</u>	30%
<u>Promotional Potential Rating</u> (based on previous 12-month service)	35%
<u>Seniority</u> (1 percent per year with maximum of 5 years)	5%
<u>Chief's Assessment</u>	5%
 MAXIMUM GRADE	 100%

The Board may establish rules and grading standards governing a promotional examination prior to the commencement of the examination. A minimum passing aggregate score shall be established by the Board for each examination, which score shall be determined by the Board prior to the commencement of the examination and shall be included in the minutes of the Board meeting and posted within the Police Department.

SECTION 3: Promotional Eligibility List; Appointment

- A. Creation of Promotional Eligibility List. The Board shall prepare, post, and keep a Promotional Eligibility List for the rank of sergeant composed of candidates who have successfully passed all elements of the examination for that position. If a Promotional Eligibility List has expired, then the Board shall not be required to create a new Promotional Eligibility List until a vacancy exists in that rank.
- B. Ranking on List. Upon completion of the examination process, the candidates who have completed the examination successfully shall be ranked on a

Promotional Eligibility List in the order of their score as determined by examination and with the addition of credits for military service as applicable, with the highest score being ranked first. The Promotional Eligibility List shall be posted and a copy given to the Chief of Police.

- C. Term of List. The Promotional Eligibility List shall be in force for a period of three years after date of posting.
- D. Military Service Credit. A candidate will receive military service credit on a Promotional Eligibility List as provided in Sections 10-2.1-10, 10-2.1-11, and 10-2.1-12 of the State Act, except that no credit will be granted for military service that was claimed by the applicant on an Eligibility List for the entry level rank of police officer with the Village.
- E. Appointment from Top Three Candidates. The Board shall fill the vacant sergeant position from among the three candidates having the highest rating on the Promotional Eligibility List.

ARTICLE VIII DISCIPLINE

SECTION 1: Disciplinary Action

- A. Collective Bargaining Agreement. The provisions of the current, valid bargaining agreement between the Village and police officers in the Police Department shall apply to suspension, removal, demotion, and discharge of bargaining unit police officers.
- B. No applicability to Probationary Officers. The provisions of this Article VIII do not apply to probationary officers.
- C. Just Cause Required. Except as provided in Subsection B of this Section, no police officer shall be suspended, removed, demoted, or discharged except for just cause.
- D. Discipline for Violations. Any police officer who violates any of the rules and regulations of the Police Department, any federal laws, any laws of the State of Illinois, any ordinances of the Village or any of these Rules, or otherwise exhibits some substantial shortcoming that renders the officer's continuance in office detrimental to the discipline and efficiency of the service, is subject to discipline by the Chief of Police or the Board.

SECTION 2: Suspensions by the Chief of Police

- A. The Chief of Police may suspend any police officer without pay for a period not exceeding five days. The Chief of Police shall give the suspended officer written

notice of suspension that states the facts constituting just cause for suspension. The suspended officer may appeal the suspension to the Board by filing notice of appeal within five days after service of written notice, regardless of when the suspension is to be served. Suspensions for police officers covered by the collective bargaining agreement do not apply. Sergeants promoted under the authority of the BFPC are subject to the provisions established in Section 2 of this Article.

Appeal. If the suspended officer properly files a notice of appeal, then the Board shall conduct a hearing on the appeal in accordance with the provisions of Sections 4 and 5 of this Article VIII, except that the suspended officer has the burden of establishing by clear and convincing evidence that just cause for the suspension does not exist. At the hearing, the Board shall review the action of the Chief of Police to determine if just cause exists in light of all the evidence presented. The Board may sustain the action of the Chief of Police, may reverse the action of the Chief of Police with instructions that the suspended officer receive his pay for the period involved, may suspend the officer for a period of not more than 60 days including the suspension given by the Chief of Police, or may discharge the officer, depending on the evidence presented.

SECTION 3: Charges

- A. Complainant. Charges may be brought against a Police Officer by any person except a Commissioner.
- B. Charges. Charges must be in writing, must be signed by the complainant, and must state with specificity the facts alleged to constitute just cause for suspension, demotion, removal, or discharge. Charges must be filed with the Commission. The Board shall cause the charges to be served on the respondent personally or by certified U.S. Mail.

SECTION 4: Pre-Hearing Procedures

- A. Hearing Date. Upon the filing of a charge, the Board shall set the date, time, and place for hearing, which hearing date shall be within 30 days after the filing date.
- B. Notice of Hearing. The Board shall cause notice of hearing to be served on the parties promptly and not less than five days prior to the hearing date.
- C. Answer. The respondent may file a written answer to the charges. The answer must be signed by the respondent, must be filed with the Commission, and must be served on the complainant not less than 48 hours prior to the hearing.
- D. Reply. The complainant may reply to any affirmative matter contained in the answer by signing, filing, and serving such reply not less than eight hours prior to the hearing.

- E. Continuance. Motions for continuance of the hearing made by either party shall be in writing and shall be filed with the Board and served on the opposing party not less than 48 hours prior to the time set for hearing. The Board may waive these requirements on good cause being shown and a finding that no prejudice will result to any party from the waiver. The Board may grant or deny a continuance on the motion of either party or on its own motion, but no continuance that extends the commencement of the hearing beyond 30 days after the filing date may be granted. If a continuance is granted on the motion of a respondent who has been suspended by the Board, with or without pay, pursuant to Subsection I of this Section and if that continuance causes postponement of the conclusion of the hearing to a date more than 60 days after the date on which the suspension began, then the respondent must waive his pay for the period beginning with the 61st day after such filing and continuing to the date of the conclusion of the hearing.
- F. Attendance of Witnesses; Production of Documents. Either party, at any time prior to the hearing, may file applications with the Board for the issuance of subpoenas for any person or persons to appear at the hearing, or to have any person produce books, papers, records, accounts, and other documents at the hearing. An application must be in writing and must adequately identify the person, persons, or documents sought to be subpoenaed. The Board, or any Commissioner, may issue a subpoena if the Board deems the testimony of a person or the production of documents to be relevant to the hearing. The subpoenas may be authorized either by resolution at a Board meeting or by the signature of any two Commissioners without a meeting. Subpoenas may be served by any person 21 years of age or older.
- G. Evidence Depositions. Evidence depositions may be taken and used in the manner and under the conditions prescribed therefor in courts of general jurisdiction in the State of Illinois.
- H. Stipulations. The parties may stipulate and agree in writing, or on the record, as to evidentiary facts or other matters. Any facts so stipulated shall be considered as evidence in the proceeding.
- I. Suspension Before Hearing. The Board may suspend the respondent pending hearing, with pay or without pay, for not more than 60 days. In the event that the Board, after hearing, determines that the charges are not sustained, the respondent shall receive any pay withheld during the suspension period.

SECTION 5: Hearing

- A. Commencement and Adjournment. A hearing must be commenced within 30 days after the filing of the charges and may be adjourned from time to time thereafter for lack of a quorum or for other good cause determined by the Board.

- B. Quorum to Conduct Hearing. Three Commissioners shall constitute a quorum of the Board for the conducting of a hearing.
- C. Public Hearings and Closed Hearings. All disciplinary hearings of the Board shall be held in accordance with the Illinois Open Meetings Act. The hearing shall be public, but at any time before or during the hearing the Board may determine that the hearing, or any portion of the hearing (except for final action), will be closed.
- D. Counsel. The respondent or complainant may, at their election, be represented by any attorney at law licensed to practice law in the State of Illinois. That attorney must file and serve his appearance with the Board.
- E. Oath. All witnesses shall be sworn under oath prior to testifying. The oath may be administered by any Commissioner or an Illinois notary public.
- F. Order of Proceedings; Cross Examination. After disposition of any preliminary motions for continuance, motions directed to the charges, or other motions, the complainant may present and examine witnesses and offer other evidence substantiating the charges that have been made against the respondent. Thereafter the respondent may present and examine witnesses and offer other evidence refuting the charges. The complainant then may present evidence in rebuttal. All parties shall have the right to cross examine witnesses presented by the opposite party.
- F. Rules of Evidence.

(1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence, as applied in civil cases in Illinois, will be followed, except that when necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible under those rules may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The Board will give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made by either party and will be ruled on by the Board. Those objections and rulings shall be noted in the record. Subject to these requirements, when a hearing is expedited and the interests of parties will not be prejudiced substantially, any part of the evidence may be received in written form.

(2) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available.

(3) The Board may recognize, without the taking of testimony or production of evidence, the existence and truth of certain facts that by their nature are

universally regarded as being established, such as the laws of the State, the Municipal Code of Lincolnwood, and such other matters as would be appropriate for judicial notice in an Illinois trial court.

- H. Burden of Proof. Except as provided in Subsection 2B of this Article VIII, the complainant has the burden of proving the charges brought by a preponderance of the evidence.
- I. Argument. The Board will permit opening statements and closing arguments, first on behalf of complainant, next on behalf of respondent, and finally on behalf of complainant, within time limits established by the Board in each case. When the Board deems it appropriate, written arguments in the form of briefs may be allowed after the close of the hearing.
- J. Record of Proceedings. The hearing proceedings must be recorded by the Board. The recording will be made available to any party for transcription or copying at the party's expense. The Board or any party may provide for a transcript to be taken by a reporter, in which event the recording will not be required. The transcript may be transcribed and printed at the request of the Board or any party, at the expense of the person making the request.

SECTION 6: Findings and Decision

- A. Vote; Deliberations. A finding of guilt on charges brought under Section 3 of these Rules must be made by, at least a majority of the Commissioners then holding office. A vote of guilty by fewer than that majority constitutes a finding of not guilty. The same vote of the Board is required to reverse a suspension appealed to the Board under Section 2 of this Article VIII. The Board may deliberate in public or in closed session. Final action must be taken in public session.
- B. Finding of Not Guilty. If the respondent is found not guilty as to every charge, or if a suspension is reversed, then the Board shall make a finding that the charges or suspension are not sustained and shall enter an order terminating immediately any suspension and requiring the Police Department to reimburse respondent for all wages not paid to the respondent during the suspension period.
- C. Finding of Guilty. If (1) the Board finds that one or more charges have been proved by a preponderance of the evidence and that cause exists, and the Board thus finds the respondent guilty of any one or more charges or (2) if the Board denies the appeal of a suspension, then the Board shall adopt findings of fact in support of its determination. The Board may order the discharge and removal of the respondent from office immediately; may order the suspension of the respondent from office, with or without pay, for a period of not more than 60 days, including any period of suspension, with or without pay, by the Chief of Police, or the Board prior to the finding; may demote the respondent previously promoted from a lower rank with immediate reduction in compensation to a rate

not exceeding the maximum rate of such lower rank; or any combination of the above.

- D. Notice of Findings and Decisions. The Board shall promptly serve notice on the parties of its findings and decision.
- E. Rehearing. The findings and decision of the Board shall be final and not subject to rehearing.

SECTION 7: No Use of ID and Property During Suspension

At the time of being suspended, the suspended officer must surrender his Department-issued duty weapon and identification, including his badge and any ID cards, to the Chief of Police. During the suspension, the suspended officer may not wear his uniform or carry or use any Police Department equipment or property. This section does not apply to officers or sergeants suspended for discipline that are allowed to use benefit time in lieu of actual unpaid suspension time.

ARTICLE IX POLITICAL CONTRIBUTIONS

No obligation may be imposed on any police officer to contribute any funds or render any political service, and no police officer shall be removed or otherwise prejudiced for refusing to do so. No police officer (A) shall be suspended, discharged, promoted, or demoted or (B) shall have his official rank or compensation changed, or promised or threatened to be changed, in any manner for any of the following reasons:

- A. Refusing to make any contribution of money or service or any other valuable thing for any political purpose; or
- B. Refusing to use his official authority or influence in any manner, whether directly or indirectly, to compel or induce any other person to pay or render any political assessment, subscription, contribution, or service.

ARTICLE X GENERAL

SECTION 1: Definitions

When used in these Rules and Regulations, the following terms shall have the definitions herein ascribed to them:

- A. Applicant – Any person who completes and submits an application for employment as a police officer with the Police Department.

- B. Board – The Board of Fire and Police Commissioners of the Village of Lincolnwood.
- C. Chairperson – See Article I, Section 1 of these Rules.
- D. Commissioner – A member the Board.
- E. Eligibility List – See Article IV of these Rules.
- F. Police Officer – Any person sworn to hold office in the Police Department other than a probationary police officer.
- G. Police Sergeant- Any person promoted to the rank of sergeant that was a Police Officer as defined above (F) with the Village of Lincolnwood and promoted under the Rules of the Board.
- H. Police Department – The Police Department of the Village of Lincolnwood.
- I. Probationary Officer – See Article VI, Section 2 of these Rules.
- J. Promotional Eligibility List – The list of candidates who are eligible to be appointed to the rank of sergeant in the Police Department, as more fully described in Article VII of these Rules.
- K. Promotional Potential Rating – The numeric ranking assigned to a candidate for the promotional rank of sergeant derived from the aggregate of all scores submitted by current members of the Police Department command staff, which scores are designed to rate a candidate’s general merit and apparent ability to perform the duties of sergeant. See Article VII, Section 2 of these Rules.
- L. Rules – These Rules and Regulations of the Board, as amended from time to time.
- M. Secretary – See Article I, Section 1 of these Rules.
- N. State Act – The Illinois Board of Fire and Police Commissioners Act, 65 ILCS 5/10-2.1-1 *et seq.*
- O. Vice Chairperson – See Article 1, Section 1 of these Rules.
- P. Village Board – The President and Board of Trustees of the Village of Lincolnwood.
- Q. Village – The Village of Lincolnwood, Illinois.

R. Village President – The elected President of the Village of Lincolnwood, who is a member of the Village Board.

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