

RULES AND REGULATIONS
OF THE
BOARD OF FIRE AND POLICE COMMISSIONERS
CITY OF GENEVA
STATE OF ILLINOIS

ADOPTED: February 23, 2017
PUBLISHED: March 1, 2017
EFFECTIVE: March 15, 2017
AMENDED: May 10, 2022

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As adopted by the Board of Fire and Police Commissioners of the City of Geneva, Illinois, effective March 15, 2017 and Amended May 10, 2022.

CHAPTER I - ADMINISTRATION

SECTION 1 - SOURCE OF AUTHORITY.

The Board of Fire and Police Commissioners of the City of Geneva, Illinois derives its power and authority from an Act of the General Assembly entitled, "Division 2.1 Board of Fire and Police Commissioners" of Chapter 65 of the Illinois Compiled Statutes.

SECTION 2 - DEFINITIONS.

The word "Commission" and/or "Board" wherever used shall mean the Board of Fire and Police Commissioners of the City of Geneva, Illinois. The word "Officer" shall mean any person holding a full-time sworn position in the Police or Fire Department of the City of Geneva, Illinois. The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural the singular.

SECTION 3 - OFFICERS OF BOARD AND THEIR DUTIES.

The Board shall annually, on the first meeting in June elect a Chairman and a Secretary. They shall hold office until the end of the fiscal year of the municipality and until their successors are duly elected and qualified. The Chairman shall be the presiding officer at all meetings. The Secretary shall keep the Minutes of all meetings of the Board in a permanent record book and shall be the custodian of all the forms, papers, books, records and completed examinations of the Board.

SECTION 4 - MEETINGS.

- a) Regular meetings shall be held as determined by the Board. Notice shall be posted and meetings shall be open to the public.
- b) Special meetings shall be open, notice thereof to be posted forty-eight (48) hours prior to convening, called by the filing of a notice in writing with the Secretary of the Board and signed either by the Chairman of the Board or any two members thereof. 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 meeting, and no other business shall be considered at such special meeting unless by unanimous consent of the Board.
- c) During any regular or special meeting a closed session may be held upon a proper motion made by any single member of the Board for the purpose of discussing personnel. Closed sessions may be limited to Board members and such invited persons as the Board may deem necessary. The secretary will record the motion to close the meeting, record the roll call vote of the members on said motion and keep minutes of the closed session. An audio or video record of each closed session will be maintained

by the Secretary of the Board and, after a minimum of 18 months, shall be disposed of in accordance with the provisions of the Open Meetings Act.

- d) Public notice of any regularly scheduled or special meeting shall be held in accordance with the Open Meetings Act, Illinois Compiled Statutes, Chapter 5, §§120/1-120/5.
- e) If a member is unable to be physically present at a meeting of the Board, whether it be for personal illness or disability, employment purposes or the business of the Board, or due to family or other emergency, that member may attend and participate at a Board Meeting by telephonic or other electronic means provided that a quorum of the Board's members are physically present at the meeting and vote to approve the attendance of the missing member(s) by telephonic or electronic means. The minutes of the meeting shall reflect, by name, those members of the Board who were physically present as well as those attending by telephonic or electronic means. Notice that a Board member will be in attendance and participating at a Board meeting, not in person but electronically, shall be provided to the Board's recording secretary or the municipal clerk at least 48 hours prior to the scheduled meeting.
- f) The commission shall approve the minutes of an open meeting within 30 days after that meeting, or at a subsequent meeting, whichever is later. The minutes shall be available to the public, as well as being posted on the city website, within 10 days of being approved.
- g) Any person in attendance at an open meeting convened by the commission shall be permitted to speak. The time for public comment shall be specified by the commission member chairing a meeting, immediately following the review and approval of minutes, and prior to discussion or reading of any communications listed on the meeting agenda.

SECTION 5 - QUORUM.

A majority of the members of the Board shall constitute a quorum for the conduct of all business.

SECTION 6 - ORDER OF BUSINESS.

The order of business at any meeting shall be:

- a) Call to Order
- b) Roll Call
- c) Approval of the Minutes
- d) Public Comment
- e) Communications
- f) Unfinished Business
- g) New Business
- h) Adjournment

SECTION 7 - PROCEDURE.

The parliamentary procedure prescribed in Robert's "Rules of Order" shall be followed as far as applicable.

SECTION 8 - AMENDMENTS.

Amendments to the rules of the Board may be made at any meeting of the Board. All amendments shall be printed immediately for distribution and notice shall be given of the place or places where the printed rules may be obtained. Such notice shall be published in a newspaper of general circulation in the City. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication, when rules shall go into effect.

SECTION 9 - ANNUAL REPORT AND BUDGET REQUEST.

The Board shall submit an Annual Report of its activities as required by §5/10-2.1-19 of the Board of Fire and Police Commissioners Act, and a Budget Request for the ensuing year, as required by local ordinance and the aforementioned §5/10-2.1-19.

CHAPTER II - APPLICATIONS

SECTION 1 - ELIGIBILITY.

Applicants for examination must be citizens of the United States and/or an individual who is not a citizen but is legally authorized to work in the United States under federal law or is an individual against whom immigration action has been deferred by the U.S. Citizenship and Immigration Services under the federal Deferred Action for Childhood Arrivals (DACA) process is authorized to apply for the position of police officer, subject to (i) all requirements and limitations, other than citizenship, to which other applicants are subject and (ii) the individual being authorized under federal law to obtain, carry, or purchase or otherwise possess a firearm.

SECTION 2 - APPLICATION.

Applications for a position shall be filed upon blank forms furnished by the Commission or via the Internet or other web based media application process as specified by the commission or private testing vendor contracted by the Commission. Applicants must comply with the filing requirements in every respect. The application must be filed with the Board prior to taking an examination.

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

The applicant shall furnish with the application a copy of Military Service Record, Discharge Papers, Birth Certificate, High School Diploma or GED, a copy of the applicant's College or University Degree and, if requested, a copy of a certified transcript of his course work from an accredited College or University. For applicants born outside of the United States, a copy of their Naturalization Certificate or their United States passport must accompany the application

A false statement knowingly made by a person in an application for examination, connivance in any false statement made in any certificate which may accompany such application or complicity in any fraud touching the same, shall be regarded as good cause for exclusion from the examination.

SECTION 3 - APPLICATION FEE.

The Board shall recommend a non-refundable application fee not to exceed \$125.00 to the City Administrator as needed. If there is an application fee, no application will be considered if the fee has not been remitted.

SECTION 4 - DISQUALIFICATION.

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

- a) Who is found lacking in any of the established preliminary requirements for the service for which he or she applies.
- b) Who is physically unable to perform the duties of the position to which he or she seeks appointment.
- c) Who is addicted to the use of drugs or intoxicating beverages or is found to have taken or used drugs and/or narcotics illegally.
- d) Who has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in §5/10-2.1-6 of the Board of Fire and Police Commissioners Act.
- e) Who has been dismissed from any public service for good cause.
- f) Who has attempted to practice any deception or fraud in the application.
- g) Who may be found disqualified in personal qualifications or health.
- h) Whose character and employment references are unsatisfactory.
- i) Who does not possess a high school diploma or its equivalent.
- j) Who has applied for a position as a police officer and is or has been classified by the Local Selective Service Draft Board as a conscientious objector.

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

SECTION 5 - DEFECTIVE APPLICATIONS.

Defective applications may be returned to the applicant for correction, provided the applicant is not otherwise disqualified for the position sought.

SECTION 6 - AGE REQUIREMENTS.

Applicants shall be under 35 years of age, at the time of application and at such time as the final eligibility list is posted, unless exempt from such age limitation as provided in Section 5/10-2.1-6 of the Fire and Police Commissioners Act. Applicants, at such time as they file their application with this board, must be 21 years of age. Proof of birth date will be required at time of application.

SECTION 7 – OTHER APPLICANT REQUIREMENTS.

Police Officer applicants, at the time of application, must have:

- a) Northeastern Illinois Public Safety Training Academy (NIPSTA) POWER card; and
- b) an Associate's Degree; or
- c) Military Service pursuant to 65 ILCS 5/10-2.1-6(h); or
- d) have successfully completed the State of Illinois Basic Law Enforcement Training Course.

Firefighter/Paramedic applicants, at the time of application, must:

- a) have a high school diploma or GED; and
- b) be Basic Operation - Firefighter certified by the Illinois Fire Marshal, Division of Personnel Standards and Education; and
- c) have successfully completed Candidate Physical Ability Test (CPAT) within 12 months prior to the application deadline; and
- d) be a certified EMT-Paramedic, Illinois Department of Public Health; or
- e) show proof of being currently enrolled in an Illinois Department of Public Health approved Paramedic certification program at time of testing and EMT-P certified by the Illinois Department of Public Health at time of hire.

SECTION 8 - NOTICE OF ACCEPTANCE.

The Secretary or designee will notify all applicants whose applications have been accepted by the Board to be present for orientation and subsequent examinations.

SECTION 9 - WAIVERS AND LIABILITY RELEASES.

At time of application, applicants shall execute and deliver to the Board all waivers and release of liability forms as prescribed by the Board.

CHAPTER III – APPOINTMENT EXAMINATIONS

SECTION 1 - NOTICE OF EXAMINATIONS.

The Board shall call examinations to fill vacancies in the class of service in which vacancies are liable to occur. A call for such examination shall be entered in the Minutes of the Board and shall include a statement of:

- a) The time and place where such examination will be held.
- b) The location where applications may be obtained and the date by which applications must be returned to the Board.
- c) The position to be filled from the resulting eligibility list.

Examinations shall be held on the dates fixed by the Board and advertised on the City’s website. Examinations may be postponed, however, by order of the Commission, which order shall state the reason for such postponement and shall designate a new date for said examination. Applicants shall be notified of the postponement of any examination and of the new date fixed for said examination.

SECTION 2 - EXAMINATIONS.

Applicants may be required to participate in a physical aptitude test, written examination and personal interviews as determined by the Board and as more particularly set forth in Section 4 below. No examination or interview shall contain questions regarding applicant's political or religious opinions or affiliations.

The following examinations may be conducted by the Board. The sequence of testing may vary at the discretion of the Board. Failure to achieve the minimum passing grade in any examination disqualifies the applicant from any further participation.

EXAMINATIONS	MINIMUM PASSING	WEIGHTING
Physical Aptitude Test		
Police Applicants	NIPSTA Qualified	-
Firefighter/Paramedic Applicants	CPAT Qualified	
Written Examinations		
Police Applicants	Minimum Passing Score	40%
Firefighter/Paramedic Applicants	Announced on Exam Day	

Board Interviews or SBA	70%	60%
Psychological Examination	Pass or Fail	After
Polygraph Test	Pass or Fail	Conditional
Background Investigation	Pass or Fail	Offer of
Medical Examination (including drug screen and eye exam)	Pass or Fail	Employment
Physical Aptitude Test		

Police Applicants – All applicants for Police Officer shall submit proof of having successfully completed the Northeastern Illinois Public Safety Training Academy (NIPSTA). The examination must have been taken within the 12 month period prior to the date applications are submitted to the Board.

Firefighter/Paramedic Applicants - All applicants for Firefighter/Paramedic shall submit proof of having successfully completed the “Candidate Physical Ability Test” (CPAT) as designed by the International Association of Fire Chiefs and International Association of Fire Fighters. The examination must have been taken within the 12 month period prior to the date applications are submitted to the Board.

If a candidate’s NIPSTA or CPAT card is expired at time of appointment, the Board has the right to require the candidate to re-qualify.

Written Examinations

Minimum passing score of the written examination will be announced as part of the orientation program. All examinations shall be and remain the property of the Board and the grading thereof by the Board shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description. Candidates who fail to achieve a passing score will be notified and eliminated from further consideration.

SECTION 3 - INITIAL ELIGIBILITY REGISTER.

- a) Within 60 days of the written examination, the Commissioners will prepare an "Initial Eligibility Register" of the candidates who have successfully completed all aforementioned requirements. Candidates shall be placed on the eligibility list in order of their relative excellence as determined by their written examination scores.
- b) This register is subject to change with the addition of claimed preference points as prescribed in 5/10-2.1-8 and 5/10-2.1-9 (a) and (b) of the Act.

SECTION 4 - PREFERENCE POINTS.

- a) **Police Applicants** – the following preference points will be added to the scores of candidates who are on the initial eligibility register if requested in writing:

Veterans Preference – Persons who were engaged in the military service of the United States for a period of at least one (1) year of active duty and who were honorably discharged therefore, or who are now or have been members on inactive or reserve duty in such military or naval service subject to 65 ILCS 5/10-2.1-8. – 5 points.

Education Preference –

Applicants who have obtained a master's degree – 5 points.

Applicants who have obtained a bachelor's degree – 4 points.

Education and Veterans Preference Points are not cumulative.

- b) **Firefighter/Paramedic Applicants** - the following preference points will be added to the scores of candidates who are on the initial eligibility register if requested in writing:

Veterans Preference – Persons who were engaged in the military service of the United States for a period of at least one (1) year of active duty and who were honorably discharged therefore, or who are now or have been members on inactive or reserve duty in such military or naval service subject to 65 ILCS 5/10-2.1-6.3(h). – 5 points.

Education Preference –

Applicants who have obtained a bachelor's degree - 5 points.

Applicants who have obtained an associate's degree in the field of Fire Service or EMS – 3 points.

Experience Preference –

Geneva Paid-on-Call applicant who is certified Firefighter II and/or licensed EMT-P – 0.5 (1/2) points per year of service up to a maximum of 5 points.

Certified Firefighter III – 1 point per year of service up to a maximum of 5 points.

A full-time Firefighter from another Municipality or Fire Protection District who has been employed for a minimum of two (2) years – 0.5 (1/2) points per year of service up to a maximum of 5 points.

A candidate may not receive the full amount of preference points under this subsection (experience preference) if the amount of points awarded would place the candidate before a veteran on the eligibility list.

The maximum number of preference points that can be awarded to a Firefighter/Paramedic applicant is 15.

Candidates who are eligible for preference points, shall make a claim in writing with proof thereof within ten (10) days after the date of the first posting of the initial eligibility list or such claim shall be deemed waived.

SECTION 5 - PERSONAL INTERVIEWS.

At the Board's discretion, a written exam (situation based assessment – SBA) may replace personal interviews. If personal interviews are to be given, the Board shall select a number of candidates from the Initial Eligibility List who shall be required to submit to a personal interview. If possible, all Commissioners shall participate in the personal interviews; but in no event shall less than a majority of the Commissioners conduct the personal interviews. Questions shall be asked of the candidate that will enable the Commissioners to properly evaluate and grade the candidate on speech, alertness, ability to communicate, judgment, emotional stability, self-confidence, social skill and general fitness for the position. On completion of each personal interview the Commissioners will discuss the candidate's abilities using the traits listed above. Candidates who fail to obtain a passing score on the personal interview will be notified and eliminated from further consideration.

SECTION 6 - CERTIFIED/ELIGIBLE 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 of the following criteria:

- Status as a sworn municipal, county, university, or State law enforcement agency for one year after completion of a probationary period or otherwise equaling two years total, and
- Be certified by the Illinois Law Enforcement Training Standards Board, and
- In good standing in the law enforcement agency in which the person serves, served, or laid off due to budgetary restraints, and
- Possesses substantially equivalent skills and abilities as a City of Geneva Police Officer who has completed the probationary period, as determined by the City, and
- Possesses an Associate Degree or 60 semester hours of credit from an institution accredited by the U.S. Department of Education, and
- Taken and passed such examinations as the Commission deems necessary to determine fitness for duty as a police officer.

Certified entry candidates who have been determined by the Commission to meet the aforementioned requirements will not be required to attend the orientation or take the written examination. For such candidates, the examination process may consist of a background investigation, oral interview, polygraph, psychological, physical agility examination (or valid POWER Card) and medical examination prior to appointment.

Upon completion of the aforementioned criteria, a pool of eligible candidates will be maintained and depending upon the needs of the Police Department, the Chief of Police may ask for justification from the City Administrator to select from any candidate within this pool or elect to hire from the traditional hiring list.

SECTION 7 - FINAL ELIGIBILITY REGISTER.

- a) The names of the candidates shall be placed upon the “Final Eligibility Register” in rank order, highest first. Rank order shall be based upon the candidate’s total cumulative score which shall be calculated using a weighted system (see Chapter 3 Section 2)
- b) Final appointment for the Fire Department or the Police Department shall be from the names appearing on the “Final Eligibility Register” which shall include claimed preference points.
- c) In the event a “Final Eligibility Register” is exhausted prior to its expiration, the Board may establish another “Final Eligibility Register” in accordance with subsections a) and b) above.
- d) Applicants shall be appointed from the Final Eligibility Register in descending order. Notwithstanding anything to contrary contained within these rules and regulations, the Board may, at its discretion, choose to appoint an applicant who has been awarded a certificate attesting to his/her successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, ahead of non-certified applicants. The Board may also, at its discretion, choose to appoint an applicant for a firefighter/paramedic position whose has been licensed as an EMT-P, under the Emergency Medical Services (EMS) Act ahead of applicants for the same position who currently do not hold such a license.

SECTION 8 - POST-OFFER EVALUATIONS.

- a) Candidates for original appointment to the Police or Fire Department may be required to submit to a Polygraph Device Deceptive Test. Such test shall be given without expense to the candidate. Failure of the candidate to take or successfully complete such examination shall disqualify the candidate from further consideration.
- b) Candidates for original appointment shall submit to a Psychological Examination. Such examination shall be without expense to the candidate. Failure of the candidate to take or successfully complete such examination shall eliminate the candidate from further consideration.
- c) A clear set of fingerprints from Police Officer and Firefighter/Paramedic candidates shall be furnished to the Illinois Department of State Police and The Federal Bureau of Investigations. The Geneva Police Department shall administer the taking and forwarding of fingerprints.

SECTION 9 - PROBATIONARY APPOINTMENT.

- a) Individuals shall fill all vacancies in the Police or Fire Department from the Final Eligibility Register who have met all requirements previously listed. Pursuant to Section 5/10-2.1-14 of the Board of Fire and Police Commissioners Act, the Board may choose to appoint a certified police officer applicant ahead of non-certified applicants.

- b) All original appointments to the police department shall be for a probationary period of eighteen (18) months. The probationary period of a newly appointed police officer shall commence as of the first date said individual reports for work with the department. All original appointments to the fire department shall be for a probationary period of twelve (12) months. The probationary period of a newly appointed firefighter will commence when the firefighter first reports for work with the fire department. A probationary period will be tolled for those periods of time probationary employees, for whatever reason, are unable or unavailable to perform their assigned duties.
- c) Any person whose name appears on the Final Eligibility Register may decline appointment. It shall be the option of the Board to strike from or maintain upon the register the name of such candidate without otherwise altering the candidate's original position on the Final Eligibility Register.
- d) Probationary employees may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time officers or firefighters by statute or these rules.

SECTION 10 - CERTIFICATION.

- a) Final certification of probationary Police Officers shall be subject to successful completion of the Basic Training Course, as mandated by the State of Illinois, as well as the police department's field training program within the prescribed probationary period, and a probationary assessment panel as conducted by the department. Inability to successfully complete these requirements shall be grounds for dismissal.
- b) Final certification of probationary Firefighter/Paramedics shall be subject to successful completion of the fire department's training program within the prescribed probationary period.

CHAPTER IV - PROMOTIONAL EXAMINATIONS

SECTION 1 - GENERAL.

The Board, by its rules, shall provide for promotion in the Police and Fire Department on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases, where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank. All promotions shall be made from the three (3) individuals having the highest rating, and where there are less than three (3) names on the promotional eligibility register, as originally posted, or remaining thereon after appointments have been made therefrom, appointments to fill existing vacancies shall be made from those names or the name remaining on the promotional register. The method of examination and the rules governing examinations for promotion are specified below. The Board shall strike off the names of candidates for promotional appointment after they have remained thereon for more than three (3) years, provided there is no vacancy existing which can be filled from the promotional register. For the purpose of determining that a vacancy exists, the Board must have received notice from the appropriate Chief or designee to fill an existing vacancy prior to the date the name(s) are to be stricken from a promotional eligibility register. Each weighted component of the examination process shall be based upon a scale of 1 to 100.

SECTION 2 - POLICE DEPARTMENT.

Candidates for promotion to the rank of Police Sergeant in the Police Department shall have served a minimum of two (2) years of full-time service in the next lower rank, as of the date the written examination is administered.

A candidate's total score shall consist of the combined, weighted scores of the merit/efficiency rating, written examination and Board interviews. Seniority and veteran's preference points (if applicable) will be added to the weighted scores to arrive at the total score. Candidates shall take rank upon a promotional eligibility register in the order of their relative excellence as determined by their total score. In the event of a tie score, the placement of the tied candidate's name on the eligibility list shall be determined by lot, in the presence of a quorum of the Board, in whatever manner the Board deems appropriate.

- a) The final Promotional Examination score for promotion to Police Sergeant or shall be determined as follows:

1) <u>Examination</u>	<u>Weight</u>	<u>Max Points</u>
Written Assessment	45%	45
Oral Examination/Assessment	45%	45
Department Merit and Efficiency Rating	10%	10
	Total Maximum Points	100
2) <u>Seniority</u>		
One (1) point per year for each full year of service On the Geneva Police Department		5

Any candidate failing to achieve a passing score of 70% on the written exam shall be disqualified from promotion eligibility even though his total composite score may be passing.

- b) In the event no candidate from the immediate next lower rank qualifies for promotion, the Board may extend the examination to all the orders of rank in the services to establish a register for the vacancy. If there are no candidates in the lower ranks, the Board may extend the examination to the general public pursuant to requirements set forth in Chapter 3 (Original Appointments).
- c) Candidates who are otherwise qualified and have timely requested credit for prior military service, shall be granted veteran's preference points as provided by state statute (65 ILCS 5/10-2.1-11).

A candidate's total score shall consist of the combined scores of the merit/efficiency rating, written examination and oral examination/assessment plus seniority and veteran's preference points. Candidates shall take rank upon a promotional eligibility register in the order of their relative excellence as determined by their total score. In the event of a tie score, the placement of the tied candidates' names on the eligibility list shall be determined by lot, in the presence of a quorum of the Board, in whatever manner the Board deems appropriate.

Promotions to the rank Police Commander shall be conducted in accordance with the provisions of applicable state law (the Board of Fire and Police Commissioners Act, 65 ILCS 5/10-2.1, and City of Geneva Ordinance No. 2022-xx).

SECTION 3 - FIRE DEPARTMENT.

- 1) Promotions to the rank of Lieutenant or Battalion Chief shall be conducted in accordance with the provisions of applicable state law (the Board of Fire and Police Commissioners Act, 65 ILCS 5/10-2.1, and the Fire Department Promotion Act (FDPA), 50 ILCS 742) and the rules and regulations of the Board of Fire and Police Commissioner, as they may be amended, subject only to the limitations set forth below.
 - a) Candidates testing for must have served a minimum of two (2) years at the next lowest rank before consideration for promotion.
 - b) The placement of candidates on Lieutenant and Battalion Chief promotional lists shall be based on the points achieved by each candidate on promotion examinations consisting of the following five (5) components, weighted as specified:

Component	Weight
1. Board Interviews	20%
2. Merit and Efficiency	5%
3. Seniority	5%

- 4. Assessment Center 35%
- 5. Written Examination 35%

Seniority (years of service) will be calculated from date of appointment to the department up to the day the written examination is taken. One (1) point will be awarded per each full year of service in the Geneva Fire Department up to a maximum of 5 points.

Each component of the promotional test shall be scored on a scale of 100 points. The components shall be tested and scored in the order set forth above. The component scores shall then be reduced by the weighting factor assigned to the component on the test and the scores of all components shall be added to produce a total score based on a scale of 100 points. Employees shall be eligible for additional points, such as veteran's preference points, to the extent provided by law.

Any candidate failing to achieve a passing score of 70% on the written exam shall be disqualified from promotion eligibility even though his total composite score may be passing.

- 2) Deputy Chief - The provisions of the Fire Department Promotion Act do not apply to the rank of Deputy Chief (50 ILCS 742/5). As such, promotion to the rank of Deputy Fire Chief shall be accomplished through recommendation from the Fire Chief to the Board for their consent and appointment.

SECTION 4 - PROMOTIONAL VACANCY.

Upon notice from the appropriate Chief or designee that a promotional vacancy exists, the Board shall select the individual to be promoted in the manner specified in Section 1 of this Chapter IV.

CHAPTER V - OATH OF OFFICE

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

CHAPTER VI - HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES

SECTION 1 - SUSPENSION.

- a) The Board may suspend any member of the Fire Department or Police Department governed by the Board against whom charges have been filed, pending a hearing, but not to exceed thirty (30) days, without pay, at any one time.
- b) The Chief of the Fire or Police Department shall have the right to suspend any officer or firefighter for a period not to exceed five (5) calendar days, providing no charges on the same offense have been filed and are pending before the Board. The Chief shall notify the Board in writing within 24 hours of the time of such suspension. Any employee so suspended may appeal to the Board for a review of the suspension within five (5) days after

receiving notice of such suspension by filing notice of such appeal in writing with the Secretary of the Board of Fire and Police Commissioners. A hearing shall be had upon such appeal, and due notice given to the Chief of the Department and to the employee so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal.

- c) Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the employee so suspended receive pay for the period involved, may suspend the employee for a period of not more than thirty (30) days, or discharge the employee.

SECTION 2 - HEARING OF CHARGES.

- a) Hearings before the Board are not common law proceedings. The provisions of the "Code of Civil Procedure" do not apply to hearings before the Board.
- b) "Counsel" as used herein means: One who has been admitted to the bar as an attorney-at-law in this State.
- c) The Board shall set the time for the hearing of charges, within thirty (30) days of the time of the filing of such charges. Continuances may be granted from time to time upon motion of any party to the proceeding by order of the Board. This time limitation is not applicable to hearings conducted to review suspensions of five (5) days or less imposed by a Chief of a department on one of its members.
- d) No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall be allowed.
- e) "Cause" is some substantial shortcoming that 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 employee to no longer occupy the position. The Board has the right to determine what constitutes cause.
- f) The complainant or appellant initiating any proceedings which call for a hearing before the Board shall have the burden of proof to establish by a preponderance of the evidence (whether a civil or criminal complaint) that cause for discipline exists or that a suspension, previously imposed by the Chief of a department, is unwarranted.
- g) The phrase "preponderance of evidence" is defined as the greater weight of the evidence, that is to say, it rests with that evidence which, when fairly considered produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.
- h) Probationary employees may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time employees by statute or these rules.

- i) All hearings shall be public, in accordance with the Open Meetings Act.
- j) At the time and place of hearing, counsel may represent both parties, if they so desire.
- k) All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board.
- l) The records of all hearings will not be transcribed by the court reporter unless requested to do so by the Board or any party of interest.
- m) All witnesses shall be sworn prior to testifying and the Board solely on evidence presented at the hearings will decide the matter.
- n) The Board will first hear the witnesses either substantiating the charges which have been made against the respondent or in support of an appeal brought by a suspended employee. Thereafter the other party may present and examine those witnesses whom he desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

SECTION 3 - HEARING PROCEDURE.

- a) **Complaints:** In all cases, written complaints shall be filed with the Secretary of the Board setting forth a plain and concise statement of the facts upon which the complaint is based.
- b) **Probable Cause:** The Board shall have the right to determine whether there is or is not probable cause for hearing a complaint and may conduct such informal hearings as may be necessary for such purpose.
- c) **Notification of Hearing:** Upon the filing of a complaint and the determination by the Board of probable cause for entertaining said complaint, the Secretary of the Board shall notify both the complainant and the respondent of the time and place of the hearing of the charges contained in the complaint. The respondent shall also be served with a copy of the complaint, and if an order of suspension pending a hearing is entered by the Board, the respondent, the complainant, the Chief of the Department, and City Administrator shall be notified of the entry of such order of suspension pending a hearing.
- d) **Continuances:** The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.
- e) **Stipulations:** Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, as to evidenced guilt. The facts so stipulated shall be considered as evidence in the proceeding.

In the event a respondent has been suspended pending a hearing and desires a continuance, it shall also be stipulated and agreed that in the event said respondent is to be retained in

his position as a result of a decision of the Board following a hearing of the cause, then no compensation shall be paid to said respondent during the period of said continuance.

- f) **Sufficiency of Charges-Objections to:** Motions or objections to the sufficiency of written charges must be filed or made prior to or at the hearing before the Board.

SECTION 4 - SUBPOENAS.

- a) Any party to an administrative hearing may, at any time before the hearing, make application to the Board by filing with it a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records, accounts and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person 21 years of age or older designated by the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents, which they are to produce. Subpoenas will not be issued for anyone residing outside of the State of Illinois.
- b) Any request for continuance by reason of inability to serve subpoenas shall be filed with Board at least three (3) days before the date set for such hearing, provided, that the Board, in its discretion, may waive this rule.

SECTION 5 - SERVICE.

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

SECTION 6 - FILING.

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

SECTION 7 - COMPUTATION OF TIME.

The time within which any act under these Rules is to be done shall be computed by excluding the first day and including the last, unless the last day is Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in the State, and then 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 8 - DISCHARGE OR SUSPENSION AFTER HEARING.

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

SECTION 9 - FINDINGS AND DECISION.

In case any employee of the Fire or Police Department shall be found guilty of the charges filed, after a hearing by the Board, the employee may be removed, discharged, or suspended for a period not exceeding thirty (30) days, without pay. Upon an appeal, the Board may sustain the action of the Chief, may reverse it, in whole or in part, or may suspend the employee for an additional period of not more than thirty (30) days or discharge the employee depending on the facts presented.

The findings and decision of the Board, following a hearing of charges, shall be preserved by the Secretary, and notice of said finding and decision sent to the employee involved and the Chief of the Department. If the finding or decision is that an employee is guilty of charges investigated, and removal or discharge is ordered, such order of removal or discharge shall become effective forthwith. (See Section 8 of this Chapter VI).

SECTION 10 - RULES - CONFLICT.

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

SECTION 11 - VIOLATION OF RULES.

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

SECTION 12 - VIOLATION OF LAW.

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

CHAPTER VII - GENERAL

SECTION 1 - POWERS.

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

SECTION 2 - CONFLICTS.

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

SECTION 3 - LEAVE OF ABSENCE.

A person holding a position in a fire or police department who is injured while in the performance of his duties and because of such injury is temporarily unable to continue to perform his duties or who enters the military or naval service of the United States because of a war in which the United States is a party belligerent or as required by any Act of Congress shall, upon written application to the Board, be granted a disability or military leave, as the case may be.

A person who has been on disability or military leave granted by the Board and who wishes to return to active duty in his certified position shall be credited with seniority for the period of such leave and, if otherwise qualified, shall be reinstated to his certified position at the rank or grade held at the start of the leave, not more than 60 days after his written request for reinstatement is filed with the Board. Such request shall be filed not more than 30 days after termination of the disability or military or naval service (10-2.1-23 & 24).

SECTION 4 - POLITICAL CONTRIBUTIONS.

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

SECTION 5 – AMENDMENTS.

Amendments to the Rules and Regulations of the Board may be made at any meeting of the Board. A notice shall be published, in a newspaper of general circulation in the municipality, specifying where such Rules are available for inspection. The notice shall specify the date, not less than ten

(10) days subsequent to the date of such publication when said Rules and Regulations shall become effective.