

**RULES and REGULATIONS of the**  
**BOARD OF FIRE AND POLICE**  
**COMMISSIONERS**

**CITY OF DEKALB**  
**STATE OF ILLINOIS**



**ADOPTED BY THE BOARD OF FIRE and POLICE COMMISSIONERS**

**AS REVISED ON AUGUST 29, 2016**

## TABLE OF CONTENTS

### CHAPTER I

#### ADMINISTRATION

Section 1.	Source of Authority .....	3
Section 2.	Definitions .....	3
Section 3.	Officers of the Board and their Duties .....	3
Section 4.	Meetings .....	3
Section 5.	Quorum .....	4
Section 6.	Order of Business.....	4
Section 7.	Procedures.....	4
Section 8.	Amendments .....	4
Section 9.	Annual Report and Budget Request.....	5
Section 10.	Testing Administration .....	5
Section 11.	Consideration of Candidates .....	5
Section 12.	Staff Liaison .....	5

### CHAPTER II      JOB REQUIREMENTS, APPLICATIONS AND TESTING REQUIREMENTS

Section 1.	Citizenship, Residence and Anti-Discrimination.....	7
Section 2.	Application Forms .....	7
Section 3.	Disqualification.....	7
Section 4.	Defective Applications .....	8
Section 5.	Special Qualifications .....	8
Section 6.	Physical Requirements.....	9
Section 7.	Age Requirements.....	9
Section 8.	Notice of Acceptance .....	9
Section 9.	Release of Liability.....	10

### CHAPTER IIIA

#### EXAMINATIONS FOR ORIGINAL APPOINTMENTS POLICE DEPARTMENT

Section 1.	Notice of Examination .....	11
Section 2.	Type of Examinations.....	11
Section 3.	Examinations – Minimum Grade.....	11
Section 4.	Original Appointment – Physical Aptitude Test.....	11
Section 5.	Original Appointment – Written Examinations .....	11
Section 6.	Original Appointment – Oral Examinations .....	12
Section 7.	Initial Eligibility List .....	12
Section 8.	Final Eligibility List.....	12
Section 9.	Lateral Hiring List .....	13
Section 10.	Pre-Employment Agreement, Professional Examinations and Tests.....	13
Section 11.	Probationary Appointment.....	14
Section 12.	Notification of Candidates .....	14
Section 13.	Certification .....	14

### CHAPTER IIIB

#### EXAMINATIONS FOR ORIGINAL APPOINTMENTS FIRE DEPARTMENT

Section 1.	Notice of Examination .....	15
Section 2.	Type of Examinations.....	15
Section 3.	Qualifications for Initial Eligibility List .....	16

Section 4.	Preference Points and Application.....	16
Section 5.	Final Eligibility List.....	17
Section 6.	Notification of Candidates.....	17
Section 7.	Original Appointments.....	17
Section 8.	Pre-Employment Agreement, Professional Examinations and Tests.....	18
Section 9.	Probationary Appointment.....	18
Section 10.	Certification.....	18

**CHAPTER IV POLICE PROMOTIONAL EXAMINATIONS**

Section 1.	General.....	19
Section 2.	Grading.....	19
Section 3.	Veteran’s Preference Points.....	19
Section 4.	Disqualification from Promotional Process.....	20
Section 5.	Promotional Vacancy.....	20
Section 6.	Excluded Positions.....	20

**CHAPTER V FIRE PROMOTIONAL EXAMINATIONS**

Section 1.	General.....	21
Section 2.	Veteran’s Preference Points.....	21
Section 3.	Disqualification from Promotional Process.....	21
Section 4.	Excluded Positions.....	21

**CHAPTER VI ORDER OF RANK, CLASSIFICATION AND OATH OF OFFICE**

Section 1.	Rank.....	22
Section 2.	Classification.....	22
Section 3.	Oath of Office.....	22

**CHAPTER VII HEARING OF CHARGES FOR REMOVALS, SUSPENSIONS AND DISCHARGES**

Section 1.	Hearing of Charges.....	23
Section 2.	Hearing Procedures.....	24
Section 3.	Subpoenas.....	24
Section 4.	Service.....	25
Section 5.	Filing.....	25
Section 6.	Forms of Paper.....	25
Section 7.	Computation of Time.....	25
Section 8.	Suspension.....	25
Section 9.	Discharge or Suspension After Hearing.....	26
Section 10.	Date of Hearing.....	26
Section 11.	Findings and Order.....	26
Section 12.	Review of Decision.....	26
Section 13.	Rules Conflict.....	26
Section 14.	Political Contributions.....	26
Section 15.	Political Activities.....	27
Section 16.	Violation of Rules.....	27
Section 17.	Violation of Law.....	27

# **CHAPTER I** **ADMINISTRATION**

## **SECTION 1. SOURCE OF AUTHORITY**

The Board of Fire and Police Commissioners (BFPC) of the City of DeKalb 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 or by City Ordinance.

In the event of any conflict between Board policy and the terms of a collective bargaining agreement (CBA) covering the City of DeKalb employees, the two shall be read together and deemed supplementary to each other wherever possible, but the CBA's provisions shall prevail if there is a direct conflict and the rules and CBA cannot be read together.

Any Chapters, Sections and/or Sub-Sections of the foregoing Rules and Regulations for the operation of the Board of Fire and Police Commissioners 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 Sub-Sections of said Rules and Regulations.

All officers and members of the Fire and/or Police Departments shall observe and obey all Rules and Regulations of the Board of Fire and Police Commissioners which are in force or which may be adopted hereafter as well as all Rules and Regulations for the operation of the Fire and/or Police Department in force or which may be adopted hereafter

## **SECTION 2. DEFINITIONS**

The words "Commission" or "Board" shall mean the Board of Fire and Police Commissioners of the City of DeKalb. The word "Commissioner" shall refer to an individual member of the Board. The word "City" shall mean the City of DeKalb, Illinois. The word "officer" shall mean any person holding a permanent office in the Police or Fire Department of the City of DeKalb. The masculine noun or pronoun includes the feminine. The singular includes the plural and the plural includes the singular.

## **SECTION 3. OFFICERS OF THE BOARD AND THEIR DUTIES**

The Board shall annually, at the first regular meeting in May, elect a Chairman. The Board shall be provided a staff liaison and the liaison or designee thereof shall serve as the Secretary. The Chairman shall hold office for one year and until their successors are duly elected and qualified. The Chairman shall schedule all meetings, act as the presiding officer at all meetings, and provide other appropriate leadership in the conduct of the Board's business. The Secretary shall maintain a record of the minutes of all meetings in a permanent file and shall be the custodian of all forms, correspondences, books, records and completed examinations of the Board. The Secretary will personally execute correspondences and records for which confidentiality must be maintained, but may enlist clerical support for other types of correspondences, recording of minutes, etc. as deemed necessary. Each Board member shall attend Modules I, II, III & IV training sessions offered by the Illinois Fire and Police Commissioners Association at the member's earliest convenience provided the Board's budget provides for attendance at same.

## **SECTION 4. MEETINGS**

### **A. Regular Meetings**

Regular meetings shall be held on the first Tuesday of February, May, August and November at 5:00 PM at the Police Headquarters, 700 W Lincoln Highway, DeKalb, Illinois, unless otherwise provided in the notice thereof. Meetings shall be held in accordance with the Illinois Open Meetings Act, 5 ILCS 120/1 et seq.

**B. Special Meetings**

Special Meetings may be called by the Chair or the Secretary. Meetings shall be held in accordance with the Illinois Open Meetings Act, 5 ILCS 120/1 et seq.

**C. Executive Sessions**

During any regular or special meeting, an executive session may be held for any purpose permitted by law as set forth in 5 ILCS 120/2. Executive sessions may be limited to Commissioners and such invited persons as the Commission may deem necessary. The Secretary will record the motion to close the meeting, record the roll call vote of the Commissioners on said motion, and keep minutes of the closed session. Closed session meetings shall be recorded, and the audible tapes saved, in accordance with state statute. A verbatim video or audio tape recording of each closed session shall be made and preserved for eighteen (18) months in accordance with the Open Meetings Act. The Board shall semi-annually review the minutes of all closed sessions to determine whether the need for confidentiality still exists as to all or part of those minutes and whether the minutes or portions thereof may be made available for public inspection. (5 ILCS 120/2 and 2a)

**SECTION 5. QUORUM**

Two 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:

1. Roll Call
2. Approval of the Agenda-Additions/Deletions
3. Considerations/Public Participation
4. Approval of Minutes
5. Old Business
6. New Business
7. Approval Of A Request To Move To Executive Session
8. Announcements
9. Adjournment

**SECTION 7. PROCEDURE**

The parliamentary procedure prescribed in Robert's Rules of Order shall be followed as far as applicable. The agenda for a "Regular Meeting" shall allow for "Public Comment" to permit individuals to appear before and address their concerns to the members of the Commission. The Commission may limit those individuals appearing during the open forum to a presentation not to exceed three (3) minutes and may require an individual to be seated if the individual addresses those present in a disrespectful or discourteous manner or the subject matter being presented is not relevant to the duties and responsibilities of the Commission.

**SECTION 8. AMENDMENTS**

Amendments to the rules of the Board may be made at any meeting of the Board. Any amendment, which is deemed necessary by the Board to better serve interests, which are unique to our community, may be made under the provisions of Home Rule Authority. Amendments not requiring Home Rule Authority shall be made by a simple majority vote of Board. All amendments having been duly and correctly adopted shall be printed forthwith for distribution and notice shall be given of the place or places where said amended Rules and Regulations may be obtained. The notice shall specify the date the rules shall go into effect, which must be at least 10 days subsequent to the date of such publication, unless the Board exercises the City's home rule authority and prescribes a lesser number of days.

## **SECTION 9. ANNUAL REPORT AND BUDGET REQUEST**

The Board shall submit an Annual Report of its activities as required by Section 5/10-2.1-19 of the Act, and a Budget Request for the ensuing year as required by local ordinance and Section 5/10-2.1-19 of the Act, on or before the close of each fiscal year of this municipality.

## **SECTION 10. TESTING ADMINISTRATION**

The testing process for entry-level Fire and Police applicants will follow Chapters Two and Three or to be conducted by such qualified person at the discretion of the City.

## **SECTION 11. CONSIDERATION OF CANDIDATES**

The Board may act:

- A. To approve the inclusion of persons on any eligibility list or the exclusion of persons from any eligibility list.
- B. To authorize moving a candidate into one or more of the required stages of psychological examination, medical examination, background check, and polygraph test.
- C. To disqualify a candidate from further examination based upon the results of any component of the testing or evaluation; or,
- D. To make a conditional or unconditional offer of employment to a candidate.

Said actions may be taken by the Board, acting as a public body, or may be taken pursuant to Section 12. Notwithstanding any contrary provision of these rules, there shall be no requirement to hold a meeting or take public action to deny inclusion on an eligibility list to any candidate who fails to pass a mandatory pre-employment test (e.g. mental aptitude test or physical ability test); such action may be taken administratively, by any employee of the City's Human Resources Department.

## **SECTION 12. STAFF LIAISON**

The Commission shall have a staff liaison who shall be authorized to take the following actions on behalf of the Commission:

- A. Send all correspondence and responses to applicants, including but not limited to eligibility lists, regret letters, offer letters and conditional offers of employment.
- B. Approval of "Initial Eligibility List", "Preliminary List" and "Final Eligibility List" scoring calculations and publication of lists (with the components thereof being completed and calculated in accordance with these rules and applicable law).
- C. For applicants included on a "Final Eligibility List", the liaison shall be authorized to advance such applicants through various stages of pre-employment testing (background investigation, polygraph examination, psychological examination, etc.) in accordance with the following procedure.
  - i. When the City has an opening for a sworn position hired through the BFPC for a Police Officer or Firefighter/Paramedic of the City, and the City has a then-current Final Eligibility List, the staff liaison shall notify the Commission that the City is commencing hiring, and shall contact the candidate and request that they submit for a polygraph examination. At the discretion of the Chief of Police, the City may complete the polygraph examination and background investigation simultaneously for Police Officer

positions. If the Chief believes that the most highly-ranked candidate should be excluded or passed for a lawful reason, the Chief may request that the Commission conduct a special meeting to approve of the same.

- ii. Upon completion of the polygraph examination, the liaison shall provide the results of the examination to the Commission. The Commission shall have 48 hours to review said results. If any individual Commissioner wishes to have a special meeting to discuss the results and/or take action, he or she shall notify the liaison and a special meeting shall be conferred as soon as practical. If there is no request for a special meeting, the liaison shall advance the candidate to the initiation or completion of a background investigation.
- iii. Upon completion of the background investigation, the liaison shall provide the results of the examination to the Commission. The Commission shall have 48 hours to review said results. If any individual Commissioner wishes to have a special meeting to discuss the results and/or take action, he or she shall notify the liaison and a special meeting shall be conferred as soon as practical. If there is no request for a special meeting, the liaison shall submit a conditional offer of employment to the candidate in form and content acceptable to the City.
- iv. Upon the candidate's acceptance of the conditional offer of employment, the candidate shall submit to a psychological examination. Upon completion of the psychological examination, the liaison shall provide the results of the examination to the Commission. The Commission shall have 48 hours to review said results. If any individual Commissioner wishes to have a special meeting to discuss the results and/or take action, he or she shall notify the liaison and a special meeting shall be conferred as soon as practical. If there is no request for a special meeting, the liaison shall advance the candidate to the initiation or completion of a medical examination.
- v. Upon completion of the medical examination, the results of said examination shall be evaluated by the staff liaison. The liaison shall be authorized at said point to either forward the candidate for approval of final hire by the Human Resources Director, or to refer the matter to the Commission for further consideration at a special meeting.

## CHAPTER II

### **JOB REQUIREMENTS, APPLICATIONS AND TESTING REQUIREMENTS**

#### **SECTION 1. CITIZENSHIP, RESIDENCE AND ANTI-DISCRIMINATION**

Applicants for examination must be citizens of the United States.

The Commission's process for selecting applicants shall be public, competitive and open to all such citizens of the United States. The City of DeKalb and the Commission do not discriminate on the basis of race, gender, ethnicity, religion, age or any other suspect classification, except in the case of age where such determination is permitted or required by applicable law.

#### **SECTION 2. APPLICATION FORMS**

Applications for full-time positions with the City of DeKalb shall make application on forms or venues (online applicant tracking systems) being used by the City. Applicants must file their application with the Board or its agent(s) prior to taking any examination, and must comply with the instructions and requirements of the job announcement and application form in every respect.

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

A false statement or omission of a material nature knowingly made by a person in an application or 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 disqualification or exclusion from the examination process, and/or discharge from the City of DeKalb.

#### **SECTION 3. DISQUALIFICATION**

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

- A. Who is found lacking in any of the established preliminary requirements for the service for which he/she applies.
- B. Who is physically unable to perform the duties of the position to which he/she seeks appointment.
- C. Who is currently addicted to the habitual use of intoxicating beverages or is found to be currently engaging in the illegal use of drugs and/or narcotics.
- D. Who has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in Section 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 his application.
- G. Who may be found disqualified in personal qualifications of health.
- H. Whose character and employment references are unsatisfactory.



- I. Who does not possess a high school education or its equivalent and who does not meet the special qualifications listed in Section 5 of this Chapter.
- J. Who has applied for the position of a Police Officer, and is or has been classified by his Local Selective Service Draft Board as a conscientious objector.
- K. Who has a record of misdemeanor, felony or other criminal conviction that, under applicable state law, constitutes a basis for disqualification on grounds of habit or moral character, as determined by the Commission; or,
- L. Who has a record of misdemeanor, felony or other criminal arrest or conviction that, under applicable state law, constitutes a basis for disqualification from a position with the police department on grounds of habit or moral character, as determined by the Commission.
- M. It is the policy of the Board of Fire & Police Commissioners and the City of DeKalb to provide all employees with equal employment opportunities for career advancement without fear of favoritism or penalty, actual or implied, based on family relations. The BFPC and City of DeKalb will not hire any relative of a current City employee or current elected or appointed official for employment with the City. Employees or officials may not influence the hiring of others. Relative is defined as spouse, child or step-child, parent or step-parent, guardian, sibling, mother-in-law, father-in-law, sister-in-law, brother-in-law, or other relative living at employee's residence.
- N. Who is otherwise ineligible for appointment or employment pursuant to applicable laws and regulations.

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

#### **SECTION 4. DEFECTIVE APPLICATIONS**

Defective applications may be returned to the applicant for correction, provided the applicant qualified for the position sought. Applicants may be required to provide additional information or documentation for clarification of their application provided that the applicant is otherwise qualified for the position sought.

#### **SECTION 5. SPECIAL QUALIFICATIONS**

At the time of application, each applicant must possess a valid driver's license (not necessarily an Illinois license), and must be a graduate of a senior high school or have acquired the equivalency diploma through GED.

Additional requirements at **time of appointment**:

- A. Possesses a valid Illinois driver's license.
- B. **Police applicants**
  - The applicant must provide evidence showing the completion of an Associate's Degree, 60 semester hours or the equivalent of 9 quarters of college credit from an accredited college or university, or two (2) years of full-time active and continuous military service in the United States Armed Forces with an honorable discharge, or possess certification as a full-time Permanent Police Officer as defined in 50 ILCS 705/1, *et seq.*

### **C. Firefighter/Paramedic applicants**

- The applicant must provide evidence showing State of Illinois (IDPH) Paramedic License (EMT-P).
- Certified as a Firefighter Basic (Firefighter II) or Advanced (Firefighter III) by the Illinois State Fire Marshall's Office.
- Successful completion of the Candidate Physical Ability Test (CPAT) with Ladder Climb Certification conducted by a licensed agency within twelve (12) months prior to the last date established by the Commission for the acceptance of applications.

The Commission may require evidence of any special training or practical experience that it deems appropriate.

### **SECTION 6. PHYSICAL REQUIREMENTS**

Applicants for the positions of Firefighter/Paramedic or Police Officer must meet valid standards of health and physical aptitude upon the offering of the position of Firefighter/Paramedic or Police Officer.

Applicants will be required, just prior to appointment, to successfully complete a thorough medical evaluation including medical examination, vision screening, psychological evaluation, and polygraph to assess their fitness to perform the duties of the position sought.

Applicants shall also be required to demonstrate proof of having successfully completed any position or department specific physical testing as may be outlined in any other component of these Rules and Regulations.

### **SECTION 7. AGE REQUIREMENTS**

Applicants must be 21 years of age prior to taking any test leading to employment as a Police Officer or Firefighter/Paramedic in the City of DeKalb, or 20 years old if they meet the Special Qualifications listed in Section 5 of this Chapter. Any applicant who is appointed to the Police Department under this provision must have reached the 21<sup>st</sup> birthday prior to probationary appointment, however an underage applicant whose name is passed over on the eligibility list under this provision would retain the original position of his name on the list. Proof of birth date will be required at time of application.

Applicants taking any test leading to employment as a Police Officer or Firefighter/Paramedic in the City of DeKalb must not have reached his 35<sup>th</sup> birthdate, or 41<sup>st</sup> birthdate if currently a Certified State of Illinois Full-time Peace Officer by the job application deadline.

The age requirements of this Section shall be amended or waived as required under the applicable and then-current provisions of 65 ILCS 10-2.1-6 or 65 ILCS 5/10-2.1-6.3 (or other applicable Illinois statute). For purposes of any age exception that is based upon previous service to the City as a policeman or fireman in the regularly constituted police or fire department of the City, such service must have been within the five years preceding application to be creditable. Unless otherwise required by law, no applicant shall have reached his or her 50<sup>th</sup> birthday prior to application.

### **SECTION 8. NOTICE OF ACCEPTANCE**

The Secretary will notify all applicants whose applications have been accepted by the Board for subsequent examination.

**SECTION 9. RELEASE OF LIABILITY**

All applicants shall execute and deliver to the Board a release of all liability as the result of taking a “Physical Aptitude Test” in favor of the City of DeKalb on a form to be prescribed by the Board. Applicants shall also execute any other waivers, releases or agreements as shall be required by the City or Commission, relating to the disclosure of personal information, records or other data that shall be required at any time during the application process.

**CHAPTER IIIA**  
**EXAMINATIONS**  
**ORIGINAL APPOINTMENT**  
**POLICE DEPARTMENT**

**SECTION 1. NOTICE OF EXAMINATIONS**

The Commission shall hold examinations to fill vacancies for full time positions in the City. Examinations shall be held on the dates fixed by the Commission. The Commission may utilize the services of a third-party testing agency to conduct any portion or portions of such examination. All examinations shall be advertised in a local newspaper as required by law to encourage the application of as many qualified applicants as possible and must be given by publication at least two (2) weeks preceding the examination. The notice of examination shall include a statement of:

- A. The deadline by which all applications will be received.
- B. The date, time, and location where such examinations will be held.
- C. Any fees to be charged to cover application and examination costs (if applicable).
- D. Any other documents required by the Commission.
- E. The general scope of the examination and the merit criteria for any subjective component set forth by the Board including notice of criteria necessary for any available preference points.

The examinations may be postponed, however, by order of the Commission. When an examination is postponed, the Commission shall designate a new date for the examination. Applicants shall be notified of the postponement of any examination and the new date for examination.

**SECTION 2. TYPE OF EXAMINATIONS**

Applicants may be required to attend the orientation program sponsored by the Board. In addition, applicants may be required to participate in a physical aptitude test, written and oral examinations as determined by the Board, and as set forth in Section 4 of this Chapter. No examination shall contain questions regarding applicant's political or religious opinions or affiliations.

**SECTION 3. EXAMINATIONS – MINIMUM GRADE**

All grades shall be based upon weighing of criteria defined by the Commission. Such criteria shall be established before tests are administered. The Board may rank the candidates and assign them a percentile or raw score based upon performance in elements of the testing process.

**SECTION 4. ORIGINAL APPOINTMENT – PHYSICAL APTITUDE TEST**

Applicants are required to undergo an examination of their physical ability to perform the essential functions included in the duties they may be called upon to perform.

**SECTION 5. ORIGINAL APPOINTMENT – WRITTEN EXAMINATIONS**

Information as to the type of written examination employed by the Board will be provided in the job announcement. All examination results shall be and remain the property of the City of DeKalb 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 grade will be notified and eliminated from all further consideration.

## **SECTION 6. ORIGINAL APPOINTMENT – ORAL EXAMINATIONS**

All Commissioners shall participate in the Oral Examination except wherein one Commissioner is absent due to illness or when matters of emergency preclude attendance. In no event shall less than two (2) Commissioners conduct the Oral Examination. A representative from Human Resources Department and Police and/or Fire may also be present during the oral examinations. Questions shall be asked of the applicant that will enable the Commissioners to properly evaluate and grade the applicant's speech, alertness, ability to communicate, judgment, self-confidence, social skills and general fitness for the position. On completion of each oral examination the Commissioners will discuss the applicant's abilities using the traits listed above. Applicants who fail to successfully complete the oral examination will be notified and eliminated from further consideration.

## **SECTION 7. INITIAL ELIGIBILITY LIST**

- A. The Commissioners will prepare an "Initial Eligibility List" of the candidates successfully completing written test, and oral interview. The candidates will be listed in order of excellence based on their final weighted score.
- B. A dated copy of the "Initial Eligibility List" shall be sent to each person appearing thereon.
- C. Any person who is eligible for application of Veteran's Preference Points, as provided by law, shall be able to claim such preference points within 10 days of the date of notice or posting of the "Initial Eligibility List". If such points are not claimed within the 10 day period, such points shall be waived.

## **SECTION 8. FINAL ELIGIBILITY LIST**

- A. The "Final Eligibility List" shall be prepared in accordance with these rules, which shall include claimed veteran's preference points.
- B. A dated copy of the "Final Eligibility List" shall be sent to each person appearing thereon. This copy shall include the date of expiration of the list two (2) years hence, except in those events when the Board by formal action extends such list.
- C. Appointment from this "Final Eligibility List" is subject to satisfactorily passing an in-depth psychological examination, a polygraph examination, background investigation, and a thorough medical examination (which may include a test of the applicant's vision, hearing, for the presence of communicable diseases, as well as a test to screen for the use of drugs and/or narcotics). For Police Officer: prior to entry into the Police Training Institute each appointee will be required, as a condition of employment, to precertify physical ability to pass the Peace Officer Wellness Evaluation Report (POWER) Test and subsequently must successfully complete the minimum standards of Basic Law Enforcement Training course prescribed under the provisions of Public Act 79-720, and achieve a passing score on the Law Enforcement Officers Certification Examination.
- D. A final oral interview may be scheduled at the Board's discretion.
- E. The "Final Eligibility List" may be abolished by the Commission at any time, and the Commission may retest and create a new list at any time. Any name remaining on the list after a period of two years shall be stricken.

## **SECTION 9. LATERAL HIRING LIST**

The Board shall establish and maintain a separate Register of Certified Police Officers for the Police Department for purposes of lateral entry. This Register shall be comprised exclusively of individuals who have been certified by the Illinois Law Enforcement Training Standards Board; have been employed with their respective law enforcement agency within the State for at least 2 years, and have been actively employed as a Police Officer within the last 12 months.

All such applicants must provide documentation that they have fulfilled the above stated requirements and the requirements of the Police Training Act, to the satisfaction of the Board. Upon a determination of qualification for lateral entry as set forth above, applicants shall be examined orally and shall be placed upon the separate Lateral Hiring List in order of their relative excellence based upon their final score in oral examinations only (no written examination shall be required).

No preference points shall be applied for individuals on the Lateral Hiring List. Said individuals, however, must complete all other examination elements set forth herein, including the pre-employment agreement, professional examination, expense reimbursement agreement and testing. The individual with the highest ranking on the Register of Certified Police Officers will be considered tied with the highest ranking applicant from the separate "Final Eligibility List" established in Section 9, above, for Police Officers for purposes of an appointment to a vacancy by the Board.

The staff liaison, in consultation with the Chief, may make an offer of employment to either a candidate from the Section 8 "Final Eligibility List" or the Section 9 Lateral Hiring List. The Board may abolish the then-current Lateral Hiring List and reestablish a new Lateral Hiring List at any time.

## **SECTION 10. PRE-EMPLOYMENT AGREEMENT, PROFESSIONAL EXAMINATIONS AND TESTS**

- A. Each applicant shall be required to complete required forms, releases and waivers utilized by the City's Human Resources Department, including waivers authorizing completion of polygraph testing, background investigation, psychological testing, medical examination, or any other testing required by the Human Resources Department.
- B. As part of the recruitment process, eligible candidates shall be required to submit to an in-depth background investigation and polygraph screening, administered by a licensed examiner. Such test shall be given without expense to the applicant. Such investigation and screening shall examine the candidate's work record, criminal conviction history, educational experience, fingerprints, and other factors of background and life experience which shall be reasonably related to the requirements of the position. Failure of the applicant to take or successfully complete such test shall disqualify the applicant to enter upon the duties of the office for which the application for examination was filed.
- C. Following the acceptance of the conditional offer of employment, the candidate shall be subjected to a medical evaluation. The medical examination will be conducted by physicians selected by the City of DeKalb which will include a comprehensive drug evaluation and which shall be paid for by the City and shall be graded on a pass/fail basis.
- D. Following the acceptance of the conditional offer of employment, the candidate shall be subjected to an in-depth Psychological Evaluation given by a reputable testing firm. The Psychological Evaluation will be administered at the offices of the testing firm unless otherwise determined by the Commission. The testing firm will provide a recommendation indicating, in their opinion, whether or not the candidate should be hired by the City of DeKalb.

- E. Each applicant shall be required to complete an agreement for reimbursement of expenses in the form then-currently utilized by the City or Commission. Such agreement shall be executed prior to any probationary appointment, and shall be a prerequisite for appointment. Such agreement shall provide for the reimbursement, to the City, of expenses incurred in training and certifying the applicant, should the applicant be terminated for cause or voluntarily terminate his employment with the City during the first three (3) years of employment.

#### **SECTION 11. PROBATIONARY APPOINTMENT**

- A. All vacancies for Police Officer of the Police Department shall be filled by individuals from the “Final Eligibility List” having met all requirements previously listed. All original appointments to the Police Department shall be for a probationary period of 15 months from the original date of appointment. Time served on probation, whether continuous or not shall be credited upon the period of probation.
- B. Any person whose name appears on the “Final Eligibility List” 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.
- C. Original probationary appointees who are deemed unsatisfactory based on performance during the probationary period shall in no case be discharged until the Department Head has notified the Board in writing of the unsatisfactory performance constituting grounds for dismissal.

#### **SECTION 12. NOTIFICATION OF CANDIDATES**

Each candidate completing the testing process will be notified in writing within a reasonable time as to his status in the recruitment process.

#### **SECTION 13. CERTIFICATION**

Final certification of probationary Police Officers shall be subject to successful completion of the Basic Training Course as provided by the Illinois Governmental Law Enforcement Officers Training Board within the prescribed probationary period. Inability to successfully complete this course shall be grounds for dismissal.

**CHAPTER IIIB**  
**EXAMINATIONS**  
**ORIGINAL APPOINTMENT**  
**FIRE DEPARTMENT**

**SECTION 1. NOTICE OF EXAMINATIONS**

The Commission shall hold examinations to fill vacancies for full time positions in the City. Examinations shall be held on the dates fixed by the Commission. The Commission may utilize the services of a third-party testing agency to conduct any portion or portions of such examination. All examinations shall be advertised in a local newspaper as required by law to encourage the application of as many qualified applicants as possible and must be given by publication at least two (2) weeks preceding the examination. The notice of examination shall include a statement of:

- A. The deadline by which all applications will be received.
- B. The date, time, and location where such examinations will be held.
- C. Any fees to be charged to cover application and examination costs (if applicable).
- D. Any other documents required by the Commission.
- E. The general scope of the examination and the merit criteria for any subjective component set forth by the Board including notice of criteria necessary for any available preference points.

The Commission rejects the alternative procedure for appointment contemplated by 65 ILCS 5/10-2.1-6.4.

The examinations may be postponed, however, by order of the Commission. When an examination is postponed, the Commission shall designate a new date for the examination. Applicants shall be notified of the postponement of any examination and the new date for examination.

**SECTION 2. TYPE OF EXAMINATIONS**

Applicants may be required to attend the orientation program sponsored by the Board. In addition, applicants may be required to participate in a physical aptitude test, written and oral examinations as determined by the Board, and as set forth in Section 4 of this Chapter. No examination shall contain questions regarding applicant's political or religious opinions or affiliations. Examinations and qualification shall be based upon: mental aptitude, physical ability, preferences, moral character and health, along with a subjective component based on merit criteria. All scores resulting from any aspect of the examination shall be available to the public.

- A. **Mental Aptitude:** No person who does not possess at least a high school diploma or GED shall be placed on the eligibility register. Examination of mental aptitude shall be based upon a written examination, which shall be practical in character and related to those matters that fairly test the capacity of an applicant to discharge the duties of a Firefighter/Paramedic. The cut-off score for the written examination will be based on the recommendation of the developer of the written examination and will be consistent with minimally qualified performance in the Firefighter/Paramedic position. The mental aptitude test shall be weighted as 40% of the total 100 points in the entry level Firefighter/Paramedic testing process.
- B. **Preliminary Eligibility List:** The Board may create a "Preliminary Eligibility Register". A candidate is eligible to be placed on this Register based upon passage of the written examination, by attaining the minimum score set by the Commission. The cut-off score for the written examination will be based on the recommendation of the developer of the written



examination and will be consistent with minimally qualified performance in the Firefighter/Paramedic position. The Board requires CPAT with Ladder Climb Certification before the creation of the “Preliminary Eligibility Register”. The Board may exercise its option to utilize a “Preliminary Eligibility Register” until after all applications have been accepted.

- C. **Subjective Examination:** The Board may conduct a subjective evaluation of candidates. The merit criteria for the subjective criteria shall be announced by the Board in the public notice of the exam. There shall be no minimum passing score for this component. Scores will be calculated objectively and used to rank candidates for placement on the “Initial Eligibility Register”. Questions may be asked of the applicant that will enable the Commission to fairly evaluate the applicant’s fitness for the position and his skills and abilities relevant to the successful performance of duties in the position, as determined by the Commission.

The interview shall include questions designed to test the applicant’s capacity to discharge the duties of a Firefighter/Paramedic, including practical or scenario based questions, the applicant’s ability to respond to questions and changing circumstances in high-pressure environments, the applicant’s problem solving ability, the applicant’s multi-tasking ability, the applicant’s interpersonal communication skills and the applicant’s memory, recall and documentation skills. The oral examination shall be weighted as 60% of the total 100 points in the entry level Firefighter/Paramedic testing process.

### **SECTION 3. QUALIFICATIONS FOR INITIAL ELIGIBILITY LIST**

The combined scores from the Mental Aptitude and Subjective Examinations shall be compiled into a score based on a one-hundred (100) point scale. As outlined above, the Mental Aptitude shall comprise 40% of the 100 total points and the Subjective Examination shall comprise 60% of the total 100 points.

All applicant scores shall be subject to public release at any time. The Commission may set a minimum passing score required for inclusion on the “Initial Eligibility List”. All applicants whose score, prior to the application of preference points, is equal to or greater than the minimum passing score (if any) established by the Commission shall be included on the “Initial Eligibility List”.

The “Initial Eligibility List” shall be publicly posted by the Commission within 60 days after the completion of the examination. Candidates who wish to receive preference points in accordance with these Rules and Regulations shall, within 10 days of the date of the posting of the “Preliminary Eligibility List”, submit a written claim for any preference points for which they are eligible (and with such written claim, shall include certified copies of any and all documentation required to establish eligibility for the same).

### **SECTION 4. PREFERENCE POINTS AND APPLICATION**

Candidates shall receive information regarding preference points with the job announcement. A maximum of 10 preference points shall be available for applicants to claim as outlined in the preceding section. Upon the request of a qualified applicant:

- A. **Veteran Preference Points:** Five (5) preference points shall be assigned to any applicant who was engaged in active service for at least one (1) year in the United States military, and who was honorably discharged. Reserve or National Guard service without one year of active duty service shall not entitle an applicant to any Veteran’s Preference Points.
- B. **Residency Preference Points:** Two (2) preference points shall be assigned to any applicant who resides at a location that satisfies the residency requirements for a full-time, non-probationary Firefighter/Paramedic under the then-current or most recent collective bargaining

agreement between the City and the International Association of Firefighters. Residency is required to be established by a then-current, valid Illinois Driver's License listing an eligible address (as verified through the Illinois Secretary of State), and/or also through such other documentation as shall be acceptable to the Board, in its absolute and sole discretion.

The Commission does not allocate any preference points to the other forms of preference contemplated by 65 ILCS 5/10-2.1-6.3.

## **SECTION 5. FINAL ELIGIBILITY LIST**

Based upon scores calculated after the application of preference points in accordance with the preceding section, the staff liaison shall determine a "Final Eligibility List" in accordance with these rules. The "Final Eligibility List" shall be a public document, and access to the "Final Eligibility List" shall be available to any person, including any applicant, upon request.

Any person placed on the "Final Eligibility List" who exceeds the applicable age limit prior to being appointed to the Fire Department shall remain eligible until the list is abolished or until the person has been on the list for a period of two years.

The "Final Eligibility List" may be abolished by the Commission at any time, and the Commission may retest and create a new list at any time. Any name remaining on the list after a period of two years shall be stricken.

## **SECTION 6. NOTIFICATION OF CANDIDATES**

Each candidate completing the testing process will be notified in writing within a reasonable time as to his ranking. In the event that the candidate achieves a numerical score that would eliminate the candidate from further participation in the testing process, that person shall receive notice stating that he/she has failed to score above the prescribed score and will not be placed on the next eligibility register.

## **SECTION 7. ORIGINAL APPOINTMENTS**

All original appointments made to the City's Fire Department shall be made from the "Final Eligibility List" in accordance with the processes established by these Rules and Regulations. Only persons who meet or exceed the performance standards required herein shall be placed on a register of eligible for original appointment to the Fire Department. Whenever a Firefighter/Paramedic is authorized to be hired with the City, the Commission shall appoint to that position the person with the highest ranking on the "Final Eligibility List", unless the Commission concludes that either, the highest ranking candidate fails to meet minimum standards for the position, or, that an alternative candidate would better serve the needs of the City. If such determination is made, the highest ranked candidate can be passed over, the Commission may elect to hire any person ranked in the top 5% of eligible applicants on the "Final Eligibility List" or if there are fewer than 5 people in the top 5% of eligible applicants on the "Final Eligibility List", any person among the top five listed applicants.

If an applicant is selected for hire, such applicant may, at his election, pass on an appointment one time without losing his position on the list of eligible applicants. If an applicant passes on appointment once, is selected for hire a second time, and passes on appointment a second time, said applicant shall be removed from the "Final Eligibility List" (but shall be eligible to test or retest in any future examinations, including examinations conducted during the two year period that the candidate would otherwise still appear on the "Final Eligibility List").

In order to prevent a stoppage of public business, the Commission may make temporary appointments in accordance with applicable state law, for a period of not more than sixty days. No person may receive a temporary appointment more than twice within any one calendar year.

**SECTION 8. PRE-EMPLOYMENT AGREEMENT, PROFESSIONAL EXAMINATIONS AND TESTS**

- A. Each applicant shall be required to complete required forms, releases and waivers utilized by the City's Human Resources Department, including waivers authorizing completion of background investigation, polygraph testing, psychological and medical examination, or any other testing required by the Human Resources Department.
- B. Each applicant for original appointment shall be required to submit to a Polygraph Device Deceptive Test administered by a licensed examiner. Such test shall be given without expense to the applicant and shall be graded on a pass/fail basis.
- C. Following the acceptance of the conditional offer of employment, the candidate shall be subjected to an in-depth Psychological Evaluation given by the testing firm of the City of DeKalb's choosing. The psychological evaluation will be administered at the offices of the testing firm unless otherwise determined by the City. The testing firm will provide a recommendation indicating, in their opinion, whether or not the candidate should be hired by the City. Such test shall be given without expense to the applicant and shall be graded on a pass/fail basis. Failure of the applicant to take or successfully complete such test shall eliminate the applicant from further consideration.
- D. Following the acceptance of the conditional offer of employment, the candidate shall be subjected to a medical evaluation. The medical examination will be conducted by physicians selected by the City of DeKalb which will include a comprehensive drug evaluation and which shall be paid for by the City. The extent and scope of the examinations shall be determined by the Human Resources Department, and shall be graded on a pass/fail basis.
- E. Each applicant shall be required to complete an agreement for reimbursement of expenses in the form then-currently utilized by the City or Commission. Such agreement shall be executed prior to any probationary appointment, and shall be a prerequisite for appointment. Such agreement shall provide for the reimbursement, to the City, of expenses incurred in training and certifying the applicant, should the applicant voluntarily terminate his or her employment with the City during the first three years of employment.

**SECTION 9. PROBATIONARY APPOINTMENT**

- A. All vacancies for Firefighter/Paramedic of the Fire Department shall be filled by individuals from the "Final Eligibility List" having met all requirements previously listed. All original appointments to the Fire Department shall be for a probationary period of 12 months from the original date of appointment. Said 12 month probationary appointment may exclude periods of training, or may exclude injury or illness leaves, including duty related leaves, in excess of 30 days.
- B. A probationary Firefighter/Paramedic is an at-will employee and may be suspended or terminated whenever the Board and the Fire Chief determines that employee's performance and conduct is unsatisfactory.

**SECTION 10. CERTIFICATION**

Final certification of probationary Firefighter/Paramedics shall be subject to successful completion of the Certified Firefighter Basic Training Course as prescribed by the Illinois Fire Protection Personnel Standard and Education Commission. Inability to successfully complete these courses will be grounds for dismissal.

**CHAPTER IV**  
**POLICE PROMOTIONAL EXAMINATIONS**

**SECTION 1. GENERAL**

The Board, by its rules, shall provide for promotion in the Police 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. Only Police Officers who have successfully completed their probationary period are eligible to take the examinations for the next higher rank, i.e., Sergeant for Police Officers. All examinations for promotions shall be competitive among such members of the next lower rank as desire to submit themselves to examination. All promotions shall be made from the three (3) having the highest rating, and where there are less than three (3) names on the promotional eligibility list, as originally posted, or remaining thereon after appointments have been made therefrom, appointments to fill existing vacancies shall be made from those names or name remaining on the promotional list. 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.

**SECTION 2. GRADING**

The Promotional Examination score shall be determined as follows:

<b>Evaluation</b>	<b>% Weight</b>	<b>Method</b>
Written Test	40%	
Interview	40%	Interview panel constitute of the Board of Fire and Police Commissioners
Department Merit and Efficiency Rating	10%	Determined by the Police Chief and based on scale of 1-10 with a maximum of 10 points.
Seniority	5%	1 point per year of service with the DeKalb Police Department up to a maximum of five (5) points
Time in Rank	5%	1 point per year of service in current rank with DeKalb Police Department up to a maximum of five (5) points

A candidate's total score shall consist of the total computed from the individual's scores on the written examination, oral examination, merit/efficiency rating, seniority and time in rank. Candidates shall take rank upon a "Preliminary Promotional Eligibility List" in the order of their relative excellence as determined by their total score.

The Commission in determining next in order of rank in promotional examinations herewith determines a policy of extending the examination successively through all the orders of rank in the services in an endeavor to qualify suitable eligible or eligibles for the vacancy or vacancies existing before extending the examination to the general public.

Candidate scores shall be provided on a list, with all aspects of the score (weighted as outlined above) listed on such list.

**SECTION 3. VETERAN'S PREFERENCE POINTS**

Any candidate on the "Preliminary Promotional Eligibility List" may, within 10 calendar days after the initial posting of the list, file a written application for veteran's preference with the Board's Secretary. Any person filing an application for veteran's preference shall meet the qualifications as provided in applicable law (65 ILCS 5/10-2.1-10) and file evidence of an honorable discharge from and proof of such service. The veteran's preference shall be calculated as provided in applicable law (65 ILCS 5/10-2.1-11), and added to the applicant's total score on the "Preliminary Promotional Eligibility List".

Provided, however, that any person who has previously received a promotion from a promotion list on which his position was adjusted for veteran's preference shall not be eligible for any subsequent veteran's preference, i.e., veteran's preference may not be used more than once. Thereafter, a "Final Promotional Eligibility List" shall be posted.

**SECTION 4. DISQUALIFICATION FROM PROMOTIONAL PROCESS**

A person who knowingly divulges or receives test questions or answers before a written examination, or otherwise knowingly violates or subverts any requirement of the Promotional Examination may be subject to disqualification from the promotional process, demotion from the rank promoted or other discipline and may also face possible criminal charges for Official Misconduct

**SECTION 5. PROMOTIONAL VACANCY**

Upon notice from the City Manager or other appropriate corporate authority 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.

**SECTION 6. EXCLUDED POSITIONS**

The Board acknowledges that it shall not be responsible for the selection of any ranks whose selection is established by City Ordinance or collective bargaining agreement as being the responsibility of a party other than the Board.

**CHAPTER V**  
**FIRE PROMOTIONAL EXAMINATIONS**

**SECTION 1. GENERAL**

Promotions to the ranks of Lieutenant through Battalion Chief shall be conducted in accordance with the provisions of the Fire Department Promotional Act, 50 ILCS 742/1 and consistent with the provisions of Article IV, Section 4.2.1 – Promotions of the Collective Bargaining Agreement between the City of DeKalb and the DeKalb International Association of Firefighters, Local 1236, in effect at the time of test announcement.

**SECTION 2. VETERAN’S PREFERENCE POINTS**

Any candidate on the “Preliminary Promotional Eligibility List” may, within 10 calendar days after the initial posting of the list, file a written application for veteran’s preference with the Board’s Secretary. Any person filing an application for veteran’s preference shall meet the qualifications as provided in applicable law (65 ILCS 5/10-2.1-10) and file evidence of an honorable discharge from and proof of such service. The veteran’s preference shall be calculated as provided in applicable law (65 ILCS 5/10-2.1-11), and added to the applicant’s total score on the “Preliminary Promotional Eligibility List”. Provided, however, that any person who has previously received a promotion from a promotion list on which his position was adjusted for veteran’s preference shall not be eligible for any subsequent veteran’s preference, i.e., veteran’s preference may not be used more than once. Thereafter, a “Final Promotional Eligibility List” shall be posted.

**SECTION 3. DISQUALIFICATION FROM PROMOTIONAL PROCESS**

A person who knowingly divulges or receives test questions or answers before a written examination, or otherwise knowingly violates or subverts any requirement of the Fire Department Promotional Act may be subject to disqualification from the promotional process, demotion from the rank promoted or other discipline and may also face possible criminal charges for Official Misconduct.

**SECTION 4. EXCLUDED POSITIONS**

The Board acknowledges that it shall not be responsible for the selection of any ranks whose selection is established by City Ordinance or collective bargaining agreement as being the responsibility of a party other than the Board.

**CHAPTER VI**  
**ORDER OF RANK, CLASSIFICATION**  
**AND OATH OF OFFICE**

**SECTION 1. RANK**

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

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

**SECTION 2. CLASSIFICATION**

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

**SECTION 3. OATH OF OFFICE**

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

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

Signed \_\_\_\_\_

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

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

He shall enter into such bond in such amount as prescribed by the Ordinance of the City of DeKalb, unless the City of DeKalb provides a blanket bond for all of its officers.

**CHAPTER VII**  
**HEARING OF CHARGES FOR REMOVALS,  
SUSPENSIONS AND DISCHARGES**

**SECTION 1. HEARING OF CHARGES**

- A. Hearings before the Board are not common law proceedings. The provisions of the "Civil Practice Act" 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. No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board can be allowed.
- D. "Cause" is some substantial shortcoming which renders continuance in employment in some way detrimental to the discipline and efficiency of the public service and something which the law and sound public opinion recognize as cause for the officer no longer occupying his position. The right to determine what constitutes "cause" is in the Board.
- E. The Complainant or appellant initiating any proceedings which call for a hearing before the Board shall have the burden of proof to establish by a preponderance of the evidence that cause for discipline exists or that a suspension, previously imposed by the Chief of the department is unwarranted. Should the question of a crime be involved, the rules of "reasonable doubt" shall not control.
- F. The phrase "preponderance of evidence" is defined as the greater weight of the evidence; that is to say, it rests with that evidence which, when fairly considered, produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.
- G. All hearings shall be conducted in conformance with the Illinois Open Meetings Act.
- H. At the time and place of hearing, both parties may be represented by Counsel, if they so desire.
- I. All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board.
- J. The records of all hearings will not be transcribed by the court reporter unless requested to do so by the Board or any party of interest.
- K. All witnesses shall be sworn by a member of the Board prior to testifying and the matter will be decided by the Board solely on evidence presented at the hearings.
- L. The Board will first hear the witnesses substantiating the charges which have been made against the respondent. Thereafter, the respondent 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 2. HEARING PROCEDURE**

### **A. Complaints**

In all cases written complaints shall be filed in quintuplet, 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 Hearings**

Upon the filing of a complaint in quintuplet with the Secretary of the Board, the determination by the Board of proper cause for entertaining said complaint, the Secretary of the Board shall notify both the complainant and respondent, either by registered or certified mail, return receipt requested, or personally of the time and place of the hearing of the charges contained in the complaint. The respondent shall also be served with a copy of the complaint, and if an Order of Suspension is entered by the Board, the respondent, the complainant, the Chief of the Department and the Finance Officer of the municipality shall be notified of the entry of such Order of Suspension, and be served either personally, or by registered or certified mail, return receipt requested, with a copy of such Order of Suspension.

### **D. Continuances**

The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board. No hearing shall be continued at the request of any of the parties to a proceeding or their attorneys, unless such request is received in writing by the Chairman of the Board at least three (3) days before the scheduled hearing date.

### **E. Stipulations**

Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the records, to a continuance or as to evidentiary guilt. The facts so stipulated shall be considered as evidence in the proceeding. In the event a respondent desires a continuance, it shall also be stipulated and agreed that in the event said respondent is to be retained in their position as a result of a decision by 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-Objection 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 3. SUBPOENAS**

A. Either the complainant or the respondent 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 hearing or have them produce books, papers, records, accounts and other documents and things as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person of the age 21 years and upwards designated by the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents and things which they are to produce. Subpoenas will not be issued for anyone residing outside the State of Illinois.

B. Any request for continuance by reason of inability to serve subpoenas shall be filed in the Office of the Board at least three (3) days before the date set for such hearing, provided, however, that the Board in its discretion may waive this rule.

#### **SECTION 4. SERVICE**

All papers required by the 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 their last known residence as reflected by the complaint filed with the Board, except as herein otherwise provided. Proof of service of any paper may be made by the certification of any person so mailing the paper or delivering the same to the designated party personally, or by filing a return receipt showing that a paper was mailed, by either registered or certified mail, return receipt requested, to a party's address where it was received by a named party.

#### **SECTION 5. FILING**

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

#### **SECTION 6. FORMS OF PAPER**

All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only. If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented. All papers shall be not larger than 8-1/2 inches wide by 11 inches long and shall have inside margins of not less than one inch. The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent, or attorney thereon. If documents are filed by an attorney, his name, address and telephone number shall appear thereon.

#### **SECTION 7. COMPUTATION OF TIME**

The time within which any act under these rules is to be done shall be computed only on the business days, Monday through Friday, excluding holidays recognized by the State of Illinois.

#### **SECTION 8. SUSPENSION**

- A. The Board may suspend any member of the Fire and Police Department against whom charges have been preferred, pending a hearing of the charges by the Board, 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 under his command for a period of not to exceed five (5) days, providing no charges on the same offense have been filed and are pending before the Board, and he shall notify the Board in writing within 24 hours of the time of such suspension. Any policeman or fireman 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 who suspended such officer, and to the officer so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bring 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 officer so suspended receive his pay for the period involved, may suspend the officer for a period of not more than 30 days, or discharge him, depending on the evidence presented.

**SECTION 9. 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, being Division 2 Sections 5/10-2.1-1 through 5/10-2.1-30 inclusive, of Chapter 65 of the Illinois Compiled Statutes.
- B. The Board shall within a reasonable time after the hearing is completed, enter its findings on the records of the Board.

**SECTION 10. DATE OF HEARING**

The time for the hearing of charges shall be set by the Board, 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.

**SECTION 11. FINDINGS AND ORDER**

The findings and decision of the Board following a hearing of charges shall be recorded by the Secretary and notice of said finding and decision sent to the member involved, the Police or Fire Chief, as appropriate, and the Human Resources Director for enforcement. A member may be discharged, demoted or suspended without pay for a period not exceeding thirty (30) calendar days for each individual charge of misconduct. Within a reasonable time after the hearing is completed, the Board shall enter its findings in the records of the Commission. A copy of the Findings and Decision must be promptly tendered to the applicable Union.

**SECTION 12. REVIEW OF DECISION**

The review of the Board's decisions on suspensions is limited to administrative review as may be provided by law. The review of the Board's demotion and discharge decisions are appealable as set forth in the collective bargaining agreement.

**SECTION 13. RULES-CONFLICT**

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

**SECTION 14. POLITICAL CONTRIBUTIONS**

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

**SECTION 15. POLITICAL ACTIVITIES**

No person holding a position in the Fire or Police Department of the City of DeKalb, Illinois shall use his official authority or influence to coerce the political action of any person or body, or interfere with any election.

**SECTION 16 VIOLATION OF RULES**

All members of the Fire and Police Departments shall be subject to the rules and regulations of their respective departments and the Rules and Regulations of the Board and 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 on such charges.

**SECTION 17. 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 member.


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**Board of Fire and Police Commissioners  
City of DeKalb, Illinois**


Rules and Regulations adopted by Board on 08/29/16; Posted on 08/29/16; Effective: 08/29/16.

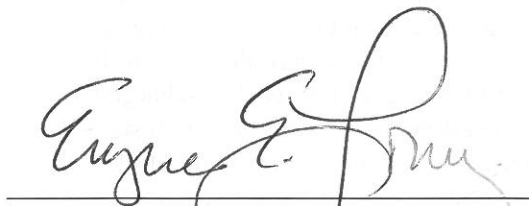
  
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Samuel Finch, Chairman

  
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Anthony Chulick, Member

  
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Anne Marie Gaura, City Manager

  
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Eric Hicks, Fire Chief

  
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Eugene Lowery, Police Chief