

The seal of the Village of Winfield, Illinois, is a shield-shaped emblem. It features a central map of the village with a street grid. Above the map is a lamp of knowledge and the year 1921. The background of the seal is divided into horizontal stripes, with a field of stars on the left side. The text "POLICE" is at the top, "WINFIELD" is in the middle, and "STATE OF ILLINOIS" is at the bottom.

**RULES AND REGULATIONS
BOARD OF FIRE & POLICE
COMMISSIONERS
OF THE
VILLAGE OF WINFIELD
STATE OF ILLINOIS**

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ARTICLE I

ADMINISTRATION

SECTION 1. SOURCE OF AUTHORITY

The Board of Fire and Police Commissioners of the Village of Winfield, Illinois, derives its power and authority from an Act of the General Assembly entitled, Board of Commissioners, Act 65 ILCS -5/10-2.1-ff, and ordinance of the Village of Winfield, Title 2, Chapter 5, and is subject to the provisions of the "Illinois Police Training Act" (50 ILCS 705/).

SECTION 2. DEFINITIONS

The word "Commission" and/or "Board":

Wherever used shall mean the Board of Fire and Police Commissioners of the Village of Winfield, Illinois. The word "Officer" shall mean any person holding a permanent office in the Police Department of the Village of Winfield, Illinois. The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural the singular. The word "Act" wherever used shall mean the Act cited above in Section 1. The word "Secretary", wherever used shall mean the Secretary and/or "ex officio" secretary.

Organizational Values:

The following tenets provide a guide as to how to provide services to the residents of Winfield. It is expected that appointed officials respect and incorporate these values when conducting the business of the commission or board for which appointed.

Open and Accessible Government:

The most fundamental of a local government's values must be an open and honest government. It is the first responsibility. It is crucial that the Village Commission maintain an organizational reputation for honesty and integrity. In order to further service goals, the Village Commission must remain accessible to the public to whom services are provided.

Fiscal Responsibility:

Proper use of public funds is a trust which must continually be guarded. The Village Board delegates to the Village Manager the duty of making sure that these funds are managed in the most efficient manner at all times and that there is adherence to all rules and regulations governing their use. The Village Board approves all expenditures. The Village staff makes all purchases. All commissions and boards must make a budget recommendation to the Village Board for approval. It is the Commission's responsibility to operate within their approved budget.

Per 65 ILCS 5/10-2.1-19, the Board "...shall also submit an annual budget request to the municipal governing body prior to the end of each fiscal year.

SECTION 3. BOARD POSITIONS

The Board shall consist of three members to be appointed by the Village President. Board members shall serve a three (3) year term. The Board shall also have a Staff Liaison appointed by the Village Manager. The Board shall select one of its members to act as Chairman and one of its members to act as Secretary, and until their successors are appointed and qualified; such election to occur on the date these rules become effective and every two years thereafter.

The Board shall have the ability to hire outside consultants as it deems necessary and as approved and budgeted for by the Village Board. Examples of such outside consultants are, but are not limited to, attorneys, recruitment companies, promotional review companies, etc.

Staff Liaison:

The Village Manager will designate a staff liaison(s) for the Board. This staff liaison(s) shall, under the direction of the Village Manager, advise and provide technical support in addition to any other defined duties. The Chief of Police shall act as the liaison unless the Village Manager identifies a need to appoint another individual. The Staff Liaison will also be designated as the OMA Compliance Officer.

Board Secretary:

(65 ILCS 5/10-2.1-20) (from Ch. 24, par. 10-2.1-20)

Sec. 10-2.1-20. Secretary of board-Duties-Seal of board.

The board may employ a secretary, or may designate one of its own members to act as secretary. The secretary (1) shall keep the minutes of the board's proceedings, (2) shall be the custodian of all records pertaining to the business of the board, (3) shall keep a record of all examinations held, (4) shall perform all other duties the board prescribes, and (5) shall be custodian of the seal of the board, if one is adopted, and the board is hereby authorized to adopt an official seal and to prescribe the form thereof by resolution of the board.

Responsibilities of the Chair:

The Chair of the Board shall be responsible for the following:

- Presiding at all meetings.
- Calling special meetings in accordance with the Illinois Open Meetings Act.
- Signing any appropriate documents, including recommendations to the Village Board.
- Ensuring that all actions of the volunteer body are properly taken.
- Conducting all meetings in a proper and efficient manner.
- Working with the staff liaison to prepare the meeting agenda, which is posted 48 hours in advance of a meeting.
- Focusing discussion at meetings on agenda items to attempt to achieve a consensus on issues.
- Ensuring that the actions are consistent with the interest of the Village as dictated in the policies set by the Village Board.

Training:

If any appointed official believes that training should be provided in order to improve the performance and understanding of the obligations of that member or the volunteer board collectively, such appointed official should contact either the Chair or staff liaison. The staff liaison shall then request that the expenditure be included in the next fiscal year's budget. Most of the Board's training is provided via their membership in the Illinois Fire & Police Commissioners Association (www.ifpca.info). Any training must abide by the Village Board's guidelines in place at the time regarding overnight stays and meal reimbursements.

Role of Citizens/Public:

The Village encourages residents to attend open sessions of all Board meetings. A formal agenda shall always be prepared for each open meeting and, where applicable, public notices shall be distributed to all identified, affected parties. Per Public Act 96-1473, "any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body." The agenda provides an open forum for general questions on non-agenda items and pertinent to the role of the Police and Fire Commission, such discussion shall be permitted. However, the open forum may be limited at the discretion of the Chair, with concurrence of the majority of the members of the Board.

SECTION 4. STAFF ROLES/RESPONSIBILITIES

Role of the Staff Liaison:

- A. The staff liaison's main role is to serve as a facilitator. As the Village's resource, the staff liaison should provide factual information as needed and clarify Village code or policy if there is uncertainty on a particular issue or to provide expert information regarding the area of law enforcement or personnel. As the facilitator, it is the liaison's responsibility to ensure that Board members have all necessary information that allows them to make informed decisions or recommendations to the Village Board.
- B. The staff liaison needs to keep the Department head/Village Manager apprised of issues that are discussed at meetings.

Communication with Board Members:

❖ **Meeting Packets:**

Staff liaisons will work with the Board Chair to develop the agenda and backup information for the packet for each meeting. The information provided should present a thorough background of all items scheduled for deliberation at the meeting. This packet will be distributed to all Board members seven days in advance, when possible but no less than four days prior to the meeting date via email and posted on the Village's website. Meeting packets are to include the following:

- **Agenda:**
In preparation for each meeting, prepare and post the agenda (and other required legal notices) in accordance with Open Meetings Act requirements. Meeting notices should be sent to the Village Clerk's office at least one week in advance for public posting.
- **Meeting Minutes:**
The draft minutes should be reviewed by the staff liaison, as well as the other Board members, and included in the packet as a draft. Per the Open Meetings Act, minutes must be approved within 30 days after the meeting or at the second subsequent regular meeting of the public body – whichever is later. Copies of approved minutes must be submitted to the Village Clerk's Office immediately after approval.
- **Backup Information:**
Develop any necessary handouts for all non-participant attendees, which will assist in educating interested parties and assist in framing the issue under discussion. Items not subject to public review shall be withheld per State law.
- **Agenda Summary:**
The meeting packet may include an agenda summary or staff memo. The memo, prepared by the staff liaison, will include a brief description of the contents of the packet, will provide information to help frame issues and will provide staff recommendations for items requiring a Board vote.

SECTION 5. LIABILITY / BONDS

Liability:

The Board of Fire and Police Commission shall be covered as detailed in the Rules and Regulations for the Village of Winfield as established by the Village Board.

Generally:

Since the Board has actual authority that controls employment of full-time, sworn officers who are unionized, the members should have a working knowledge of the labor and employment law that may impact their actions. This knowledge must be used to employ best management practices that will reduce liability exposure.

Winfield contracts with a broker who bids out liability coverage for the Village annually. The liability insurance covers claims filed against the Village, including claims based on the Board's actions. The insurance carrier will assign the claim to a claims agent and an attorney who will represent the Village and Board in the litigation. It will be the insurance company's sole discretion to decide whether to settle or litigate a case. The Village Board and Board may provide feedback on this decision, but the final decision will be up to the insurer.

In order for the Village to properly defend itself in any litigation, the primary source for protection is meticulous documentation. Per 65 ILCS 5/10-2.1-20, the Board may employ a secretary who, among other duties, shall be the custodian of all records pertaining to the business of the Board. Professionally run municipalities typically designate staff to maintain the Board's personnel files since this staff is trained and experienced in maintaining confidential personnel records.

SECTION 6. BUDGET / PURCHASING

Budget Preparation:

Annually, the Board shall prepare a budget document utilizing the approved Village of Winfield budget process. Said budget shall include all budgetary requests for known upcoming commission expenses. Once approved by the Board, the budget will be presented at a date, time and location to be set by the Village Board for approval. Said presentation shall be conducted by the Staff Liaison.

Per 65 ILCS 5/10-2.1-21, the corporate authorities shall provide adequate funds in the annual appropriation ordinance for the operation of the Board. Under 65 ILCS 5/10-2.1-19, the Board shall also submit an annual budget request to the municipal governing body prior to the end of each fiscal year.

Purchasing:

Appointed officials of the Board do not have the authority to approve purchases or enter into contracts. Purchases and contract approval must either go through the staff liaison or the Village Board.

SECTION 7. ATTORNEY

Per 65 ILCS 5/10-2.1-25, the Board may request that the Village Board provide legal counsel for the Board, if necessary. Typically, the Village Attorney will represent the Board as its legal counsel, and the Village would employ an attorney of its own choosing to act as the prosecutor. In the case of a lawsuit filed against the Board due to its action, the claim will be filed with the Village's insurance carrier. The insurance carrier will assign the legal representation to defend the Board and will have the sole discretion in deciding whether to litigate or settle the claim.

Labor Law:

Board members are not required to have expertise in public sector employment and labor law. The Human Resources Staff Liaison and the Village Attorney will provide guidance and legal advice. However, the Board should have some familiarity with some key laws. The Board is subject to the Illinois Wage Payment and Collection Act, which states that employers must notify employees, at the time of hiring, of their rate of pay and of the time and place of payment. This notification should be in writing and be acknowledged by both parties. The Village has a process for meeting this requirement for all recruitments and the Human Resources staff will make all new employment and promotional offers once the Board has made their decision. These offers will be extended in writing per the requirements of the law.

SECTION 8. AMERICANS WITH DISABILITIES ACT

The Board shall follow those Rules and Regulations as established by the Village of Winfield by the Village Board.

Generally:

Hiring under the American with Disabilities Act (ADA):

Of particular concern is the Village's need to properly evaluate the applicant's ability to perform the essential job functions, despite a physical or mental disability that may or may not be apparent during the recruitment process. Under the ADA, persons with a disability may request a reasonable accommodation to apply and or/interview for a job. This request must be made to the Village's ADA Coordinator. A person with a disability may also ask for an accommodation for the open position at any time during the application process. The ADA Coordinator shall determine if an accommodation can be made.

Discrimination/Equal Employment Opportunity:

The Village of Winfield is an equal opportunity employer. In accordance with federal, state and local laws, the Village of Winfield is committed to recruit, hire, promote, train and evaluate all personnel without regard to race, color, religion, sex, age, national origin, citizenship status, sexual orientation, physical or mental disability, or past, present or future status in the uniformed services of the United States. Job applicants are evaluated solely on performance of job requirements.

SECTION 9. DISABILITY OR MILITARY LEAVE

(65 ILCS 5/10-2.1-23) (from Ch. 24, par. 10-2.1-23)

Sec. 10-2.1-23. Disability or military leave-Grant by board.

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.

SECTION 9.1 RETURN TO ACTIVE DUTY

(65 ILCS 5/10-2.1-24) (from Ch. 24, par. 10-2.1-24)

Sec. 10-2.1-24. Return to active duty.

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.

SECTION 10. MEETINGS

Per 65 ILCS 5/10-2.1-21, the corporate authorities shall provide suitable room(s) for the Board. Winfield's public meeting space is the Conference Room, Council Chambers or employee break room at Village Hall. This room is located near the Board's records and allows for distance between the Board members and the sworn officers/sergeants whose employment status falls under their responsibility.

- a. Regular Meetings Public Notice – Notice shall be posted by the Secretary as provided by law and shall be open to the public.
- b. Special Meetings – Board & Public Notice - The Board Secretary need not notify Board members of standing meetings. Special meetings called by the Chairman or a working quorum shall require the Secretary to give 48 hour written or verbal notice to each Board member. Media representatives who have requested notice of Meetings, pursuant to the provisions of the Open Meetings act, shall be so notified.
- c. Open Meetings Act – Special and regular meetings shall be open as provided under the Illinois Open Meetings Act, except under the provisions of exemption of said Act.
- d. Quorum – Two (2) members of the Board shall constitute a quorum for the conduct of all business.
- e. Procedure
 - i) The Chairman shall be the presiding officer at each meeting and shall have such duties as ordinarily pertain to such office. In the Chairman's absence, the Secretary shall preside.
 - ii.) Parliamentary Procedures

Pursuant to the Illinois Municipal Code, each public body may decide the manner in which it will hold its meetings. As a general rule, when neither the Village Code nor other enactment sets forth a particular rule regarding a particular situation or vote, rules established in "Roberts' Rules of Order" will control.

The parliamentary procedure prescribed in "Robert' Rules of Order" shall be followed as far as is practicable. Such procedure may be waived by a majority vote.
- f. Open Meetings Act (OMA) and Freedom of Information Act (FOIA)

All commissions and boards are subject to the rules and regulations of the Open Meetings Act (OMA) and the Freedom of Information Act (FOIA). The Illinois Open Meetings Act is designed to prohibit secret deliberations and action on matters which, due to their potential impact on the public, properly should be discussed in a public forum. More information about the Act can be accessed in the Attorney General's

Guide to the Open Meetings Act. The Freedom of Information Act is the principal Illinois law governing the inspection of public records. It is a pro-disclosure statute originally enacted on July 1, 1984. This important open-government law is grounded on the principle that the public should be able to access public records and information about the workings of their government. For more information on this Act, review the Attorney General's Guide to the Freedom of Information Act.

Open Meetings Act (OMA) Training:

All appointed members of the Board are subject to the OMA and must complete electronic training on the Act once during their appointment as follows:

- Any person who is an appointed member of the Board is subject to the Act on January 1, 2012, must complete the electronic training between January 1, 2012, and January 1, 2013.
- Any person who becomes an appointed member of the Board is subject to the Act after January 1, 2012, and must complete the electronic training no later than the 90th day after taking the oath of office.

Closed Session:

The regulations regarding whether or not a public body can enter closed session are specific. Any discussion outside the topic that qualifies for closed session is strictly prohibited. All public bodies must audio or video record their closed sessions. Likely citations that the Board may utilize to move into a "closed" session include the following:

- 5 ILCS 120/2 (c) (1) The appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity.
- 5 ILCS 120/2 (c) (11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent.
- 5 ILCS 120/2 (c) (16) Self-evaluation, practices and procedures or professional ethics when meeting with a representative of a statewide association of which the public body is a member.
- 5 ILCS 120/2 (c) (21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes, as mandated by Section 2.06.

Prior to going into closed session, there must be a motion and a second to go into closed session. The motion must include a citation to the statutory provision that permits the closed session to occur. Once the motion to go into closed session is approved, the Chair must ask all individuals not involved with the closed session item to leave and the meeting room door must be secured. Once in closed session, and the recording activated, the

motion must be read into the closed session minutes. Then all members present must identify themselves. At the conclusion of the closed session, a motion must be made to go back into open session, the meeting room doors must be opened, and then the open session meeting resumes at the point on the agenda following the closed session motion.

Minutes:

Public bodies must approve their minutes within 30 days after a meeting or at the body's second subsequent regular meeting, whichever is later. All approved minutes must be submitted to the Village Clerk's office in order to be received and filed by the Village Board. The OMA also requires that all minutes be posted online within ten (10) days of their approval; this will be done by the Village Clerk's office. Closed Session minutes are confidential and will not be posted. They must be approved separately from the open session minutes and each topic of closed session must have separate minutes.

FOIA:

Some of the Board's records are subject to disclosure under the Freedom of Information Act. Anyone interested in obtaining Board records must complete a FOIA form and submit it to the Village Clerk's Office. Only the Village's FOIA officers are legally allowed to respond to FOIA requests. Should a Board member receive a FOIA request, it should be forwarded to the Board's Staff Liaison.

The Illinois Attorney General's Office issued a public access opinion letter in late 2011 which holds that communications stored on privately owned PDAs may be subject to FOIA disclosure. The Attorney General determined that records pertaining to government business that are in the personal possession of a government official must be turned over. In this respect, the physical location and possession of a public record are irrelevant factors for purposes of determining whether a record must be disclosed. Therefore, in order for the Village to meet the obligations of FOIA, all Board records must be stored at Village Hall.

SECTION 11. RECORDS

Personnel Record Review Act 820 ILCS 40:

Upon an employee's request, the employer must permit an employee to inspect any personnel documents which are, have been or are intended to be used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, discharge or other disciplinary action. The employer must provide the employee an inspection opportunity within seven (7) working days. The inspection can take place at a location reasonably near the employee's place of employment and during normal working hours. An employee is not permitted to remove any part of their personnel record. Each employer must protect their records from loss, damage or alteration to insure the integrity of the records. An employee can request that the employer mail a copy of the record to the employee.

The Board shall keep such records as are compelled by the Illinois Open Meetings Act and otherwise deemed necessary and shall include, but are not limited to: minutes, recordings, fact sheets, correspondence, notices, hearings, applications, test scores and materials.

- a. Minutes – The Secretary shall keep such minutes as are deemed necessary by the Board. Such minutes shall include but are not limited to, all motions and seconds, their authors, and the actions taken thereon. In the Secretary’s absence, the Chairman shall tend to the minutes.
- b. Confidential Files – All confidential information contained in application for positions in either department, references and results of investigations shall be maintained by the Secretary in a confidential file and shall not be available to any person other than Board members or department heads, when deemed necessary, by the Board. Reverent laws governing disclosure and open records shall control all record access.
- c. Correspondence - The Secretary shall attend to all correspondence of the Board.
 - i). Budget – The Secretary, with the assistance of the Staff Liaison, shall prepare the annual Board budget as required by ordinance or the Act.
 - ii). Annual Report – The Board shall submit an annual report of its activities as required by the Act. Such report shall include a budget request for the ensuing year.
 - iii). Form of Correspondence from Departments – When making written notifications or requests on any matter requiring approval, endorsements or grants of permission from the Board, the Chief of Police shall provide the Board with the signed original and duplicate copy of said notification or request.
- d. Records Maintenance/Retention:

The Village of Winfield will provide access to each Board member and the Secretary a key to a locked filing cabinet in which the Board’s records are stored. These records will be accessible to Board members at any time. These records will be accessible to the Chief of Police, his/her Administrative Assistant and the Village Manager. Maintenance of these records will be done by the Chief of Police and the Administrative Assistant. The Board’s Staff Liaison will monitor the timely destruction of records as dictated by 50 ILCS 205/ Local Records Act.

- e. Purging of the Board's Files – The Secretary of the Board may, by and with consent of the Board, remove, delete, store or destroy any reports, communications; correspondence, folders, examinations, etc., which have been in the Board files in compliance with the Illinois Compiled Statutes. In each instance, where files are purged, they shall be done for good cause shown or by the agreement of parties involved and with the express consent of the Board.
- f. Federal Records – The Board Secretary shall keep or cause to be kept such records of race and sex as may be required by federal or state authority and shall take such measures, as the Board may deem necessary, to assure that they remain separate from and do not affect the selection process.
- g. Addresses of Eligible – The Secretary shall maintain a roster of the current addresses and primary contact numbers of all candidates on the list. The burden for the accuracy of such record to rest with the candidate.

SECTION 12. RULES

- a. Generally and Severability – In accordance with the Act, the Board shall make and maintain such rules as they deem necessary to carry out the provisions of Division 2.1. If any section or portion of these rules and regulations are for any reason found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision. Such finding shall not affect the remaining portions of these rules and regulations.
- b. Maintenance – The Board shall keep a record of all officially distributed copies of said rules and adopt a system for the notice and maintenance of said rules in the event of amendments in accordance with the Act.
- c. Amendments – Amendments to the Rules of the Board may be made at any meeting of the Board. All rules and changes therein or amendments thereto shall become effective, unless otherwise specified in their adoption upon approval of the Village of Winfield Board of Trustees.
- d. Conflicting with other Rules – In the case of conflict between Board rules and department regulations, the former shall control in matters before the Board.

ARTICLE II

ORIGINAL APPOINTMENT

Addendum A provides a detailed flow chart of the recruitment process.

SECTION I. APPLICATION STANDARDS

All candidates shall meet such standards of health, character and fitness as are established by the Board. The Board may adjust standards from time to time in accordance with law, technology and the changing needs of the Police Department. The burden of establishing fitness shall rest with the applicant.

- a. Written Policies – In accordance with the Act concerning Board members, the policies, forms and procedures for original appointment shall be written and approved by the Board prior to the acceptance of applicants for a given position.
- b. Disqualification Prior to or During Testing – The Board may refuse to examine or continue to examine any applicant:
 - i.) who is found lacking in any of the established preliminary requirements for the service applied to.
 - ii.) who has been convicted of a felony or any misdemeanor involving moral turpitude.
 - iii.) who has been dismissed from any public service for good cause.
 - iv.) who has attempted to practice any deception or fraud in any aspect of application.
- c. Fact Sheets – A document of procedures, policies and requirements shall be issued to each candidate at the time of application. The contents and maintenance of fact sheets are addressed in Article V Section 2.

SECTION 2. NOTICE OF EXAMINATIONS

- a. Announcement – Announcement of examination shall include, but is not limited to, the date of the initial subtest, position title, basic requirements, starting salary and periods and locations for submission of application.

Minimally, such notice shall be made no less than two (2) weeks prior to the first examination phase. The extent of notice shall be controlled by statute and Board policy.

- b. Postponement – Examinations may be postponed by orders of the Board. In such event, all applicants will be notified of the reason therefor and the new date set for said examination.

SECTION 3. EXAMINATIONS

- a. Scope – The Board shall designate, by fact sheet, such tests as are professionally and legally accepted in such matters and may include, but are not limited to: mandatory attendances, written psychological and polygraphic tests, medical and drug examination, background investigations, tests or physical agility, test of personality and aptitude. The Board shall also set the acceptable standards thereon, all within the purview of the Act.

No examination shall contain questions regarding a candidate's political or religious affiliations.

- b. Review – Examinations and their results shall be considered confidential and protected documents not normally subject to review.

SECTION 4. LISTS OF ELIGIBLES

Lists of eligibles shall be compiled in accordance with the procedures set forth in the reference fact sheet.

- a. Tie Breaking – Candidates shall be listed in descending order of excellence based upon their final score. In the event that two (2) or more eligibles have the same score on the list of eligibles, the tie shall be broken by giving preference to the candidate who has obtained the highest score on the subtest with the greatest weight. If a tie shall again arise, it shall be broken by giving preference to the candidate with the highest score on the successively descending highest weighted subtests until the tie is broken. Should a tie occur on all subtests, the tie may then be broken by lottery.
- b. Notification – Notice of the score and position on the list of eligibles shall be sent to each person appearing thereon.
- c. Currency - It shall be the duty of each candidate for appointment to inform the Board in writing of any change of address within five (5) working days.
- d. Failure to Respond – Candidates on active lists of eligibles who fail to respond to formal notice of request for appointment by writing within five (5) working days of receipt of notice shall be deemed to have waived all interest in appointment.
- e. Enforcement of Standards – All eligibles are expected to continue to satisfy the entrance standards during their total period of eligibility for appointment.

- f. List Duration – The list of eligibles for original entry shall have a life of two (2) years from the date of Board certification, or until no names remain thereon, whichever is shorter.
- g. Striking from List - The Board may strike, from the list of eligibles, any candidate who fails to meet the standards set forth for original entry. In addition, any person who is discovered to have made false representation in any document or examination, or who aids in committing such fraud to gain a position in the list shall be stricken therefrom.
- h. Intermingling Lists – Lists of eligibles shall be considered inviolate during their life, and no list shall be modified in any way by the adding of eligibles thereto.
- i. Test Failure at Time of Appointment – Placement on the list of eligibles shall be considered subject to participating in an informational test of fitness, as have been prescribed in the fact sheet to be completed at the time of appointment.

SECTION 5. APPOINTMENT

Candidates shall be considered for appointment to the police department in their order of appearance on the applicable list of eligibles and upon passing all final tests previously set forth by the Board. No appointment shall be deemed complete until a certificate is issued in accordance with the Act.

- a. Requisitions – Whenever an appointment is requisitioned due to a vacancy or increase in department size, the Village Manager shall notify the Board in writing of the number and type of positions to be filled.
- b. Decline of Appointment – Any candidate may decline an initial offer of employment and maintain position on the list for a second offer of appointment. The Board will then offer the position to the eligible standing next on the list. No candidate may decline a second offer of employment and upon such decline shall be stricken from the list without further recourse.
- c. Oath of Office – All Police candidates shall be sworn in at the place and time designated by the Board. It shall be the duty of the Village President or Village Clerk to conduct such oaths. The following oath shall be given before any person authorized to administer oaths in the state of Illinois:

OATH OF OFFICE

“ _____, 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 Police Officer according to the best of my ability”.

SECTION 6. LATERAL TRANSFER STANDARDS

All candidates shall meet such standards of health, character and fitness as are established by the Board. The Board may adjust standards from time to time in accordance with law, technology and the changing needs of the Police Department. The burden of establishing fitness shall rest with the applicant.

- a. Written Policies – In accordance with the Act concerning Board members, the policies, forms and procedures for original appointment shall be written and approved by the Board prior to the acceptance of applicants for a given position.
- b. Disqualification Prior to or During Application Process – The Board may refuse to examine or continue to examine any applicant:
 - i.) who is found lacking in any of the established preliminary requirements for the service applied to.
 - ii.) who has been convicted of a felony or any misdemeanor involving moral turpitude.
 - iii.) who has been dismissed from any public service for good cause.
 - iv.) who has attempted to practice any deception or fraud in any aspect of application.

SECTION 7. NOTICE OF APPLICATION AND RESUME ACCEPTANCE

- a. Announcement – Announcement of application and resume acceptance shall include, but is not limited to, the date of the initial application / resume review, position title, basic requirements, starting salary based on years of service and periods and locations for submission of application.

Minimally, such notice shall be made no less than two (2) weeks prior to the first application and resume review. The extent of notice shall be controlled by statute and Board policy.

- b. Postponement – Application / Resumes reviews may be postponed by orders of the Board. In such event, all applicants will be notified of the reason therefor and the new date set for said review.

SECTION 8. REVIEW OF APPLICATIONS AND RESUMES

- a. Scope – The Board shall review and score each application and resume based on information that is both professionally and legally accepted in such matters and may include, but are not limited to: mandatory attendances at an in person interview, written psychological and polygraphic tests, medical and drug examination, background investigations, tests or physical agility, test of personality and aptitude. The Board shall also set the acceptable standards thereon, all within the purview of the Act.

No examination shall contain questions regarding a candidate's political or religious affiliations.

- b. Review – Examinations and their results shall be considered confidential and protected documents not normally subject to review.

SECTION 9. LISTS OF LATERAL TRANSFER ELIGIBLES

Lists of eligibles shall be compiled in accordance with the procedures set forth in the scope listed above.

- a. Tie Breaking – Candidates shall be listed in descending order of excellence based upon their final score. In the event that two (2) or more eligibles have the same score on the list of eligibles, the tie shall be broken by giving preference to the candidate who has obtained the highest score on the subtest with the greatest weight. If a tie shall again arise, it shall be broken by giving preference to the candidate with the highest score on the successively descending highest weighted subtests until the tie is broken. Should a tie occur on all subtests, the tie may then be broken by lottery.
- b. Notification – Notice of the score and position on the list of eligibles shall be sent to each person appearing thereon.
- c. Currency - It shall be the duty of each candidate for appointment to inform the Board in writing of any change of address within five (5) working days.
- d. Failure to Respond – Candidates on active lists of eligibles who fail to respond to formal notice of request for appointment by writing within five (5) working days of receipt of notice shall be deemed to have waived all interest in appointment.
- e. Enforcement of Standards – All eligibles are expected to continue to satisfy the entrance standards during their total period of eligibility for appointment.
- f. List Duration – The list of eligibles for original entry shall have a life of two (2) years from the date of Board certification, or until no names remain thereon, whichever is shorter.
- g. Striking from List - The Board may strike, from the list of eligibles, any candidate who fails to meet the standards set forth for original entry. In addition, any person who is discovered to have made false representation in any document or examination, or who aids in committing such fraud to gain a position in the list shall be stricken therefrom.
- h. Intermingling Lists – Lists of eligibles shall be considered inviolate during their life, and no list shall be modified in any way by the adding of eligibles thereto.

- i. Test Failure at Time of Appointment – Placement on the list of eligibles shall be considered subject to participating in an informational test of fitness, as have been prescribed in the Scope to be completed at the time of appointment.

SECTION 10. APPOINTMENT

Candidates shall be considered for appointment to the police department in their order of appearance on the applicable list of Lateral Transfer Eligibles and upon passing all final tests previously set forth by the Board. No appointment shall be deemed complete until a certificate is issued in accordance with the Act.

- a. Requisitions – Whenever an appointment is requisitioned due to a vacancy or increase in department size, the Village Manager shall notify the Board in writing of the number and type of positions to be filled.
- b. Decline of Appointment – Any candidate may decline an initial offer of employment and maintain position on the list for a second offer of appointment. The Board will then offer the position to the eligible standing next on the list. No candidate may decline a second offer of employment and upon such decline shall be stricken from the list without further recourse.

Oath of Office – All Police candidates shall be sworn in at the place and time designated by the Board. It shall be the duty of the Village President or Village Clerk to conduct such oaths.

ARTICLE III

CONDITIONS OF EMPLOYMENT

SECTION 1. ORIGINAL PROBATION

All newly appointed police officers shall serve a probationary period of 18 months.

- a. Regular Evaluation – During such period, the employee’s performance shall be evaluated by the proper superior officers at a minimum of six (6) month intervals, such reports to be submitted to the Board in writing.
- b. Confirmation – At the completion of the probation period, if the Appointee’s proven performance and conduct are satisfactory, the Chief of Police shall affirm this fact in writing to the Board. The Board shall then issue a formal notice of permanent appointment.
- c. Probationary Discharge – Unsatisfactory evaluations may result in summary discharge in accordance with controlling law.
 - i.) If the probationer shall be found incompetent or unqualified for duty in the position of appointment, the Chief shall seek summary discharge by informing both probationer and the Board in writing of the reasons therefor.
 - ii.) A probationary officer may be summarily discharged by the Board without a formal hearing conducted for his or her removal.
- d. Certification – Requirements – 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.
- e. Leave of Absence/Extension of Probation – If, during the probationary period, the probationary officer requests and is granted a leave of absence, the Board shall extend the probationary period for an equivalent period of time.
- f. Fraud Detection – Any fraud detected to have occurred or been attempted since the probationer became a candidate shall constitute grounds for probationary discharge.

SECTION 2. RESIDENCY

- a. Conditions – Failure to maintain residency, which is within the boundaries set forth by the Village personnel rules and regulations, during employment or failure to be domiciled at the address listed with the Police Department shall be considered sufficient cause for dismissal.

- b. Notice of Change of Address – All employees shall notify the Chief of Police or his designee of any change of address within 24 hours of relocation. Failure of such action shall constitute grounds for possible disciplinary action.

SECTION 3. ORDER OF RANK

Order of rank in the Police Department shall be as provided by the Village Ordinance.

SECTION 4. OTHER CONDITIONS OF EMPLOYMENT

Resignation, retirement, reduction of force and leaves of absence shall be in accordance with controlling federal law, state statute and village ordinance or department policy. Protocols for such procedure shall not be controlled by the Board, but the Board shall be apprised in writing of each such action and the controlling conditions attached thereto.

SECTION 5. GOVERNING RULES AND REGULATIONS

All members of the Police Department shall obey and conduct themselves in accordance with the following enumerated Rules and Regulations. A violation of any such rule, regulation or general order shall be cause for suspension or discharge of a police officer.

SECTION 6. ENUMERATION OF RULES AND REGULATIONS

The following rules and regulations, whether set forth herein or identified and referred to herein, are hereby established to be the rules and regulations governing the conduct of police officers.

- a) The laws of the Federal, the State and the Village governments.
- b) The rules and regulations of the Board of Fire and Police Commission of the Village of Winfield, Illinois, as the case may be.
- c) The general orders, written or oral, of the Police Department of the Village of Winfield, Illinois.
- d) The personnel rules and regulations of the Village.

SECTION 7. REDUCTION OF FORCE – REINSTATEMENT

(65 ILCS 5/10-2.1-18) (from Ch. 24, par. 10-2.1-18)

Sec. 10-2.1-18. Fire or police departments - Reduction of force - Reinstatement. When the force of the fire department or of the police department is reduced, and positions displaced or abolished, seniority shall prevail and the officers and members so reduced in rank, or removed from the service of the fire department or of the police department shall be considered furloughed without pay from the positions from which they were reduced or removed.

Such reductions and removals shall be in strict compliance with seniority and in no event shall any officer or member be reduced more than one rank in a reduction of force. Officers and members with the least seniority in the position to be reduced shall be reduced to the next lower rated position. For purposes of determining which officers and members will be reduced in rank, seniority shall be determined by adding the time spent at the rank or position from which the officer or member is to be reduced and the time spent at any higher rank or position in the Department. For purposes of determining which officers or members in the lowest rank or position shall be removed from the Department in the event of a layoff, length of service in the Department shall be the basis for determining seniority, with the least senior such officer or member being the first so removed and laid off. Such officers or members laid off shall have their names placed on an appropriate reemployment list in the reverse order of dates of layoff.

If any positions which have been vacated because of reduction in forces or displacement and abolition of positions, are reinstated, such members and officers of the fire department or of the police department as are furloughed from the said positions shall be notified by the board by registered mail of such reinstatement of positions and shall have prior right to such positions if otherwise qualified, and in all cases seniority shall prevail. Written application for such reinstated position must be made by the furloughed person within 30 days after notification as above provided and such person may be required to submit to examination by physicians of both the board of fire and police commissioners and the appropriate pension board to determine his physical fitness.

Retirement and/or resignation must be submitted in writing to the Board, and is not revocable.

SECTION 8. POLITICAL CONTRIBUTIONS

No person in the Police Department of the Village of Winfield shall be under any obligation to contribute any funds or render any political service, and no such person shall be removed or otherwise prejudiced for refusing to do so. No person in the Police Department of the Village 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 to 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 manner, directly or indirectly, use his official authority or influence to compel or induce another person to pay or render any political assessment, subscription, contribution or service.

SECTION 9. POLITICAL ACTIVITIES

No person holding a position in the Police Department of the Village shall use his official authority or influence to coerce the political action of any person or body or to interfere with any election. This rule is not intended in any way to inhibit or prohibit any employee from exercising his full political rights to engage in political activities, including the right to petition, make speeches, campaign door to door, and to run for public office, so long as the employee does not use his official position to coerce or influence others and does not engage in these activities while he is at work on duty.

ARTICLE IV

PROMOTIONAL APPOINTMENTS

The Board shall provide for promotion 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 available to such members of the next lower rank who desire to submit themselves to examination.

- a. The Board 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 services in an endeavor to qualify suitable eligible or eligibles for the vacancy or vacancies existing before extending the examination to the general public.
- b. The Board shall at all times maintain a valid test list of eligibles.

SECTION 1. NOTICE

A notice of the time, date and location of every promotional examination shall be given by the Board by legal notice, at least once, in one or more newspapers generally circulated within the Village of Winfield. Such legal notice shall be made at a minimum of two (2) weeks, and a maximum of four (4) weeks, preceding any promotional examination. In lieu of the published legal notice, the Board may post a written notice on the department bulletin board of the department affected, and when such action is taken by the Board, each and every eligible and qualified member of the department shall notify the Board of his waiver of the need for a published legal notice.

SECTION 2. ELIGIBILITY

No person shall be examined for promotion in the Classified Service until serving a minimum of at least 12 months in the rank from which promotion is sought. For the purpose of this section, the probationary period shall not be counted in determining time of service in the lowest rank. Original probationers are not eligible for promotion.

SECTION 3. DIRECTION

All promotional examinations shall be given by or under the direction of the Board. The Board may call upon other persons, not a member of the Board, for assistance in preparing, holding or rating the results of any promotional examination.

SECTION 4. FACT SHEET

The Board shall post a fact sheet in accordance with the provisions of Article V, Section 2.

SECTION 5. LIST OF ELIGIBLES

The list of eligibles shall be compiled in accordance with the provisions on the fact sheet.

SECTION 6. FRAUD

Any fraud, attempted or practiced, may result in exclusion from examination, striking from list of eligibles or discharge from employment.

SECTION 7. VETERAN'S PREFERENCE

Veteran's preference for promotions shall be granted in accordance with Illinois Compiled Statutes (ILCS).

- a. No person shall receive veteran's preference for promotion after receiving one promotional appointment from a list upon which such credit was granted.
- b. The total value of veteran's credit may not be split for use on successive lists. The full point value must be employed with each application.

SECTION 8. DURATION OF LIST

The life of the list of eligibles for promotion shall be three (3) years. Extensions of the list of eligibles are not permissible.

SECTION 9. PROMOTIONAL APPOINTMENT

65 ILCS 5/10-2.1-15) (from Ch. 24, par. 10-2.1-15)

Sec. 10-2.1-15. The board, by its rules, shall provide for promotion in the fire and police departments 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 as desire to submit themselves to examination. All promotions shall be made from the 3 having the highest rating, and where there are less than 3 names on the promotional eligible 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 name remaining on the promotional register except that promotions made in any municipality with more than 130,000 but less than 2,000,000 population may be made from the 7 members having the highest rating. The method of examination and the rules governing examinations for promotion shall be the same as provided for applicants for original appointment, except that original appointments only shall be on probation, as provided by the rules.

The board shall strike off the names of candidates for promotional appointment after they have remained thereon for more than 3 years, provided there is no vacancy existing which can be filled from the promotional register.

Notification: Whenever a promotional vacancy occurs or a new appointment is to be made, the Village President or his authorized agent shall notify the Board of such fact.

Test Scoring Ties:

In the event that two or more candidates are tied when all possible points have been assigned the candidates scores will be obtained to the second digit past the whole number, i.e. 75.25. In the event that the score is still tied the candidate that has the departmental seniority will be placed as the first candidate with that score.

ARTICLE V

TESTING AND FACT SHEETS

SECTION 1. GENERALLY

The Board recognizes that actual tests, weights and procedures employed in the hiring and promoting of candidates are controlled by changing law and technical procedures. To adopt efficiently to this state of affairs, the Board shall separate rules from actual test procedures by the mechanism of the fact sheet.

The fact sheet shall be considered a policy statement by the Board for a specific list of eligibles. Although bound by dictates of each individual's fact sheet, no fact sheet shall be construed as a rule under the Act and may be changed, at the Board's discretion, without public notice, for such legal, technical, professional or practical reasons as the Board may choose. The fact sheet shall become a part of the minutes and records of the Board.

- a. Tests employed by the Board shall conform to recognized professional standards and shall give deference to federal, state and local regulations relative to employment and testing. The Board shall consider and may be guided by controlling authority, be it state or federal, to affect substantial compliance with law.
- b. When deemed necessary or desirable by the Board, tests shall be conducted by or with the assistance of such consultants as the Board may appoint.

SECTION 2. FACT SHEET USAGE

The Board shall publish, deliver and otherwise make available to all candidates a fact sheet, hiring or promotional information at some time prior to the first scored procedure.

- a. The fact sheet shall contain such information and guidelines as are normally given and professionally recommended and may include, but shall not be limited to, the order and type of tests and prerequisites that shall comprise the testing procedure culminating in a list of eligibles.
- b. The fact sheet shall include each scored or mandatory step of the testing for positions under Board purview, and such weights and assigned scores, if any, as are employed in the calculation of the list position.
 - i) Entry level tests – Examinations at the entry level may include but are not limited to: orientations, physical aptitudes, written, psychological, oral, medical, polygraphic deception detection, drug screens and background investigation.

- ii) Promotional tests – Examinations at the promotional level may include, but are not limited to written, oral, efficiency ratings, promotability ratings, Chief's points and seniority points.
- c. The fact sheet may also include such information as:
- i) application procedures and consequences, testing dates and location, required materials or dress.
 - ii) necessary prerequisites for employment, such as, age, education, medical condition, citizenship, etc.
 - iii) responsibility for recency of address, procedure for notification of results by the Board, procedure for requesting military points or other preference points.
 - iv) procedures and deadlines for seeking redress of action.
 - v) conditions of employment such as pay, benefits, probation procedures, waivers of appointment privileges, post-employment residency and conduct requirements.
 - vi) methods for contacting Board review member.

ARTICLE VI

SUSPENSIONS, DISCHARGES AND HEARINGS

SECTION 1. DEFINITIONS

Counsel as used herein means one who has been admitted to the bar as an Attorney of Law in the State of Illinois.

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 sole discretion of the Board.

Preponderance of evidence is defined as the greater weight of 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.

SECTION 2. EMPLOYEE DISCIPLINE

1. Purpose of Discipline:

In order to adhere to professional best practice, statutory requirements, rules, policies, and procedures, while also addressing employee work performance or behavior, the Winfield Police Department employs a philosophy that addresses deficiencies and or violations with the goal of improved performance and employee development.

In most cases, disciplinary matters are not brought to the Board but, rather, are handled by the management team of the Winfield Police Department. A system of progressive discipline is used, unless the violation under investigation indicates that a more severe type of disciplinary measure be employed. Typically, disciplinary procedures progress as follows: coaching/counseling; mentoring session; oral reprimand; written reprimand; suspension from duty without pay; termination. (See attached Addendum B for reference).

2. Role of the Chief of Police:

When dealing with internal matters of discipline for violations of procedure, policy or Village guidelines, the Chief of Police may, at his/her discretion, suspend an officer up to and including five (5) working days and provide written notice to the Board within 24 hours. Said written notice will include the officer's name, title, the number of procedure, policy or Village guideline that was violated, a brief narrative of the violation and the total number of work days the officer will be suspended.

3. Voluntary Disciplinary Agreements:

Situations may arise where an officer's behavior or performance, the type of disciplinary violation involved or the officer's past disciplinary record may warrant a recommended term of suspension without pay to exceed five (5) days. In these situations, the Chief of Police may reach a voluntary agreement with the involved officer and the officer's union attorney, which would allow a suspension without pay to exceed five (5) days duration and not involve Board adjudication.

In all disciplinary matters involving written reprimand and suspension without pay, the Chief of Police, or his designee, will provide the Board with an executive summary of the disciplinary violation and action taken. This will be presented at the first regular meeting of the Board after the disciplinary matter has been concluded.

4. Rules and Regulations of the Board Suspension:

The Chief of Police shall have the right to suspend any officer under his command for a period 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 police officer 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. A hearing shall be had upon such appeal and due notice given to the Chief of Police who suspended such police officer and to the employee so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal.

5. Appeal:

Upon such appeal, the Board may sustain the action of the Chief of Police, may reverse it with instructions that the employee so suspended receive his/her pay for the period involved, may suspend the employee for a period of not more than 30 days or discharge him/her, depending on the evidence presented.

SECTION 3. CAUSES FOR SUSPENSION OR DISCHARGE

Police Department personnel shall be governed by the rules of the Board and by the regulations of the Winfield Police Department. Members of said departments shall not comport themselves in a manner as to bring discredit upon themselves, the department or the Village of Winfield, Illinois.

- a. Violations of said rules or regulations shall constitute cause for the filing of charges before the Board and for hearing and action thereon.
- b. Violation of the laws of the Village, State (except as otherwise provided therein), or Federal government shall constitute cause for the filing of charges before the Board and for hearing and action thereon.

SECTION 4. COMPLAINTS

- a. Form of Statement – Charges filed with the Board shall be brief in reciting violation or rules and shall consist of offense(s) in the language of said rule, the person involved and the date(s) of violation. Evidence to be presented at the hearing shall not be included in the charges. A comprehensive list of witnesses, interviewed as to their knowledge in the matter, shall be included under this heading. If such witnesses are members of the Classified Service, the name, rank, badge or star number shall be shown. If any of the witnesses are citizens, the name, address, city and telephone number shall be shown. Only witnesses with direct knowledge of the matters before the Board shall be listed upon the charges.

- b. Form of Paper – All papers filed in any portion of the proceeding shall be on the appropriate form and in the appropriate format so as to provide the required information to the Board.

Confirmation of Form – Any doubt as to procedure or specifications, as regards the filing charges may be resolved by consulting the Board Chairman, the Secretary or the Village attorney.

SECTION 5. PRE-HEARING PROCEDURE

- a. 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. In the event a paper is forwarded by mail, the date received shall be the controlling time.
- b. 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.
- c. 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 a holiday or Sunday, then such succeeding day shall also be excluded.
- d. Date of Hearing and Notice – The time and place for the hearing of charges shall be set by the Board within 30 days of the time of filing of such charges, unless waiver is requested or accepted by the charged party or by mutual agreement of the parties thereto. Notice of such hearing shall be issued by the Board in accordance with Section 4 of Article VI of these rules.
- e. 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.

- f. Objective to Sufficiency of Charges - Motions or objectives as to sufficiency of written charges must be filed at least three (3) days prior to the hearing before the Board.
- g. Continuances – The matter of granting or refusing to grant a continuance or 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 either made orally to the Chairman of the Board in open session or received in writing at the Board's offices at least three (3) days before the scheduled hearing date.

- h. Stipulations – Parties may, on their own behalf or by counsel, stipulate and agree in writing or on the record to a continuance or as to evidentiary matters. The facts so stipulated shall be considered as evidence in the proceeding.
- i. Subpoenas –
 - i) 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 a hearing or have them produce books, papers, records, accounts and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person of the age of 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 which they are to produce. Subpoenas will not be issued for anyone residing outside of the State of Illinois.
 - ii) 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.
- j. Waiver of Right to Trial (Laches) – Any defendant who fails to request a hearing within the period provided for herein, or who fails to appear at such hearing set by the Board, shall forfeit the right to be heard.

SECTION 6. HEARING PROCEDURE

- a. Public Hearings – All hearings shall be public in accordance with the Illinois Open Meetings Act.
- b. Procedure – Hearings before the Board are not common law proceedings; the provisions of the “Civil Practice Act” do not apply.

- c. Legal Counsel – Both parties with matters before the Board may be represented by counsel.
- d. Transcription – All proceedings before the Board shall be recorded by a court reporter, the cost of such services to be borne by the Board, although such record need not be transcribed unless requested by the Board or any party of interest.
- e. Burden of Proof – The complainant initiating any proceedings which call for a hearing before the Board has the burden of proof to establish that cause does exist by a “preponderance of evidence”. Should the question of a crime be involved, the rules of “reasonable doubt” shall not control.
- g. Examination of Witnesses – 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.
- h. Rehearing – No rehearing, reconsideration, modification, vacation or alteration of a decision of the Board can be allowed.
- i. Finding and Decision – The finding 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 officer involved and the department head for enforcement. The Board shall have 15 days to enter said findings. If the finding or decision is that an officer or employee is guilty of charges investigated, and removal or discharge is ordered, such order or removal or discharge shall become effective forthwith.

SECTION 7. SUSPENSION

- a. The Board may suspend any member of the Police Department against whom charges have been preferred, with or without pay, pending a hearing of the charges by the Board, but not to exceed 30 days, without pay, at any one time on any individual charge. Continuances may be granted at the request of the respondent upon a showing of good cause.
- b. The Chief of Police shall have the right to suspend any officer under his command for a period of not to exceed five (5) days of such suspension.

Any police officer so suspended may appeal to the Board for a review of the suspension within five (5) days of the time of such suspension by filing notice of such appeal in writing with the Secretary of the Board. A hearing shall be had upon such appeal and due notice given to the Chief of Police who suspended such officer, and to the officer so suspended in the same manner as if charges were originally filed before the Board.

- c. Upon such appeal, the Board may sustain the action of the Chief of Police, may reserve 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 8. DISCHARGE OR SUSPENSION AFTER HEARING

Discharge from office or suspension from service in the Police Department shall be in compliance with the Act.

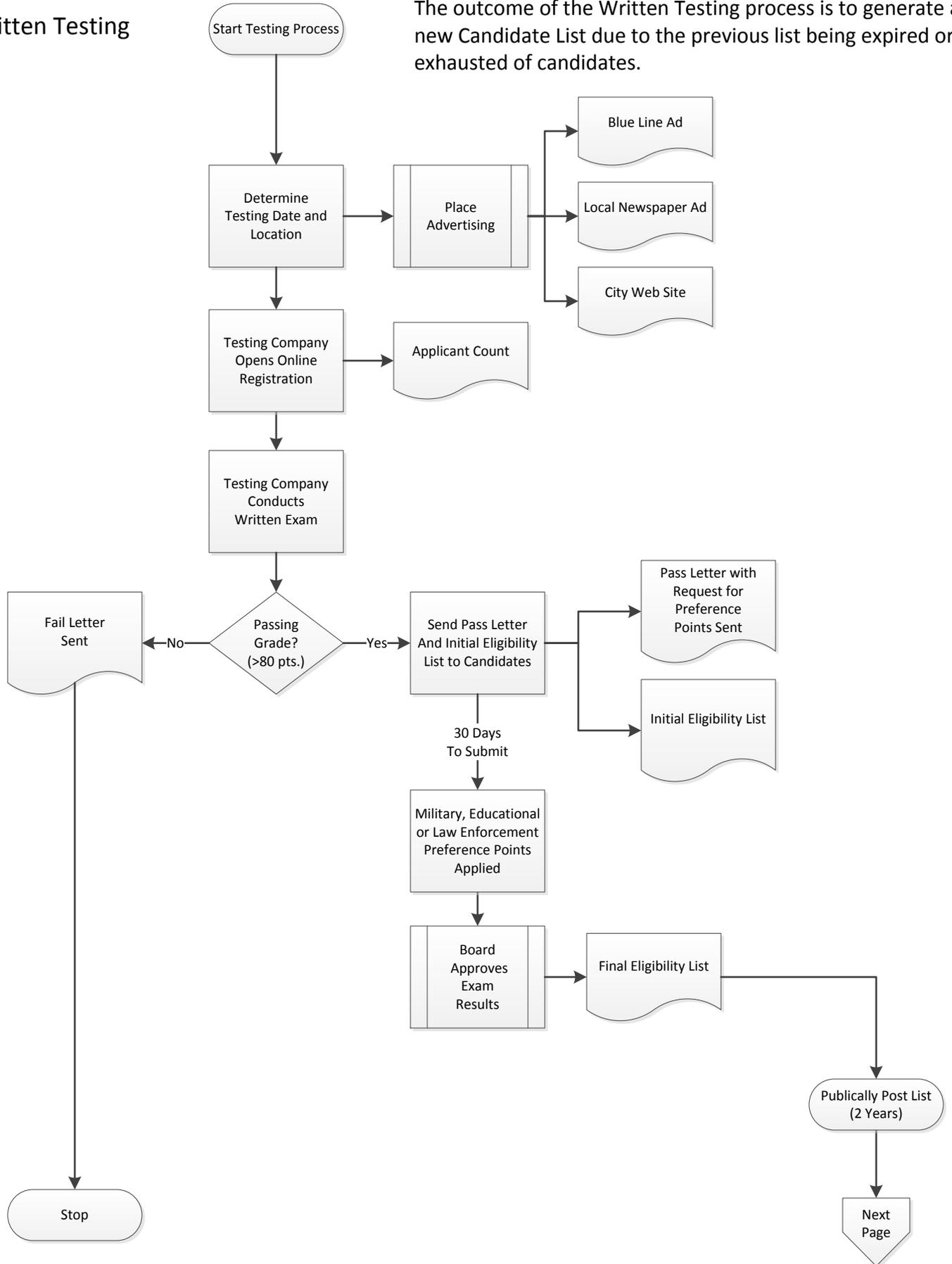
In findings of guilty as charged where an action is ordered, such action shall be effective forthwith.

Addendum A

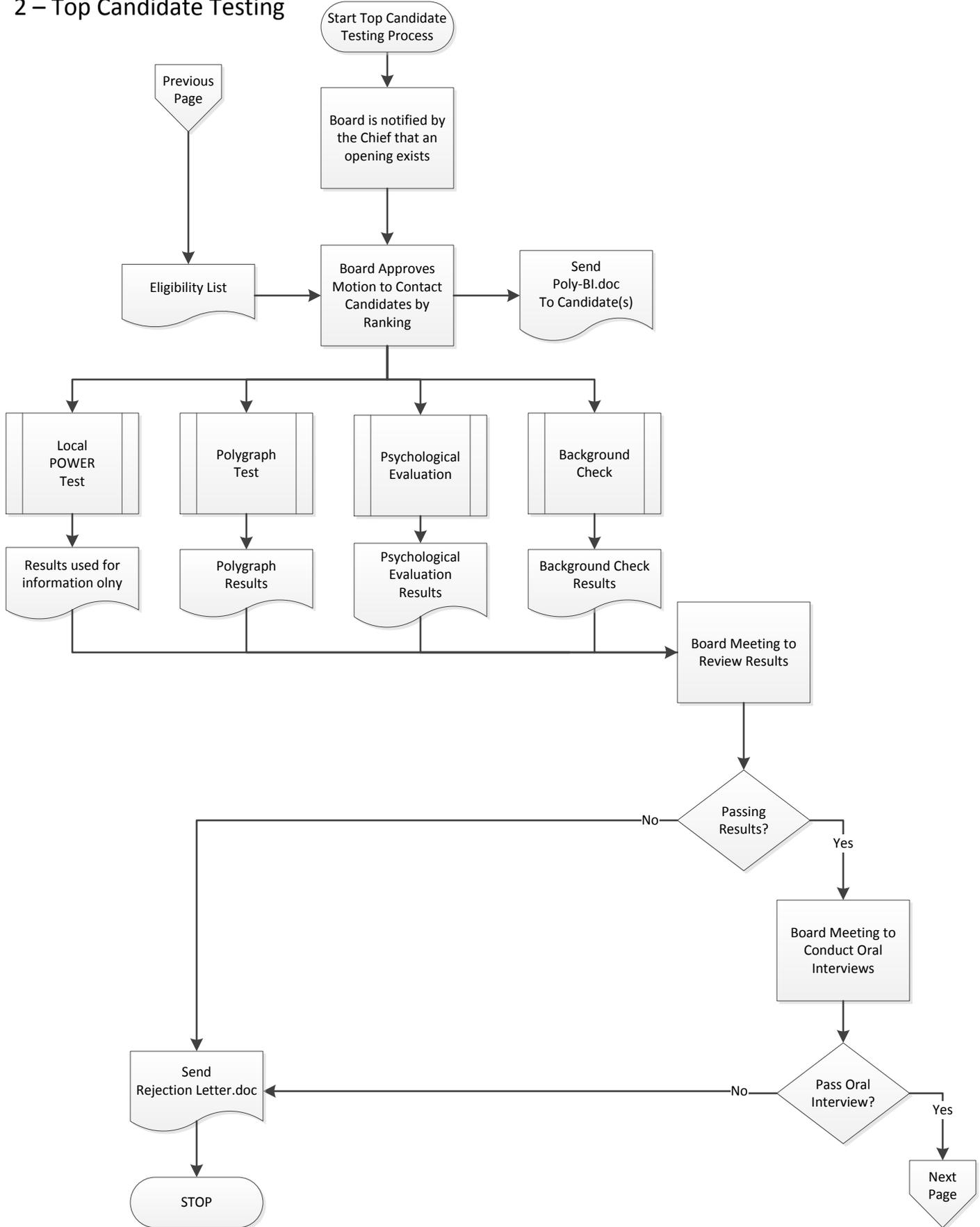
Recruitment Process

1 - Written Testing

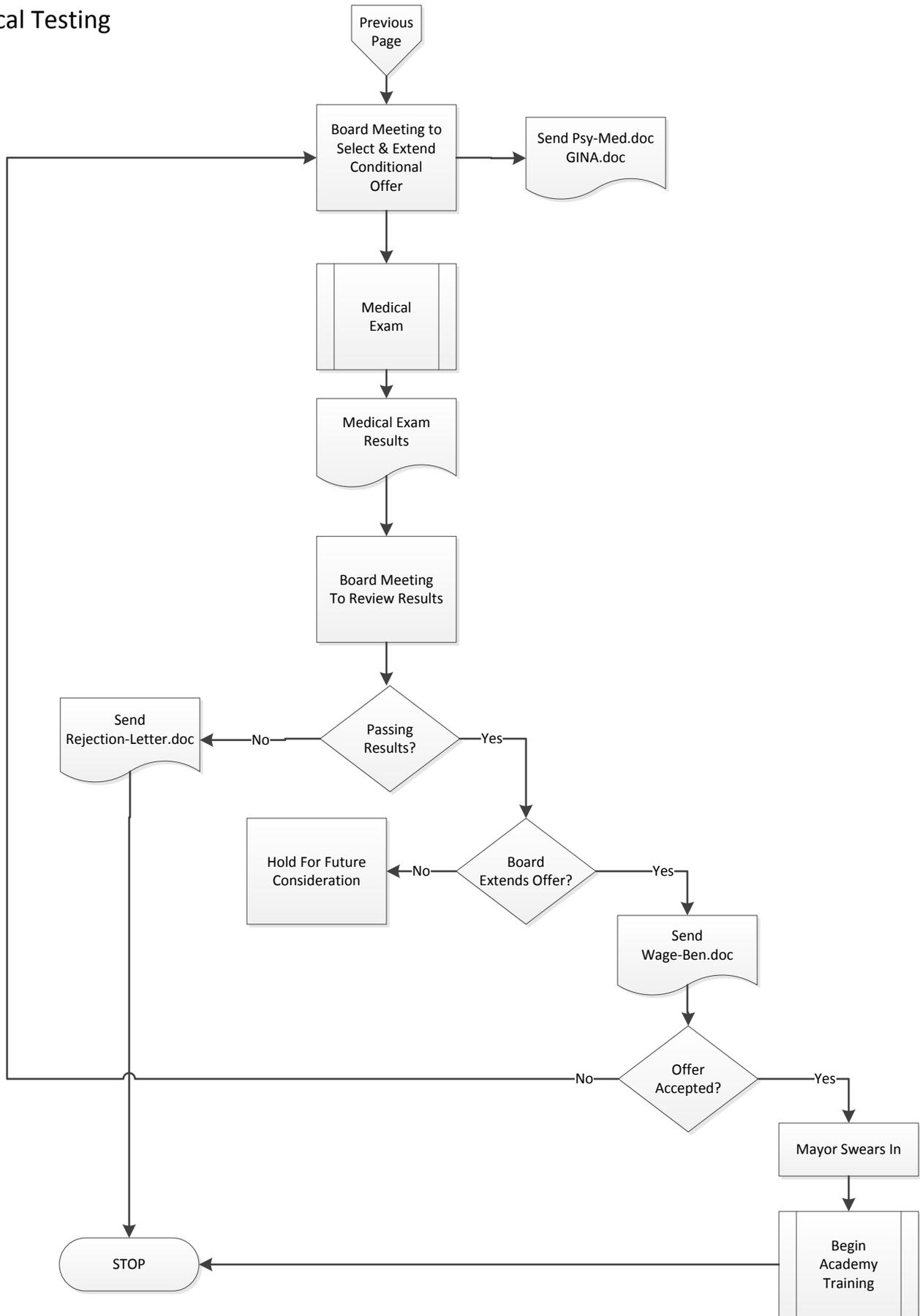
The outcome of the Written Testing process is to generate a new Candidate List due to the previous list being expired or exhausted of candidates.



2 – Top Candidate Testing



3 – Medical Testing



Addendum B
Progressive Discipline -
Responsibilities

PROGRESSIVE DISCIPLINE RESPONSIBILITIES

Type of Discipline	Police Chief's Responsibilities	Board Responsibilities
Coaching / Counseling	Record Event	None
Corrective Conference	Review incident / Authorize Discipline / Report to Board at the next scheduled meeting	Acknowledge
Written Reprimand	Review incident / Authorize Discipline / Report to Board at next scheduled meeting	Acknowledge
Suspension 1 - 5 Days *	Review incident / Assign Discipline / Report to Board in writing within 24 hours	Acknowledge: if appealed by officer, conduct hearing
Suspension 6 - 30 Days *	Review incident / Request suspension / Make presentation at Board Hearing	Acknowledge / Conduct hearing within 30 days / Render finding within 15 days^
Termination *	Review incident / Request termination / Make presentation at Board Hearing	Acknowledge / Conduct hearing within 30 days / Render finding within 15 days^

*denotes the fact that any officer may voluntarily accept any amount of discipline from the Chief of Police. In situations that this form of agreement is reached with the involved officer and the officer's union attorney, it would allow a suspension without pay to exceed five (5) days duration and not involve a Board Hearing. In situations that are resolved in this manner, the Chief of Police has the responsibility to notify the Board in the same manner that would be utilized for a Corrective Conference or Written Reprimand.

^denotes that if a hearing is held, the Board is within its authority to sustain the action/request of the Chief of Police, may reverse it with instructions that the employee so suspended receive his pay for the period involved, may suspend the employee for a period of not more than 30 days, or discharge him depending on the evidence presented.