

VILLAGE OF BARTLETT
BOARD OF FIRE AND POLICE COMMISSION

Minutes of Regular Meeting
Held on Tuesday, March 02, 2021
Bartlett Police Department
2nd Floor Administrative Conference Room
228 South Main Street

A. CALL TO ORDER

Commissioner Sampey called the meeting to order at 3:30 p.m.

B. ROLL CALL

Present: Commissioners Jane Kirkby, John Sampey, and John McGuire (all physically present)

Absent: None

Also Present: Chief Patrick Ullrich, Deputy Chief Geoffrey Pretkelis, James Powers (Attorney for Fire and Police Commission), and Recorder Christine Sanchez

C. PUBLIC COMMENTS

None

D. APPROVAL OF MINUTES

COMMISSIONER SAMPEY MOVED, second by Commissioner McGuire to approve the February 18, 2021, Special Meeting minutes.

MOTION ADOPTED VIA VOICE VOTE

COMMISSIONER SAMPEY MOVED, second by Commissioner McGuire to approve the February 18, 2021, Special Meeting Closed Session minutes.

MOTION ADOPTED VIA VOICE VOTE

E. EXECUTIVE (CLOSED) SESSION

Closed Session was entered at 3:32 p.m. to discuss the following pursuant to: 5 ILCS 12/2 (c)(1) of the Open Meetings Act for purposes of discussing the employment of a specific Village employee, and pursuant to 5 ILCS 12/2(c)(11) of the Open Meetings Act for purposes of discussing pending or imminent litigation.

COMMISSIONER MCGUIRE MOVED, second by Commissioner Sampey to enter into Closed Session at 03:32 p.m.

ROLL CALL VOTE:

Aye: Commissioner Kirkby, Commissioner Sampey, and Commissioner McGuire (all physically present)
Nay: None
Absent: None
Abstain: None

MOTION PASSED

COMMISSIONER MCGUIRE MOVED, second by Commissioner Sampey to end Closed Session at 3:50 p.m.

ROLL CALL VOTE:

Aye: Commissioner Kirkby, Commissioner Sampey, and Commissioner McGuire (all physically present)
Nay: None
Absent: None
Abstain: None

MOTION PASSED**F. OLD BUSINESS**

1. Employee challenge to sergeants' promotional process

COMMISSIONER MCGUIRE MOVED, second by Commissioner Sampey, to adopt the written decision (as drafted and circulated by Mr. Powers) rejecting Officer Anderson's challenge to the Board's interpretation of its rules that allows the combination of military and educational preference points

MOTION ADOPTED VIA VOICE VOTE

2. Potential extension of time for preference points request

The Board decided that there was no need to extend the time for candidates to elect additional preference points beyond the already expired deadline.

3. Finalization and approval of sergeants' promotional eligibility list

Deputy Chief Pretkelis shared a draft of the final eligibility list with the Board members and Mr. Powers. A brief discussion ensued in regard to the total amount of points for each applicant. Deputy Chief Pretkelis informed the Board members and Mr. Powers that some applicants, although eligible, did not submit preference points for unknown reasons. All Board members agreed with the preference point totals on the draft eligibility list, including the 3.5 educational preference points for Officer Anderson.

By extension, COMMISSIONER MCGUIRE MOVED, second by Commissioner Sampey, to adopt the written decision (as drafted and circulated by Mr. Powers) that explained to Officer Anderson the rationale for rejecting her request for more than 3.5 educational preference points.

MOTION ADOPTED VIA VOICE VOTE

COMMISSIONER MCGUIRE MOVED, second by Commissioner Sampey, to approve the final sergeants' eligibility list as circulated.

MOTION ADOPTED VIA VOICE VOTE

A brief discussion ensued about the posting and distribution of the promotional eligibility list. It was agreed that Deputy Chief Pretkelis would hand-deliver the two written decisions to Officer Anderson the next day, and would soon thereafter distribute and post the final promotional eligibility list.

G. NEW BUSINESS

1. General discussion of initial police officer candidate polygraph results and conditional job offer documents

Deputy Chief Pretkelis asked Mr. Powers what documents are subject to Freedom of Information Act (FOIA). Mr. Powers advised that parts of a background investigation report may be disclosable under FOIA, including for example purely factual information. By contrast, Mr. Powers advised that other information might be subject to redaction, like private information or recommendations/opinions. He stated that each page/document of an investigation report would have to be analyzed to determine whether redactions might be in order.

2. Storage location of medical and psychological examination documents

Deputy Chief Pretkelis asked Mr. Powers whether medical and psychological examination documents should be kept in the Commission's files or with Bartlett's Human Resources department. Mr. Powers explained that per the Americans with Disabilities Act, medical documents are to be kept in a separate file apart from general non-medical personnel files and are to remain confidential for only decision makers, such as the Chief and Board members, to see. A brief discussion ensued between all members present as to best practices for storing medical and psychological examination documents along with different options for doing so. Consensus was reached that Human Resources would keep employment application and background investigation materials in its files, while the Board would retain medical and psychological examination documents in its own files. The police department will notify Commissioner Kirkby if access to the medical and psychological exam documents is needed.

3. Discussion of polygraph results being shared with detectives prior to completion of candidate background investigation

Deputy Chief Pretkelis asked the Board members to please consider allowing the detectives, who are completing the background investigations, to receive the results of the

polygraph examinations. Deputy Chief Pretkelis and Chief Ullrich explained that having the information provided by the examination is crucial to the detectives and gives them the ability to ask more specific questions based on those results. If the detectives could have access to this information, it would help ensure Bartlett hires the best quality candidates for the position.

Commissioner Kirkby informed Deputy Chief Pretkelis that she was advised by former Fire and Police Commission Attorney John Broihier that sharing this information was not allowed and these documents are property of the Board. Mr. Powers clarified the steps of the background process and advised the Board members that there is no legal prohibition against sharing the polygraph results with Village investigators. Such investigators essentially serve as the Board's agents, such that there should be no problem in sharing the information with them. Mr. Powers also informed the Board members that the Federal Polygraph Act applies only to private sector employers, so there is no legal prohibition against sharing polygraph results with the police department investigators. He also stated this could be important information for the detectives, would help ensure the integrity of the candidate, and there is no harm in investigations receiving this information.

Mr. Powers informed the Board members to reach out to the agency that conducts the polygraph examinations and have them send the disclaimer documents and make sure there is no pledge of confidentiality, which there should not be. After a brief discussion, the Board determined that it would share the polygraph results and background questionnaires with police department investigators so that they could conduct a more thorough and complete background investigation.

H. ADJOURN

COMMISSIONER MCGUIRE MOVED, second by Commissioner Sampey to adjourn.

MOTION ADOPTED VIA VOICE VOTE

The meeting adjourned at 4:31 p.m.

Respectfully Submitted By:

Christine Sanchez

Christine Sanchez / Recorder
March 09, 2021