

VILLAGE OF BARTLETT

COMMITTEE AGENDA

JANUARY 4, 2022

BUILDING & ZONING, CHAIRMAN HOPKINS

1. Combine Plan and ZBA Commissions

POLICE & HEALTH, CHAIRMAN SUWANSKI

2. Revisions to Board of Fire and Police Commissioners Rules and Regulations

Memorandum

TO: Kevin Wallace, Village President and Board of Trustees

FROM: Paula Schumacher, Village Administrator

DATE: December 28, 2021

SUBJECT: Combining Plan and ZBA Commissions

In June of 2017, the Village Board discussed the topic of a combined Plan Commission and Zoning Board of Appeals Commission. The consolidation of the two into one commission functions in the same manner, hearing both zoning, special uses, subdivisions, variances and text amendments. The municipal authority to create a combined commission is done as an exercise of municipal home rule authority. At that time the Village Board expressed an interest in combining the two commissions, but wanted to revisit the issue at a later date.

In November of 2017, the Village Board again discussed the topic of combining the two commissions into one body. The staff presented a survey of 20 communities that have consolidated their commissions. The survey showed the average joint Planning and Zoning Commission has 8 or 9 members. The joint commissions conduct public hearings and require a majority to establish a quorum to begin meetings and conduct public hearings. The combined commission is created by enacting a municipal ordinance that details the joint commissions functions and duties.

The consideration of a single commission was to improve efficiency of the development process, not a reflection of the quality of the work done by the commissioners over the years of their service. Staff is recommending 9 members for the new commission which would require 5 members for a quorum.

The Planning and Zoning Commission suggested would consist of 9 members appointed by the Village President, subject to the confirmation by the Board of Trustees. Each member serving a 4-year term, or a shorter term as the board determines and shall remain on the commission until the term expires or until his or her successor is appointed and qualified. One member shall be designated by the Village President as chairman at the time of his or her appointment.

Should the Village Board decide to create one commission, Village Attorney Mraz will prepare a draft ordinance that abolishes the Plan Commission and the Zoning Board of Appeals and replaces both bodies with a new Planning and Zoning Commission. The process for appeals, major design exceptions, variations, special uses, site plan review will also be outlined in the draft ordinance.



Agenda Item Executive Summary

Item Name Revisions to the Board of Fire and Police Committee
Commissioners' Rules & Regulations or Board Committee

BUDGET IMPACT

Amount:	N/A	Budgeted	N/A
List what fund	N/A		

EXECUTIVE SUMMARY

The Board of Fire and Police Commissioners recently approved changes to its rules and regulations. Therefore, we are requesting the Village Board to exercise its home rule authority that will apply to all of Chapters II - Applications, Chapter III - Examinations, and Chapter IV - Promotional Examinations of the Rules and Regulations of the Board of Fire and Police Commissioners and adopt the BFPC's amended and restated Rules and Regulations.

ATTACHMENTS (PLEASE LIST)

Police Department Memo
Proposed Ordinance
Board of Fire and Police Commissioners Rules and Regulations - Latest Revisions

ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion

Staff: Patrick Ullrich, Chief of Police Date: December 17, 2021
Geoffrey Pretkelis, Deputy Chief of Police

POLICE DEPARTMENT MEMORANDUM
22-01

DATE: December 17, 2021
TO: Paula Schumacher, Village Administrator
FROM: Geoffrey T. Pretkelis, Deputy Chief of Support Services
RE: Board of Fire and Police Commissioners' Rules & Regulations Revisions

The Board of Fire and Police Commissioners (BFPC) is authorized to make rules and regulations for the appointment of sworn police officers and the promotions of sergeants in accordance with the Illinois Municipal Code and the Bartlett Municipal Code. On November 16, 2021, the BFPC held a Special Meeting and with the advice of its legal counsel, Jim Powers, approved revisions to Chapter II – Applications, Chapter III – Examinations and Chapter IV - Promotional Examinations of the BFPC's Rules and Regulations. Chapter II – Applications and Chapter III – Examinations have not been revised since September 19, 1995. Chapter IV – Promotional Examinations has not been revised since April 3, 2007.

Some of the changes (and prior language) of the BFPC Rules and Regulations deviate from the plain language of the Illinois Municipal Code dealing with the police hiring and promotional processes. In some cases, the change itself necessitates the home rule authority. In other cases, some of the original wording requires the exercise of the Village Board's home rule authority. As a result, Village Attorney Bryan Mraz and BFPC Attorney Jim Powers recommend the Village Board to simply invoke a "blanket" exercise of the its home rule authority that will apply to all of Chapters II – Applications, Chapter III – Examinations, and Chapter IV – Promotional Examinations by passing the attached ordinance adopting the amended and restated Rules and Regulations of the Board of Fire and Police Commissioners.

Here are the highlights of the recent revisions to Chapter II – Applications, Chapter III – Examinations, and Chapter IV – Promotional Examinations of the BFPC's Rules and Regulations, along with a brief explanation about some of the differences between the Illinois Municipal Code and the BFPC's Rules and Regulations that necessitate the exercise of the Village's home rule authority:

Chapter II – Applications

<u>Change</u>	<u>Exercise of Home Rule Authority</u>
Added a section describing the required documents that need to be submitted along with the completed application, which repeats the BFPC's authority to charge application fees.	Division 2.1 of the Illinois Municipal Code does not mention a BFPC's ability to charge application fees. As a result, it is advisable for the Village to exercise its home rule authority when re-adopting this provision.
Included a section describing the minimum qualifications the entry-level police officer candidates need to meet at the time they submit their applications.	Several of the qualifications are not mentioned in Division 2.1 of the Illinois Municipal Code. As a result, it is advisable for the Village to exercise its home rule authority when adopting (and re-adopting) some of these minimum qualifications.
Updated the criteria the BFPC may utilize to disqualify an applicant at any time before, during, or after the examination process.	

Added a section notifying the applicant must sign and deliver to the BFPC or its testing agent a waiver and authorization for release of information as part of the application process in order to allow the BFPC or its testing agent to conduct a proper character and background investigation of the applicant.	
Included a section about the retention and disposition of records of those applicants not selected by the BFPC.	

Chapter III – Examinations

<u>Change</u>	<u>Exercise of Home Rule Authority</u>
Allows for the BFPC to periodically conduct a regular entry-level patrol officer examination process and/or a certified eligible lateral patrol officer examination process.	The BFPC's current police hiring process envisions a two-step process whereby a certain number of candidates on a primary eligibility register will be placed on a final eligibility register (after an oral interview), from which final appointments will be made. Division 2.1 of the Illinois Municipal Code does not address such a two-step process. As a result, it is advisable for the Village to exercise its home rule authority when re-adopting this two-step process.
Provides a better explanation of each component of the entry-level patrol officer examination process.	
Allows the BFPC to make an appointment from the three (3) highest ranked candidates on the entry-level patrol officer and the certified eligible lateral patrol officer Final Eligibility Register.	Division 2.1 of the Illinois Municipal Code requires a BFPC to appoint police candidates in the order of their ranking on a final hiring eligibility register. As a result, the Village must rely on its home rule authority in order to allow the BFPC to make appointments from the top three candidates.
Added a new section in regard to the certified eligible lateral appointment process, allowing candidates with one year of law enforcement experience to apply.	While Division 2.1 of the Illinois Municipal Code allows for the creation of lateral police hiring registers, the minimum eligibility requirement for such registers is two years of police employment with another agency. The BFPC wishes to reduce that experience level to one year beyond the completion of an officer's probationary period. This difference requires the Village's exercise of its home rule authority.

As mentioned above in Chapter III – Examinations, the BFPC added a new section in its Rules and Regulations regarding a certified eligible lateral appointment process. The police department is recommending the Village of Bartlett not to offer any incentives for certified eligible lateral candidates.

Chapter IV - Promotional Examinations

Change	<u>Exercise of Home Rule Authority</u>
<p>Provided clarification that a promotional candidate may elect only educational preference points or military preference points, but not both.</p>	
<p>Included language indicating promotional candidates can secure preference points for only the highest educational degree that they have attained.</p>	<p>Educational preference points in the police promotional context are not mentioned in Division 2.1 of the Illinois Municipal Code. As a result, it is advisable for the Village to rely on its home rule authority when re-adopting such educational preference points in the police promotional context.</p>
<p>Included language explaining that informal promotional guidance may occasionally be developed to help Police Department staff administer the BFPC’s promotional process. However, such informal promotional guidance will not supersede the BFPC’s promotional Rules.</p>	

ORDINANCE 2022 - _____

**AN ORDINANCE ADOPTING THE AMENDED AND RESTATED RULES
AND REGULATIONS OF THE BOARD OF FIRE AND POLICE COMMISSIONERS**

WHEREAS, the Village of Bartlett ("**Village**") is an Illinois home rule municipal corporation organized and operating pursuant to Article VII of the Illinois Constitution of 1970, and has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the Village has in place a duly appointed and acting Board of Fire and Police Commissioners (the "BFPC") referred to alternatively in the Bartlett Municipal Code, Title 2, Chapter 4, as the "Board of Police and Fire Commissioners", which is authorized to make rules and regulations for the appointment of sworn police officers and the promotional rank of sergeant in accordance with the Illinois Municipal Code and by the Bartlett Municipal Code; and

WHEREAS, the BFPC has in place certain rules and regulations originally adopted by it on September 19, 1995 (the "Original BFPC Rules"), which were amended on April 3, 2007 (the "2007 Amendments"), and on November 16, 2021, the BFPC approved of certain revisions to Chapter II Applications, Chapter III Examinations, and Chapter IV Promotional Examinations, of the Original BFPC Rules (the "11/16/21 BFPC Proposed Amendments") that deviate from a strict reading of the Illinois Municipal Code, but may be authorized if approved of by the Village Board exercising its home rule authority; and

WHEREAS, the proposed Amended and Restated Rules and Regulations of the Board of Fire and Police Commissioners, Village of Bartlett, State of Illinois appended hereto as Exhibit 1 includes the Original BFPC Rules as modified by the 2007 amendment and the 11/16/21 BFPC Proposed Amendments, which are merged together and are restated in Exhibit 1 which are before the Village Board for approval and the exercise of its home rule authority;

NOW, THEREFORE, BE IT ORDAINED by the Village Board of Trustees of the Village of Bartlett, Cook, DuPage, and Kane Counties, Illinois, pursuant to its home rule authority provided under Article VII of the Illinois Constitution of 1970 as follows:

SECTION ONE: That the RULES AND REGULATIONS OF THE BOARD OF FIRE AND POLICE COMMISSIONERS, VILLAGE OF BARTLETT, STATE OF ILLINOIS, appended hereto as Exhibit 1 and expressly incorporated herein are hereby approved.

SECTION TWO: SEVERABILITY. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

SECTION THREE: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FOUR: EFFECTIVE DATE. This Ordinance shall be effective ten (10) days after its passage and approval as required by law.

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

PASSED:

APPROVED:

Kevin Wallace, Village President

Attest:

Lorna Giles, Village Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2022-_____, enacted on _____, 2021, and approved on _____, 2022, as the same appears from the official records of the Village of Bartlett.

Lorna Giles, Village Clerk

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

ADOPTED: _____

REVISED: _____

PUBLISHED: _____

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

As adopted by the Board of Fire and Police Commissioners of the Village of Bartlett, Illinois, effective November 16, 2021.

CHAPTER I - ADMINISTRATION

SECTION 1 - SOURCE OF AUTHORITY.

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

SECTION 2 - DEFINITIONS.

The word "Commission" and/or "Board" wherever used shall mean the Board of Fire and Police Commissioners of the Village of Bartlett, Illinois. The word "Officer" shall mean any person holding a permanent office in the Police Department of the Village of Bartlett, Illinois. The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural the singular.

SECTION 3 - OFFICERS OF BOARD AND THEIR DUTIES.

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

SECTION 4 - MEETINGS.

- a) Regular meetings shall be held monthly. Notice shall be posted and meetings shall be open to the public.
- b) Special meetings shall be open, notice thereof to be posted forty-eight (48) hours prior to convening, called by the filing of a notice in writing with the Secretary of the Board and signed

either by the Chairman of the Board or any two members thereof. This notice shall contain a brief statement of the business to be submitted for the consideration of the Board at such special meetings, and shall set forth the time and place of such special meeting, and no other business shall be considered at such special meeting unless by unanimous consent of the Board.

- c) During any regular or special meeting a closed session may be held upon a proper motion made by any single member of the Board for the purpose of discussing personnel. Closed sessions may be limited to Board members and such invited persons as the Board may deem necessary. The secretary will record the motion to close the meeting, record the roll call vote of the members on said motion and keep minutes of the closed session. An audio or video record of each closed session will be maintained by the Secretary of the Board and, after a minimum of 18 months, shall be disposed of in accordance with the provisions of the Open Meetings Act.
- d) Public notice of any regularly scheduled or special meeting shall be held in accordance with the Open Meetings Act, Illinois Compiled Statutes, Chapter 5, "120/1-120/5.
- e) If a member is unable to be physically present at a meeting of the Board, whether it be for health related reasons, the need to conduct personal business or the business of the Board, or due to a personal or family emergency, that member may attend and participate at a Board meeting by telephonic or other electronic means provided that a quorum of the Board's members are physically present at the meeting and vote to approve the attendance of the missing member(s) by way of telephonic or other electronic means. The minutes of the meeting shall reflect, by name, those members of the Board who are physically present as well as those attending by telephonic or other electronic means. Notice that a board member will be in attendance and participating at a Board meeting, not in person but electronically, shall be provided to the Board's recording secretary or the municipal clerk at least 48 hours prior to the scheduled meeting.
- f) The agenda for a "Regular Meeting" shall allow for an "Open Forum" 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 Fire and Police Commission.

SECTION 5 - QUORUM.

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

SECTION 6 - ORDER OF BUSINESS.

The order of business at any meeting shall be:

- a) Call to Order
- b) Roll Call
- c) Public Forum (Citizen Comments)
- d) Approval of Minutes
- e) Correspondence
- f) Old Business
- g) New Business
- h) Executive (Closed) Session
- i) Adjournment

SECTION 7 - PROCEDURE.

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

SECTION 8 - AMENDMENTS.

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

SECTION 9 - ANNUAL REPORT AND BUDGET REQUEST.

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

CHAPTER II - APPLICATIONS

SECTION 1 – NOTICE OF ENTRY LEVEL EXAMINATIONS

When the Board deems it appropriate to conduct an examination for the entry level rank of Patrol Officer, the Board shall publish a notice of that examination on the Village's Internet website and via other sources as the Board deems appropriate. Such notice must be provided at least two weeks prior to the date of the entry level examination. The Notice will include instructions regarding how to submit an application for employment as an entry-level Patrol Officer.

SECTION 2 – APPLICATION FORMS AND FEES

Entry-level candidates shall submit the required application and application materials at the date, time, manner, and location indicated by the Board or its testing agent. Those materials must include, but are not limited to, the following:

- a) Copies of a high school diploma. The Board will also accept a copy of the applicant's high school transcript (showing graduation date) or evidence of a G.E.D. equivalence diploma. In cases of applicants who were educated outside the United States, appropriate documentation of a high school level diploma shall be determined on a case-by-case basis.
- b) If electing educational preference points, a copy of an official transcript from an accredited institution of higher learning.
- c) If electing military preference points, a copy of the appropriate military service documents, like a DD Form 214.
- d) A copy of a government-issued birth certificate as proof of citizenship and age. Applicants may submit copies of a U.S. county or state issued birth record, valid U.S. passport, or naturalization papers, as proof of citizenship. Hospital-issued birth certificates will not be accepted.
- e) A copy of a valid driver's license.

Applications will be filled out on forms furnished by the Board or its testing agent, and applicants must comply with the requirements of that form in every respect, including the submission of any requested documents that establish qualifications for employment. The Board may require the submission of electronic applications as stated in any notice of examination.

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

Each applicant must pay an application fee in the amount set by the Board. The Board may adjust the application fee at any time or decide to waive the fee altogether.

It shall be the duty of each applicant to inform the Board in writing of any change in address, email address, or telephone number on his/her application. Failure to properly notify the Board of any change may result in the striking of the applicant's name from the application process, the Primary Eligibility Register or the Final Eligibility Register.

SECTION 3 - MINIMUM QUALIFICATIONS

Applicants for entry-level Patrol Officer positions must meet the following minimum qualifications at the time they submit their applications:

- a) Applicants must be U.S. citizens at the time of the application.
- b) Applicants must be at least 21 years of age at the time of their original appointment and have not reached their 35th birthday as of the last date that applications are due. Applicants will be exempt from the age-35 hiring requirement as permitted by 65 ILCS 5/10-2.1-6(a) & (d) and 65 ILCS 5/10-2.1-14, as those statutory Sections may be amended from time to time.
- c) Applicants must possess a high school diploma or equivalent at the time of application.
- d) Every applicant must be of good moral character, and physically and psychologically able to perform the essential job functions of the applied-for position, with or without a reasonable accommodation.
- e) Applicants must possess a valid driver's license at the time of hire.
- f) Applicants must be legally capable of obtaining an Illinois Firearm Owners Identification (FOID) card.

SECTION 4- DISQUALIFICATIONS

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

- a) Has improperly filed an application or failed to comply with the filing instructions by failing to submit all required materials.
- b) Has made inaccurate answers on the application or at any time during the testing process.
- c) Has failed any examination component for the applied-for position.

- d) Is found lacking in any of the minimum qualifications described in Section 3 of this Chapter II.
- e) Has been convicted of a felony, any misdemeanor involving moral turpitude, or any other misdemeanor that, in the judgment of the Board, renders the applicant unsuitable for the applied-for position.
- f) Has engaged in any illegal conduct (regardless of the existence of a conviction), which the Board deems inconsistent with the position of a Patrol Officer.
- g) Has character or employment references that are deemed unsatisfactory.
- h) Has been terminated from public or private sector employment.
- i) Is or has ever been classified by a Local Selective Service Draft Board as a conscientious objector.

Any applicant deemed disqualified hereunder shall be notified by the Board in writing.

SECTION 4- RELEASE OF INFORMATION

As part of the application process, the applicant must sign and deliver to the Board or its testing agent a waiver and authorization for the release of information in order to allow the Board or its testing agent to conduct a proper character and background investigation of the applicant.

SECTION 5 – RECORD RETENTION

The records of all applicants shall be securely stored by the Board. The retention and disposition of records of those applicants not selected (including but not limited to background information, medical, psychological and polygraph examinations) shall be retained in accordance with applicable laws, including but not limited to the Illinois Local Records Act (50 ILCS 205/1 *et seq.*).

CHAPTER III - EXAMINATIONS

ORIGINAL APPOINTMENTS

SECTION 1 – TYPES OF PATROL OFFICER EXAMINATION PROCESSES

When deemed appropriate, the Board may elect to periodically conduct a regular entry-level Patrol Officer examination process (described in Sections 2 – 10 of this Chapter III) and/or a Certified Eligible Lateral Patrol Officer examination process (described in Section 11 of this Chapter III).

SECTION 2 – ENTRY-LEVEL POLICE EXAMINATION ELEMENTS

Applicants who proceed through the regular entry-level Patrol Officer examination process will be subject to the following testing elements:

- a) Testing Elements. The Board may require applicants to attend an orientation session and successfully pass a written examination, oral interview, polygraph examination, and background investigation. A medical examination, drug test and psychological examination will also be required if a conditional job offer is given to an applicant. The sequence of testing may vary at the discretion of the Board. Failure to achieve the minimum passing grade in any component of the examination process disqualifies the applicant from any further participation in the current testing process.
- b) Preference Points. Applicants who have passed their examinations by the required scores shall be eligible for preference points as described in 65 ILCS 5/10-2.1-8 and 10-2.1-9(a), as those statutory Sections may be amended from time to time.

SECTION 3 - WRITTEN EXAMINATION

A written examination shall not contain any questions regarding an applicant's political or religious opinions or affiliations. Applicants must attain a passing score on the written examination (as established by the Board at the beginning of the process) in order to continue with the entry-level Patrol Officer testing process. Candidates who fail to achieve a passing grade will be notified in writing and eliminated from the current testing process. All written examination papers and materials shall be and remain the property of the Board and the grading thereof by the Board or its testing agent shall be final and conclusive and not subject to review by any other board, tribunal, or court of any kind or description.

SECTION 4 - INITIAL ELIGIBILITY LIST

The Board will prepare an Initial Eligibility List of the candidates who attended the orientation session (if required), and successfully passed the written examination with a passing score as established by the Board. Candidates shall be placed on the Initial Eligibility List in order of their relative excellence as determined by their written examination scores without the application of any available preference

points.

The Board shall post a dated copy of the Initial Eligibility List on the Village's Internet website and other locations that the Board deems appropriate. The list shall include the final grades of the candidates on the written examination, subject to claim for preference points. A dated copy of the Initial Eligibility List shall also be sent to each candidate whose name appears thereon to the U.S. Postal Service address or email address provided in the application.

SECTION 5 - PREFERENCE POINTS

Candidates on the Initial Eligibility List described in Section 4 of this Chapter III shall be eligible for only military and educational preference points pursuant to 65 ILCS 5/10-2.1-8 and 65 ILCS 5/10-2.1-9(a), as those statutory Sections may be amended from time to time. The total number of military and educational preference points for each eligible candidate on the Initial Eligibility List will be five (5), regardless of the number of categories for which the candidate qualifies. For example, a candidate who has a bachelor's degree from an accredited college or university as well as sufficient military experience will only be eligible for a total of 5 points. No other preference points described in 65 ILCS 5/10-2.1-8 and 65 ILCS 5/10-2.1-9(a) will be offered to candidates.

Candidates who are eligible for any preference points shall make a claim in writing to the Board or its testing agent within ten (10) calendar days after the date the Initial Eligibility List is finalized and posted or such claim shall be deemed waived.

It shall be the responsibility of the candidate to provide evidence of eligibility for the preference points described in 65 ILCS 5/10-2.1-8, as that statutory Section may be amended from time to time. For qualifying military service, acceptable evidence shall be an official Department of Defense document such as a DD 214 Copy #4, DD 214 Copy #1 and proof of honorable service from the Department of Defense such as a DD 256 A/N/AF or other official Department of Defense documentation as deemed acceptable by the Board. Acceptable evidence of qualifying educational documents shall be official sealed college transcripts or other official documentation as deemed acceptable by the Board.

SECTION 6- PRIMARY ELIGIBILITY REGISTER

The Board or its testing agent shall prepare and post a Primary Eligibility Register from the Initial Eligibility List, which shall include any claimed and approved preference points described in Section 5 of this Chapter III. The posting and notification process for this Primary Eligibility Register will follow the process described in Section 4 of this Chapter III. The Primary Eligibility Register shall remain valid for two (2) years after which it will expire and the Board will strike off all remaining names.

Before the aforementioned two-year expiration date, candidates may be selected from the Primary Eligibility Register for the oral interview process described in Section 7 of this Chapter III. Any person on the Primary Eligibility Register who exceeds the age 35 requirement before being appointed

as a Patrol Officer shall remain eligible for appointment until the Primary Eligibility Register is exhausted or the Register expires after two (2) years.

SECTION 7 – ORAL INTERVIEW

The Board in its discretion shall periodically select a number of candidates from the Primary Eligibility Register (prior to its expiration date) who will be required to participate in an oral interview that is conducted by the Board and/or its testing agent.

At least three (3) Board members shall participate in the oral interview process of entry-level Patrol Officer candidates selected from the Primary Eligibility Register. The same Board members must conduct all of the oral interviews for each of the Patrol Officer candidates. If a numerical grade is used to evaluate a candidate's oral interview performance, the Board shall submit its individual scores of each candidate to the testing agent, which will calculate an average oral interview score for each candidate.

Candidates must attain a passing score on the oral interview process in order to be placed on the Final Eligibility Register. Candidates who fail to successfully complete the oral interview process will be notified in writing and eliminated from the current testing process.

SECTION 8 – FINAL ELIGIBILITY REGISTER

Candidates who have successfully completed the oral interview process shall be placed upon the Final Eligibility Register in rank order, from highest to lowest total cumulative score. The rank order shall be based upon the candidate's total cumulative score that involves the following weights:

- a) Original written examination score with preference points awarded multiplied by 60%; and,
- b) Oral interview score multiplied by 40%.

Where more than one (1) candidate receives the same number of points, the placement of the tied candidates' names on the Final Eligibility Register shall be determined by lot, in the presence of a quorum of the Board, in whatever means the Board deems appropriate. However, if a candidate who is also a veteran receives the same number of points as another candidate(s), the veteran shall be placed above the other candidate(s).

Any candidate whose name appears on the Final Eligibility Register may decline appointment one (1) time without otherwise altering the candidate's original position on the current Final Eligibility Register. Any candidate who declines a second time may be removed from the Final Eligibility Register by the Board.

A dated copy of the Final Eligibility Register shall be posted on the Village's website and other locations deemed appropriate by the Board, and sent to each candidate whose name appears thereon

to the U.S. Postal Service address or email address provided in the application. In the event a Final Eligibility Register is exhausted prior to the expiration of the Primary Eligibility Register, the Board may establish another Final Eligibility Register by following the process described in Sections 7 and 8 of this Chapter III.

The Final Eligibility Register shall remain valid for two (2) years from its posting date, after which it will expire, and the Board will strike off all remaining names. Any candidate placed on the Final Eligibility Register who exceeds the age requirement before being appointed to the police department shall remain eligible for appointment until the Final Eligibility Register is exhausted, or his or her name has been on the register for more than two (2) years.

Nothing contained in the Rules under this Chapter shall be deemed to prevent the Board from initiating examinations for original appointments when a current Final Eligibility Register has not expired.

Any candidate on the Final Eligibility Register may elect to re-enter the examination process, provided, however, that said candidate's final score from the current Final Eligibility Register will expire at the end of a two-year period and that their final score from the most recent Final Eligibility Register will remain in effect for a two-year period following the certification of the Final Eligibility Register of the most recent examination. Any candidate on the original Final Eligibility Register who is not participating in the subsequent Patrol Officer examination process shall have his/her name stricken from the Final Eligibility Register on the two-year anniversary date of his/her placement on it.

SECTION 9 – CHARACTER AND BACKGROUND INVESTIGATION

Before a candidate on the Final Eligibility Register is given a conditional offer of employment, the candidate must successfully pass a character and background investigation, which may include a polygraph examination, that will be graded on a pass/fail basis. The results of a polygraph examination shall not be a single determinant of qualification for employment, but shall be used as an adjunct to the character and background investigation. A candidate who fails to complete and pass the character and background investigation will be notified in writing and eliminated from the current testing process. The Board may select any number of candidates from the Final Eligibility Register to undergo a character and background investigation.

Village police department staff or another investigative agent may be designated by the Board to perform the character and background investigation. As part of this process, candidates shall be required to be fingerprinted. Such fingerprints shall be submitted to the Federal Bureau of Investigation and the Illinois State Police. The investigation may include, but not be limited to, verification of the qualification credentials such as age, citizenship, and driving records. Such investigation may also examine the candidate's work record, criminal conviction history, educational experience, personal references and other factors relating to the candidate's background and life experience. The background investigation may also include a ride along and oral interview with the candidate.

SECTION 10- CONDITIONAL OFFERS OF EMPLOYMENT

Any Patrol Officer vacancy can be filled from the Final Eligibility Register. The Board shall make the appointment from among the three (3) highest ranked candidates (or if there are less than three (3) candidates, from any remaining candidates on the Final Eligibility Register).

Notwithstanding anything to contrary contained within these Rules and Regulations, the Board may, at its discretion, choose to appoint a candidate from (1) the Certified Eligible Lateral Register (described in Section 11 of this Chapter III), or (2) any other lower-ranked candidate on the Final Eligibility Register (described in Section 8 of this Chapter III) who has been awarded a certificate attesting to his/her successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act.

An offer of employment shall be conditioned upon the candidate submitting to and successfully passing a psychological examination and a medical examination (which may include a test of the candidate's vision and hearing, as well as a test to screen for the use of illegal drugs). The extent and scope of these psychological and medical examinations shall be determined by the Board and shall be graded on a pass/fail basis. The Board shall pay for these medical and psychological examinations. Any candidate who fails to complete and pass the psychological and the medical examinations will be notified in writing and eliminated from the current testing process.

SECTION 11 – CERTIFIED ELIGIBLE LATERAL APPOINTMENT PROCESS

At its discretion, the Board may also create a separate, stand-alone Certified Eligible Lateral Register, which is limited to persons who are currently full-time sworn officers of a regularly-constituted police department in any municipality, county, university, or State law enforcement agency, provided they have been certified by the Illinois Law Enforcement Training Standards Board. To qualify for this Register, these applicants must also: (1) be in good standing with his/her current law enforcement agency; (2) have served at least one year with that law enforcement agency beyond the completion of his probationary period; (3) possess skills and abilities that are substantially equivalent to those possessed by a non-probationary Village of Bartlett police officer; and (4) possess all of the qualifications described in Section 3 of Chapter II and are not disqualified pursuant to Section 4 of Chapter II of these Rules and Regulations.

Certified eligible lateral Patrol Officer candidates will be subject to the requirements described in the following Chapters and Sections of these Rules and Regulations:

- a) Chapter II, Section 3 (Minimum Qualifications)
- b) Chapter II, Section 4 (Disqualifications)
- c) Chapter III, Section 2 (Entry-Level Police Examination Requirements)
- d) Chapter III, Section 3 (Written Examination)
- e) Chapter III, Section 4 (Initial Eligibility List)
- f) Chapter III, Section 5 (Preference Points)
- g) Chapter III, Section 6 (Primary Eligibility Register)

- h) Chapter III, Section 7 (Oral Interview)
- i) Chapter III, Section 8 (Final Eligibility Register)
- j) Chapter III, Section 9 (Character and Background Investigation)
- k) Chapter III, Section 10 (Conditional Offer of Employment)

Nothing in these Rules and Regulations are intended to suggest that the Board must administer identical written and oral examinations to eligible lateral applicants.

Notwithstanding anything to the contrary in these Rules and Regulations, the Board may in its discretion fill a vacancy from either the Final Eligibility Register described in Section 8 of this Chapter III, or the Final Certified Eligible Lateral Register described in this Section 11.

CHAPTER IV - 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 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. Probationary police officers shall be ineligible to test for promotion during their probationary period. All promotions shall be made from the three (3) individuals having the highest rating, and where there are less than three (3) names on the promotional eligibility register, as originally posted, or remaining thereon after appointments have been made therefrom, appointments to fill existing vacancies shall be made from those names or the names remaining on the promotional register. The method of examination and the rules governing examinations for promotion are specified below. The Board shall strike off the names of candidates for promotional appointment after they have remained thereon for more than three (3) years, provided there is no vacancy existing which can be filled from the promotional register. For the purpose of determining that a vacancy exists, the Board must have received notice from the appropriate corporate authorities to fill an existing vacancy prior to the date the name(s) are to be stricken from a promotional eligibility register. Each weighted component of the examination process shall be based upon a scale of 1 to 100.

- a) The final Promotional Examination score shall be determined as follows:

<u>Examination</u>	<u>Weight</u>	<u>Passing Grade</u>
Written Test	55%	*
Oral Interview/Assessment Center	30%	*
Departmental Merit and Efficiency	10%	N/A
<u>Seniority</u>	5%	N/A

One (1) point per year for each full year of service as a police officer with the Bartlett Police Department as of the date of the written exam, not to exceed 5 points.

- * To be announced by the Board prior to conducting the examination and may vary based upon the examination or the testing agency used by the Board.
- b) In the event no candidate from the immediate next lower rank qualifies for promotion, 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 the services in an endeavor to qualify suitable eligible or eligible for the vacancy or vacancies existing before extending the examination to the general public.
- c) Candidates who are otherwise qualified and have timely requested credit for prior military service, shall be granted veteran's preference points as provided by state statute. Candidates

electing military preference points cannot elect the educational preference points as described in subsection (d) below.

- d) Candidates for promotion, upon timely application, shall be awarded preference points for further education as indicated below (all degrees must be awarded by a nationally accredited junior college, community college, college or university):

Associate's Degree	1 point
Bachelor's Degree	2.5 points
Master's, J.D., or PhD Degree	3.5 points

Candidates can elect additional points only for the highest degree attained. For example, a Candidate who has both a Bachelor's and Master's Degree can elect only 3.5 points. Candidates electing educational preference points cannot elect the military preference points described in subsection (c) above.

SECTION 2 – TOTAL SCORE.

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

SECTION 3 – PROMOTIONAL VACANCY.

Upon notice from the 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 4 – STAFF GUIDELINES.

Informal promotional guidance may occasionally be developed to help Police Department staff administer the BFPC's promotional process. Such informal promotional guidance is not intended to supersede the contents of these Rules. Where there is a conflict between the content of this Chapter IV and any informal promotional guidance or Department-promulgated promotional orders, this Chapter IV will control.

CHAPTER V - 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 municipal budget.

SECTION 2 - CLASSIFICATION.

The Board classifies such offices in the police department 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 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.

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

SECTION 1 - HEARING OF CHARGES.

- a) Hearings before the Board are not common law proceedings. The provisions of the "Code of Civil Procedure" do not apply to hearings before the Board.
- b) "Counsel" as used herein means: One who has been admitted to the bar as an attorney-at-law in this State.
- c) No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall 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 a department, is unwarranted. Should the question of a crime be involved, the rule 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) Probationary employees may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time officers by statute or these rules.
- h) All hearings shall be public, in accordance with the Open Meetings Act.
- i) At the time and place of hearing, both parties may be represented by counsel, if they so desire.
- j) All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board.
- k) 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.

- l) All witnesses shall be sworn prior to testifying and the matter will be decided by the Board solely on evidence presented at the hearings.
- m) The Board will first hear the witnesses either substantiating the charges which have been made against the respondent or in support of an appeal brought by a suspended police officer. Thereafter the other party may present and examine those witnesses whom he desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

SECTION 2 - HEARING PROCEDURE.

- a) **Complaints:** In all cases, written complaints shall be filed in quintuple, setting forth a plain and concise statement of the facts upon which the complaint is based.
- b) **Probable Cause:** The Board shall have the right to determine whether there is or is not probable cause for hearing a complaint and may conduct such informal hearings as may be necessary for such purpose.
- c) **Notification of Hearing:** Upon the filing of a complaint in quintuple with the Secretary of the Board, and the determination by the Board of probable cause for entertaining said complaint, the Secretary of the Board shall notify both the complainant and the respondent, 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 Pending a Hearing is entered by the Board, the respondent, the complainant, the Chief of the Department, the treasurer, comptroller, manager, or other finance officer of the municipality shall be notified of the entry of such Order of Suspension Pending a Hearing, and be served either personally or by registered or certified mail, return receipt requested, with a copy of such Order.
- d) **Continuances:** The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.
- e) **Stipulations:** Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, as to evidenced guilt. The facts so stipulated shall be considered as evidence in the proceeding.

In the event a respondent has been suspended pending a hearing and desires a continuance, it shall also be stipulated and agreed that in the event said respondent is to be retained in his position as a result of a decision of the Board following a hearing of the cause, then no compensation shall be paid to said respondent during the period of said continuance.
- f) **Sufficiency of Charges-Objections To:** Motions or objections to the sufficiency of written charges must be filed or made prior to or at the hearing before the Board.

SECTION 3 - SUBPOENAS.

- a) Any party to an administrative hearing may, at any time before the hearing, make application to the Board by filing with it a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records, accounts and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person 21 years of age or older designated by the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce. Subpoenas will not be issued for anyone residing outside of the State of Illinois.
- b) Any request for continuance by reason of inability to serve subpoenas shall be filed 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 these Rules and Regulations to be served shall be delivered personally to the party designated or mailed, by United States mail in an envelope properly addressed with postage prepaid, to the designated party at his last known residence as reflected by the complaint filed with the Board, except as herein otherwise provided. Proof of service of any paper may be made by the certification of any person so mailing the paper or delivering the same to the designated party personally, or by filing a return receipt showing that a paper was mailed, by either registered or certified mail, return receipt requested, to a party's address where it was received by a named party.

SECTION 5 - FILING.

All papers may be filed with the Board by mailing them or delivering them personally to the Secretary of the Board at the Village of Bartlett, Illinois. 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 the paper is delivered personally or by messenger. In the event a paper is forwarded by mail, then the filing date shall be the date which is postmarked on the envelope of such paper.

SECTION 6 - FORMS OF PAPER.

- a) All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
- b) If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.
- c) All papers shall be not larger than 8 1/2" by 11" with inside margins of not less than one inch.

- d) The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent, or attorney thereof and copies thereof provided the opposing party or his counsel.
- e) If papers are submitted by an attorney, his or her name and address shall appear thereon.

SECTION 7 - COMPUTATION OF TIME.

The time within which any act under these Rules is to be done shall be computed by excluding the first day and including the last, unless the last day is Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in the State, and then it shall also be excluded. If the day succeeding such Sunday or holiday is also a holiday or a Sunday then such succeeding day shall also be excluded.

SECTION 8 - SUSPENSION.

- a) The Board may suspend any member of the Police Department against whom charges have been filed, pending a hearing of the charges by the Board, but not to exceed thirty (30) days, without pay, at any one time.
 - a) The Chief of the Police Department shall have the right to suspend any officer under his command for a period not to exceed ten (10) 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 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 the 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.
- c) Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the employee so suspended receive his pay for the period involved, may suspend the employee for a period of not more than sixty (60) 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 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 DECISION

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

The findings and decision of the Board, following a hearing of charges, shall be preserved by the Secretary, and notice of said finding and decision sent to the officer involved and the department head for enforcement. If the finding or decision is that an officer or employee is guilty of charges investigated, and removal or discharge is ordered, such order of removal or discharge shall become effective forthwith. (See Section 9 of this Chapter VI).

SECTION 12 - RULES - CONFLICT.

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

SECTION 13 - VIOLATION OF RULES.

All members of the Police Department shall be subject to the regulations of such Department, and the Rules 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 14 - VIOLATION OF LAW.

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

CHAPTER VII - GENERAL

SECTION 1.

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

SECTION 2.

Any Chapters, Sections and/or Subsections of these Rules that are in conflict with 65 ILCS 5/10-2.1-1 *et seq.*, shall supersede 65 ILCS 5/10-2.1-1 *et seq.* based on the Village and the Board's exercise of their home rule authority. In the event a court of law finds that any Chapters, Sections and/or Subsections of the foregoing Rules are invalid, illegal or unenforceable, such a finding shall not invalidate any other Chapters, Sections and/or Subsections of said Rules.

SECTION 3.

Amendments to the Rules of the Board may be made at any meeting of the Board. A notice shall be published, in a newspaper of general circulation in the municipality, specifying where such Rules are available for inspection. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication when said Rules shall become effective.

SECTION 4 - LEAVE OF ABSENCE.

Leaves of Absence shall be granted by reason of military service or duty-related disability as specified in Illinois Compiled Statutes, Chapter 65, Section 5/10-2.1-23. If a Leave of Absence is granted by the Board during a probationary period, such probationary period shall be tolled until the probationary employee returns from his leave of absence.

SECTION 5 - POLITICAL CONTRIBUTIONS.

No person in the Police Department of the Village of Bartlett, Illinois, shall be under any obligation to contribute any funds 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 Police Department of the Village of Bartlett, 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 so to do, for withholding or refusing to make any contribution of money or service or any other valuable thing for any political purpose, or in any other manner, directly or indirectly, use his official authority or influence to compel or induce any other person to pay or render any political assessment, subscription, contribution or service.