



ST. CHARLES  
SINCE 1834

## AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation to Approve Revised Rules and Regulations for the Board of Fire and Police Commissioners

Presenter: Chief Lamkin  
February 2011

*Please check appropriate box:*

<input checked="" type="checkbox"/>	Government Operations (3/7/11)	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	

Estimated Cost:	None	Budgeted:	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
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If NO, please explain how item will be funded:

**Executive Summary:**

The Fire and Police Commission operates under an established set of rules and regulations. Those rules and regulations are periodically reviewed and updated based on changes in the law, practices, as well as recommendations that may come from the Fire and Police Chiefs. A comprehensive review of the rules and regulations has not occurred since 2002.

The most significant changes to the rules and regulations are related to firefighter residency, firefighter promotions and police sergeant promotions. The firefighter changes related to residency and promotion are due to items identified the IAFF Local 3322 labor contract. The changes in the sergeant's promotional process are related to recommendations from Chief Lamkin in consult with membership of the officers' union and members of the Fire and Police Commission.

The rules and regulations have been reviewed by Fire and Police Commission Attorney John Broihier and members of the commission who have agreed to the changes but have been unable to hold a formal meeting due to circumstances beyond their control. They are being brought to members of the Government Operations Committee for review and approval, to be forwarded to City Council for final approval.

Formal approval by the Fire and Police Commission shall occur after final City Council review and approval, at the earliest date possible where a meeting can be held.

**Attachments:** *(please list)*

Rules and Regulations

**Recommendation / Suggested Action** *(briefly explain):*

The Police Department recommends approval of the revised Fire and Police Commission Rules and Regulations

*For office use only:*

*Agenda Item Number:* #10

**RULES AND REGULATIONS  
OF THE  
BOARD OF FIRE AND POLICE COMMISSIONERS  
OF THE  
CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES  
STATE OF ILLINOIS**

Adopted by the Board of Fire and Police Commissioners of the City of St. Charles, Illinois  
on \_\_\_\_\_.

**CHAPTER I ADMINISTRATION**

**SECTION 1 – SOURCE OF AUTHORITY**

The Board of Fire and Police Commissioners of the City of St. Charles, Kane and DuPage Counties, 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 (ILCS).

**SECTION 2 – DEFINITIONS**

The word “Commission” and/or “Board” wherever used shall mean the Board of Fire and Police Commissioners of the City of St. Charles, Illinois. The word “Officer” shall mean any person holding either a permanent or probationary office in the Police or Fire Department of the City of St. Charles, Illinois. The masculine noun or pronoun includes the feminine, the singular includes the plural, and the plural the singular.

- A. **Appoint** shall mean the act of the Board in assigning to a position such applicant as shall have been certified for such position.
- B. **Certify** shall mean the act of the Board through its Chairman or Secretary of the Board in designating the name of the person eligible for appointment to the rank or position for which said person may be appointed by reason of compliance with all requirements.
- C. **Classified Service** shall mean order or rank of personnel in Fire and Police Departments and shall mean all offices, places of employment and positions under the jurisdiction of the Board which are required to be classified and filled under the provisions of the Statute.
- D. **Commissioner** shall mean a duly appointed and approved citizen of the City of St. Charles having met the qualifications of the State of Illinois statutes and the City of St. Charles ordinances.
- E. **Commission or Board** shall mean the Board of Fire and Police Commissioners of the City of St. Charles, Illinois.
- F. **Decision** shall mean the written decision of the Commission after presentation of the charges and hearing all facts and arguments for the defense.
- G. **Department** shall mean either Fire or Police Department under the jurisdiction of the Board.

- H. **Discharge** shall mean the just removal after due process as set forth herein of a member of the Fire or Police Departments.
- I. **Division** shall mean each of the portions or parts into which an examination may be divided, as prescribed by the Board.
- J. **Eligible** shall mean a person listed on an active eligibility register.
- K. **Eligibility Register** shall mean a list of all persons who have qualified for appointment to such position or rank, and who have not been removed from such register in accordance with these Rules.
- L. **Examination** shall mean all written, oral, or medical examinations and any other examination deemed advisable by the Board of Fire and Police Commissioners.
- M. **Firefighter** shall mean any member, male or female, of the regularly constituted Fire Department of the City of St. Charles, sworn and commissioned to perform Firefighter duties, except the Chief of the Fire Department.
- N. **Gender.** Use of the masculine gender herein shall also include, where applicable, the feminine gender.
- O. **Grade** shall mean the mark or marks assessed by the Board of Commissioners.
- P. **Hearing** shall mean a session of the Board at which members of the department against whom charges have been made are given an opportunity to appear, to be heard, and to offer a defense with respect to such charges.
- Q. **Lay-Off/Reduction in Force** shall mean the removal of any employee from his/her position because of lack of work or funds or because of failure on the part of the municipal authorities to appropriate sufficient funds or any other reason not permanently separating such employee from his/her position or rank of service.
- R. **Leave of Absence** shall mean all excused absences from the Departments approved by the Board of Fire and Police Commissioners.
- S. **Police Officer** shall mean any member, male or female, of the regularly constituted Police Department of the City of St. Charles, sworn and commissioned to perform police duties, except for the Chief of the Police Department.
- T. **Position** shall mean any office or place of employment, whether occupied or vacant, which calls for the service of a person within a specified rank in the classified service, whether such services are required continuously, or for a certain season or from time to time as the business of the city requires.
- U. **Posted** shall mean the status of an eligibility register which has been prepared and officially approved as in effect as of a specified date.
- V. **Probationary Appointee** shall mean a person occupying a position by virtue of a temporary appointment for a specified period of time at the end of which, if the conduct and capacity of the appointee has been satisfactory, the appointment may be made permanent by the Board.
- W. **Promotion** shall mean appointment to a higher grade or rank.
- X. **Rank** shall mean a grade of employment involving the same general line of work or authority and shall mean the order of command in which officers are placed and classified in relation to each other.

- Y. **Rules** shall mean these Rules of the Board of Fire and Police Commissioners of the City of St. Charles and all amendments thereto hereafter made.
- Z. **Statute** shall mean 65 ILCS 5/10, Division 2.1, entitled "Board of Fire and Police Commissioners".
- AA. **Tense of Words:** The words used in the present tense include the future.
- BB. **Vacancy** shall mean a position duly created which is not occupied and which may, under the powers granted by the statutes and ordinances, be filled by the Board.

### SECTION 3 - OFFICERS OF BOARD AND THEIR DUTIES.

- A. The Board shall annually, on the first meeting in May, elect a Chairman and a Secretary. They shall hold office 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.
- B. Oath of Office for Members of the Board: All appointees of the Board of Fire and Police Commissioners shall take the following oath:

"I (name) having been appointed to the office of Fire and Police Commissioner in the City of St. Charles in the Counties of Kane and DuPage DO SOLEMNLY SWEAR 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 commissioner of the Board of Fire and Police Commissioners according to the best of my ability, so help me GOD."

### SECTION 4 – MEETINGS

- A. Regular meetings shall be held at the call of the Chairman. 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 conducted at such special meeting except 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, in accordance with Sec. 2a of the Illinois Open Meetings Act (5 ILCS 120/2a). 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 such motion, and keep minutes of the closed session. The secretary will also keep an electronic recording thereof.
- D. Office of the Board: Unless and until otherwise provided by ordinance or by rules of the Board, the office of the Board shall be the office of the Chief of Police, 211 North Riverside Avenue, St. Charles, IL 60174, and any document filed in the office of the Chief of Police addressed to the Board shall be deemed to be filed with the Board or with the Secretary of the Board, as the case may be. Regular meetings of the Board shall be

held either in the office of the Chief of Police or the municipal building, City of St. Charles, or where convenient to the Board and all examinations shall be held either in the meeting room of the Police Department, 211 North Riverside Avenue, St. Charles, IL or the council chambers of the municipal building unless and until otherwise provided.

- E. Public notice of any regularly scheduled or special meeting shall be given in accordance with the Open Meetings Act, Illinois Compiled Statutes, (ILCS) Chapter 5, Sections 120/1-12-/5.

#### 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. Reading of the minutes.
- D. Communications.
- E. Unfinished business.
- F. New business.
- G. Adjournment.

#### SECTION 7 – PROCEDURE

The parliamentary procedure prescribed in “Roberts Rules of Order” shall be followed as far as applicable.

#### SECTION 8 – ANNUAL REPORT AND BUDGET REQUEST

The Board shall submit an annual report of its activities as required by Section 5/10-2.1-19 of the Board of Fire and Police Commissioners Act, and a budget request for the ensuing year, as required by local ordinance and the aforementioned Section 5/10-2.1-19.

#### SECTION 9 – APPOINTMENT OF MEMBERS, FIRE AND POLICE DEPARTMENTS

The Board of Fire and Police Commissioners shall appoint all officers of the Fire and Police Departments of the municipality, with the exception of the Chief, Assistant Chief and Battalion Chief of the Fire Department and the Chief, Deputy Chief, and Commander of the Police Department, who shall be appointed by the Mayor and City Council. NOTE: Battalion Chiefs of the Fire Department appointed to their rank prior to September 1, 2008 in accordance with a process not under the control of the Board of Fire and Police Commissioners shall not fall under the jurisdiction of the Board.

### CHAPTER II APPLICATIONS –INITIAL APPOINTMENT

#### SECTION 1 – RESIDENCY

- A. Applicants for examination must be citizens of the United States.
- B. **Residency Requirements for Police Department:** All police officers of the Police Department will comply with the following rules of residency from the time of their original appointments to the Department until leaving same: The limits of residency shall be defined as being within a circle having as its center point the intersection of East Main Street and Riverside Avenue within the City of St. Charles, Illinois and a radius of 30 miles.

C. **Residency Requirement for Fire Department:** All employees of the Fire Department covered by the agreement with IAFF Local 3322 shall maintain primary residence within the State of Illinois, north of Interstate Highway 80. This area is bounded by the Wisconsin border on the north, Lake Michigan or the Illinois border with Indiana on the east, Interstate Highway 80 on the south, and the Mississippi River on the west. The residency will be inclusive of the cities or villages which Interstate Highway 80 runs through.

Where this description refers to highways and dedicated rights of way, the description shall be deemed to be the far side of the respective highways and rights of way as indicated.

D. Within six (6) months after initial probationary appointment, every Police Officer or Firefighter shall file with the Board a written notice of current residence if the residence is outside the limits defined above. Any Police Officer or Firefighter shall have a period of six months from the date of original permanent appointment to establish permanent residence within the limits established herein. Failure to comply with this requirement shall be cause for termination. The Board shall have authority to review extenuating circumstances and to provide extensions of time to allow a Police Officer or Firefighter to come into compliance with these requirements if the Board deems such extension appropriate.

## SECTION 2 – APPLICATION BLANKS

Applications for position shall be filed upon blank forms furnished by the Commission, and applicants must comply with the requirements of said form in every respect. The application must be filed with the Commission prior to taking an examination.

Every applicant must be of good moral character, of temperate habits, of sound health, and must be physically able to perform the essential duties of the position applied for with or without reasonable accommodation. The burden of establishing these facts rests upon the applicant.

The applicant shall furnish with his/her application the following items:

- A certified copy of his/her military service record and discharge papers, i.e.: DD214;
- A copy of his/her birth certificate;
- A copy of his/her valid driver's license.

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

## SECTION 3 – DISQUALIFICATION

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

- a) Who is found lacking in any of the established preliminary requirements for the service for which he/she applies.

- b) Who is physically unable to perform the essential job functions of the position to which he/she seeks appointment with reasonable accommodation.<sup>1</sup>
- c) Who is addicted to the use of intoxicating beverages or is found to have taken or used drugs and/or narcotics illegally.
- d) Who has been convicted of a felony or a crime involving moral turpitude, as specified in 65 ILCS, Section 5/10-2.1-6.
- e) Who has been dismissed from any public service for cause.
- f) Who has attempted to practice any deception or fraud in his/her application.
- g) Who may be found disqualified in personal qualifications or health.
- h) Whose character and employment references are unsatisfactory.
- i) Who does not possess a high school education or its equivalent.

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

#### SECTION 4 – DEFECTIVE APPLICATIONS

Defective applications shall be returned to the applicant for correction, provided the applicant is qualified for the position he/she seeks. The applicant shall have 10 business days in which to correct the application and return it to the Board in order to qualify the applicant for reconsideration. However, this must be accomplished no later than 10 business days subsequent to the original closing date for application acceptance.

#### SECTION 5 – PHYSICAL REQUIREMENTS

Applicants for the position of Police Officer must meet valid standards of health and physical aptitude as specified in the Recruitment, Selection, and Promotion Guidelines published and approved by the Commission. Applicants for the position of Firefighter must meet valid standards of health and physical aptitude approved by the Commission from time to time. A copy of the present health/medical guidelines for Firefighters shall be available at all times for viewing in the office of the Fire Chief of the City of St. Charles. The standard for physical aptitude shall be as approved by the Board and shall be described prior to the administration of any examination to measure the same.

Far visual acuity shall be at least 20/30 binocular corrected with contact lenses or spectacles. Far visual acuity uncorrected shall be at least 20/100 binocular for wearers of hard contacts or spectacles. Successful long-term soft contact lens wearers shall not be subject to the uncorrected criterion. Vision field performance without correction shall be 140 degrees in the horizontal meridian in each eye. Applicants may not be color blind.

#### SECTION 6 – MEDICAL EXAMINATIONS

Applicants for original appointment shall be required to submit to a post-offer medical examination by a licensed physician as directed by the City of St. Charles Human Resources Department.

Medical/physical examinations conducted on Fire Department applicants shall be conducted in accordance with the guidelines adopted by the Board from time to time, a copy of which shall be

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<sup>1</sup> There are certain essential job functions for which there is no known reasonable accommodation. Consequently, a person who is physically unable to perform such an essential job function will not be qualified for the job.

provided to the examining physician, and a copy of which shall be available in the office of the Fire Chief of the City of St. Charles for viewing by any interested applicant.

Applicants will be required to submit to the medical examination after a conditional offer of employment is made. This examination will determine the applicant's ability to perform the essential job functions of the job classification being sought. Continued employment is contingent upon the examining physician's certification of the applicant's ability to perform all essential job functions of the position.

#### SECTION 7 – AGE REQUIREMENTS/EDUCATIONAL REQUIREMENTS

Applicants for initial appointment shall have attained the minimum age of 21 at the time of the posting of the initial eligibility register. Applicants shall be under 35 years of age at the time of the posting of the initial eligibility register except as otherwise provided by law. Proof of birth date will be required at time of application. To affirm compliance with this section, applicants for original appointment shall be required to send with their applications a certified copy of their birth certificate, and when applicable, the original or a certified copy of their armed services record and honorable discharge certificate, i.e.: DD-214.

Applicants for initial appointment as a firefighter must be at least 21 years of age and fulfill the following education criteria:

- High school diploma or equivalent (GED)
- Certification as a Firefighter II from the Illinois Office of the State Fire Marshall.
- Current licensure as an Emergency Medical Technician – Paramedic through the Illinois Department of Public Health.

#### SECTION 8 – NOTICE OF ACCEPTANCE

The Secretary will notify all police applicants whose applications have been accepted by the Board to be present for orientation and are physically capable of participating in a Police Officer Wellness Evaluation Report (P.O.W.E.R.) test.

#### SECTION 9 – RELEASE OF LIABILITY

All applicants shall execute and deliver to the Board a release of all liability as the result of taking a physical agility/P.O.W.E.R. test in favor of the City of St. Charles on a form to be prescribed by the Board.

### **CHAPTER III EXAMINATIONS**

#### SECTION 1 – EXAMINATIONS – GENERAL

The Commission shall set dates for examinations and give notice thereof to candidates to fill vacancies in the class of service in which vacancies exist or are anticipated to occur. A call for such examination shall be entered in the minutes of the Commission and shall include a statement of:

- a) The time and place where such examination will be held.
- b) The position to be filled from the resulting eligibility register.
- c) Notice that applications will be received for at least a fourteen (14) calendar day period, which shall terminate fifteen (15) days before the examination.

**SECTION 2 – TYPES OF EXAMINATIONS**

Original Appointment: Examinations shall be held on the dates fixed by the Commission and advertised in one or more newspapers published in the city or, if no newspaper is published therein, in one or more newspapers with a general circulation within the city at least 45 calendar days preceding such examination. Examinations may be postponed, however, by order of the Commission, which order shall state the reason for such postponement and shall designate a new date for said examination. Applicants shall be notified of the postponement of any examination and of the new date fixed for said examination.

Promotional Examinations: Promotional examinations shall be published as specified above, except that published notice may be waived in writing by all members of the Fire or Police Department for which the promotional examination is to be given.

Promotional examinations for the ranks of Fire Lieutenant, Fire Captain, and Battalion Chief shall be conducted in accordance with the provisions of Article 18 – Promotions and Transfers, Section 18.1 – Promotions, of the collective bargaining agreement between the City of St. Charles and the St. Charles Professional Firefighter’s Association, Local 3322.

**SECTION 3 – EXAMINATION PROCESS**

Applicants must attend the orientation program sponsored by the Board or its designee. In addition, applicants will be required to participate in a physical agility/P.O.W.E.R. test or demonstrate successful completion of a CPAT (Candidate Physical Ability Test). All applicants shall be required to participate in a written and oral examination as determined by the Board and as more particularly set forth in Section 4 hereinafter.

**SECTION 4 – ORIGINAL APPOINTMENT EXAMINATIONS – MINIMUM GRADE**

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

Examinations	Percent of Total Grade	Minimum Passing
Written Test	60 Percent	*
Oral Interview	40 Percent	*
Psychological (post offer)		Pass or Fail
Polygraph (if required)		Pass or Fail
Background Investigation (post offer)		Pass or Fail
Medical Exam (post offer)		Pass or Fail
Functional Capacity Exam (post-offer)		Pass or Fail

\*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.

NOTE: To any person who is entitled to military, veteran’s or educational preference whose name appears on the register of eligibles, the Board shall add up to five (5) points(65 ILCS 5/10-2.1-9) upon written request of the applicant within ten calendar days of the posting of the initial eligibility register.

As provided in 65 ILCS 5/10-2.1-9, candidates for original appointment to the Fire Department, in addition to those points allowed for veteran’s or other allowed preference, shall have the following preference points added to their respective score as listed on the Initial Eligibility

Register, provided, however, that i) such addition does not cause any such candidate to be placed before any other candidate who has claimed veteran's preference points and which candidate would otherwise be in a superior position on the Final Eligibility Register, ii) that such preference points shall only be added upon the written application to the Commission by the candidate within ten (10) days of the posting of the Initial Eligibility Register. Otherwise any claim to such preference points shall be deemed waived iii) that such points shall presuppose that the rating scale used for the examination or examinations shall have 100 points in total available to each candidate, exclusive of any preference points whatsoever. Preference points shall be determined in the following manner:

- a) A person who has been a paid-on-call certified Firefighter II, paramedic, or any combination of those capacities in the St. Charles Fire Department shall have 5/10<sup>th</sup> point for each year of successful service in those capacities added, to a maximum of five (5) points. The date of calculation shall be the date of the examination.
- b) A person who has been a paid-on-call certified Firefighter III with the St. Charles Fire Department shall have added one (1) point per year for each year of service in that capacity, up to a maximum of five (5) points. The date of calculation shall be the date of the examination.
- c) For paid-on-call Firefighters with the St. Charles Fire Department described in sections a) and b) above, the Fire Chief, as agent for the governing body of the City in this case, shall certify to the Board those individuals appearing on the Initial Eligibility Register who shall be eligible for such preference. Such certification shall include the dates of such service as may be required to substantiate any application by any such candidate.

#### SECTION 5 – ORIGINAL APPOINTMENT – PHYSICAL AGILITY/POWER TEST

All members of the Police Department attending a basic police academy shall be required to submit themselves to a P.O.W.E.R. test. This test will be administered by the training facility.

All applicants for the Fire Department shall be required to submit themselves to a physical agility/power test or demonstrate successful completion of a CPAT (Candidate Physical Ability Test) within the previous 12 months prior to the close of the application period. Only candidates who have participated in the physical agility/power test or CPAT will be permitted to participate in the written examination.

#### SECTION 6 – ORIGINAL APPOINTMENT – WRITTEN EXAMINATIONS

Information as to the type of written examination employed by the Board will be provided as part of the orientation program. All examination papers shall be and remain the property of the Board, and the grading thereof by the Board shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description. Candidates who fail to achieve a passing grade will be notified and eliminated from all further consideration.

#### SECTION 7 – ORIGINAL APPOINTMENT – ORAL INTERVIEW

At least three (3) Commissioners shall conduct the oral interview. Interview questions shall be asked of the candidate that will enable the Commissioners to evaluate and grade the candidate on speech, alertness, ability to communicate, judgment, emotional stability, self-confidence, social skills, and general fitness for the position. On completion of each oral examination, the Commissioners will discuss the candidate's abilities.

#### SECTION 8 – INITIAL ELIGIBILITY REGISTER

- a) The Commissioners will prepare an Initial Eligibility Register of the candidates successfully completing the written test and the oral interview. The candidates will be listed in order of excellence based on their final weighted score. This register is subject to change with the addition of preference points for veteran, education, or prior police experience as provided in 65 ILCS 5/10-2.1-8 and 5/10-2.1-9 as defined herein.
- b) A dated copy of the Initial Eligibility Register shall be sent to each person appearing thereon.
- c) Candidates who are eligible for preference points shall make a claim in writing with proof thereof within ten (10) calendar days after the date of the Initial Eligibility Register or such claim shall be deemed waived. All issues regarding preference points will be determined pursuant to Illinois law (65 ILCS 5/10-2.1 et. seq.).

#### SECTION 9 – FINAL ELIGIBILITY REGISTER

- a) The Commissioners will prepare a Final Eligibility Register which shall include all claimed preference points.
- b) A dated copy of the Final Eligibility Register shall be sent to each person appearing thereon. This copy shall include the date of expiration of the register two (2) years hence. Nothing in this section shall preclude the Board from merging eligibility lists.

#### SECTION 10 – PROFESSIONAL EXAMINATIONS AND TESTS

Candidates shall submit to the following tests if required by the Board; failure of the candidate to take or successfully complete such tests shall eliminate him/her from further consideration. These tests shall be without expense to the applicant.

- a) In-depth Background Investigation: This investigation shall be conducted by the Criminal Investigations Division of the St. Charles Police Department.
- b) Polygraph Device Deceptive Test: This is commonly known as a Lie Detector Test and may be conducted as a component of the background investigation.
- c) Psychological Examination: This examination will be conducted by such psychologist or psychiatrist as the Board may designate in writing.
- d) Medical Examination: This examination will be performed by a physician licensed to practice in the State of Illinois and is required for all employees in such job classification. This medical examination shall include but not be limited to a test of the applicant's vision, hearing, cardio-vascular system, dermatological conditions, oncological conditions, infectious diseases, musculoskeletal system, neurological functioning, respiratory system, and a test to screen for the use of drugs and/or narcotics. The medical examination shall be administered subsequent to a conditional offer of employment.
- e) Functional Capacity Examination: This examination, performed by a physician or an occupational health professional, shall evaluate the applicant's ability to

demonstrate the necessary physical abilities required of the position while performing simulated essential job tasks. The Functional Capacity Examination shall be administered as part of the medical examination subsequent to a conditional offer of employment.

#### SECTION 11 – PROBATIONARY APPOINTMENT

- a) All vacancies to the Fire or Police Departments shall be filled by individuals from the Final Eligibility Register in the order in which their names appear on the register and having met all requirements as previously listed.
- b) All probationary appointments to the Fire Department shall be for a probationary period of twelve (12) months. All probationary appointments to the Police Department shall be for a probationary period of eighteen (18) months.
- c) Any person whose name appears on the Final Eligibility Register may decline appointment. It shall be the option of the Board to strike from or maintain upon the Register the name of such candidate without otherwise altering the candidate's original position on the Final Eligibility Register.

#### SECTION 12 – DISCHARGE DURING PROBATIONARY PERIOD

If any probationer shall be found to be unsatisfactory in the performance of the duties of the position he/she is filling, the head of the department or office in which the probationer is employed may, by and with the written consent of the Commission, discharge said probationer, upon stating in writing to the Commission his/her reasons therefore. In no case shall a probationer be discharged until the Chief of the department has received from the Board a notice in writing that the Board has approved such discharge. Nothing herein shall be construed as requiring a hearing prior to discharge.

#### SECTION 13 – CERTIFICATION

- a) Final certification of probationary Police Officers shall be subject to successful completion of the current basic training course as provided by the Illinois Governmental Law Enforcement Officers Training Board prescribed under the provisions of Public Act 79-720 within the prescribed probationary period, achievement of a passing score on the Law Enforcement Officers Certification Examination, and successful completion of the recruit field training officer program as established in the Written Directives of the Police Department. Inability to successfully complete this course shall be grounds for dismissal.
- b) Final certification of probationary Firefighters shall be subject to the performance requirements of the Fire Department. Probationary Firefighters must successfully complete the testing requirements of the Southern Fox Valley EMS System within 60 days of appointment. Inability to successfully complete these requirements shall be grounds for dismissal.

### **CHAPTER IV PROMOTIONAL EXAMINATIONS**

#### SECTION 1 – FIRE DEPARTMENT

Promotions in the Fire Department for the ranks of Fire Lieutenant, Fire Captain, and Battalion Chief shall be conducted in accordance with the provisions of Article 18 Promotions and Transfers, Section – Promotions 18.1 of the collective bargaining agreement between the City of St. Charles and the St. Charles professional Firefighter's Association, Local 3322.

## SECTION 2 – POLICE DEPARTMENT

Promotions in the Police Department for the rank of Sergeant shall be determined on the basis of ascertained seniority, knowledge, leadership, examination, and service. The promotional process shall be competitive among the members of the next lower permanent rank who express a desire to present themselves for promotion and engage themselves in the process. All promotions shall be made from the three (3) persons having the highest rating, and where there are less than three names on the promotional register, as originally posted, or remaining thereon after appointments have been made therefrom, appointments to fill existing vacancies shall be made from the name or names remaining on the promotional register. The promotional process and rules governing same are outlined below. The Board shall strike the names of the candidates for promotional appointment after they have remained thereon for more than two years, provided there is no vacancy existing which can be filled from the promotional register. No person shall be examined for promotion in the classified service until he/she has served a minimum of one year of permanent appointment in the rank from which promotion is sought.

The promotional process scoring shall be as follows:

- A. Initial submission of intent, to include a minimum three-page written essay outlining the perceived responsibilities of the position and the strengths the candidate possesses to be successful if promoted. (Maximum point value of ten).
- B. Seniority – one point for each full year of service as a permanent member of the Police Department. (Maximum point value of five).
- C. Interview/assessment panel – ten questions. (Maximum value of 10 points for each question with a total value of 100)

The interview/assessment panel shall consist of the following:

- Chief of Police.
- Deputy Chief of Administration.
- Deputy Chief of Operations.
- Department Sergeant.
- Human Resource representative.
- Two members of the Board of Fire and Police Commissioners.
- Police command member from another agency.
- Police officer from another agency.

The panel shall be responsible to review and score each candidate's essay for originality, thoroughness, grammar, and content. Each member shall assign a numerical value from one to ten, ten being the highest score. The final score for this exercise shall be the averaged score for the entire panel.

The panel will interview each candidate with the same set of ten questions prepared and validated by the Human Resources Department. Each member shall assign a numerical value from one to ten, ten being the highest. The final score for each question shall be the averaged score for the entire panel.

The initial eligibility register shall be created using the cumulative point totals for each candidate's scoring on each of the above exercises, starting with the highest scores and descending until all candidates are listed. The initial eligibility register shall be posted in accordance with the Board's rules.

Application of Preference Points - Any promotional examination candidate who is eligible for educational or veteran's points shall make a claim in writing with proof thereof within ten (10) calendar days after the date of posting of the initial eligibility register, or such claims shall be deemed waived. Preference points under this section shall not be cumulative. No person shall receive educational or veteran's preference points for a promotional appointment after he/she has received one promotion from an eligibility register on which he/she was allowed such preference.

Educational Preference Points - Persons who have successfully obtained a Bachelor's Degree from an accredited college or university are eligible to receive 3.5 educational preference points.

Veteran's Preference Points - Any member who was engaged in a military or naval service of the United States at any time for a period of one year, and who is honorably discharged therefrom, shall receive preference for promotional appointment by adding to the final score they receive from the promotional process 7/10ths of one point for each six months, or a fraction thereof of military or naval service not exceeding 30 months, up to a maximum of 3.5 points.

Total Score - Upon completion of all parts of the process by all candidates and preference points added, the scores shall be compiled for a cumulative total and a final eligibility register shall be posted. This register shall remain in effect for two years from date of posting.

Probationary Promotion - All sworn personnel promoted to the rank of Sergeant within the Police Department will be under a six-month probationary period from the date of promotion. During the probationary period, the Sergeant will be sent for appropriate supervisory level training if not previously received and will be expected to successfully pass all courses. The Chief of Police or Deputy Chief will monitor the respective subordinate officer during this period and provide guidelines as necessary for the successful completion of the probationary period.

### SECTION 3 – PROMOTIONAL VACANCY

Upon notice from the Fire Chief/Police Chief 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. In the Fire Department, vacancies shall be defined by Article 18 – Promotions and Vacancies, Section 18.1 – Promotions, Subsection 2 – Vacancies of the collective bargaining agreement between the City of St. Charles and the St. Charles Professional Firefighter's Association, Local 3322.

## 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 Police Department written directives.

The order of rank in the Fire Department shall be as provided by ordinance and Fire Department Standard Operating Procedures.

SECTION 2 – CLASSIFICATION

The Board classifies such office in the fire and police services 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 or Fire 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 \_\_\_\_\_ to the best of my ability.

_____	_____
Officer	Date
_____	_____
Chairman	Date

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

SECTION 1 – GENERAL PROVISIONS

- 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) “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 reason for the officer no longer occupying his/her position. The right to determine what constitutes “cause” resides solely with the Board.
- d) 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.
- e) The phrase “preponderance of evidence” is defined as the greater weight of the evidence, that is to say evidence which, when fairly considered, produces the stronger impression, has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.
- f) All hearings shall be conducted in accordance with the Open Meetings Act.

- g) At the time and place of hearing, both parties may be represented by counsel if they so desire.
- h) All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board.
- i) The records of all hearings will not be transcribed by the reporter unless requested to do so by the Board or any party of interest.
- j) All witnesses shall be sworn prior to testifying and the matter will be decided by the Board solely on evidence presented at the hearings.
- k) 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 Sergeant or Firefighter. Thereafter the other party may present and examine those witnesses whom he/she desire 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 or appeals shall be filed in quintuple, setting forth a plain and concise statement of the facts upon which the complaint or appeal 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 information hearings as may be necessary for such purpose.
- c) **NOTIFICATION OF HEARING:** Upon the filing of five copies of a complaint or appeal 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 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 or appeal, 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, or city Human Resources Director 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. In the event a respondent has been suspended pending a hearing and desires a continuance, then no compensation shall be paid to said respondent during the period of any continuance granted by the Board.
- e) **STIPULATIONS:** Parties may, on their own behalf, or by counsel, stipulate and agree in writing, or on the record, as to evidentiary facts. The facts so stipulated shall be considered as evidence in the proceeding.
- f) **OBJECTIONS TO SUFFICIENCY OF CHARGES:** Motions or objections to the sufficiency of written charges must be filed at least 48 hours prior to 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, subject to the subpoena power of the Board, 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 shall contain the names and addresses of the individuals to be subpoenaed and the identity of any documents which they are to produce.
- 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/her 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 office of the Chief of Police, 211 North Riverside Avenue, St. Charles, Illinois. For the purpose of these Rules and Regulations, the filing date of any paper shall be the date it was received by the Board 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 paper shall be 8 ½" by 11" with inside margins of not less than one inch and completed on one side.
- 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/her counsel.
- e) If papers are filed by an attorney, his/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 Fire Department or any Sergeant within the Police Department against whom charges have been preferred pending a hearing of the charges by the Board but not to exceed thirty (30) days, without pay, at any one time.
- b) The Chief of the Police Department shall have the right to suspend any Police Sergeant in his/her department without pay for a period of no more than five (5) calendar days, provided no charges on the same offense have been filed and are pending before the Board, and shall notify the Board in writing within 24 hours of the time of such suspension. The Chief of the Fire Department shall have the right to suspend any member of his/her department without pay for a period of no more than 24 hours, provided no charges on the same offense have been filed and are pending before the Board, and shall notify the Board in writing within 24 hours of the time of such suspension. Any Police Sergeant or Firefighter so suspended may appeal to the Board in writing for a review of such suspension within five (5) calendar days after such suspension, and upon such appeal, a hearing shall be held and the Board may sustain the action of the chief of the department, may reverse it with instructions that the Police Sergeant or Firefighter receive pay for the period involved, or may suspend the Police Sergeant or Firefighter for an additional period of not more than 30 days or discharge him/her, depending upon the facts presented. 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 or modify the action of the Chief of the department, may reverse it with instructions that the Police Sergeant or Firefighter so suspended receive his/her pay for the period involved, may suspend the Police Sergeant or Firefighter for a period of not more than 30 days, or discharge him/her, depending on the evidence presented.

#### SECTION 9 – DISCHARGE OR SUSPENSION AFTER HEARING

- a) Discharge from office or suspension from service in the Fire or Police Department shall be in compliance with the Fire and Police Commissioners Act of the State of Illinois, being Division 2, Sections 5/10-2.1-1 through 5/10-2.1-30, inclusive, of Chapter 65 of the Illinois Compiled Statutes.
- b) The Board shall, within a reasonable time after the hearing is complete, 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 – FINDING AND ORDER

In case any member of the Fire or Police Department shall be found guilty of the charges preferred against him/her after a hearing by the Board, he/she 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 Officer or Firefighter for an additional period of not more than thirty (30) days or discharge him/her, depending on the facts presented.

#### SECTION 12 – RULES-CONFLICT

Sworn personnel of the Fire and Police Departments shall be governed by the Rules as adopted by the Commission and the Regulations of the Fire and Police Departments as adopted by ordinance. In case of conflict, the Rules of the Board shall govern except as explicitly outlined in the collective bargaining agreement between the City of St. Charles and the St. Charles Professional Firefighter's Association Local 3322, the collective bargaining agreement between the City of St. Charles and the Metropolitan Alliance of Police Unit #27, and the collective bargaining agreement between the City of St. Charles and the Metropolitan Alliance of Police Unit #28.

#### SECTION 13 – POLITICAL CONTRIBUTIONS

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

#### SECTION 14 - VIOLATION OF RULES

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

#### SECTION 15 – VIOLATION OF LAW

Any violation of the laws of the municipality or state or federal law by any sworn member of the Fire or Police Department of such municipality may be cause for the filing of charges against said Officer.

#### SECTION 16 – 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 director for enforcement. If the finding or decision is that an officer 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)

No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall be allowed except upon the Board's own motion.

## **CHAPTER VII GENERAL**

### **SECTION 1**

All officers of the Fire and Police Departments shall observe and obey all rules and orders of the Board which are in force or which may be adopted hereafter as well as all regulations for the operation of a Fire and Police Department as in force or which may be adopted hereafter.

### **SECTION 2**

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 3**

Any chapters, sections, and/or subsections of the foregoing rules for the operation of the Board that are in conflict with the state statute or with any amendments thereto that may hereafter be enacted are null and void. This, however, does not invalidate any other chapters, sections, and/or subsections of said rules.

### **SECTION 4 – 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 ten (10) days subsequent to the date of such publication, when rules shall go into effect.

### **SECTION 5 – LEAVE OF ABSENCE**

Leaves of absence shall be granted by reason of military service or duty-related disability as specified in the Illinois Compiled Statutes, Chapter 65, Section 5/10-2.1-23, and may be granted in other circumstances found appropriate by the Board or as covered in the sworn member's labor contract. If such leave of absence shall be granted during any probationary period for military service or duty-related disability only, then such probationary period shall be tolled until the probationer returns from said leave of absence. Should a leave of absence be granted during any probationary period for any other reason than that of military service or duty-related disability as described herein, the probationer who has requested and received such leave must petition the Board in writing to extend the probationary period. The Board shall consider such request but shall not be required to extend any such probationary period. All sworn members covered by a labor contract shall follow the provisions of the contract in lieu of the rules of the Board of Fire and Police Commissioners. Any labor contract supersedes these rules.

BOARD OF FIRE & POLICE COMMISSIONERS

By: /s/ \_\_\_\_\_ Date \_\_\_\_\_  
James N. Urhausen, Chairman

/s/ \_\_\_\_\_ Date \_\_\_\_\_  
Member

/s/ \_\_\_\_\_ Date \_\_\_\_\_  
Member

/s/ \_\_\_\_\_ Date \_\_\_\_\_  
Member

ATTEST:

/s/ \_\_\_\_\_ Date \_\_\_\_\_  
Secretary