

RULES AND REGULATIONS
OF THE
BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE
VILLAGE OF WILMETTE,
COOK COUNTY,
STATE OF ILLINOIS

As adopted by the Board of Fire and Police
Commissioners of the Village of Wilmette, Illinois,

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CHAPTER I - ADMINISTRATION

Section 1 Source of Authority

The Board of Fire and Police Commissioners of the Village of Wilmette derives its powers and authority from an Act of the General Assembly entitled Board of Fire and Police Commissioners, of Chapter 65 of the Illinois Compiled Statutes.

Section 2 Definitions

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

Section 3 Officers of the Board and Their Duties

The Board shall elect a Chair, a Vice-Chair, and a Secretary annually at its first meeting of the calendar year. They shall hold office for one (1) year and until their successors are duly elected and qualified. The Chair shall be the presiding officer at all meetings. The Vice-Chair shall, in the absence of the Chair, 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, and shall store all records in a secure area when not being used.

Section 4 Meetings

- (a) Meetings shall be held on such dates and at such times as the Chair shall determine, when there is business for the Board to consider. At a minimum, meetings shall be held semi-annually.
- (b) The conduct of all meetings of the Board, and public notices thereof, shall be in conformance with the Illinois Open Meetings Act [5 ILCS 120/1, *et seq.*], and additionally, with such additional notice requirements as may be applicable under the ordinances of the Village of Wilmette.
- (c) During any meeting, a closed session may be held in the manner provided under Illinois Open Meetings Act. Minutes of such closed sessions, and audio recordings of same, shall be made and kept in the manner provided in the Illinois Open Meetings Act. With respect to any minutes of closed sessions, the Board shall also comply with the required semi-annual review of said minutes as required under the Illinois Open Meetings Act.

Section 5 Quorum

Two (2) 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 as follows, unless changed at the discretion of the Chairman:

- (1) Reading of the Minutes
- (2) Communications
- (3) Unfinished Business
- (4) New Business
- (5) 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 the Village of Wilmette. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication, when said rules shall go into effect.

CHAPTER II - APPLICATIONS FOR ORIGINAL APPOINTMENT

Section 1 Qualifications

Candidates for original appointment to the positions of Police Officer and Firefighter/Paramedic shall have the following qualifications:

Revised 8/11/16

(a) General

At the time of filing of the application, each candidate for examination shall be a United States citizen or legally authorized to work in the United States and have a valid driver's license. Every candidate must be of good moral character, of temperate habits, of sound health and must be physically able to perform the duties of the position for which the candidate has applied. The burden of establishing these facts rests upon the candidate.

(b) Education Requirements

At the time of filing of the application, each candidate to the Fire Department shall be a high school graduate or certified equivalent and have one of the following:

- (1) Sixty (60) hours of education from an accredited college or university;
- (2) Two (2) years of military service;
- (3) Illinois State Fire Marshall's Firefighter II certification; or
- (4) Current Emergency Medical Technician - Paramedic license from any state or national registration.

At the time of filing of the application, each candidate to the Police Department shall have a bachelor's degree from an accredited college or university, unless the Commission's call for examinations under Chapter III Section 2 of these rules sets a later time for candidates, who are earning credits during the examination period, to submit proof of having received their degrees before the posting of the eligible register.

(c) Age Requirements

At the time of filing of the application, each candidate to the Fire Department shall be at least 21 and under 35 years of age, unless a candidate has been previously employed as a full-time firefighter in a regularly constituted fire department of any municipality or fire protection district located in Illinois.

Revised 2/13/13

At the time of filing of the application, each candidate for appointment to the Police Department shall be at least 21 and under 35 years of age.

Revised 3/5/00

Proof of birth date will be required at the time of application.

Section 2 Disqualifications

Revised 5/9/12

The Commission shall refuse to examine a candidate or, after examination, disqualify a candidate:

- (a) Who is found lacking in any of the established preliminary requirements for the service applied for.
- (b) Who is physically unable to perform the duties of the position applied for.
- (c) Who is or has recently engaged in the unlawful use of drugs or controlled substances.
- (d) Who is a habitual drunkard or gambler.
- (e) Who has been convicted of a felony or any crime involving moral turpitude, or arrested and/or convicted for any misdemeanor specifically listed in Sections 5/10-2.1-6 and 5/10-2.1-6.3 of the Illinois Municipal Code.
- (f) Who has been dismissed from any public service for good cause.
- (g) Who has attempted to practice any deception or fraud in his or her application.
- (h) Who may be found disqualified in personal qualifications or health.
- (i) Whose personal and employment references are unsatisfactory.
- (j) Who is a knowing recipient of test information in advance of the examination.

Section 3 Special Qualifications

If the position applied for requires special qualifications, the Board may require evidence of special training or practical experience.

Section 4 Application Forms

The Board shall cause application forms to be furnished for positions in the Fire and Police Departments.

Section 5 Job Announcements

Revised 5/9/12

Original appointment examinations will be advertised (i) in one or more newspapers published in the municipality, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality or (ii) on the municipality's Internet website as determined by the Board.

Publication of the job announcement will be at least two weeks prior to the official application filing deadline and shall include the following information:

- 1. notice of time of an original examination;
- 2. notice of place of an examination;
- 3. general scope of an examination;
- 4. merit criteria for any subjective component of an examination;
- 5. and any fee to be imposed for filing an application for an examination.

Section 6 Mandatory Orientation

Revised 5/9/12 Candidates for the positions of Firefighter/Paramedic and Police Officer may be required to attend mandatory orientation conducted at the beginning of each original appointment examination process. The Board may waive attendance at the orientation upon showing of good cause by a candidate. A candidate who seeks such a waiver shall submit a written request not less than ten (10) days before the orientation setting forth the reason the candidate cannot attend. Where a testing consortium conducts the mandatory orientation session, waivers will only be granted in accordance with the rules and procedures of that entity. Any candidate who fails to attend the orientation without a waiver from the Board shall be disqualified.

Section 7 Filing Applications

Revised 5/9/12 Applications for the Fire and Police Departments shall be addressed as directed by the Board on the application. Applications shall be submitted by the deadline set by the Board.

Section 8 Defective Applications

The Board may disqualify any candidate whose application is determined by the Board to contain omissions or deficiencies, which cannot be corrected prior to commencement of the testing process.

Section 9 Duty to Supplement Application; Effect of Failure to Supplement

A candidate shall have the affirmative duty to promptly supplement the contents of an application where there has been a material change in any of the information required to be supplied by the candidate. Such supplemental information must be submitted in writing to the Board. A material change includes, but is not limited to:

- (a) Change of current employer;
- (b) Discharge for cause from current employment;
- (c) Change of residence address;
- (d) Change in telephone number;
- (e) Conviction of a crime other than minor traffic offense;
- (f) Revocation, suspension or administrative restriction of driver's license;
- (g) Any other change in facts or circumstance, which would render information supplied by the candidate on the application to be materially false and misleading.

The Board may disqualify any candidate who fails to provide supplemental information as required by this Section.

Section 10 Employment of Relatives

No more than one member of a family shall be employed in the same department. This requirement applies to the father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepbrother, stepsister, half-brother, half-sister, or grandparent of a department member.

Section 11 Notice of Continuation in Application Process

The Board or its designee will cause to be notified all candidates whose applications have been tentatively accepted to present themselves for the next step in the application process. Any candidate who is ineligible, or deemed disqualified, shall be notified via U.S. Mail.

Section 12 Release of Liability

All candidates shall execute and deliver to the Board a release of all liability as the result of any and all examination processes on a form prescribed by the Board or its designee.

Section 13 Finality

All documents submitted to the Board shall be and become the property of the Board and the grading thereof by the Board shall be final and conclusive and not subject to review by this Board or any other board or tribunal of any kind or description.

CHAPTER III-A - ORIGINAL APPOINTMENT EXAMINATIONS (POLICE DEPARTMENT)

Section 1 Examinations

The Board shall call examinations to fill vacancies in the service, or to provide eligible registers for the service in which vacancies are liable to occur. A call for such examination shall be entered in the minutes of the Board and shall include a statement of:

- (a) The time and place where such examination will be held.
- (b) The time period through which applications will be accepted.
- (c) The position to be filled from the resulting eligible register.

Revised 5/2001

- (d) The Board may, in its discretion, state a specific date and time for candidates for the position of police officer to submit proof of having a bachelor's degree from an accredited college or university.

Section 2 Types of Examination

Revised 5/9/12

Each component of the original appointment testing process shall be documented as having validity and utility. The selection process and test components will be conducted under the supervision of the Board to preserve the integrity of the examination process. Individual components of the process may be delegated, at the Board's discretion, to qualified agents.

Original appointment examinations for positions in the Police Department shall include the following elements administered in the sequence designated by the Board. Failure to achieve the minimum-passing grade in any examination disqualifies the candidate from further participation.

(a) Physical Examination

Police Department

All candidates shall submit themselves to a valid and job-related physical fitness test to be conducted as the Board may direct.

Certification of successful completion of the physical agility test will be valid for a period of one year.

(b) Written Examination

Revised 5/9/12

The material used in this examination, which may consist of separate parts, shall be of such a nature that it will adequately outline the candidate's mental ability to assimilate training and the work styles of candidates as they relate to the position of Police Officer.

Revised 2/13/13

(c) Written Subjective Examination

All candidates shall submit to a Written Situation-Based Style Assessment Examination in the form and manner determined by the Board. The Subjective Examination shall assess skills and work styles of the candidates as they relate to public safety positions.

(d) Administrative Interview

Any candidate for an original position with the Police department of the Village of Wilmette, Illinois, shall, at the discretion of the Board, submit to an interview by a panel of members, designated by the Chief from the affected department.

Questions shall be asked of the candidate that will enable the panel to evaluate the candidate's suitability for the position in that department. A uniform approach will be used in questioning all candidates.

Failure to appear for this interview disqualifies the candidate from any further participation. The Board shall strike such candidate's name from the Eligible Register.

(e) Polygraph Examination

A candidate on notification of a pending appointment shall submit to a Polygraph Device Deceptive test, commonly known as a Lie Detector Test, at such time and place as the Board may in writing designate. Such test shall be given without expense to the candidate and be administered by a Detection of Deception Examiner certified by the State of Illinois. Polygraph examination results will not be considered as the single determinant of employment status, but will be considered together with the results of other tests, examinations and interviews to determine eligibility.

(f) Psychological Examination

A candidate on notification of a pending appointment shall submit to a Psychological Examination by such Psychologist as the Board may designate. Such examination shall be without expense to the candidate. Failure of the candidate to receive an evaluation satisfactory to the Board shall be grounds for disqualification.

(g) Physiological and Medical Examination

A candidate on notification of a pending appointment shall submit to a physiological and medical examination including drug analysis by a licensed medical practitioner designated by the Board.

(h) Background Investigation

Revised 5/9/12

A background investigation of each candidate who has successfully passed the above tests and examinations will be conducted to obtain verification of the candidate's qualifying credentials, review the candidate's criminal record (if any), and verify at least three (3) personal references of the candidate. A record of each candidate's background investigation shall be maintained on file for at least five (5) years.

(i) Oral Examination by the Board

Questions shall be asked of the candidate that will enable the Commissioners to evaluate the candidate's suitability for the position. A uniform approach will be used in questioning all candidates for each affected department.

Failure to appear for this interview disqualifies the candidate from any further participation. The Board shall strike such candidate's name from the Eligible Register.

Section 3 Test Procedures

(a) Written Examination and Written Subjective Examination

Revised 2/13/13

The identity of each candidate taking a written examination for appointment shall be concealed. No signature shall be placed upon the examination papers. No marks of identification tending to disclose the identity of the candidates shall be placed upon the examination papers. Papers of persons violating this rule may be marked rejected. For each examination, the Board shall determine the minimum passing combined score consisting of the written and written subjective examinations. In no case shall a score below seventy (70) percent be considered a passing grade.

Once the minimum passing combined score has been determined by Board action, it shall not be changed. The decision of the Board as to the minimum passing combined score shall be recorded in the minutes of the Board meeting.

(b) Oral Examination

In no event shall fewer than two (2) Commissioners conduct the Oral Examination. No Oral Examination shall be conducted except at a regular or special meeting of the Board.

Questions shall be asked of the candidate that will enable the Commissioners to evaluate the candidate's suitability for the position. A uniform approach will be used in questioning all candidates. In no case shall a score below seventy (70) percent be considered a passing grade.

Section 4 Examination Scoring
Revised 2/13/13

Examination	Minimum Passing Grade
Physical Examination	Pass/Fail
Written and Written Subjective Examinations	Determined by the Board
Administrative Interview	Pass/Fail
Polygraph Examination	Pass/Fail
Psychological Examination	Pass/Fail
Physiological and Medical Examination	Pass/Fail
Background Investigation	Pass/Fail
Oral Examination by the Board	70%

The combined score of the written examination and the written subjective examination shall be calculated on a 100-point scale, with both the written examination and the written subjective examination having a weighted score of 50%. The oral examination grade is based on a maximum of 100%. No preference points or credits are applied.

Section 5 Equal Opportunity Employer

Revised 5/9/12 The Village of Wilmette is an Equal Opportunity Employer and employs without regard to sex, sexual orientation (including heterosexuality, homosexuality, bisexuality, gender identity) race, color, national origin, religion, age, handicap. To that end the examination processes in these rules shall be designed and administered so as to test merit and fitness for the duties of the employees covered by these rules and to minimize adverse impacts on any particular group (except where a bona fide occupational qualification exists).

Section 6 Requirements for Eligible Register
Revised 2/13/13

The Board will prepare, post and keep an Eligible Register of the candidates successfully passing all examinations. All candidates who have passed the physical, written and written subjective examinations and complied with all other requirements for the initial application for the position of Police Officer shall be posted on an Eligible Register.

Section 7
Revised 6/8/19

Eligible Register

- (a) Candidates shall take rank upon the Eligible Register in order of their relative excellence as determined by written and written subjective examinations. The minimum passing grade as set by the Board is required for listing on the Eligible Register.
- (b) The Eligible Register of the Police Department will remain in force for six (6) months from the date of posting. The Commissioners may, in their discretion, provide for one or more extensions of the duration of the Eligible Register, said extensions to be for no more than six (6) months each, and the total duration of such register shall not exceed twenty-four (24) months.
- (c) Each vacancy in the Police Department shall be filled by the Board with one (1) of the candidates from the Eligible Register. Prior to any conditional offer of employment, each candidate, in the manner provided for in this paragraph, must submit to the Administrative Interview. The Administrative Interview shall be given to at least the group consisting of the candidates who rank in the top thirty five (35) of all those candidates for original appointment on the Eligible Register at that time. The Board may, in its discretion, determine that candidates in excess of the top thirty five (35) candidates to be interviewed, may also be required to submit for the Administrative Interview. Upon receipt of a conditional offer of employment, candidates shall proceed through the remaining examinations.
- (d) If any candidate on an Eligible Register declines a conditional or final offer of employment, the Board shall strike such candidate from the Eligible Register.

Section 8

Reapplication

Candidates who have been disqualified may reapply for a subsequent or later job opening. Reapplication will be processed as new applications.

Revised 3/2005

Section 9

Revised 5/9/12

Probationary Period

- (a) The probationary period for original appointees to the Police Department, any extension thereof, and discharge of such employee during the period of probation or extension thereof, as the case may be, shall be as provided in the applicable collective bargaining agreement covering each Department.

- (b) A Police Officer is required to successfully complete, within the probationary period, the Police Officer Basic Training Course prescribed by the Illinois Police Training Standards Board, and achieve State Peace Officer certification.

Section 10 Finality

All examination papers shall be and become the property of the Board or the Board's designee and the grading thereof by the Board shall be final and conclusive and not subject to review by this board or any board or tribunal of any kind or description.

CHAPTER III - B- ORIGINAL APPOINTMENT EXAMINATIONS (FIRE DEPARTMENT)

Section 1 Examinations

The Board shall call examinations to fill vacancies in the service, or to provide eligible registers for the service in which vacancies are liable to occur. A call for such examination shall be entered in the minutes of the Board and shall include a statement of:

- (a) The time and place where such examination will be held.
- (b) The time period through which applications will be accepted.
- (c) The position to be filled from the resulting eligible register.

Section 2 Examination Components

Each component of the original appointment testing process shall be documented as having validity, utility and a minimum adverse impact. The selection process and test components will be conducted under the supervision of the Board to preserve the integrity of the examination process. Individual components of the process may be delegated, at the Board's discretion, to qualified agents.

Original appointment examinations for positions in the Fire Department shall include the following elements administered in the sequence designated by the Board.

(a) Written Examination

All candidates shall take a mental aptitude and behavioral attributes examination. The material used in this examination, which may consist of separate parts, shall be of such a nature that it will adequately evaluate the candidate's mental aptitude and behavioral attributes to discharge the duties performed as a Firefighter/Paramedic.

The identity of each candidate taking a written examination for appointment shall be concealed. No signature shall be placed upon the examination papers. No marks of identification tending to disclose the identity of the candidates shall be placed upon the examination papers. Papers of persons violating this rule may be rejected.

(b) Physical Ability Test

All candidates shall submit themselves to a valid and job-related physical ability examination to be conducted as the Board may direct. Such examinations shall determine the physical ability of the candidate to perform the essential functions of a Firefighter/Paramedic. Failure to pass the Physical Ability Test shall disqualify a candidate and such candidate shall not participate in the remaining phases of the selection process.

(c) Written Subjective Examination

All candidates shall take a Written Situation-Based Style Assessment Examination in the form and manner determined by the Board. The Subjective Examination shall assess skills and work styles of the candidates as they relate to public safety positions.

(d) Polygraph Examination

A candidate on notification of an extended conditional offer of employment shall submit to a Polygraph Device Deceptive test, commonly known as a Lie Detector Test, at such time and place as the Board may in writing designate. Such test shall be given without expense to the candidate and be administered by a Detection of Deception Examiner certified by the State of Illinois. Polygraph examination results will not be considered as the single determinant of employment status, but will be considered together with the results of other tests, examinations and interviews to determine eligibility.

(e) Background Investigation

(i) Background Records Check. A candidate extended a conditional offer of employment shall submit to an in-depth background investigation. The purpose of the investigation is to verify information obtained in the testing activities, and includes checking criminal, business, educational, personal and employment records and references, as permitted under applicable law. As part of the background investigation, the candidate shall provide a classifiable set of fingerprints that shall be furnished to the Illinois Department of State Police and to the Federal Bureau of Investigation by the Board. Failure of the candidate to receive an evaluation satisfactory to the Board shall be grounds for disqualification.

(ii) Oral Background Interview. A candidate extended a conditional offer of employment shall submit to oral interviews held before the Board and by Village administrative personnel as directed by the Board. All interview(s) shall be held in conjunction and as part of the Background

Investigation. Failure to appear for any interview disqualifies the candidate from any further participation and the Board shall strike such candidate's name from the Eligible Register.

(f) Psychological Examination

A candidate extended a conditional offer of employment shall submit to a Psychological Examination by such Psychologist as the Board may designate. Such examination shall be without expense to the candidate. Failure of the candidate to receive an evaluation satisfactory to the Board shall be grounds for disqualification.

(g) Physiological and Medical Examination

A candidate extended a conditional offer of employment shall submit to a physiological and medical examination including drug analysis by a licensed medical practitioner designated by the Board. Failure of the candidate to receive an evaluation satisfactory to the Board shall be grounds for disqualification.

Section 3 Examination and Scoring Procedures

(a) Initial Eligibility Register

An Initial Eligibility Register shall be created by the Board. The Initial Eligibility Register shall consist of the candidates who have successfully passed the Physical Ability Examination and have taken both the Written Subjective Examination and the Written Examination.

Any candidate that has failed the Physical Ability Examination shall be removed as a candidate from the remainder of the testing process and shall not be qualified for appointment.

Candidates on the Initial Eligibility Register shall be ranked based on their relative excellence in the combined scores of their Written Examination and Written Subjective Examination. The combined score shall be calculated on a 100-point scale, weighted as shown below.

Weighted Scoring For Initial Eligibility Register

<u>Examination</u>	<u>Weighted % of Score</u>
Physical Ability Examination	Pass/Fail
Written Examination	60% of Combined Score
Subjective Examination	40% of Combined Score

(b) Preference Points

Any candidate placed on the Initial Eligibility Register may be entitled to a maximum of fifteen (15) preference points to be added to their Initial Eligibility Register scores as provided in this section. Candidates wishing to avail themselves of such points must do so in writing and provide verifiable evidence and proof of the requested preference within ten (10) days after the posting of the Initial Eligibility Register, or any claim shall be deemed waived and no unclaimed points shall apply to the candidate.

i. Veteran Preference (Fire Department)

Candidates engaged in the military service of the United States for a period of at least one year of active duty and who were honorably discharged therefrom, or who are now or have been members on inactive or reserve duty shall receive five (5) preference points added to their Initial Eligibility Register score.

ii. Paramedic Preference (Fire Department)

Candidates who have obtained a State of Illinois or National certification as an Emergency Medical Technician-Paramedic (EMT-P) shall receive five (5) preference points added to their Initial Eligibility Register score.

iii. Education Preference (Fire Department)

Candidates who have obtained a bachelor's degree or greater shall receive five (5) preference points added to their Initial Eligibility Register score.

Revised 6/2/16

(c) Final Eligibility Register

Revised 6/2/16

A Final Eligibility Register shall be created by the Board. The Final Eligibility Register shall consist of those candidates who achieved a passing score set by the Commission so as to demonstrate a candidate's ability to perform the essential functions of the job. The minimum score set by the commission shall be supported by appropriate validation evidence and shall comply with all applicable state and federal laws. The Board shall then apply the Written Subjective Examination score and all verified preference points to each eligible candidate's score to determine the rank of the Final Eligibility Register. The names of the candidates appearing on the Final Eligibility Register shall apply in rank order based upon the candidate's total cumulative score.

All preference points will be applied in the manner required by the Illinois Municipal Code.

In the event of a tie score, the placement of the tied candidates' names on the Final Eligibility Register shall be determined by lot, in the presence of the Board in the manner as determined by the Board.

- (d) The Final Eligibility Register of the Fire Department will remain in force for two (2) years from the date of posting. In the event a Final Eligibility Register is exhausted prior to its expiration, the Board may establish another Final Eligibility Register based on the qualified, non-stricken candidates from the Initial Eligibility Register in accordance with these Rules.

Section 4 Conditional Offers of Appointment/Final Appointment

- (a) Appointment for an original appointment to the Fire Department shall be from the names appearing on the "Final Eligibility Register" in descending order, as provided by these Rules.
- (b) If the Board has reason to conclude that the highest ranked candidate fails to meet the minimum standards for the position or if the Board believes an alternative candidate would better serve the needs of the Fire Department, the Board may pass over the highest ranked candidate on the Final Eligibility Register and may appoint a candidate from the top five percent(5%) of the candidates listed on the Final Eligibility Register; however, if the top five percent (5%) of candidates listed on the Final Eligibility Register is fewer than five(5) candidates then appointment may be made from the top five (5) candidates listed on the Final Eligibility Register.
- (c) Prior to making a final offer of appointment to a candidate, the Board shall make a conditional offer of appointment, conditioned on the candidate's successful completion of the additional examinations required by these rules.
- (d) Each candidate who has been extended a conditional offer of appointment by the Board shall submit to and satisfactorily pass the following examinations as provided in Section 3:
 - a. Physical Examination (if any previous Physical Examination is over one (1) year old)
 - b. Polygraph Examination
 - c. Background Investigation
 - d. Psychological Examination

e. Physiological and Medical Examination

- (e) Failure to Pass any Examination after Conditional Offer. Failure of the candidate to successfully pass any such examination, as determined by the Board, shall eliminate and disqualify that candidate from further consideration and the candidate's name shall be stricken from Final Eligibility Register.
- (f) Final Offer of Appointment. Once a candidate who has accepted a conditional offer successfully completes the remaining examinations, the Board shall make a final offer of appointment.
- (g) Declining Conditional Offer or Final Appointment. Any candidate may decline a conditional offer or a final appointment one time without losing his or her position on the Final Eligibility Register. Refusal to accept a conditional offer or a final appointment after a candidate has previously refused either a conditional offer or a final appointment shall result in that candidate being stricken from the Final Eligibility Register.

Section 5 Equal Opportunity Employer

The Village of Wilmette is an Equal Opportunity Employer and employs without regard to sex, sexual orientation (including heterosexuality, homosexuality, bisexuality, gender identity) race, color, national origin, religion, age, and handicap. To that end the examination processes in these rules shall be designed and administered so as to test merit and fitness for the duties of the employees covered by these rules and to minimize adverse impacts on any particular group (except where a bona fide occupational qualification exists).

Section 6 Reapplication

Candidates who have been disqualified may reapply for a subsequent or later job opening. Reapplication will be processed as new applications.

Section 7 Probationary Period

- (a) The probationary period for original appointees to the Fire Department, any extension thereof, and discharge of such employee during the period of probation or extension thereof, as the case may be, shall be as provided in the applicable collective bargaining agreement covering the Department.
- (b) A Firefighter/Paramedic is required to successfully complete the Illinois State Fire Marshall Basic Operations Firefighter certification and the Illinois Department of Public Health Emergency Medical Technician Paramedic courses within the probationary period.

Section 8 Finality

All examination papers shall be and become the property of the Board or the Board's designee and the grading thereof by the Board shall be final and conclusive and not subject to review by this board or any board or tribunal of any kind or description.

CHAPTER IV - PROMOTIONAL PROCESS

Part 1 – Promotions to the Rank of Police Sergeant

Section 1.1 Qualifications

Minimum Length of Service

During the original appointment probationary period Police Officers are ineligible to participate in promotional examinations.

Section 1.2 Application

(a) Application Forms

The Board shall furnish application forms for promotion to the rank of Police sergeant.

(b) Filing Applications

Applications for promotion to Police sergeant shall be addressed to the Board and filed with the Assistant Secretary. The Assistant Secretary shall endorse thereon the date and the hour the application was received.

(c) Notice of Continuation in Application Process

The Assistant Secretary will notify all applicants whose applications have been tentatively accepted by the Board to present themselves for the next step in the application process.

(d) Release of Liability

Each applicant shall release, on a form prescribed by the Board and delivered to the Board, the Village of Wilmette, its corporate authorities, officers, employees and members of the Board of Fire and Police Commissioners from liability arising from any and all examination processes.

Section 1.3 Promotional Examinations

(a) Notice of Examinations

The Assistant Secretary shall provide notice to all eligible applicants for the Police sergeant's promotional examination. The notice shall include the time and place where such examination will be held, the time period

through which applications will be accepted, and the position to be filled from the resulting eligible register. Examinations may be postponed, however, by order of the Board, which order shall state the reason for such postponement and shall designate a new date for said examination.

(b) Examinations

The Board shall call examinations to fill Police sergeant vacancies, or to provide eligible lists for the position of Police sergeant in order to fill vacancies which are liable to occur. A call for such examination shall be entered in the minutes of the Board and shall include a statement of:

- (1) The time and place where such examination will be held.
- (2) The time period through which applications will be accepted.
- (3) The position to be filled from the resulting eligibility list.

(c) Types of Examination (Revised 5/30/98)

The Board shall provide for promotion to Police sergeant on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the Police Department as desire to submit themselves to such examination. Each component of the promotional testing process shall be job-related and non-discriminatory.

(i) Written Examination

The material used in the examination shall be of such a nature that it will adequately determine the candidate's mental ability and aptitude to assimilate training to the promotional position.

The identity of each candidate taking a written examination for appointment or promotion shall have been concealed by the use of an identification number and a sealed identification sheet which shall be the only document that shows both the name of the candidate and the identification number. Each candidate's answer sheet shall be identified only by his/her identification number. The identification sheet shall be sealed in an envelope at the time of the test and the identification envelopes shall not be opened until after the Board has determined the minimum passing score of the test. No signature or marks of identification tending to disclose the identity of the competitors shall be placed upon the examination papers. Papers of persons violating this rule shall be marked rejected. For each examination, the Board shall determine the number of questions answered correctly which shall be the minimum passing raw score.

This determination may be made after the candidates' answer sheets have been scored but before the identity of the candidate is disclosed or known to the Board. In no case shall a score below seventy (70) percent be considered a passing grade.

Once the minimum passing raw score has been determined by Board action, it shall not be changed. The decision of the Board as to the minimum passing raw score shall be recorded in the minutes of the Board meeting.

In the event that any candidate's identification envelope is opened and his/her identity thereby disclosed before the decision as to the minimum passing raw score has been made, the minimum passing raw score for that examination shall be 70% of the questions in the examination.

(ii) Assessment Center

Any applicant for promotion to Police sergeant shall, at the discretion of the Board of Fire and Police Commissioners, participate in an assessment center conducted by such consultant as the Board may designate. The assessment center shall consist of standardized evaluations of candidates' behavior and capabilities by a team of trained assessors using multiple exercises. The assessment center shall be of such a nature that it will adequately evaluate the candidates' skills and abilities to perform the responsibilities of the promotional position. The minimum passing score for the assessment center is 70%. In no case shall a score below 70 % be considered a passing grade. All candidates who have successfully passed the written examination shall be eligible to participate in the assessment center.

(iii) Leadership Assessment Review

Any applicant for promotion to Police sergeant shall submit to a Leadership Assessment Review which is intended to measure the leadership abilities and capabilities of the applicants in a manner and form as determined by the Board. Such examination shall be without expense to the candidate.

(iv) Psychological Examination

Any applicant for promotion to Police sergeant shall, at the discretion of the Board of Fire and Police Commissioners, submit to a psychological examination by such psychologist as the Board may designate. Such examination shall be without expense to the candidate.

(v) Oral Examination

Questions shall be asked of the candidate that will enable the Commissioners to evaluate the candidate's suitability for the position. A uniform approach will be used in questioning all candidates for each affected department.

Section 1.4 Eligible Register

(a) Minimum Passing Score

Each Police sergeant applicant must receive a score of at least seventy (70) percent on the written examination and the assessment center, and must have a total score of seventy (70) percent, in order to appear on the Eligible Register. Applicants with a total score below seventy (70) percent shall not be considered passing and will not appear on the Eligible Register.

(b) Weighting of Promotional Examinations Percent of Total

Written Examination	30%
Note: Minimum passing score is 70%.	

Assessment Center	30%
Note: Minimum passing score is 70%.	

Oral Interview	20%
Note: No minimum passing score.	

Merit and Efficiency Rating (Based on previous 12 months' service)	15%
Note: No minimum passing score.	

Seniority (1% per year for total years as a sworn officer with a maximum of 5 years)	5%
Note: No minimum passing score. No preference points other than seniority are applied	

Total	100%
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(c) Appeals

No remedy or appeal is stated or implied in the face of applicant claims that:

1. Notices specified in any part of these guidelines were not received by the affected applicant within the time limits described; or
2. Notices specified in these guidelines were not received by the applicant in time to respond or appeal.

Promotional candidates who wish to review the written results of a scored element of their promotional testing process, such as, but not limited to, a review of the answer key to the written examination, shall make their request in writing to the Secretary of the Board of Fire and Police Commissioners within ten (10) calendar days of the posting of the eligible register. This written request for review shall specify the element(s) of the testing process to be reviewed.

Promotional candidates who wish to appeal any scored element of the promotional testing process shall first seek a review as described above, and then make a written request for appeal to the Secretary of the Board of Fire and Police Commissioners within ten (10) calendar days of their receipt of the materials provided them in the review described above. The written request for appeal shall specifically describe the element(s) being appealed and the issue(s) raised. Any issue not raised in the written request for appeal shall be deemed waived. The Board may either review and adjudicate the written appeal, or allow a hearing on the appeal.

The Board may, at its discretion, direct the re-application, re-testing or re-evaluation of a candidate whom it determines to have been unfairly or erroneously judged during the original promotional testing process.

Section 1.5 Promotional Appointments (Revised 10/10/00)

(a) Preparation and Posting of Eligible Register

The Commissioners will prepare, post and keep an eligible register of the Police sergeant candidates receiving a total score of seventy (70) percent and achieving the specific minimum passing score for each element requiring a passing score. Candidates shall take rank upon the eligible register in order of their relative excellence as determined by examination.

The Eligible Register for Police sergeant will remain in force for two (2) years from the date of posting. All promotions to the rank of Police sergeant shall be filled with one (1) of the three (3) applicants having the highest rating, and where there are fewer than three (3) names on the promotional eligible register, as originally posted, or remaining thereon after appointments have been made therefrom, appointments to fill existing vacancies shall be made from those names or name remaining on the promotional register. A written explanation of the reason or reasons for appointing eligible employees to vacancies will be posted at the time of appointment.

(b) Promotional Probationary Period

There shall be a twelve (12) month probationary period for Police Department personnel who are promoted to sergeant. The Board may extend the twelve-month probationary period in the event that extended injury, illness, leave of absence or other unforeseen or unusual circumstance prevents the employee from working full and active duty throughout the probationary period.

If any probationer shall be found incompetent or unqualified for his/her position, including the leadership skills required for the position, the Police Chief may demote the probationer to his/her previous rank. The Chief shall inform the Board in writing of the reasons for every such demotion. The decision of the Chief shall be final.

(c) Declining Promotion

Any person whose name appears on an Eligible Register may decline promotion, but in the event a candidate declines promotion, the Board shall strike the name of such candidate from the Eligible Register.

(d) Finality

All examination papers shall be and become the property of the Board and the grading thereof by the Board shall be final and conclusive and not subject to review by this Board or any other board or tribunal of any kind or description.

Part 2 – Promotions to the Rank of Fire Department Lieutenant/Paramedic

Section 2.1 Conformity with Illinois Fire Department Promotion Act

Notwithstanding any statute, ordinance, rule, or other laws to the contrary, all promotions to the rank of Lieutenant/Paramedic in the Fire Department shall be administered in the manner provided for in the Illinois Fire Department Promotion Act [50 ILCS 742/1, *et seq.*]. The provisions of these Rules have been drafted in order to bring them into conformance with the Illinois Fire Department Promotion Act. Provisions of the Illinois Municipal Code, the Wilmette Village Code or other Village ordinances, or rules adopted by the Board of Fire and Police Commissioners relating to such promotions shall apply to the extent they are compatible with said Act, but in the event of conflict between any of the foregoing and the Illinois Fire Department Promotion Act, Illinois Fire Department Promotion Act shall control.

Section 2.2 Authority to Conduct Promotion Process

For the purpose of making promotions to any rank to which this Act applies, the appointing authority shall from time to time, as necessary, administer a promotion process in accordance with these Rules.

Section 2.3 Application for Promotion to Fire Lieutenant/Paramedic

(a) Minimum Qualifications

Members of the Fire Department who are firefighter/paramedics and have achieved and maintained their Firefighter III certification, and who have completed the probationary period for original appointment to the Fire Department, may apply for promotion to the rank of Lieutenant/Paramedic.

Any further additions by the Board to these eligibility requirements shall be published at least one year prior to the date of the beginning of the next promotional process and all members of the Fire Department shall be given an equal opportunity to meet those eligibility requirements.

(b) Form and Method of Application

The Board shall furnish application forms for promotion to the rank of Lieutenant/Paramedic.

Applications for promotion to Lieutenant/Paramedic shall be addressed to the Commission and filed with the Assistant Secretary. The Assistant Secretary shall endorse thereon the date and the hour the application was received.

(c) Notice of Continuation in Application Process

The Assistant Secretary will notify all applicants whose applications have been tentatively accepted by the Board to present themselves for the next step in the application process.

(d) Release of Liability

Each applicant shall release, on a form prescribed by the Board and delivered to the Board, the Village of Wilmette, its corporate authorities, officers, employees and members of the Board of Fire and Police Commissioners from liability arising from any and all examination processes.

Section 2.4 Promotional Examinations

(a) Notice of Examinations

The Assistant Secretary shall provide notice to all eligible applicants for the Lieutenant/Paramedic promotional examination. The notice shall include the time and place where such examination will be held, the time period through which applications will be accepted, and the position to be filled from the resulting eligible register. 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.

(b) Publication and Accessibility

All aspects of the Lieutenant/Paramedic promotion process shall be equally accessible to all eligible employees of Fire Department. Every component of the testing and evaluation procedures shall be published to all eligible candidates when the announcement of promotional testing is made. The scores for each component of the testing and evaluation procedures shall be disclosed to each candidate as soon as practicable after the component is completed.

(c) Examinations

The Commission shall call examinations to fill Lieutenant/Paramedic vacancies, or to provide eligible lists for the position of Lieutenant/Paramedic in order to fill vacancies which are liable to occur.

All examinations for promotion shall be competitive among the applicants. Each component of the promotional testing process shall be job-related and non-discriminatory.

Any subjective component (assessment center, chiefs points, oral interview) shall be identified to all candidates prior to its application, be job-related, and be applied uniformly to all candidates. Every examinee shall have the right to

documentation of his or her score on the subjective component upon the completion of the subjective examination component or its application.

(d) Order of Examination Components

The Board of Fire and Police Commissioners may fix the order of the examination components as it deems most expedient; however, the written examination shall be the last examination component administered and shall be administered after the determination and posting of the seniority list and the scores of all other testing components. Total points awarded for subjective components shall be posted before the written examination is administered.

(e) Examination Components

Promotions to the rank of Lieutenant/Paramedic shall be based on the component examinations provided for herein.

Each component examination of the Lieutenant/Paramedic promotional testing process shall be scored on a scale of 100 points. The component scores shall then be reduced by the weighting factor assigned to the component on the test and the scores of all components shall be added to produce a total score based on a scale of 100 points.

(i) Written Examination

(A) Eligibility

A candidate's eligibility to take the written examination shall not be conditioned on the candidate's score on any of the previous components of the examination.

(B) Matters Covered in Written Examination

The material used in the examination shall be of such a nature that it will adequately determine the candidate's mental ability and aptitude to assimilate training to the promotional position.

The written examination shall consist of matters relating to the duties regularly performed by persons holding that rank within the department. The examination shall be based only on the contents of written materials that the appointing authority has identified and made readily available to potential examinees at least 90 days before the examination is administered. The test questions and material must be pertinent to the particular rank for which the examination is being given.

(C) Confidentiality and Scoring

The identity of each candidate taking the written examination shall have been concealed by the use of an identification number and a sealed identification sheet which shall be the only document that shows both the name of the candidate and the identification number. Each candidate's answer sheet shall be identified only by his/her identification number. The identification sheet shall be sealed in an envelope at the time of the test and the identification envelopes shall not be opened until after the Commission has determined the minimum passing score of the test. No signature or marks of identification tending to disclose the identity of the competitors shall be placed upon the examination papers. Papers of persons violating this rule shall be marked rejected and such person shall be deemed to have received a score of zero (0).

(D) Results of Written Examination

The written examination shall be administered, the test materials opened, and the results scored and tabulated. Written examinations shall be graded at the examination site on the day of the examination immediately upon completion of the test in front of the observers if such observers are appointed under Section 2.7, or if the tests are graded offsite by a bona fide testing agency, the observers shall witness the sealing and the shipping of the tests for grading and the subsequent opening of the scores upon the return from the testing agency.

(E) Examinee's Review of Results

Every examinee shall have the right (i) to obtain his or her score on the examination on the day of the examination or upon the day of its return from the testing agency (or the appointing authority shall require the testing agency to mail the individual scores to any address submitted by the candidates on the day of the examination); and (ii) to review the answers to the examination that the examiners consider correct. The Fire Department may hold a review session after the examination for the purpose of gathering feedback on the examination from the candidates.

(F) Sample Examinations and Study Materials

Sample written examinations may be examined by the appointing authority and members of the Fire Department, but no person in the Fire Department, the Board of Fire and Police

Commissioners, or other appointed or elected officials of the Village may see or examine the specific questions on the actual written examination before the examination is administered. If a sample examination is used, actual test questions shall not be included.

The Fire Department shall maintain reading and study materials for the current Lieutenant/Paramedic written examination and the reading list for the last two such written examinations or for a period of five years, whichever is less, and shall make these materials available and accessible at each duty station.

(ii) Assessment Center

The assessment center shall consist of standardized evaluations of candidates' behavior and capabilities by a team of trained assessors using multiple exercises. The assessment center shall be of such a nature that it will adequately evaluate the candidates' skills and abilities to perform the responsibilities of the promotional position.

(iii) Oral Examination

Questions shall be asked of the candidate that will enable the Commissioners to evaluate the candidate's relative qualification for promotion. A uniform approach shall be used in questioning all candidates.

(iv) Merit and Efficiency Rating ("Chief's Points")

The Fire Chief shall submit to the Commission a merit and efficiency rating based on the candidate's previous 12 months' service.

(v) Seniority

Seniority shall be calculated at a rate of ten (10) points for each year of service as a sworn Wilmette Fire Department member up to ten (10) years, for a maximum value of one hundred (100) points. There shall be no minimum passing score for this component. No preference points other than seniority shall be applied.

Seniority points shall be based only upon service with the Wilmette Fire Department and shall be calculated based on the candidate's length of service as of the scheduled date of the written examination.

A seniority list shall be posted before the written examination is given and before the preliminary promotion list is compiled. The seniority list shall include the seniority date, any breaks in service, the total number of eligible years, and the number of seniority points.

Section 2.5 Promotional List

(a) Minimum Passing Score

The minimum passing score to qualify for placement on the Lieutenant/Paramedic promotional list shall be 70 points. Candidates shall be ranked on the list in rank order based on the highest to the lowest total points scored on all of the components. As provided in Section 2.4(e), a candidate's total score is the sum of the raw scores of each scored component multiplied by their respective weights. All candidates shall be allowed to participate in all components of the Lieutenant/Paramedic testing process irrespective of their score on any one component.

(b) Scoring and Weighting of Promotional Examination Components

Each testing component shall be scored on a 100-point maximum basis. A candidate's final position on the Promotional List shall be determined by the order of their total score based on the following weighting:

<u>Component</u>	<u>Possible Points</u>	<u>Weight</u>	<u>Max. Points</u>
Written Examination	100	.30	30
Assessment Center	100	.30	30
Oral Interview	100	.20	20
Merit & Efficiency	100	.15	15
Seniority	100	.05	05
Total Possible Score			100

All calculations that result in a decimal figure of three (3) or more digits shall be rounded to a two (2) decimal place figure, promoting 0.005 or more and dropping 0.004 or less (i.e. 12.555 = 12.56 and 12.544 = 12.54). Merit & Efficiency points shall be rounded before the next step in the calculation is completed.

(c) Duration of Promotional List

The Lieutenant/Paramedic promotional list shall remain valid and unaltered for a period of two (2) years after the date of its initial posting, or until such time as the list has been exhausted of eligible all candidates, or until such time as all eligible candidates on the promotional list have declined promotion, whichever occurs first.

Section 2.6 Vacancies and Promotion

(a) Vacancies in the Rank of Fire Lieutenant/Paramedic

A vacancy shall be deemed to occur in the rank of Lieutenant/Paramedic on the date such office becomes vacant due to resignation, discharge, promotion, death, or the granting of a disability or retirement pension.

(b) Promotion

When a vacancy exists in the office of Lieutenant/Paramedic, the Board shall appoint to that vacant position the person with the highest ranking on the current promotion list for Lieutenant/Paramedic, except that the Board shall have the right to pass over that person and appoint the next highest ranked person on the list if the Board has reason to conclude that the highest ranking person has demonstrated substantial shortcomings in work performance or has engaged in misconduct affecting the person's ability to perform the duties of the rank of Lieutenant/Paramedic since the posting of the promotion list. If the highest ranking person is passed over, the Board shall document its reasons for its decision to select the next highest ranking person on the list. Unless the reasons for passing over the highest ranking person are not remedial, no person who is the highest ranking person on the list at the time of the vacancy shall be passed over more than once.

If there is no promotion list in effect at the time a vacancy occurs, or if all persons on the current promotion list for Lieutenant/Paramedic refuse the promotion, the Board shall not make a permanent promotion until a new promotion list has been prepared in accordance with these Rules, but may make a temporary appointment to fill the vacancy. Temporary appointments shall not exceed 180 days.

If a promotion list is not in effect, a successor list shall be prepared and distributed within 180 days after a vacancy.

(c) Effect of Failure to Promote – Continuation of Promotion List

If a vacated Lieutenant/Paramedic position is not filled due to a lack of funding or authorization and is subsequently reinstated, the promotion list shall be continued in effect until all positions vacated have been filled or for a period up to 5 years beginning from the date on which the position was vacated. In such event, the candidate or candidates who would have otherwise been promoted when the vacancy originally occurred shall be promoted.

(e) Effect of Declining Promotion

Any candidate on the promotion list may refuse promotion to the rank of Lieutenant/Paramedic once without losing his or her position on the

promotion list. Any candidate who refuses promotion a second time shall be removed from the promotion list, provided that such action shall not prejudice a person's opportunities to participate in future Lieutenant/Paramedic promotion examinations.

(f) Promotional Probationary Period

There shall be a twelve (12) month probationary period for Fire Department personnel who are promoted to Lieutenant/Paramedic. The Board may extend the twelve-month probationary period in the event that extended injury, illness, leave of absence or other unforeseen or unusual circumstance prevents the employee from working full and active duty throughout the probationary period.

If any probationer shall be found incompetent or unqualified for his/her position, including the leadership skills required for the position, the Fire Chief may demote the probationer to his/her previous rank. The Chief shall inform the Board in writing of the reasons for every such demotion. The decision of the Chief shall be final.

Section 2.7 Monitoring and Review

(a) Monitoring

All aspects of the promotion process, including without limitation the administration, scoring, and posting of scores for the written examination and subjective evaluation and the determination and posting of seniority and ascertained merit scores, shall be subject to monitoring and review.

If members of the Fire Department below the rank of Lieutenant/Paramedic are represented by an exclusive collective bargaining agent under the provisions of the Illinois Public Labor Relations Act, the Assistant Secretary shall also notify such representative of the call for examination as provided in Section 2.4(c). Two impartial persons who are not members of the Fire Department may be selected to act as observers by the exclusive bargaining agent. The Board may also select 2 additional impartial observers. The observers monitoring the promotion process are authorized to be present and observe when any component of the test is administered or scored. Except as otherwise agreed to in a collective bargaining agreement, observers may not interfere with the promotion process, but shall promptly report any observed or suspected violation of the requirements of this Act or an applicable collective bargaining agreement to the Board and all other affected parties.

(b) Review

Any affected person or party who believes that an error has been made with respect to eligibility to take the Lieutenant/Paramedic examination, the examination results, or position on the Lieutenant/Paramedic promotion list,

shall be entitled to a review of the matter by the Board or as otherwise provided by law.

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:

Chief of Police
Deputy Chief of Police
Commander
Sergeant
Police Officer

The order of rank in the Fire Department shall be as provided by ordinance:

Fire Chief
Deputy Fire Chief
Duty Chief
Lieutenant
Firefighter/Paramedic

Section 2 Classification

The Commission hereby classifies such ranks in the Fire and Police Departments for the purpose of establishing and maintaining standards of examinations and promotions based upon job descriptions and departmental regulations.

Police Service
Police Officer

Requirements: Health, mental and physical abilities necessary to perform the duties of the office.

Promotional positions:
Sergeant

Fire Service
Firefighter/Paramedic

Requirements: Health, mental and physical abilities necessary to perform the duties of the office.

Promotional positions:
Lieutenant

Section 3 Oath of Office

(a) Fire Department

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

"I _____, do solemnly swear that I will support the Constitution of the United States; and the Constitution of the State of Illinois; the charter, laws and ordinances of the Village of Wilmette; the rules and regulations of the Wilmette Fire Department 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 _____, A.D., 19 ____.

(Signed) _____

Notary Public

(b) Police Department

Before entering upon his/her 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 (affirm) that I will faithfully discharge the duties of a Wilmette Police Officer to the best of my ability, and I do hereby dedicate myself to protecting the rights, lives and property of the persons whom I serve. I pledge to be completely honest in word and deed; to provide equal protection under the law to all persons; to be fair and impartial in my treatment of all persons; to adhere to the Law Enforcement Code of Ethics; and to direct my daily efforts toward achieving the mission, values, goals and objectives of the Department. I will at all times support the Constitutions and laws of the United States of America and of the State of Illinois, and the Ordinances of the Village of Wilmette.

Officer Signature

ATTEST:

WITNESS:

Village Clerk
Dated

Chief of Police

CHAPTER VI - HEARINGS OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGESSection 1 Applicability (rev. 3/2005)

Sections 2 through 11 of this Chapter VI shall be applicable to only to sworn members of the Fire Department and the Police Department who are not covered by a collective bargaining agreement. In the case of members of the Fire Department and the Police Department covered by a collective bargaining agreement, discipline and discharge shall be administered in the manner provided for in the applicable collective bargaining agreement.

Section 2 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 the State of Illinois.
- (c) No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board is 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.
- (e) The Board shall determine whether cause exists.
- (f) The complainant initiating any proceedings which provide for a hearing before the Board has the burden of proof to establish that cause does exist by a "preponderance of evidence," and even if the case involves a crime, the rule of "reasonable doubt" shall not control.
- (g) 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.
- (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 certified court reporter to be employed by the Board.
- (k) All witnesses shall be sworn by a person authorized to administer oaths prior to testifying.

- (l) The Board will first hear the witnesses substantiating the charges which have been made against the respondent. Thereafter the respondent may present and examine those witnesses whom he desires the Board to hear. All parties shall have the right to cross-examine witnesses.
- (m) The matter will be decided by the Board on evidence presented at the hearings.

Section 3

Hearings Procedure

- (a) Complaints

In all cases written complaint shall be filed in quintuplicate, setting forth a plain and concise statement of the facts upon which the complaint is based. Complaints may be filed only by the Village Manager, the Police Chief or the Fire Chief.

- (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 quintuplicate with the Secretary of the Board, and the determination by the Board of proper cause for entertaining said complaint, the Secretary of the Board shall notify in writing both the complainant and respondent, either by registered or certified mail, return receipt requested, or personally, of the time and place of the hearing of the charges contained in the complaint. The respondent shall also be served with a copy of the complaint, and if an Order of Suspension is entered by the Board, the respondent, the complainant, the Chief of the Department, and the treasurer, comptroller, manager, or other finance officer of the municipality shall be notified of the entry of such Order of Suspension, and be served either personally or by registered or certified mail, return receipt requested, with a copy of such Order of Suspension.

- (d) Continuances

The Board may, in its discretion, grant a continuance of a hearing.

No hearing shall be continued at the request of any of the parties to a proceeding or their attorneys, unless such request is either made orally to the Chairman of the Board, or received in writing at the Board's offices at least three (3) days before the scheduled hearing date.

- (e) Stipulations

Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, to a continuance or as to the facts. The facts so stipulated shall be considered as evidence in the proceeding.

In the event an officer who has been suspended pending a hearing desires a continuance, and said officer is retained in his position as the result of a decision of the Board following a hearing of the cause, then no compensation shall be paid to the officer during the period of said continuance.

Revised 10/20/99

(f) Sufficiency of Charges-Objections to

Motions or objections to the sufficiency of written charges must be in writing and filed or made prior to or at the hearing before the Board.

Section 4 Subpoenas

- (a) Either the complainant or the respondent may, at any time before the hearing, make application to the Board, by filing with it a written request for subpoenas, for any individual to appear for a hearing or have them produce books, papers, records, accounts and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person of the age of twenty-one (21) years and upwards designated by the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce. Subpoenas will not be issued for anyone residing outside of the State of Illinois.
- (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. It is within the discretion of the Board whether to grant such a continuance.

Section 5 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 to or received at a party's address as shown by employment records of the Village of Wilmette, by either registered or certified mail, return receipt requested.

Section 6 Filing

All papers may be filed with the Board by mailing them or delivering them personally to the Assistant Secretary of the Board at Wilmette, 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 7 Forms of Paper

- (a) All papers filed in any proceeding shall be typewritten, mechanically printed or laser 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 inches wide by 11 inches long and shall have 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.
- (e) If papers are filed by an attorney, his name and address shall appear thereon.

Section 8 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 Saturday, 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 Saturday, Sunday or holiday is also a holiday or a Sunday, then such succeeding day shall also be excluded.

Section 9 Suspensions

- (a) The Board may suspend any member of the Fire or Police Department against whom charges have been preferred, pending a hearing of the charges by the Board, but not to exceed thirty (30) days, without pay, at any one time.
- (b) The Chief of the Fire or Police Department may suspend any officer under his command for a period not to exceed five (5) days, providing no charges on the same offense have been filed and are pending before the Board. "Day" shall mean eight (8) consecutive hours of scheduled work time. The Chief shall notify the Board in writing within five business days after the Police Officer or Firefighter/Paramedic receives written notice of such suspension. Any Police Officer or Firefighter/Paramedic so suspended may appeal to the Board for a review of the suspension within five (5) business days after receiving written notice of such suspension by filing notice of such appeal in writing with the Secretary of the Board of Fire and Police Commissioners.
- (c) Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the officer so suspended receive his pay for the period involved, may suspend the officer for an additional period of not more than thirty (30) days, or discharge him, depending on the evidence presented.
- (d) Members exempt under the Fair Labor Standards Act (FLSA) cannot be suspended without pay for less than one week.

Section 10 Discharge or Suspension After Hearing

- (a) Discharge from office, or suspension from service in the Fire or Police Department shall be in compliance with 65 ILCS 5/10-2.1-1 et. seq.

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- (b) The Board shall, within a reasonable time after the hearing is completed, enter its findings in the records of the Board.

Section 11 Date of Hearing

The time for the hearing of charges shall be set by the Board, within thirty (30) calendar days of the time of the filing of such charges. Continuances may be granted by the Board from time to time upon motion of the Board, or any party to the proceeding.

Section 12 Finding and Order

In case any member of the Fire or Police Department shall be found guilty of the charges preferred against him after a hearing by the Board, he may be removed, discharged, or suspended for a period not exceeding thirty (30) calendar days, without pay.

Section 13 Rules

- (a) Fire Department

The personnel of the Fire Department shall be governed by the Rules and Regulations of the Commission and the Rules and Regulations of the Fire Department.

- (b) Police Department

The personnel of the Police Department shall be governed by the Rules and Regulations of the Commission and the Policies and Procedures of the Police Department.

Section 14 Violation of Rules

All members of the Fire and Police Departments shall be subject to the Rules and Regulations and Policies and Procedures of such departments, and the rules and regulations of the Board, and a violation of such rules or regulations shall 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 Village of Wilmette, or of state or federal law, by any member of the Wilmette Fire or Police Department shall 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 head 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.

CHAPTER VII - GENERAL

Section 1 Board's Powers and Duties

The Board of Fire and Police Commissioners shall have such other Powers and Duties as are given it by the Statutes of the State of Illinois.

Section 2 Conflicting Rules and Regulation

In the event that any provision of the foregoing Rules and Regulations for the operation of the Board of Fire and Police Commissioners is inconsistent with any provision of applicable State Law, then to the extent that said provision of these Rules and Regulations is within the Village of Wilmette's authority as an Illinois home rule municipality, that provision of these Rules and Regulations shall control. To the extent that any provision of these Rules and Regulations is in conflict with applicable federal law, or is in conflict with any applicable state law and is beyond the Village of Wilmette's home rule authority, then those provisions of federal or state law shall control. Nothing invalidating one provision of these Rules and Regulations shall be deemed to invalidate any other provision.

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Section 3 Notification

Notifications sent via first class U.S. Mail, postage paid, to the address supplied by the party to be notified shall be construed as notice under these guidelines, and shall be deemed effective when deposited in the U.S. Mail.

Section 4 Political Contributions

No person in the Fire or Police Department of the Village of Wilmette, Illinois, shall be under any obligation to contribute to any fund or to render any political service, and no such person shall do so or be removed or otherwise prejudiced for refusing to do so. No person in the Fire or Police Department of the Village of Wilmette, 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.

Section 5 Political Activities

No person holding a position in the Fire or Police Department of the Village of Wilmette, Illinois, shall announce, display or otherwise use his/her official authority or influence in order to coerce the political action of any person or body, or to interfere with any election, or in the course of a political campaign announce,

display or otherwise use his/her official authority while circulating or seeking signatures to any petition provided for by any primary or election law, or acting as a worker at the polls, or distributing badges, color, or indicia favoring or opposing a candidate for election or nomination to a public office, whether federal, state, county or municipal. Nothing in this section shall be construed to prohibit or prevent any such person from becoming or continuing to be a member of a political club or organization or from attendance at political meetings, from enjoying entire freedom from all interference in casting his vote, or from expressing privately his/her opinions on all political questions.

Any person holding a position in the Fire or Police Departments of the Village of Wilmette, Illinois, who is elected to a public office in a general election in the Village of Wilmette shall tender his/her resignation upon assuming such elected office.

BOARD OF FIRE AND POLICE COMMISSIONERS

VILLAGE OF WILMETTE, ILLINOIS

_____, Commissioner, Chairman

_____, Commissioner, Vice-Chairman

_____, Commissioner, Secretary

_____, Assistant to the Secretary

Adopted: October 22, 1997

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