

**CITY OF ZION  
BOARD OF  
FIRE AND POLICE  
COMMISSIONERS**



**RULES AND  
REGULATIONS**

**RULES AND REGULATIONS  
OF THE BOARD OF  
FIRE AND POLICE COMMISSIONERS OF THE  
CITY OF ZION  
STATE OF ILLINOIS**

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As adopted by the Board of Fire and Police Commissioners of the City of Zion, Illinois, effective November 1, 1995, **and amended effective June 11, 2024.**

Chairperson Debrah Lewis  
Commissioner John Idleburg  
Commissioner Tim Bartlett  
Recording Secretary Sarah Maciareillo

# **CHAPTER I ADMINISTRATION**

## **SECTION I – SOURCE OF AUTHORITY**

The Board of Fire and Police Commissioners of the City of Zion, Illinois, derives its power and authority from an Act of the General Assembly entitled, “Board of Fire and Police Commissioners”, Chapter 65 Illinois Compiled Statutes 5/10-2.1-1 et. seq., (65 ILCS 5/10-2.1-1), (hereinafter the “Act”), and as authorized by ordinance.

## **SECTION 2 – DEFINITIONS**

The word “Commission” and/or “Board” wherever used shall mean the Board of Fire and Police Commissioners of the City of Zion, Illinois. The word “Officer” shall mean any person holding a full-time, non-probationary appointment in the Police Department of the City of Zion. The word “Firefighter/Paramedic” shall mean any sworn person holding a full-time, non-probationary appointment to the Fire Department of the City of Zion. The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural the singular.

## **SECTION 3 – MEMBERS OF THE BOARD AND THEIR DUTIES**

The Board is comprised of three (3) Commissioners and one (1) Recording Secretary, who shall be appointed by the Mayor with the approval of the City Council. Any person appointed to the position of Commissioner must possess the qualifications as set forth in 65 ILCS 5/10-2.1-3. The Commissioners shall be considered Officers of the City, and shall file an oath and a fidelity bond in such amount as may be required by law.

Board members shall not be subject to removal, except for cause, upon written charges, and after an opportunity to be heard within 30 days in their own defense, before a regular meeting of the City Council. A majority vote of the elected members of the City Council shall be required to remove any such member from office. Vacancies on the Board shall be filled in the same manner as original appointments.

The Board shall annually, on the first meeting in April elect a Chairman. They shall hold office until the end of the following fiscal year and until their successors are duly elected and qualified. The Chairman shall be the presiding officer at all meetings.

The Secretary shall keep the minutes of all meetings of the Board and shall be the custodian of all the forms, papers, books, records, and compiled examinations of the Board, and said records shall be held in a secured location provided by the City of Zion, Illinois.

Each Board member must complete the electronic training curriculum developed and administered by the Public Access Council within 90 days of appointment to the Board and file a copy of the certificate of completion with the Recording Secretary.

The City’s attorney shall represent the Board and shall handle prosecutions before the Board.

The powers and duties of the Board shall include the following:

- 1) To have charge of all appointments to, and promotions/demotions within, the City’s Fire and Police Departments, except for the Chiefs, who are appointed by the Mayor.
- 2) To conduct and hold all entrance examinations for firefighter/paramedics and police officers.
- 3) To conduct and hold all promotional examinations to sworn ranks to which it has been charged with appointment within the City’s Fire and Police Departments.

- 4) To conduct hearings to consider written charges for discipline, removal or discharge of a firefighter/paramedic or officer, where the Board has been charged with those duties.
- 5) To adopt, enforce, administer, and amend the rules and regulations which are consistent with governing state and federal law, and which are not in conflict with the City Code.
- 6) To hire outside independent contractors to conduct aspects of the Board's testing processes.
- 7) To periodically attend training programs and conferences applicable to the Board's duties.
- 8) To submit a budget request in accordance with the City budget submission guidelines prior to the end of the fiscal year.

#### **SECTION 4 – MEETINGS**

Regular meetings shall be held monthly, notice and the agenda shall be posted at the location where the meeting is to be held at least forty-eight (48) hours in advance of the meeting. Regular meetings shall be open to the public, in accordance with the Open Meetings Act (5 ILCS 120/1 et. seq.). The Board shall maintain written minutes of all regular meetings in accordance with Section 2.06 of the Open Meetings Act.

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 considerations of the Board at such special meetings, and shall set forth the time and place of such special meeting, and no other business shall be considered at such special meeting unless by unanimous consent of the Board. A special meeting may also be called for a future date at any meeting of the Board and by a majority vote of the members attending the meeting. The Board shall maintain written minutes of all special meetings in accordance with the Open Meetings Act.

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 any authorized topic under Section 2 of the Open Meeting Act (5/ILCS 120/2). 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 and keep minutes and an audio or video recording of the closed sessions, in accordance with the Open Meetings Act. The audio recording of a closed meeting shall be retained in accordance with the State Record Retention schedule.

Public notice of any regularly scheduled or special meeting shall be provided in accordance with the Open Meetings Act, 5 ILCS 120/1-120/5.

#### **SECTION 5 – QUORUM**

Two (2) members of the Board shall constitute a quorum to do business. All meetings shall only be held with a quorum of the Board present. The affirmative vote of two (2) members is necessary to adopt any motion or resolution.

#### **SECTION 6 – ORDER OF BUSINESS**

The order of business at any meeting shall be:

- 1) Call to Order
- 2) Roll Call
- 3) Citizen Comments

- 4) Approval of Minutes
- 5) Meeting Discussions
- 6) Adjournment

#### **SECTION 7 – PROCEDURE**

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

#### **SECTION 8 – MINUTES**

The minutes shall include:

- 1) the date, time and place of the meeting;
- 2) the members of the Board as either present or absent;
- 3) a summary of discussion on all matters proposed, deliberated, or decided;
- 4) and a record of any votes taken, including the member making the motion, the second and the results of the voting.

The minutes of the proceedings of the Board at regular or special meetings shall be prepared in draft form and copies shall be delivered to all Board members along with the agenda of the next meeting. The minutes of the preceding meeting, with any changes made by a motion properly made and carried or as directed by the Chairperson without objections, shall be approved by the Board and signed by the Secretary no later than 30 days after that meeting or the Board’s second subsequent regular meeting, whichever is later. The minutes shall be made available to the public for inspection during regular business hours and on the City’s website within ten (10) days of approval.

The Secretary shall audio record all closed meetings. After the closed meeting, the audio recording shall be labeled with the date and stored in a secure location. After the State-prescribed retention period has passed, the audio recording of a closed meeting shall be destroyed, provided that the Board has approved its destruction and approved written minutes of the particular closed meeting.

The verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce this Act. At no time will an audio recording be released that would violate state or federal privacy or confidentiality requirements, including, but not limited to, any matter concerning (i) communications between the Board and an attorney representing the Board; and (ii) all information exempted from disclosure under the Illinois Freedom of Information Act.

#### **SECTION 9 – ANNUAL REPORT AND BUDGET REQUEST**

The Board shall submit an Annual Report of its activities as required by 65 ILCS 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 applicable state statute.

#### **SECTION 10 – RECORD RETENTION**

The Board shall maintain its records in accordance with applicable state or federal law, City policies, and administrative regulations. Board records or information contained therein may be released, transferred, disclosed or otherwise disseminated, only as provided by applicable law, and City policy. All application

and examination records produced on behalf of and transmitted to the Board by any entity shall become the property of the Board and shall be retained as required by law. The Secretary and the Board's Liaison shall be responsible for the storage, maintenance and destruction of the Board's records, in accordance with applicable law.

The Board's records shall include, but not be limited to:

- 1) Data and documentation regarding the Board's processes for recruitment, selection, promotion, and discipline of the sworn members of the City's Fire and Police Departments.
- 2) Data and documentation required to comply with state and federal laws and regulations regarding equal employment, including information categorizing applicants for employment by sex, race and national origin.
- 3) Applications, waivers and releases, educational and military records.
- 4) Recommendations, findings, reports, and results from tests and examinations authorized by the Board, including medical reports, physical fitness testing results, written examinations results, psychological evaluations, and oral interview ratings. Any medical information regarding an applicant, candidate or employee shall be maintained in separate, secured files in accordance with the Americans with Disabilities Act.
- 5) Findings, reports and recommendations associated with background investigations conducted on the Board's behalf by the City's Police Department or other outside agency.
- 6) Documentation regarding activities and events involving employees subject to disciplinary action.

The City's Human Resources Department, in concert with the Chiefs of the City's Fire and Police Department, shall be responsible for maintaining an employee record for each fire and police department employee, separate from the Board's files. The Board shall have access to the City's employee records when necessary for action on an employee matter.

It is the policy of the Board to permit access to and copying of public records in accordance with the Illinois Freedom of Information Act, balanced, however, by the limited exceptions recognized in the Act to safeguard individual privacy and the efficient operation of the Board. The Board shall appoint a Freedom of Information Officer, who shall ensure that the Board complies with the Act under the City's policy.

## **CHAPTER II GENERAL**

### **SECTION 1 – RULES – CONFLICT**

The personnel of the Fire and Police Department shall be governed by the Rules and Regulations as adopted by the Board and the Rules and Regulations of the Fire and Police. In case of conflict between these Rules and the City Code or an applicable Collective Bargaining Agreement (“Authorities”), the Authorities shall control and govern.

In the event of any change in any statute or other law, rule or regulation referenced herein (the “Regulation”), said Regulation shall be read in its most current iteration.

### **SECTION 2 – AMENDMENTS TO THE RULES**

Amendments to the Rules and Regulations of the Board may be made at any meeting of the Board. In accordance with 65 ILCS 5/10-2.1-5, 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 of Zion, Illinois. The notice shall specify the date, not less than ten days subsequent to the date of such publication, when rules shall go into effect.

### **SECTION 3 – SEVERABILITY**

Any Chapters, Sections and/or Subsections of the foregoing Rules and Regulations 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 and Regulations.

### **SECTION 4 – VIOLATION OF RULES**

All members of the Fire and Police Departments shall be subject to the regulations 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 5 – VIOLATION OF LAW**

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

### **SECTION 6 – POLITICAL CONTRIBUTIONS**

No person in the Fire Department or Police Department of the City of Zion, Illinois, shall be under any obligation to contribute any funds to render any political service and no such person shall do so or be removed or otherwise prejudiced for refusing to do so. No person in the Fire Department or Police Department of the City of Zion, 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 of 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 7 – LEAVE OF ABSENCE**

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

## **SECTION 8 – LAYOFF AND RECALL**

When the force of the fire department or police department is reduced, and positions displaced or abolished, employees shall be reduced in rank or removed from service in the inverse order of their seniority. Such employees shall be considered furloughed without pay from the positions from which they were reduced or removed.

In no event shall any officer or member be reduced more than one rank in a reduction in force. Employees with the least seniority in the position to be reduced shall be reduced to the next lower rated position. For purposes of determining which promoted employees will be reduced in rank, seniority shall be determined by adding the time spent at the rank from which the employee is to be reduced and the time spent at any higher rank in the department.

Seniority in the lowest rank of the department shall be determined by length of service in the department, with the least senior employee being the first removed and laid off. Laid off employees shall have their names placed on a re-call list in the reverse order of their dates of layoff.

If any positions which have been vacated because of a reduction in force or displacement and abolition of positions are reinstated, such employees shall be re-called from lay-off according to their seniority and in accordance with the terms of any applicable collective bargaining agreement. The Board shall send notice of re-call to the laid-off employees by certified or registered mail. The City shall be deemed to have fulfilled its obligations by mailing the re-call notice by certified mail, return receipt requested, to the mailing address last provided by the employee. It is the obligation and responsibility of the employee to provide the City with his or her current mailing address at all times.

Written acceptance of re-call must be made by the laid off employee within 30 calendar days after notification. Laid-off employees shall have prior right to reinstated positions if otherwise qualified, and may be required to submit to examination by physicians of the Board to determine physical fitness. Laid off employees shall be removed from the recall list after one full calendar year from the date of lay-off. (65 ILCS 5/10-2.1-18)



## **CHAPTER III APPLICATION PROCESS**

### **SECTION 1 – RESIDENCY REQUIREMENTS**

Applicants for examination must be citizens of the United States or an alien admitted for permanent residence or lawfully admitted for temporary residence and who produces evidence of intention to become a citizen of the United States. An individual who is not a citizen but is legally authorized to work in the United States under federal law or is an individual against whom immigration action has been deferred by the U.S. Citizenship and Immigration Services under the federal Deferred Action for Childhood Arrivals (DACA) process is authorized to apply for the position of police officer, subject to (i) all requirements and limitations, other than citizenship, to which other applicants are subject and (ii) the individual being authorized under federal law to obtain, carry, or purchase or otherwise possess a firearm.

### **SECTION 2 – AGE REQUIREMENTS**

The minimum age at the time of written examination for the Fire and Police Department shall be at least 21 years old. The maximum age at the time of written examination is 34 years old unless exempt from such age limitation as provided in 65 ILCS 5/10-2.1-6 or 65 ILCS 5/10-2.1-6.3(c) of the Fire and Police Commissioner's Act.

The maximum age limitation does not apply to any person:

- 1) previously employed as a policeman or fireman in a regularly constituted police or fire department of:
  - a) any municipality, regardless of whether the municipality is located in Illinois or in another state, or
  - b) a fire protection district whose obligations were assumed by a municipality under Section 21 of the Fire Protection District Act,
- 2) who has served a municipality as a regularly enrolled volunteer fireman for 5 years immediately preceding the time that municipality begins to use full time firemen to provide all or part of its fire protection service, or
- 3) who has served as an auxiliary police officer under Section 3.1-30-20 of the Illinois Municipal Code for at least 5 years and is under 40 years of age,
- 4) who has served as a deputy under Section 3-6008 of the Counties Code and otherwise meets necessary training requirements, or
- 5) who has served as a sworn officer as a member of the Illinois Department of State Police.

A military veteran applying for a police officer position shall be allowed to exceed the maximum age provision by the number of years served on active military duty, but by no more than 10 years of active military duty.

If a person is placed on an eligibility register and becomes overage before he or she is appointed to a police or fire position, that person shall remain eligible for appointment until the register expires.

Proof of birth date will be required at time of application. The Board by reference adopts the provisions of the Age Discrimination in employment Act (ADEA) and Illinois Human Rights Act 775 ILCS 5/2-202(a).

### **SECTION 3 – PHYSICAL AND MEDICAL REQUIREMENTS**

Applicants for the position of firefighter or police officer must meet valid standards of health and physical aptitude. For firefighter applicants, the standard is the Candidate Physical Ability Test (CPAT). For police officer applicants, the standard is the Police Officer Wellness Evaluation Report (POWER) Test.

Applicants shall be required, prior to appointment, to successfully complete a thorough medical evaluation by a licensed physician, selected by the Board of Fire and Police Commissioners of the City of Zion, Illinois, to assess their fitness to perform the duties of the position sought.

### **SECTION 4 – EDUCATION REQUIREMENTS**

Applicants for the position of firefighter or police officer shall have attained a high school diploma or an equivalent high school education. Applicants shall also possess a valid driver's license.

Firefighter applicants must:

- 1) be certified as an Illinois OSFM Firefighter-Basic, and
- 2) be currently enrolled in a Paramedic (EMT-P) class, have completed an EMT-P class and are currently in certification process, or be a licensed/certified EMT-P

At time of conditional offer of employment, firefighter candidates must be an Illinois Certified EMT-P. Within 30 days, candidate must be affiliated with the North Lake County EMS System.

### **SECTION 5 – APPLICATION FORMS**

Applications for the position of firefighter or police officer shall be filed upon application forms approved by the Board, and applicants must comply with the requirements of said form in every respect. The application must be filed with the Board 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 duties of the position applied for. The burden of establishing these facts rests on the applicant.

The applicant shall furnish a copy of his Military Service Record (DD-214), Discharge Papers, Birth Certificate and High School Diploma or G.E.D. Certificate, and College or University diploma, if applicable.

A false statement knowingly made by a person in an application for examination, connivance in any false statement or made in any certificate which may accompany such application or complicity in any fraud touching the same, shall be regarded as good cause for exclusion from the examination and/or discharge from the City.

### **SECTION 6 – APPLICATION REVIEW & ACCEPTANCE**

The Board is not responsible for late, misdirected or incomplete application submissions.

The Board or its designee shall check the application material submitted for completeness. Applicants may be required to provide additional information or documentation for clarification of their application provided that the applicant is otherwise qualified for the position sought. However, nothing in this section shall require the Board to seek such additional documentation not properly provided by the applicant, and the failure to provide information or documents may be cause for refusing to further consider the applicant.

Candidates whose applications have been accepted by the Board shall be notified and advised of steps to participate in the examination.

Candidates who submit defective applications lacking proper documentation will not be admitted to testing and will be eliminated from consideration.

### **SECTION 7 – DISQUALIFICATION**

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

- 1) is found lacking in any of the established preliminary requirements for the service for which he applies, or
- 2) is physically unable to perform the duties of the position to which he or she seeks appointment, or
- 3) is addicted to the use of intoxicating beverages or is found to have taken or used drugs and/or narcotics illegally, or
- 4) has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in section 10-2.1-6 of the Board of Fire and Police Commission Act, or
- 5) has been dismissed from any public service for good cause, or
- 6) has attempted to practice any deception or fraud in his application, or
- 7) may be found disqualified in personal qualifications or health, or
- 8) has character and employment references that are unsatisfactory, or
- 9) does not possess a high school education or its equivalent, or
- 10) has been classified by his local Selective Service Draft Board as a conscientious objector.

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

### **SECTION 8 – FAIR AND EQUAL OPPORTUNITY EMPLOYMENT**

It is the policy of the Board to be a fair and equal opportunity employment agency. The Board, its individual Commissioners, its administrative staff, and its agents shall not in any way discharge, refuse to employ, or discriminate against any person in regard to tenure, terms or conditions of employment, promotional opportunities, training or the like to any person otherwise qualified on the basis of race, religion, sex, color, creed, marital status, citizenship status, use of lawful products while not at work, being a victim of domestic or sexual violence, physical or mental disability, age, national origin, ancestry, sexual orientation, pregnancy, military status, unfavorable discharge from military service, genetic information, gender-related identity, expunged or sealed criminal history records, order of protection status, or lack of a permanent mailing address or using the mailing address of a shelter or social service provider, as well as any other protected classification pursuant to state or federal law.

All applicants, candidates or employees shall be considered only on the basis of qualifications as required by the position being sought or held relative to experience, training, physical fitness, ability, skills, knowledge, and personal characteristics and integrity as a proper representative of the City. The Board shall use reasonable measures to inform employees and applicants that the City is an equal opportunity employer, such as by posting required notices.

## **SECTION 9 – OUTSIDE AGENCIES**

The Board recognizes the scope and complexity of the recruitment, examination and review of candidates for the position of firefighter/paramedic in the Fire Department. It further recognizes that agencies exist which have special expertise in this area. Therefore, under the Board's overall supervision, the Board retains the right to specify a qualified outside agency to assist the Board with respect to the conduct of examinations and the conduct of medical, psychological, and other testing of candidates for employment, including the conduct of a character and background investigation.

The assistance of outside agencies may, if the Board elects, include certification under the provisions of these Rules and Regulations. The certification process may eliminate the need for the separate conduct of the physical ability test and written test as hereinafter set forth.

## **SECTION 10 – REQUIRED RELEASES**

All applicants shall execute and deliver to the Board a form authorizing and empowering the Board and its agents or other outside service company engaged by the Board to conduct a background investigation of the applicant.

In the event that the Physical Aptitude Test is conducted by the Board, all applicants shall execute and deliver to the Board a release of all liability as the result of taking a Physical Aptitude Test in favor of the City of Zion, Illinois, on a form to be prescribed by the Board.

## **SECTION 11 – APPLICANT FINANCIAL HARDSHIP APPLICATION FEE WAIVER**

When a non-refundable application fee is imposed by the Board, the application fee may be waived in cases of financial hardship. An applicant must submit a Request to Waive Application Fee form. Hardship waiver requests will be considered on a case-by-case basis by the Board Chairman based on criteria as established by the Board. Granting of financial hardship waiver requests will be at the sole discretion of the Board Chairman.

**CHAPTER IV  
FIREFIGHTER – Original Appointment**

**SECTION 1 – NOTICE OF EXAMINATIONS**

The Board shall give public notice of its examination process to create a register of eligible candidates for initial appointment to the Fire Department at least 2 weeks prior to the written examination date. Examinations shall be held on the dates fixed by the Board and advertised in a local paper in accordance with Section 5.10-2.1-13 of the Act. The notice shall contain:

- 1) Any fees that will be charged to cover the application and testing costs.
- 2) The time, place, general scope, merit criteria for any subjective component of the examination.
- 3) Criteria necessary for being awarded preference points.
- 4) Positions that are expected to be filled.

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. Applicants shall be notified of the postponement of any examination and of the new date fixed for said examination.

The Board reserves the right to limit the number of applicants who will be permitted to participate in the physical ability test and subjective test, based upon the projected needs of the Department.

**SECTION 2 – TYPE OF EXAMINATIONS**

All examinations shall fairly test the capacity of the applicant to discharge the duties of the position to which the applicant seeks appointment. Applicants must participate in a physical aptitude test, written and oral examinations as determined by the Board and as more particularly set forth in Section 3 below. No examination shall contain questions regarding an applicant’s political or religious opinions or affiliations. The American Disabilities Act (ADA) is adopted by reference as part of these Rules and Regulations.

**SECTION 3 – EXAMINATIONS – COMPONENTS/MINIMUM PASSING SCORES**

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 score in any examination disqualifies the applicant from any further participation. Each weighted component of the examination process shall be based upon a scale of 1 to 100.

<u>Examinations</u>	<u>% Weight</u>
Physical Aptitude (Reference Section 4)	Mandatory/Pass or Fail
Written Exam (Minimum Passing score shall be 70%)	70%
Subject Component/ Oral Interview (no minimum passing score)	30%
Preference Points (Reference Section 8)	
<b>Conditional Offer of Employment</b>	
Background Investigation / Integrity Interview	Pass or Fail
Medical Examination	Pass or Fail

## **SECTION 4 – PHYSICAL APTITUDE TEST**

All applicants shall be required to submit to a physical aptitude test. Only candidates who successfully complete the “Physical Aptitude Test” will be permitted to participate in the written examination. The test may include the performance of essential functions of a member of a fire department. The test shall be open, competitive and based on industry standards. The Board is authorized to utilize the Candidate Physical Ability Test (CPAT) plus a ladder climb, but may use its own test which must follow the Act’s requirements. Any costs associated with this portion of the testing process may be passed to the applicant.

## **SECTION 5 –WRITTEN EXAMINATION**

Information as to the type of written examination employed by the Board will be provided as part of the application packet. All examination documents shall be and remain the property of the Board and the grading thereof by the Board shall be final and conclusive, ensure security and accuracy, and not subject to review by any other board or tribunal of any kind or description. Written exam scores will be used to rank applicants. Minimum passing score is 70%. Candidates who fail to achieve a passing score will be notified and eliminated from all further consideration.

## **SECTION 6 – SUBJECTIVE COMPONENT/ORAL INTERVIEW**

The Subjective Component/Oral Interview examination shall be conducted no more than 60 days after the completion of the written examination. A testing agency may be employed by the Board.

If the subjective component is to be conducted by the Board, at least two (2) Commissioners shall participate in the Oral Examination. Questions shall be asked of the candidate that will enable the Commissioners to properly evaluate and score the candidate on speech, ability to communicate, judgment, self-confidence, social skill and general fitness for the position of firefighter. The criteria for the subjective component shall be announced with notice of the examination. On completion of each Oral Examination, the Commissioners shall discuss the candidate’s abilities using the traits listed above. There shall be no minimum passing score for this examination. The candidate’s final score will be an average of the Commissioners’ scores. Candidates who fail to successfully complete the oral examination will be notified and eliminated from all further consideration.

Fire Chief observation in the subjective component/oral interview examination shall be at the discretion of the Board.

## **SECTION 7 – INITIAL ELIGIBILITY REGISTER**

The Board will prepare, certify, and post an “Initial Eligibility Register” no more than thirty (30) days after the candidates successfully completing the Subjective Component/Oral Interview. The exam components for this register shall be scored on a 100-point scale. Candidates shall be placed on the eligibility register in order of their relative excellence as determined by their final test scores. A dated copy of the Initial Eligibility Register shall be sent to each person appearing thereon.

## **SECTION 8 – PREFERENCE POINTS**

Candidates who are eligible for preference points shall make a claim in writing with proof thereof within ten (10) days after the posting of the Initial Eligibility Register or such claim shall be waived. The Board must provide no fewer than 10, but no more 30, preference points for applicants. The Board may establish the amount of preference points to be awarded for each of the following categories (except Veteran points) and notification of any available preference points must be given when public notice of the testing process is given.

Preference points shall be applied in the order provided in State Statute Section 65 ILCS 5/10-2.1-6.3.

Veteran – 5 points (mandatory)

Veterans shall be preferred for employment. Candidates who have actively served at least one year in the United States military and have been honorably discharged will receive 5 points.

Educational – 5 points maximum

2.5 points for Associate of Fire Science

2.5 points for Associate of EMS (Emergency Medical Services)

5 points for Bachelor's Degree – any discipline

Degree must be obtained from an accredited college or university.

Unique – 5 points maximum

1 point – Fire Apparatus Engineer

5 points maximum - 1 point for each full year served on Zion Fire Department

Criteria must be detailed in public notice of testing process.

Experience – 5 points maximum

Applicants employed by a municipality who have been paid-on-call or part-time certified Firefighter II, State of Illinois or nationally licensed EMT-B or EMT-I, or any combination of those capacities shall be awarded 0.5 points for each year of successful service in one or more of those capacities, up to a maximum of 5 points

Certified Firefighter III and State of Illinois or nationally licensed paramedics shall be awarded one (1) point per year up to a maximum of 5 points.

Applicants from outside the municipality who were employed as full-time firefighters or firefighter/paramedics by a fire protection district or another municipality for at least two (2) years shall be awarded 5 points.

Proof of previous employment must be provided on the previous employers' letterhead and include the position in which the candidate served and the dates of service. Such proof must be signed by the previous employer.

Per Illinois Public Act 97-0251, an applicant cannot pass a veteran through the use of Experience Preference Points.

**SECTION 9 – FINAL ELIGIBILITY REGISTER**

Eligibility for placement on the Final Eligibility Register shall be based on the candidate's performance on the Physical Aptitude Test, Written Exam, Subjective Component/Oral Interview, and preference points.

The Board shall prepare, certify, and post a "Final Eligibility Register" which shall include claimed preference points. In the event of a tie score, the placement of the tied candidates' names on the eligibility register shall be determined by lottery, in the presence of a quorum of the Board in whatever manner the Board deems appropriate. All applicants who fail to qualify for placement on the Final Eligibility Register shall be so advised in writing. The expiration date of the register is two (2) years from

the date of certification following the application of preference points. A dated copy of the Final Eligibility Register shall be sent to each person appearing thereon.

### **SECTION 10 – FILLING VACANCIES FROM THE FINAL ELIGIBILITY REGISTER**

Candidates shall be appointed from the eligibility register in descending order, in accordance with 65 ILCS 5/10-2.1-14.

If the Board believes that the highest rank candidate fails to meet the minimum standards, or if the Board believes a different candidate would better suit the needs of the Department, the Board has the right to pass over the highest ranked candidate. In this event, the Board must appoint:

- 1) Any person ranking in the top 5% of the Final Eligibility Register, or
- 2) Any person who is in the top 5 ranking candidates on the Final Eligibility Register if the number of candidates in the top 5% is less than 5 individuals.

### **SECTION 11 – CONDITIONAL OFFER OF APPOINTMENT**

At the time of a conditional offer of appointment, a candidate must possess a current Illinois EMT-Paramedic license.

Any candidate who receives a conditional offer of appointment is subject to satisfactorily passing the following:

- 1) a background check including criminal history, employment history, and moral character review,
- 2) an Integrity Interview at such time and place as the Board may designate in writing, and
- 3) a medical examination which shall include drug screening, vision and hearing testing, and the presence of communicable diseases.

Medical examinations shall be performed by a Board-selected, licensed physician who has knowledge of NFPA Standards.

Such testing shall be given without expense to the candidate; however, if additional medical evaluations, testing, or treatment are required in order to determine the candidate's fitness for duty, the candidate shall be responsible for obtaining and paying for the additional medical evaluation, testing, or treatment. Such testing shall be done on a pass or fail basis.

A candidate who fails to take or successfully complete such tests shall be eliminated from further consideration and any offer of appointment shall be rescinded. (65 ILCS 5/10-2.1-6)

Candidates have 5 days to accept or reject a conditional offer of appointment. A candidate is allowed to waive an offer of appointment only once without losing his position on the Final Eligibility Register. An eligible candidate who refuses a second offer of appointment or who untimely requests a waiver may be removed from the Final Eligibility Register.

### **SECTION 12 – PROBATIONARY APPOINTMENT**

All original appointments to the Fire/Rescue Department shall be for a probationary period of twelve (12) months, unless the firefighter's responsibilities include paramedic duties, in which case the statutory probationary period may be extended. The probationary period of a newly appointed firefighter/paramedic shall commence as of the first date said individual reports for work with the department.



Probationary employees may be summarily dismissed and are not entitled to the protection afforded to other full-time firefighter/paramedics by statute or these rules and regulations.

### **SECTION 13 – CERTIFICATION**

Probationary employees shall, within 30 days of hire, complete all North Lake County EMS System entry requirements to be certified as a paramedic in the North Lake County EMS System. Inability to successfully complete these requirements shall be grounds for dismissal.

## **CHAPTER V FIREFIGHTER – Promotional Examinations**

### **SECTION 1 – GENERAL**

Promotions to the rank of lieutenant and battalion chief shall be conducted in accordance with the provisions of the most current Fire Department Promotion Act and the Rules and Regulations of the Board, to the extent they are not inconsistent with the terms of the bargaining unit contract and other written agreements between the parties.

The Board, by its rules, shall provide for promotion in the Fire Department 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 eligible members of the next lower rank as desire to submit themselves to examination. The method of examination and the rules governing examinations for promotion are specified below. Each weighted component of the examination process shall be based upon a scale of 1 to 100.

The Board shall strike off the names of candidates for promotional appointment after they have remained on the promotional eligibility register for more than three (3) years, provided there is no vacancy existing which can be filled from the promotional register. For the purpose of determining that a vacancy exists, the Board must have received notice from the Fire Chief to fill an existing vacancy prior to the date the name(s) are to be stricken from a promotional eligibility register.

### **SECTION 2 – REQUIREMENTS**

No person shall be eligible to take the examination for promotion in the Fire Department unless they shall have:

- 1) Five (5) years of service as a firefighter and be certified a minimum of Provisional Fire Officer I for promotion to Lieutenant/Paramedic, or
- 2) Two (2) years of service as a Lieutenant/Paramedic and be certified a minimum of Provisional Fire Officer II for promotion to Battalion Chief

Probationary fire fighters shall be ineligible to test for promotion during their probationary period.

In the event no candidate from the immediate next lower rank qualifies for promotion, the Board in determining next in order of rank in promotional examinations herewith determines a policy of extending the examination successively through all the orders of rank in the services in an endeavor to qualify suitable eligible or eligibles for the vacancy or vacancies existing before extending the examination to the general public.

Promotions in the City of Zion Fire Department shall be subject to the provisions of the Firefighter's Promotional Act as well as the current collective bargaining agreement, or as amended.

65 ILCS 5/10-2.1-4 provides that a Fire Chief and Assistant Fire Chief (exempt positions) may take promotional examinations for positions below the rank they currently hold, providing the candidate must have been appointed to the higher, exempt rank, while holding a lower, classified rank with the department. A candidate seeking such a promotion shall not be involved in evaluating the other candidates competing for the same position.

### **SECTION 3 – EXAMINATIONS**

For each promotional appointment, the Board shall post a notice ninety (90) days in advance of the date of examinations providing:

- 1) The date of examinations
- 2) The study materials for said examinations, and
- 3) The elements of the promotional process.

The final Promotion Examination for promotion in the Fire Department shall be determined as follows:

<u>Examinations</u>	<u>% Weight</u>
Seniority	10%
Ascertained Merit	10%
Management Points	10%
Peer Review Points	10%
Oral interview / Assessment Center	40%
Written Examination (70% minimum passing score)	20%

#### **SECTION 4 – SENIORITY**

Seniority points shall be calculated using the following formula with a maximum of 100 points. Four (4) points per year of continuous service with the Zion Fire and Rescue Department (one (1) point for every three (3) completed months) up to 25 years of full-time service. Credit will be applied up to the date of the written examination. Monthly credit will be given only for fully completed months of employment.

#### **SECTION 5 – ASCERTAINED MERIT POINTS**

Ascertained merit points shall be awarded in accordance with the Local 1999 Collective Bargaining Agreement in the following categories:

Category I – Formal Education	60 points
Category II – Fire Service Certifications	20 points
Category III – Job Related Education	20 points

#### **SECTION 6 – MANAGEMENT POINTS**

Chiefs' points will carry a maximum of 100 points. A committee consisting of the fire chief and all current chief officers shall award chiefs' points for the rank of lieutenant. The fire chief shall award chiefs' points for the rank of battalion chief. Chiefs' points shall be based on a candidate review form, as well as traits and competencies consistent with the Fire/EMS service, and calculated using the "Chief's Points Calculation Assistant" on file with the Zion Fire and Rescue Department.

#### **SECTION 7 – PEER REVIEW POINTS**

Peer review points will carry a maximum of 100 points. All full-time members from the rank of Lieutenant down will complete a peer review form for each candidate. The points will be calculated by an average of the scores returned.

## **SECTION 8 – ORAL INTERVIEW / ASSESSMENT CENTER**

Candidates will be evaluated by a qualified assessment center as recommended by the Fire Chief and approved by the Board. Three evaluations will be chosen and identified 90 days prior to the assessment date. The evaluations may include, but are not limited to the following areas:

- 1) Tactical Exercise
- 2) In-Basket Scenario
- 3) Problem Employee Scenario
- 4) Structured Oral Interview
- 5) Writing Exercise
- 6) Presentation Exercise

## **SECTION 9 – WRITTEN EXAMINATION**

The written examination shall be administered after all other components have been administered. The written examination shall fairly test the capacity of the candidates and consist of questions directly related to duties regularly performed by persons holding the rank being tested for. The written examination shall be developed by an independent outside agency and based only on the contents of the written materials that the Fire Chief has identified and made readily available to candidates at each fire station at least 90 days prior to the examination being administered.

There shall be a minimum passing score of 70% on the written exam in order to continue in the promotional process.

## **SECTION 10 – VETERANS' POINTS**

Candidates who are eligible for veterans' points shall make a claim in writing, with proof thereof, within 10 days after the date of the Initial Promotional Eligibility Register or such claim shall be waived. An applicant must have a minimum of one full year of active military service in the U.S. military and be honorably discharged. The maximum veterans' points for promotion which may be awarded to a candidate is 3.5 points based on an award of .7 points for each six months of full-time active military service, or part thereof, not to exceed a 30-month period.

Promotional applicants may only receive veterans' preference points for one promotional appointment from a promotional eligibility register.

## **SECTION 11 – TOTAL SCORE**

A candidate's total score shall consist of the combined scores of the written examination, oral interview/assessment center, seniority, ascertained merit, management rating, and veterans' points. Candidates shall take rank upon a promotional register in the order of their relative excellence as determined by their total score.

If two or more individuals are placed on the Final Promotional Eligibility Register with identical scores to two decimal places, the tie shall be broken based on seniority. The individual with the greatest seniority with the Zion Fire Department shall be placed ahead of another individual with the identical score.

## **SECTION 12 – EXPIRATION OF FINAL ELIGIBILITY REGISTER**

The Final Promotional Eligibility Register shall be valid for 3 years from the effective date by the Board unless all names have been exhausted. The register will not be allowed to expire if a vacancy exists within the promoted rank prior to the expiration of the register.

The Final Promotional Eligibility Register shall be certified and posted no later than April 15 of the testing year. All outgoing promotional registers shall expire on April 30 of the testing year and all new promotional registers will go into effect beginning May 1 of the testing year. An exception shall be made if the current eligibility register has been exhausted and a special test has been called for under the Fire Promotion Act.

## **SECTION 13 – PROMOTIONAL VACANCY**

Upon notice from the appropriate corporate authority that a promotional vacancy exists, the Board shall appoint the individual with the highest ranking on the Final Promotional Eligibility Register for that rank, except that the appointing authority shall have the right to pass over that person and appoint the next highest ranked person on the list if the appointing authority 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 promoted rank since the posting of the promotion list. If the highest-ranking person is passed over, the appointing authority 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 remediable, no person who is the highest-ranking person on the list at the time of the vacancy shall be passed over more than once.

## **SECTION 14 – REFUSAL OF APPOINTMENT**

Any applicant may refuse a promotion once without losing his or her position on the final promotional eligibility register. Any applicant who refuses a promotion a second time shall be removed from the final promotional eligibility register, provided that such action shall not prejudice a person's opportunity to participate in future promotional processes.

**CHAPTER VI  
POLICE OFFICER – Original Entry**

**SECTION 1 – NOTICE OF EXAMINATIONS**

The Board shall give public notice of its examination process to create a register of eligible candidates for initial appointment to the Police Department. Examinations shall be held on the dates fixed by the Board and advertised in a local paper in accordance with Section 5.10-2.1-13 of the Act. The notice shall contain:

- 1) Any fees that will be charged to cover the application and testing costs.
- 2) The time, place, general scope, merit criteria for any subjective component of the examination.
- 3) Criteria necessary for being awarded preference points.
- 4) Positions that are expected to be filled.

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. Applicants shall be notified of the postponement of any examination and of the new date fixed for said examination.

**SECTION 2 – TYPE OF EXAMINATIONS**

All examinations shall fairly test the capacity of the applicant to discharge the duties of the position to which the applicant seeks appointment.

Applicants shall be required to participate in a physical aptitude test, written and oral examinations as determined by the Board and as set forth below. No examination shall contain questions regarding an applicant's political or religious opinions or affiliations. The American Disabilities Act (ADA) is adopted by reference as part of these Rules and Regulations.

**SECTION 3 – EXAMINATIONS – MINIMUM SCORES**

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 score in any examination disqualifies the applicant from any further participation. Each weighted component of the examinations process shall be based upon a scale of 1 to 100.

<u>Examinations</u>	<u>% Weight</u>
Physical Aptitude Test	Mandatory/Pass or Fail
Written Exam	70%
Oral Interview / Assessment	30%
Background Investigation / Integrity Interview	Pass or Fail
<b>Conditional Offer of Employment</b>	
Psychological Examination	Pass or Fail
Medical Examination	Pass or Fail

#### **SECTION 4 – PHYSICAL APTITUDE TEST**

All applicants may be required to submit themselves to a physical aptitude test. If a Physical Aptitude Test is given, only candidates who have participated in, and successfully completed the “Physical Aptitude Test” will be permitted to participate in the written examinations.

#### **SECTION 5 – WRITTEN EXAMINATIONS**

All entry-level applicants shall take a written test to measure specific job-related criteria. All examination documents 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. Minimum Scores will be announced by the Board prior to conducting the written examination and may vary based on the examination and may vary based on the testing agency employed by the Board. Candidates who fail to achieve a passing score will be notified and eliminated from all further consideration.

#### **SECTION 6 – ORAL EXAMINATIONS**

All Commissioners shall participate in the Oral Examination except wherein one Commissioner is absent due to illness or when matters of an emergency nature preclude his attendance. In no event shall less than two (2) Commissioners conduct the Oral Examinations. Questions shall be asked of the Candidate that will enable the Commissioners to properly evaluate and grade the Candidate on speech, ability to communicate, judgment, self-confidence, social skill and general fitness for the position applied for. On completion of each Oral Examination the Commissioners shall discuss the Candidate’s abilities using the traits listed above. The Candidate’s final score will be an average of the three (3), or two (2), Commissioners’ scores. A final score of 60% or higher shall be considered a passing score on the Oral Examination. Candidates who fail to achieve a passing score will be notified and eliminated from all further consideration.

#### **SECTION 7 – INITIAL ELIGIBILITY REGISTER**

- 1) The Board will prepare, certify, and post an “Initial Eligibility Register” not later than sixty (60) days of the candidates successfully completing the Written Test, Physical Aptitude Test, and Oral Interview. Candidates shall be placed on the eligibility register in order of their relative excellence as determined by their final test scores. The Candidates will be listed in order of excellence based on their final score.
- 2) A dated copy of the Initial Eligibility Register shall be sent to each person appearing thereon.
- 3) Candidates who are eligible for veteran, educational or law enforcement certification preference points shall make a claim in writing with proof thereof within ten (10) days after the date of the initial eligibility register or such claim shall be waived.
- 4) All applicants who do not make the initial eligibility register shall be so advised in writing.

#### **SECTION 8 – PREFERENCE POINTS**

Under 65 ILCS 5/10-2.1-8 and 65 ILCS 5/10-2.1-9, any person who is entitled to military, education, or law enforcement preference points whose name appears on the Eligibility Register, the Board shall add five (5) points upon request of the applicant. Such preference points shall not be cumulative.

#### **SECTION 9 – FINAL ELIGIBILITY REGISTER**

- 1) The Commissioners will prepare, certify, and post a “Final Eligibility Register” which shall include claimed preference points. In the event of a tie score, the placement of the tied candidates’ names on

the eligibility register shall be determined by lot, in the presence of a quorum of the Board in whatever manner the Board deems appropriate.

- 2) A dated copy of the Final Eligibility Register shall be sent to each person appearing thereon. Candidates shall remain eligible on the register for a period of two (2) years. The register shall indicate the date of expiration for the candidates' eligibility.
- 3) Candidates shall be appointed from the eligibility register in descending order, in accordance with 65 ILCS 5/10-2.1-14. Notwithstanding anything to the contrary contained within these rules and regulations, the Board may, at its discretion, choose to appoint a candidate from the Alternative Eligibility Register who has been awarded a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, ahead of non-certified candidates.
- 4) Appointment from this Final Eligibility Register is subject to satisfactory passing of an in-depth Psychological Examination, Polygraph Examination, Background Investigation, and a thorough Medical Examination (which may include a test of the applicant's vision, hearing, for the presence of communicable diseases as well as a test to detect the use of drugs and/or narcotics) Unless otherwise exempt, applicants must be under 35 years of age at such time as the final eligibility register is posted.

#### **SECTION 10 – EXPIRATION OF REGISTER / MERGER OF REGISTERS**

Nothing contained in the Rules under this Chapter shall be deemed to prevent the Board from initiating examinations for original appointments when a current Register has not expired. Any individual on the incumbent Register may elect to re-enter the examination process, provided, however, that said applicant's score from their previous exam will expire at the end of a two-year period and that the score from the more recent examination will remain in effect for a two-year period following the certification of the Final Eligibility Register of the most recent examination. Any person on the original Final Eligibility Register not participating in the subsequent examination shall have their name stricken from the eligibility Register on the two-year anniversary date of their placement on the Final Eligibility Register.

#### **SECTION 11 – ALTERNATIVE ELIGIBILITY REGISTER FOR LATERAL APPLICANTS**

In accordance with 65 ILCS 5/10-2.1-14, the Board may waive portions of the required examination for police applicants who have previously been full-time sworn officers in any municipal, county, university, state, or federal law enforcement agency, provided they are certified or have the ability to be certified by the Illinois Law Enforcement Training and Standards Board and have been employed as a law enforcement officer within the last two years.

All persons must meet the following criteria to be considered for placement on the Alternative Eligibility Register pursuant to 65 ILCS 5/10-2.1-6:

- 1) State of Illinois Law Enforcement Certification from the Illinois Law Enforcement Training and Standards Board as a law enforcement officer (part time certification as a law enforcement officer does not meet this requirement) or must have the equivalent certification from another state that would be transferable to Illinois; and
- 2) At least 2 years' continuous experience as a full-time sworn, certified law enforcement officer at the date of application, and must be in good standing with the most recent law enforcement agency employer. The Board reserves the right to consider equivalent education and experience; and
- 3) Possess the particular knowledge, skills, abilities, and level of experience required pursuant to the call for qualified lateral appointment applicants. A person currently ranked on an eligible register for entry level Police Officer may apply for a lateral appointment; and



- 4) Eligible to be granted a waiver of basic training from the Illinois Law Enforcement Training and Standards Board.

All applications for lateral appointment will be filed with the Board Secretary. Said Secretary shall provide a copy to the Chief of Police who will review the applications to identify applicants having the requisite knowledge, skills, abilities, or level of experience needed to address special or unique circumstances within the Department. Lateral transfer applicants are exempt from the written examination requirement. However, those applicants will be requested to appear for a pre-screening review performed by the Chief of Police. The pre-screening review will consist of a preliminary background investigation, and an assessment of the knowledge, skills, abilities, and level of experience, education, and training.

The Chief of Police shall present the qualifications of any person eligible for the Alternative Eligibility Register to the Board of Fire and Police Commissioners for approval.

Applicants who have successfully passed all prior elements of the examination shall submit to an oral interview by the Board. A quorum of the Board shall be present to conduct the oral interview. The Board may allow or request the presence of the Chief of Police at the interview. This oral interview will involve questions intended to assist the Board in evaluating the applicant's qualifications, training, and previous experience as they pertain to the duties of the position sought. Based on the oral interview and the recommendation of the Chief of Police or designee, the Board will grade the applicant.

Under 65 ILCS 5/10-2.1-8 and 65 ILCS 5/10-2.1-9, any applicant who qualifies or is otherwise entitled to military or educational preference points shall be awarded five (5) points to their score. Such preference points shall not be cumulative. The Board will automatically add preference points to a lateral transfer applicant's score prior to placement on the Eligibility Register.

Applicants approved for placement on the Alternative Eligibility Register will be listed in order of excellence based on their final score, as determined by the Board.

In the event the Commission decides the Alternative Eligibility Register is no longer necessary or useful to maintain, the Alternative Eligibility Register will be dissolved. The dissolution of an Alternative Eligibility Register does not prevent the Commission from establishing a new Alternative Eligibility Register. The Commission may, at any time, create a new Alternative Eligibility Register.

## **SECTION 12 – FILLING VACANCIES FROM THE ELIGIBILITY REGISTER**

Candidates shall be appointed, in descending order, from the Final Eligibility Register.

If an Alternative Eligibility Register exists, the Board will decide if appointment from the Alternative Eligibility Register is deemed to be in the best interest of the City.

Appointment from the Alternative Eligibility Register shall be made to the most qualified person but not necessarily the first person on the Register. If the top candidate is not selected, the Chief of Police shall provide reasons for such selection. Such selection is subject to final approval of the Board.

## **SECTION 13 – BACKGROUND INVESTIGATION**

Those candidates that are selected from the eligibility register will undergo a detailed character and background investigation. The investigation shall review the applicant's employment history, references, educational background, military record (if applicable), driving record, criminal history, and such other data and information pertinent to a proper review and analysis of the applicant. This shall be a pass/fail examination element.

Any candidate for original appointment to the Police Department of the City of Zion, Illinois, may be required to submit to a Polygraph Device Deceptive Test, commonly known as a Lie Detector Test, or

integrity interview, at such time and place as the Board may in writing designate the licensed operator. Such a test shall be given without expense to the candidate. Failure of the candidate to take or successfully complete such test shall consequently disqualify him to enter upon the duties of the office for which the candidate for examination was filed.

#### **SECTION 14 – CONDITIONAL OFFER OF APPOINTMENT**

Any candidate who receives a conditional offer of appointment is subject to satisfactorily passing the following:

- 1) a psychological examination performed by a licensed psychologist or psychiatrist. Such examination shall be without expense to the candidate.
- 2) a medical examination performed by a licensed physician. The extent and scope of the examinations shall be determined by the Board and shall be graded on a pass/fail basis. The Board shall pay for the basic required medical examination; however, if additional medical evaluations, testing, or treatment are required in order to determine the candidate's fitness for duty, the candidate shall be responsible for obtaining and paying for the additional medical evaluation, testing, or treatment.

A candidate who fails to take or successfully complete such tests shall be eliminated from further consideration and any offer of appointment shall be rescinded. (65 ILCS 5/10-2.1-6)

Any person whose name appears on the Final Eligibility Register is allowed to waive an offer of appointment once without losing his position on the Final Eligibility Register. An eligible candidate who refuses a second offer of appointment shall be removed from the Final Eligibility Register.

#### **SECTION 15 – PROBATIONARY APPOINTMENT**

- 1) All original appointments to the Police department shall be a probationary period of not less than twelve (12) months or as provided in the current collective bargaining agreement. The probationary period of a newly appointed police officer shall commence as of the first date said individual reports for work with the department.
- 2) Probationary employees may be summarily dismissed and are not entitled to the protection afforded to other full-time police officers by statute or these rules and regulations.

#### **SECTION 16 – CERTIFICATION**

Final certification of probationary Police Officers shall be subject to successful completion of the Basic Training Course as mandated by the State of Illinois within the prescribed probationary period. Inability to successfully complete this course shall be regarded as grounds for dismissal.

**CHAPTER VII  
POLICE OFFICER – Promotional Examinations**

**SECTION 1 – GENERAL**

Promotions to the rank of sergeant and lieutenant shall be conducted in accordance with the provisions of the Rules and Regulations of the Board, to the extent they are not inconsistent with the terms of the bargaining unit contract and other written agreements between the parties.

The Board, by its rules, shall provide for promotion in the Police Department on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases, where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such eligible members of the next lower rank as desire to submit themselves to examination. Probationary police officers shall be ineligible to test for promotion during their probationary period.

In the event no candidate from the immediate next lower rank qualifies for promotion, the Board in determining next in order of rank in promotional examinations herewith determines a policy of extending the examination successively through all the orders of rank in the services in an endeavor to qualify suitable eligible or eligibles for the vacancy or vacancies existing before extending the examination to the general public.

For the purpose of determining that a vacancy exists, the Board must have received notice from the Chief of Police to fill an existing vacancy prior to the date the name(s) are to be stricken from a promotional eligibility register.

65 ILCS 5/10-2.1-4 provides that a Police Chief and Deputy Police Chief (exempt positions) may take promotional examinations for positions below the rank they currently hold, providing the candidate must have been appointed to the higher, exempt rank, while holding a lower, classified rank with the department. A candidate seeking such a promotion shall not be involved in evaluating the other candidates competing for the same position.

**SECTION 2 - EXAMINATIONS**

For each promotional appointment the Board shall post a notice ninety (90) days in advance of the date of examinations providing:

- 1) The date of examinations
- 2) The study materials for said examinations, and
- 3) The elements of the promotional process.

The final Promotional Examination for promotion in the Police Department score shall be determined as follows:

<u>Examination</u>	<u>% Weight</u>
Written Examination	45%
Oral Interview / Assessment Center	40%
Seniority	5%
Departmental Merit and Efficiency	10%

### **SECTION 3 - SENIORITY**

Seniority points shall be calculated at one (1) point per year for each full year of service in the current rank with the Zion Police Department, up to a maximum of five (5) points.

### **SECTION 4 - DEPARTMENTAL MERIT AND EFFICIENCY**

Departmental Merit and Efficiency points will be issued at the sole discretion of the Chief of Police, or his designee, up to a maximum of ten (10) points. Points will be awarded based on traits and competencies consistent with the position to be filled. Points will be calculated using a matrix that may include, but is not limited to, specialized training, performance reviews, discipline records and contributions to department goals.

### **SECTION 5 – WRITTEN EXAMINATION**

The written examination shall fairly test the capacity of the candidates and consist of questions directly related to duties regularly performed by persons holding the rank being tested for. The written examination shall be developed and administered by an independent outside agency and based only on the contents of the written materials that the Police Chief has identified to candidates at least 90 days prior to the examination being administered. The written examination score shall be based on a scale of 1 to 100.

There shall be a minimum passing score of 70% on the written examination in order to continue in the promotional process.

### **SECTION 6 – ORAL INTERVIEW / ASSESSMENT CENTER**

Candidates will be evaluated by a qualified assessment center as recommended by the Chief of Police and approved by the Board. The evaluation shall include a variety of exercises to demonstrate a candidate's communication and leadership skills and their ability to perform the requirements of the position to be filled. The exercises are subject to change based on the evolving standards in law enforcement and department policies. The oral interview/assessment score shall be based on a scale of 1 to 100.

There shall be a minimum passing score of 60% on the written examination in order to continue in the promotional process.

### **SECTION 7 – VETERANS' POINTS**

Candidates who are eligible for veterans' points shall make a claim in writing, with proof thereof, within 10 days after the date of the Initial Promotional Eligibility Register or such claim shall be waived. An applicant must have a minimum of one full year of active military service in the U.S. military and be honorably discharged. The maximum veterans' points for promotion which may be awarded to a candidate is 3.5 points based on an award of .7 points for each six months of full-time active military service, or part thereof, not to exceed a 30-month period.

Promotional applicants may only receive veterans' preference points for one promotional appointment from a promotional eligibility register.

### **SECTION 8 – TOTAL SCORE**

A candidate's total score shall consist of the combined scores of the written examination, oral interview/assessment center, seniority, departmental merit and efficiency, and veterans' points. Candidates shall take rank upon a promotional eligibility register in the order of their relative excellence as determined by their total score.

If two or more individuals are placed on the Final Promotional Eligibility Register with identical scores to two decimal places, the tie shall be broken based on seniority. The individual with the greatest seniority with the Zion Police Department shall be placed ahead of another individual with the identical score.

#### **SECTION 9 – EXPIRATION OF FINAL ELIGIBILITY REGISTER**

The Final Promotional Eligibility Register shall be valid for 3 years from the effective date by the Board unless all names have been exhausted. The register will not be allowed to expire if a vacancy exists within the promoted rank prior to the expiration of the register.

#### **SECTION 10 – PROMOTIONAL VACANCY**

Upon notice from the appropriate corporate authority that a promotional vacancy exists, the Board shall select the individual to be promoted in the manner specified by statute.

#### **SECTION 11 – REFUSAL OF APPOINTMENT**

Any applicant may refuse a promotion once without losing his or her position on the final promotional eligibility register. Any applicant who refuses a promotion a second time shall be removed from the final promotional eligibility register, provided that such action shall not prejudice a person's opportunity to participate in future promotional processes.

**CHAPTER VIII  
ORDER OF RANK, CLASSIFICATION, AND OATH OF OFFICE**

**SECTION 1 – RANK**

The order of rank in the Police Department shall be provided by ordinance and municipal budget.

The order of rank in the Fire Department shall be provided by ordinance and municipal budget.

**SECTION 2 – CLASSIFICATION**

The Board classifies such offices 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 \_\_\_\_\_ according to the best of my ability.

Signed \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC”

He shall enter into such a bond in such amount as prescribed by the Ordinance.

## **CHAPTER IX**

### **HEARING OF CHARGES, REMOVAL, SUSPENSIONS AND DISCHARGES**

#### **SECTION 1 – HEARING OF CHARGES**

- 1) 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.
- 2) “Counsel” as used here-in means: One who has been admitted to the bar as an attorney-at-law in this state.
- 3) No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall be allowed.
- 4) “Cause” is some substantial shortcoming which renders continuance in employment in some way detrimental to the discipline and efficiency of the public service and something which the law and sound public opinion recognize as cause for the officer no longer occupying his position. The right to determine what constitutes cause is in the Board. Cause is not required for the discipline or discharge of entry level probationary Firefighters and Police Officers.
- 5) 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 or a department, is unwarranted. Should the question of a crime be involved, the rule of “reasonable doubt” shall not control.
- 6) 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.
- 7) Probationary employees may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time officers or fire fighters by statute or these rules.
- 8) All hearing shall be public, in accordance with the Open Meetings Act., 5 ILCS 120/1 et. seq.
- 9) At the time and place of hearing, both parties may be represented by counsel, if they so desire.
- 10) All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to employed by the Board.
- 11) The records of all hearing shall not be transcribed by the reporter unless requested to do so by the Board or any party of interest.
- 12) All witnesses shall be sworn prior to testifying and that matter shall be decided by the Board solely on evidence presented at the hearings.
- 13) The Board shall first hear the witnesses either substantiating the charges which have been made against the respondent or in support of an appeal brought by a suspended police officer or firefighter. Thereafter the other party may present and examine those witnesses whom he desires the Board to hear. All parties have the right to cross-examine witnesses presented by the opposite party.

## **SECTION 2 – HEARING PROCEDURE**

- 1) **COMPLAINTS:** No non-probationary police officer or firefighter shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his/her own defense. In all cases, written complaints shall be filed in quintuple, setting forth a plain and concise statement of the facts upon which the complaint is based.
- 2) **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.
- 3) **NOTIFICATION OF HEARING:** Upon the filing of a complaint in quintuple 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 both the complainant and the respondent, either by registered mail or certified mail, return receipt requested or personally, of the time and place of the hearing of the charges contained in the complaint. The respondent shall also be served with a copy of the complaint, and if an Order of Suspension Pending a Hearing is entered by the Board, the respondent, the complainant, the Chief of the Department, the Treasurer, Comptroller, Manager, or other Finance Officer of the municipality shall be notified of the entry of such Order of Suspension pending a hearing, and be served either personally or by registered or certified mail, return receipt requested, with a copy of such order.
- 4) **CONTINUANCES:** The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.
- 5) **STIPULATIONS:** Parties may, on their own behalf, or by Counsel, stipulate and agree in writing or on the record, as to evidenced guilt. The facts so stipulated shall be considered as evidence in the proceeding.

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

In the event a respondent has been suspended pending a hearing and desires a continuance, the Board shall have the right, in its discretion, to not grant said request unless the officer so stipulates and agrees that no compensation shall be paid to said officer during the period of the additional continuances.

- 6) **SUFFICIENCY OF CHARGES-OBJECTIONS TO:** Motions or objections to the sufficiency of written charges shall be filed or made prior to or at the hearing before the Board.

## **SECTION 3 – SUBPOENAS**

- 1) Any party to an administrative hearing may, at any time before the hearing make application to the Board by filing with it a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records, accounts, and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named person 21 years of age or older designated by the party requesting the subpoenas. Application for subpoenas should contain the name and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce. Subpoenas shall be issued pursuant to the applicable Rules of the Supreme Court and Rules of Civil Procedure in the State of Illinois.



- 2) 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 the rule.

#### **SECTION 4 - SERVICE**

All papers required by these Rules and Regulation to be served shall be delivered personally to the party designated or mailed, by Unites 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 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 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 or attorney of the Board at the City of Zion, 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 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**

- 1) All paper filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
- 2) If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.
- 3) All papers shall be not larger than 8-1/2" by 11" with inside margins of not less than one inch.
- 4) The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent, or attorney thereof and copies thereof provided the opposing party or his counsel.
- 5) If papers are filed by an attorney, his name, Attorney Registration and Disciplinary Commission Registration Number, 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 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**

- 1) The Board may suspend any member of the Fire and 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. If the Board determines that the charges are not sustained, such member shall be reimbursed for all compensation withheld, except such compensation withheld due to said member's request for a continuance pursuant to Section 2(e) above.
- 2) The Chief of the Fire and Police Department shall have the right to suspend any officer under his command for a period of time not to exceed five (5) days, providing no charges on the same offense

have been filed and are pending before the Board, and he shall notify the Board in writing within 24 hours of the time of such suspension. Any police officer or firefighter so suspended may appeal to the Board for a review of the suspension within 24 hours after such suspension by filing notice of such appeal in writing with the Secretary of the Board of Fire and Police Commissioners. A hearing shall be had upon such appeal, and due notice given to the Chief of the Department who suspended such officer, and to the officer so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal.

- 3) 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 a period of not more than thirty (30) days, or discharge him, depending on the evidence presented.

#### **SECTION 9 – DEMOTION**

- 1) The Board may demote any promoted member of the Fire or Police Department to the next lower rank for cause.
  - a) Any such demotion shall take place only after a hearing before the Board on a written complaint for demotion filed by the Chief of the Fire or Police Department.
  - b) The hearing conducted by the Board on the complaint for demotion shall be conducted in accordance with the provisions of this Chapter.
- 2) Any member of the Fire or Police Department who has been previously promoted may choose to self-demote to the next lower rank within the department.
  - a) A voluntary demotion must be initiated by the member through written request to the Chief of the Fire or Police Department.
  - b) A voluntary demotion will be at the approval of the Chief of the Fire or Police Department.
- 3) A demotion will result in a reduction in compensation to a rate not exceeding the maximum rate of the lower rank.
- 4) A demoted member will not retain a position on any promotional eligibility register active at the time of demotion, but may participate in future promotional testing processes.

#### **SECTION 11 - DISCHARGE OR SUSPENSION AFTER HEARING**

- 1) Discharge from office, or suspension from service in the Fire or Police Department shall be in compliance with 65 ILCS 5/10-2.1-17.
- 2) The Board shall, within a reasonable time after hearing is completed, enter its finding on the records of the Board.

#### **SECTION 12 – DATE OF HEARING**

The time for the hearing of charges shall be set by the Board, within thirty (30) days of the time for 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 hearing conducted to review suspensions of five (5) days or less imposed by a Chief of a department on one of its members.

## **SECTION 13 – FINDINGS AND DECISION**

In case any member of the Fire or Police Department shall be found guilty of the charges brought against them 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 appeal, the Board may sustain the action of the Chief, may reverse it, in whole or in part, or may suspend an officer or firefighter for an additional period of not more than thirty (30) days of discharge depending on the facts presented.

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