



Village of Arlington Heights
Board of Fire and Police Commissioners
Virtual Meeting

September 15, 2020
5:30 PM

I. CALL TO ORDER

- A. In response to the COVID-19 pandemic, this meeting is closed to in-person, public attendance. The meeting is being held virtually, which permits the public to fully participate via their computers or using their phones.

To participate in the virtual meeting, please follow these instructions: <https://bit.ly/3l4LZQd>.

Individuals who wish to comment or ask a question on an item on the Agenda may either participate virtually or send an email to the Village at klivingston@vah.com. Please limit emails to 200 words or less. To be shared at the meeting, the email must be received by 3:00 p.m. on [September 7, 2020](#).

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Minutes of June 15, 2020
B. Minutes of June 17, 2020
C. Minutes of June 18, 2020

IV. CLOSED SESSION

- A. 5 ILCS 120/2(c)(1): appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body or legal counsel.

V. OLD BUSINESS

VI. NEW BUSINESS

- A. Proposed New Rules of the Board of Fire and Police Commissioners
B. Election of Chairperson

VIIADJOURNMENT

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact David Robb, Disability Services Coordinator, at 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005, (847)368-5793 (Voice), (847)368-5980 (Fax) or drobb@vah.com.



**Board of Fire and Police Commissioners
9/15/2020**

Item: Notice

Department: Village Clerk

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To participate in the virtual meeting, please follow these instructions:
<https://bit.ly/3I4LZQd>.

Individuals who wish to comment or ask a question on an item on the Agenda may either participate virtually or send an email to the Village at klivingston@vah.com. Please limit emails to 200 words or less. To be shared at the meeting, the email must be received by 3:00 p.m. on [September 7, 2020](#).

ATTACHMENTS:

Description

Type

No Attachments Available



**Board of Fire and Police Commissioners
9/15/2020**

Item: Minutes of June 15, 2020

Department: Human Resources

Minutes of June 15, 2020

ATTACHMENTS:

Description

Minutes of June 15, 2020

Type

Minutes

MINUTES OF THE FIRE & POLICE COMMISSION OF THE VILLAGE OF ARLINGTON
HEIGHTS HELD IN FIRE DEPARTMENT TRAINING ROOM ON JUNE 15, 2020.

MEMBERS PRESENT: Lynn Szabo, Chairperson
Luis Ramirez-Alonso, Commissioner

ALSO PRESENT: Mary Rath, Director of Human Resources

Chairperson Lynn Szabo called the meeting to order at 3:00p.m.

At 3:03p.m. Commissioner Luis Ramirez-Alonso moved to go into Closed Session per 5ILCS120/2(c) (1): appointment, employment, compensation, discipline, performance or dismissal of specific employees or legal counsel.

Motion was seconded by Lynn Szabo.

Motion approved.

There being no further business to discuss, Commissioner Luis Ramirez-Alonso made a motion to adjourn Open Session at 6:05p.m.

Motion was seconded by Lynn Szabo.

Motion approved.



**Board of Fire and Police Commissioners
9/15/2020**

Item: Minutes of June 17, 2020

Department: Human Resources

Minutes of June 17, 2020

ATTACHMENTS:

Description

Minutes of June 17, 2020

Type

Minutes

MINUTES OF THE FIRE & POLICE COMMISSION OF THE VILLAGE OF ARLINGTON
HEIGHTS HELD IN FIRE DEPARTMENT TRAINING ROOM ON JUNE 17, 2020.

MEMBERS PRESENT: Lynn Szabo, Chairperson
Luis Ramirez-Alonso, Commissioner

ALSO PRESENT: Mary Rath, Director of Human Resources

Commissioner Luis Ramirez-Alonso called the meeting to order at 3:00p.m.

At 3:05p.m. Commissioner Luis Ramirez-Alonso moved to go into Closed Session per 5ILCS120/2(c) (1): appointment, employment, compensation, discipline, performance or dismissal of specific employees or legal counsel.

Motion was seconded by Lynn Szabo.

Motion approved.

There being no further business to discuss, Commissioner Luis Ramirez-Alonso made a motion to adjourn Open Session at 6:20p.m.

Motion was seconded by Lynn Szabo.

Motion approved.



**Board of Fire and Police Commissioners
9/15/2020**

Item: Minutes of June 18, 2020

Department: Human Resources

Minutes of June 18, 2020

ATTACHMENTS:

Description

Minutes of June, 18, 2020

Type

Minutes

MINUTES OF THE FIRE & POLICE COMMISSION OF THE VILLAGE OF ARLINGTON HEIGHTS HELD IN FIRE DEPARTMENT TRAINING ROOM ON JUNE 18, 2020.

MEMBERS PRESENT: Lynn Szabo, Chairperson
Luis Ramirez-Alonso, Commissioner

ALSO PRESENT: Mary Rath, Director of Human Resources

Chairperson Lynn Szabo called the meeting to order at 3:00p.m.

At 3:05p.m. Commissioner Luis Ramirez-Alonso moved to go into Closed Session per 5ILCS120/2(c) (1): appointment, employment, compensation, discipline, performance or dismissal of specific employees or legal counsel.

Motion was seconded by Lynn Szabo.

Motion approved.

Commissioner Luis Ramirez-Alonso moved to review and approve the Open Session minutes of June 10, 2020.

Motion was seconded by Lynn Szabo.

Motion approved.

Commissioner Luis Ramirez-Alonso moved to review and approve the Open Session minutes of June 11, 2020.

Motion was seconded by Lynn Szabo.

Motion approved.

There being no further business to discuss, Commissioner Luis Ramirez-Alonso made a motion to adjourn Open Session at 6:20 p.m.

Motion was seconded by Lynn Szabo.

Motion approved.



RULES OF THE ARLINGTON HEIGHTS BOARD OF FIRE AND POLICE COMMISSIONERS

Adopted: _____

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CHAPTER 1 ADMINISTRATION

SECTION 1.1: GENERAL PROVISIONS

- A. General Authority. The Board of Fire and Police Commissioners of the Village of Arlington Heights derives its powers and authority from Division 2.1 of the Illinois Municipal Code, 65 ILCS 5/10-2.1-1 *et seq.*, and Section 6-205 of the Arlington Heights Village Code. These Rules and Regulations shall apply to the government, control, and administration of the Commission and to the conduct of examinations for original appointments to, of examinations for promotions within, and of hearings on charges brought against members of the Village's Fire and Police Departments.
- B. Savings Provision. If any court of competent jurisdiction determines that any provision of these Rules and Regulations is invalid, then that judgment shall not affect any other provision of these Rules and Regulations.
- C. Collective Bargaining Agreements. In the event of a conflict between these Rules and Regulations and any collective bargaining agreement that applies to the Village's sworn police and fire personnel, the terms of the collective bargaining agreement will control.
- D. Exempt Positions/Ranks. These Rules and Regulations shall not apply to any appointed ranks within the Police and Fire Departments that the Village Board of Trustees has exempted from the Commission's jurisdiction and authority.

SECTION 1.2: DEFINITIONS

The word *Commission* and/or *Board* wherever used shall mean the Board of Fire and Police Commissioners of the Village of Arlington Heights, Illinois. Use of the masculine gender herein includes, where applicable, the female gender.

SECTION 1.3: MEMBERSHIP

The Board shall consist of three members appointed by the Village President, by and with the advice and consent of the Village Board of Trustees. The terms and qualifications of the Commission members will be in accordance with Section 6-205 of the Arlington Heights Municipal Code.

SECTION 1.4: BOARD OFFICERS

The Board shall elect one of its members as a Chairperson in May of each calendar year, who shall serve in that capacity for one year. Pursuant to Section 6-205 of the Arlington Heights Municipal Code, no Board member shall serve as Commission Chairperson for more than three consecutive years, unless the Village President determines that such continued service is in the best interests of the Village.

The Village's Human Resources Director (or any other Village official designated by the Village Manager) shall serve as the Board's Secretary for purposes of preparing the minutes of Commission meetings; maintaining all papers pertaining to Commission business; preparing and maintaining examinations materials; and performing other

duties that the Commission may assign. The Board Secretary is not a member of the Board, and has no voting rights regarding Commission business.

SECTION 1.5: MEETINGS

Commission meetings shall be held at the call of the Chairperson. Special Commission meetings may be called by the Village President, the Village Board of Trustees, the Chairperson, or a Commission quorum.

All regularly scheduled and special meetings of the Commission shall be conducted in accordance with the Illinois Open Meetings Act. The order of business at any Board meeting shall follow the posted meeting agenda, which may be modified in the Chairperson's discretion. Absent extenuating circumstances, Board meetings will be held in suitable meeting space on Village property.

A member may attend a meeting by video or audio conference only in accordance with the following:

- A quorum of the members of the Commission is physically present at the location of the meeting; and
- The member is prevented from physically attending the meeting because of one of the following reasons:
 - (a) personal illness or disability;
 - (b) employment purposes or the business of the public body; or
 - (c) a family or other emergency.

If a member wishes to attend a meeting under the rules set forth above, the member must notify the Liaison before the meeting, unless advance notice is impractical.

SECTION 1.6: QUORUM

Two Commission members shall constitute a quorum for the conduct of all Commission business.

SECTION 1.7: AMENDMENT TO RULES

The Commission may recommend changes to these Rules by a majority vote. Proposed amendments will be submitted to the Village Board for consideration. Upon approval by the Village Board, the Commission shall publish a notice and copy of the amended rules on the Village's website. The amended rules will take effect no sooner than ten calendar days after their publication on the Village's website.

SECTION 1.8: REPORTS

When requested by the Village President, the Board will submit a report of its activities and operations to the President and Village Board of Trustees.

CHAPTER 2 ENTRY LEVEL APPLICATION AND QUALIFICATIONS

SECTION 2.1: NOTICE OF ENTRY LEVEL EXAMS

When the Board deems it appropriate to conduct an examination for the entry level rank

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

SECTION 2.2: APPLICATION FORMS AND FEES

Applications for entry-level positions shall be filed on forms furnished by the Board or its testing agent, and applicants must comply with the requirements of that form in every respect, including the submission of any requested documents that establish qualifications for employment. Any failure to comply with the application instructions, or any inaccurate answer/information on an application form may disqualify the applicant from continuing with the examination process and/or serve as a basis for terminating the applicant once hired.

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

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

SECTION 2.3: MINIMUM QUALIFICATIONS

Applicants for entry-level police officer and firefighter positions must meet the following minimum qualifications at the time they submit their applications for employment:

- A. Applicants must be U.S. citizens at the time of application.
- B. Applicants for entry-level police officer and firefighter positions must be at least 21 years of age and have not reached their 35th birthday. Applicants will be exempt from the age-35 hiring requirement as permitted by 65 ILCS 5/10-2.1-6(d), 65 ILCS 5/10-2.1-6.3(c) and 65 ILCS 5/10-2.1-14, as those Sections may be amended from time to time.
- C. Applicants for an entry-level firefighter position must possess a high school diploma or its equivalent.

Applicants for an entry-level police officer position must possess a high school diploma or its equivalent and an Associate's Degree. In lieu of an Associate's Degree, an applicant may:

- (a) possess credit for at least 60 hours toward a bachelor's degree from an institution of higher learning accredited by the U.S. Department of Education; or
- (b) have served for 24 months of honorable active duty in the United States Armed Forces and not have been discharged dishonorably or under circumstances other than honorable; or
- (c) served for 180 days of active duty in the United States Armed Forces in combat duty recognized by the Department of Defense and has not been

discharged dishonorably or under circumstances other than honorable.

D. Every applicant must be of good moral character, and physically and psychologically able to perform the essential job functions of the applied-for position, with or without a reasonable accommodation.

E. Applicants must possess a valid driver's license.

SECTION 2.4: DISQUALIFICATIONS

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

A. Has improperly filed his application or failed to comply with the filing instructions.

B. Has made inaccurate answers or provided inaccurate information at any time during the examination process.

C. Has failed any examination component for the applied-for position.

D. Is found lacking in any of the minimum qualifications described in Section 2.3 of these Rules and Regulations.

E. Has been convicted of a felony, or any misdemeanor that, in the judgment of the Board, renders the applicant unsuitable for the applied-for position. Notwithstanding the foregoing, no firefighter shall be disqualified for employment in the Fire Department due to a misdemeanor conviction, except for those misdemeanors listed in 65 ILCS 5/10-2.1-4 and 65 ILCS 5/10-2.1-6.3, as those Sections may be amended from time to time.

F. Has engaged in any illegal conduct (regardless of the existence of a conviction), which the Board deems inconsistent with the position of a police officer or firefighter.

G. Has character or employment references that are deemed unsatisfactory.

H. Has been terminated from public or private sector employment.

SECTION 2.5: RELEASE OF INFORMATION

The applicant must sign and deliver to the Board or its agent a waiver and release of information in order to allow the Board to conduct a proper investigation into the applicant's qualifications for employment.

CHAPTER 3 POLICE OFFICER EXAMINATION PROCESSES

SECTION 3.1: TYPES OF POLICE EXAMINATION PROCESSES

When deemed appropriate, the Commission may elect to periodically conduct a regular entry-level police officer examination process and/or a certified entry-level police officer

examination process.

SECTION 3.2: ENTRY-LEVEL POLICE EXAMINATION

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

- A. Physical Ability. Applicants must provide proof of a current and valid "Peace Officer Wellness Evaluation Report" (POWER) card with their completed job application in order to qualify for placement on any eligibility list. Each applicant is responsible for any costs associated with the POWER testing process.
- B. Other Examination Elements. The Commission shall identify the testing components, passing scores, numbers of interviewees, and relative weights at the beginning of the entry-level testing process.
- C. Preference Points. Applicants who have passed their examinations by the required percentages shall be eligible for military preference points as described in 65 ILCS 5/10-2.1-8, as may be amended from time to time, and any other preference points that the Commission identifies at the beginning of the entry-level testing process. Election of such preference points must be made according to any instructions offered by the Board or its agent.
- D. Eligibility List. Applicants who have passed their examinations by the required percentages shall be placed on an Eligibility List in rank order of their relative excellence as determined from the examinations and elected preference points, and expressed in grade points. The Eligibility List will remain in effect for two years from the date it was approved by the Commission.

SECTION 3.3: CERTIFIED POLICE EXAMINATION

All persons possessing certification from the Illinois Law Enforcement Training and Standards Board may be considered for accelerated entry to the Arlington Heights Police Department (referred to as "certified entry candidates"). Certified entry candidates will be subject to the following eligibility criteria and testing components:

- A. Eligibility. At the time of application, certified entry candidates must possess a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Training Course as prescribed by the Illinois Law Enforcement Training and Standards Board. At the time of application, a certified entry candidate must also: (1) be in good standing with his current law enforcement agency; (2) have served at least one year with that law enforcement agency beyond the completion of his probationary period; (3) possess skills and abilities that are substantially equivalent to those possessed by a non-probationary Village police officer; and (4) possess all of the qualifications described in Section 2.3 of these Rules or is disqualified based on the factor(s) described in Section 2.4 of these Rules.

- B. Testing Components. Certified entry candidates that satisfy the eligibility criteria in subsection (A) will not be required to attend an applicant orientation session or take a written examination. The examination process for certified entry candidates will consist of an oral interview. No preference points are awarded for certified entry candidates.
- C. Candidate Pool. Certified entry candidates that successfully complete the oral interview process will be added to a certified candidate “pool.” Certified entry candidates in this pool will have no scored ranking. The certified entry pool will remain effective for a period of two years from its effective date.

SECTION 3.4: SELECTION OF POLICE CANDIDATES

Upon receipt of a position requisition, the Commission shall have the discretion to fill an entry-level police officer vacancy from either the Eligibility List described in Section 3.2(D) or the certified entry pool described in Section 3.3(C). Should the Commission decide to make an appointment from the Eligibility List, the Commission shall make the appointment from among the three highest ranked candidates (or if there are less than three candidates, from any remaining candidates on the Eligibility List). Should the Commission decide to make an appointment from the certified candidate pool, the Commission may select any candidate from the pool.

SECTION 3.5: BACKGROUND INVESTIGATION AND MEDICAL EXAMS

Upon selection from either the Eligibility List described in Section 3.2(D) or the certified entry pool described in Section 3.3(C), an applicant must successfully pass a criminal and employment background investigation, which may include an oral interview with Board members (which will be scored on a pass/fail basis). Upon successful completion of that background investigation, applicants will be sent for a polygraph examination. If the applicant passes the polygraph, an applicant will be made an offer of employment, conditioned exclusively on the successful passage of a physical and psychological medical examination (which may include a pre-employment test for the use of alcohol and illegal use of drugs).

CHAPTER 4 FIREFIGHTER ENTRY-LEVEL EXAMINATION PROCESS

SECTION 4.1: ENTRY-LEVEL FIREFIGHTER EXAMINATION

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

- A. Physical Ability. The Commission elects to utilize the Candidate Physical Ability test (CPAT), including ladder climbing component, for the purpose of testing a firefighter applicant’s physical ability. Applicants must provide proof of a current and valid CPAT card and ladder component with their completed job application to qualify for placement on a Final Eligibility List. Any costs associated with the CPAT certification and ladder component testing will be at the expense of the applicants.

- B. Written Examination. All applicants shall be required to take a written examination. The passing score and weight of such a written examination will be announced prior to the beginning of the testing process.
- C. Preliminary Eligibility List. Applicants who have presented a valid CPAT card and passed the written examination will be placed in rank order of excellence on a Preliminary Eligibility Register.
- D. Preference Points. An applicant will receive five military preference points based on the military service described in 65 ILCS 5/10-2.1-6.3(h)(1), as may be amended from time to time. To obtain such military preference points, the applicant must comply with any instructions issued by the Board or its agent. At the beginning of the testing process, the Board may announce other preference points, which will be offered and calculated in accordance with 65 ILCS 5/10-2.1-6.3(h), as amended from time to time.
- E. Final Eligibility List. After the award of preference points, the Board shall issue a Final Eligibility List, with applicants ranked in order of their relative excellence based on their examination scores and preference points. The Final Eligibility List shall be in effect for a period of two years from its effective date.

SECTION 4.2: SELECTION OF FIREFIGHTER CANDIDATES

Upon receipt of a positions requisition, the Commission shall select the top-ranked candidate from the Final Eligibility List described in Section 4.1(E). Exceptions to this selection process will be governed by 65 ILCS 5/10-2.1-6.3, as may be amended from time to time.

SECTION 4.3: BACKGROUND INVESTIGATION AND MEDICAL EXAMS

Upon selection from the Final Eligibility List, an applicant must successfully pass a criminal and employment background investigation, which may include an oral interview with the Board (which will be scored on a pass/fail basis). Upon successful completion of that background investigation, applicants will be sent for a polygraph examination. If the applicant passes the polygraph, an applicant will be made an offer of employment, conditioned exclusively on the successful passage of a physical and psychological medical examination (which may include a pre-employment test for the use of alcohol and illegal use of drugs).

CHAPTER 5 PROMOTIONS

SECTION 5.1: FIRE DEPARTMENT PROMOTIONAL EXAMINATIONS

The Commission shall provide for promotions to the rank of Fire Lieutenant in accordance with the Fire Department Promotion Act and any applicable collective bargaining agreement, as they may be amended from time to time. After a promotion to the position of Fire Lieutenant, the promoted employee shall be on probationary status for a period of one year. The Fire Chief may revert such probationer to the previous classification without cause.

SECTION 5.2: POLICE DEPARTMENT PROMOTIONAL EXAMINATIONS

The Commission shall provide for promotions to the rank of Police Sergeant in accordance with the following procedures:

- A. Eligibility. Appointments to the rank of Sergeant shall only be made from current Village Police Officers. Village Police Officers shall not be eligible for a Sergeant's promotional examination until they have served at least one full year beyond the completion of their probationary period.
- B. Testing Process. When deemed appropriate, the Commission will announce the initiation of the promotional testing process for the rank of Police Sergeant by posting a notice on internal bulletin boards and/or the Police Department's email system. The elements for the Sergeants' promotional testing process may include: (1) a written examination or other form of objective assessment; (2) a scored evaluation by the Police Chief; (3) an oral interview with Commission Members; (4) the assignment of seniority points; and (5) any other element that the Commission deems appropriate. The Commission reserves the right to conduct these promotional elements in any order.
- C. Seniority Points. Eligible applicants for the Sergeant's position shall be awarded one point for each full year of service as a Village Police Officer, up to a maximum of ten points.
- D. Scoring and Weights. The passing score for the written examination or objective assessment will be 70%. Eligible applicants who fail to achieve a 70% passing score on the written examination or objective assessment will be disqualified from further promotional consideration. The oral interview score will constitute the average of the three Commission members' interview scores. Unless different weights are announced at the beginning of the promotional process, the Commission shall use the following weights for each promotional examination element:
 - 50% Written Examination/Objective Assessment Score & Seniority Points
 - 25% Police Chief evaluation
 - 25% Oral Interview
- E. Eligibility List. Eligible applicants who achieve at least 70% of the overall point total for the entire promotional examination process will be included on an Eligibility List, ranked in order of excellence based on their overall examination score after calculating their individual element scores as weighted above. The Sergeant's eligibility list shall remain in effect for two years from its effective date. Military points shall not be used in the Sergeant's promotional examination process. Upon receipt of a position requisition, the Commission shall make a promotion to the rank of Sergeant from the three persons with the highest ranking on the eligibility

list (or if less than three persons, from whichever candidates remain on the Eligibility List).

- F. Probationary Period. After a promotion to the position of Police Sergeant, the promoted employee shall be on probationary status for a period of one year. The Police Chief may revert such probationer to the previous classification without cause.

CHAPTER 6 MISCELLANEOUS

SECTION 6.1: RETIREMENT

The age for retirement of all full-time members of the Fire and Police Department is 65 years.

SECTION 6.2: ENTRY-LEVEL PROBATIONARY PERIODS

The probationary periods for entry-level firefighters and police officers shall be set by the applicable collective bargaining agreement. The Fire and Police Chiefs have the authority to terminate a probationary firefighter and police officer, respectively, without notice or cause.

SECTION 6.3: CERTIFICATE OF APPOINTMENT

The Commission Chairperson is responsible for issuing letters of appointment for all entry-level firefighters and police officers, and newly promoted Fire Lieutenants and Police Sergeants.

SECTION 6.4: ADDITIONAL POWERS

The Board retains all powers and authority as set forth in Division 2.1 of the Illinois Municipal Code unless otherwise provided for in these Rules and Regulations.

CHAPTER 7 DISCIPLINARY SUSPENSIONS AND REMOVALS

SECTION 7.1: GENERAL PROVISIONS

- A. Collective Bargaining Agreements. The provisions of any collective bargaining agreement that apply to the Village's sworn police and fire personnel shall control to the extent they are inconsistent with this Chapter.
- B. Probationary Employees and Exempt Management Personnel. This Chapter does not apply to probationary employees who may be suspended or removed from Village service without cause. This Chapter also does not apply to the suspension or removal of employees who currently hold a position which has been exempted from the Board's appointment authority by the Village Board.
- C. Cause Required. Non-probationary fire and police personnel subject to the Board's appointment authority can be suspended or removed only for cause. Unless defined differently by Illinois courts, "cause" shall mean some substantial shortcoming that renders the employee's continuance in office or employment in some way detrimental to the discipline and efficiency of the service.

- D. Filing and Service of Papers: All papers under this Chapter may be filed with the Board by delivering them personally or by electronic mail to the Board's Secretary or Chairperson. All papers that are required to be served under this Chapter shall be delivered personally or by electronic mail to the party designated (or the party's counsel if so represented). Proof of service will be made by certification of the person responsible for the delivery.

SECTION 7.2: DISCIPLINARY SUSPENSIONS

- A. Patrol Officers. The Chief of Police may unilaterally suspend any bargaining unit Patrol Officer for up to 30 days without filing charges with the Board. Board appeals from such suspensions are not permitted pursuant to applicable collective bargaining agreement provisions.
- B. Police Sergeants. The Chief of Police may unilaterally suspend any Police Sergeant for up to five calendar days without filing charges with the Board. Sergeants may appeal the suspension to the Board by filing a Notice of Appeal within five calendar days after service of the written suspension notice, regardless of when the suspension is to be served. Such Appeals shall be served on the Police Chief at the same time they are filed with the Board.
- C. Firefighters and Fire Lieutenants. The Fire Chief may unilaterally suspend any Firefighter or Lieutenant for up to five calendar days without filing charges with the Board. Firefighter or Lieutenants may appeal the suspension to the Board by filing a Notice of Appeal within five calendar days after service of the written suspension notice, regardless of when the suspension is to be served. Such Appeals shall be served on the Fire Chief at the same time they are filed with the Board.

SECTION 7.3: CHARGES FOR SUSPENSION AND REMOVAL

- A. Complainant. Charges seeking a disciplinary suspension or removal may be filed only by the Police Chief, Fire Chief or Village Manager.
- B. Charges. Charges must be in writing, signed by the Complainant, and describe the facts alleged to constitute cause for suspension or removal. After the Charges are filed with the Commission, the Board shall cause the Charges to be served on the Respondent personally or by receipted delivery at the Respondent's last known home address.

SECTION 7.4: PRE-HEARING PROCEDURES

- A. Hearing Date. Upon the filing of Charges or an Appeal, the Board shall set the date, time, and place for hearing, the date of which shall be within 30 days after the Charge-filing date.
- B. Notice of Hearing. The Board shall cause notice of hearing to be served on the parties promptly but not less than ten days prior to the hearing date. The notice

shall be sent by receipted delivery or personal service.

- C. Continuance. Motions for continuance of the hearing made by either party shall be in writing and shall be filed with the Board and served on the opposing party not less than 48 hours prior to the time set for hearing. In no circumstances will the initial hearing date be continued beyond 30 days from the date Charges were originally filed. Alternatively, the Board in its discretion may proceed with the first day of hearing, but continue the hearing until a late date for purposes of witness testimony and other evidentiary matters.
- D. Attendance of Witnesses; Production of Documents. Either party, at any time prior to the hearing, may ask the Board to issue subpoenas for witnesses to appear and testify at the hearing or to have any person produce books, papers, records, accounts, and other documents. Such a request must be in writing and must adequately identify the person(s) or documents sought to be subpoenaed. Such applications must be served on the opposing party. Within five calendar days of service, the opposing party may file objections with the Board to the requested subpoena(s). After the elapse of the objection period, the Board or its Chairperson may issue the requested subpoena if the Board or Chairperson deems the witness testimony or documents to be relevant to the hearing. The subpoenas may be authorized by the signature of the Chairperson without a meeting. Parties seeking enforcement of a subpoena must apply to the appropriate Illinois Circuit Court.
- E. Stipulations. The parties may stipulate and agree in writing or on the record as to evidentiary facts or other matters. Any facts so stipulated shall be considered as evidence in the proceeding.
- F. Suspension Before Hearing. Upon motion of the Complainant (with service on the Respondent), the Board may suspend the Respondent without pay during the pendency of the hearing, but for no more than 30 calendar days. If the Respondent seeks a hearing continuance beyond the aforementioned 30-day suspension period, such a continuance (if deemed otherwise appropriate) will be granted on the condition that the accused employee agrees that no claim for compensation shall be made for the period of the continuance. In the event the Board ultimately determines not to sustain the Charges, the Respondent shall receive any pay withheld during the 30-day suspension period.

SECTION 7.5: HEARING PROCEDURES

- A. Closed Hearings. Any disciplinary hearing shall be held in public session, but any party (or the Board on its own motion) may close the hearing as permitted in the Illinois Open Meetings Act.
- B. Counsel. The Respondent or Complainant may, at his election, be represented by any attorney licensed to practice in the State of Illinois. The attorney must file and serve his appearance with the Board.

- C. Oath. All witnesses shall be sworn under oath prior to testifying. The oath may be administered by any Board Member or a certified court reporter.
- D. Burden of Proof. The Complainant has the burden of proving cause for the requested suspension or removal by a preponderance of the evidence. In the Suspension Appeal context, the Fire or Police Chief will have the burden of proving cause for the suspension by a preponderance of the evidence.
- E. Order of Proceedings; Cross Examination. After disposition of any preliminary motions, the Complainant will first present his case-in-chief. Thereafter the Respondent will present his case-in-chief. Rebuttal will be permitted at the discretion of the Board. In the Suspension Appeal context, the Respondent Chief will first present his case-in-chief. Thereafter, the appellant will present his case-in-chief. Rebuttal will be permitted at the discretion of the Board. All parties shall have the right to cross examine witnesses presented by the opposite party.
- F. Record of Proceedings. All hearings shall be transcribed by a certified court reporter retained by the Board. The Board will compensate the court reporter for his presence at the hearing. A transcript of the hearing may be requested by the Board or any party, at the expense of the person making the request.
- G. Argument. At the discretion of the Board, the parties may be allowed to make oral opening and closing statements. The Board also may allow the parties to file pre-hearing and/or post-hearing briefs when the Board deems it appropriate.
- H. Resignation. If an employee submits a resignation prior to final action by the Commission, the Commission will record the resignation into the evidentiary record, which will result in the Charges being withdrawn and the Commission proceedings terminated.

SECTION 7.6: FINDINGS AND DECISION

- A. Vote; Deliberations. A finding of cause on Charges or a Suspension Appeal must be made by at least a majority of the Board Members. The Board may deliberate in public or in closed session. Final action must be taken in public session.
- B. Finding of No Cause. If no cause is found as to every Charge or an Appealed Suspension, the Board shall make a finding that the Charges or suspension are not sustained and shall enter an order immediately terminating any suspension and requiring the applicable Department to reimburse Respondent for all wages not paid during any reversed suspension period.
- C. Finding of Cause. If the Board finds that cause exists for discipline, the Board may grant, increase or decrease the Complainant's requested discipline (except that any suspension cannot be for a period of more than 30 days on top of any temporary suspension the Respondent already served during the hearing). If the Board finds that cause existed for an appealed suspension, the Board may affirm

the suspension as served, increase the suspension for a period of not more than 30 days, decrease the suspension, or order the immediate removal of the employee.

- D. Notice of Findings and Decisions. The Board shall issue a written decision that summarizes its findings and conclusions either at the meeting where the Members voted on the Charges or Suspension Appeal, or promptly thereafter.
- E. Rehearing. The Board's decision shall be final and not subject to rehearing.