

**CITY OF HIGHLAND PARK
BOARD OF FIRE AND POLICE
COMMISSIONERS**

RULES AND REGULATIONS

- Chapter 1. Administration**
- Chapter 2. Calls for Examinations**
- Chapter 3. Registers of Eligibles**
- Chapter 4. Applications for Entry Level Positions**
- Chapter 5. Entry Level Examinations and Appointments**
- Chapter 6. Applications for Promotional Positions**
- Chapter 7. Promotional Examinations and Appointments**
- Chapter 8. Temporary Appointments and Voluntary Demotions**
- Chapter 9. Suspensions, Removals, Demotions and Discharges**
- Chapter 10. Definitions and Grammar**

CHAPTER 1. ADMINISTRATION

Section 1.1 **Applicability of Rules.**

These Rules apply to the government, control, and administration of the Board of Fire and Police Commissioners of the City of Highland Park (the “**Board**”) and to entry level appointments, promotions, and discipline related to members of the Fire Department and Police Department of the City of Highland Park. These Rules do not govern the operations of those Departments.

Section 1.2 **The Board.**

- A. Appointments; Officers. The Board shall consist of three Commissioners. The Chairperson of the Board shall be a Commissioner and shall be appointed by the Mayor with confirmation by a majority of the City Council. The Chairperson shall be the presiding officer at all meetings of the Board except that, in his or her absence, a temporary presiding officer shall be elected by the Commissioners present. The City Manager shall select a member of the City staff to serve as the Secretary of the Board. The Secretary shall be responsible for keeping the minutes of all Board meetings in a permanent record book; serving as the custodian of all forms, papers, books, records, and completed examinations of the Board; posting Registers of Eligibles that have been created by the Board from the results of examinations; serving ex-officio as the chief examiner and performing all other duties prescribed by the Board. The City's Corporation Counsel shall serve as the Attorney for the Board.
- B. Duties. The Board shall be responsible for the certification, discipline, demotion, and termination of persons for the following positions, and only the following positions, in the Police and Fire Departments:

Police Officer
Police Sergeant

Firefighter
Firefighter EMT – I
Firefighter EMT – II
Fire Lieutenant EMT – I
Fire Lieutenant EMT – II

The Board shall certify, discipline, demote and/or terminate these members of the Departments in accordance with, and to the extent provided in, these Rules.

Section 1.3 Board Meetings.

- A. Meetings. The office of the Board is designated as 1707 St. Johns Avenue Highland Park, Illinois 60035, and meetings shall be held at that office unless otherwise provided. The Chairperson or any two Commissioners may call a special meeting or an emergency meeting of the Board. Except in cases of emergency meetings, all meetings of the Board shall be noticed at least 48 hours in advance or as otherwise provided by the Illinois Open Meetings Act. The Board, at its discretion, may establish a policy regarding electronic attendance at meetings.
- B. Quorum. Two Commissioners shall constitute a quorum for the conduct of all Board business.
- C. Agenda. The agenda for each meeting shall include the following elements: Call to Order and Roll Call, Approval of Minutes, Reports from Staff and Commissioners, Old Business, New Business, and, if necessary, Executive Session.
- D. Procedures. When these Rules do not establish a specific procedure for conducting the business of the Board, then parliamentary procedures prescribed in Roberts Rules of Order shall be followed, as far as applicable and practical. Motions may be made and seconded orally by any member of the Board and shall be recorded in the minutes together with the action taken thereon.

Section 1.4 Annual Report and Budget.

The Board shall submit, prior to December 31st of each year, an annual report of its activities and of the rules in effect and the practical effect thereof to the City Manager for transmission to the Mayor and City Council. In conjunction with the City's regular budget process, the Board shall submit to the City Manager for transmission to the Mayor and City Council a budget request for the following City fiscal year. The budget request shall be limited to those amounts anticipated to be necessary for the conduct of the Board's business.

Section 1.5 Amendment of Rules.

The Board may amend these Rules from time to time. After a complete draft of any proposed amendments has been prepared, that complete draft must be posted in the Police Department and in each Fire Station at least 14 days in advance of the meeting at which the Board will consider adopting the proposed amendments. At its meeting, the Board may adopt the proposed amendments as presented or as modified by the Board. After the Board adopts amendments, the Board must submit those amendments to the City Council for its approval by resolution

Amendments adopted by the Board will take effect immediately after approval by the City Council unless a later, specific effective date has been established by the Board. Promptly after approval by the City Council, the Board Secretary shall send notice of the amendments by e-mail to all City employees covered by these Rules. That notice must include (a) the place where a printed copy of these Rules as amended may be obtained, (b) the location where an electronic copy of these Rules as amended may be read, and (c) the effective date of these Rules as amended.

Section 1.6 Governing Law; Conflicts; Severability.

A. Governing Law. These Rules are subject to the terms of the following statutes and agreements:

1. Division 10-2.1 of the Illinois Municipal Code, 65 ILCS 5/10-2.1, excluding the following provisions: Sec. 5/10-2.1-1, Sec. 5/10-2.1-2, Sec. 5/10-2.1-3, Sec. 5/10-2.1-4, Sec. 5/10-2.1-6, Sec. 5/10-2.1-9, Sec. 5/10-2.1-10, Sec. 5/10-2.1-11, Sec. 5/10-2.1-15, Sec. 5/10-2.1-17, Sec. 5/10-2.1-18 and Sec. 5/10/2.1-25;
2. the Fire Department Promotion Act, 50 ILCS 742/1 *et seq.*;
3. the Uniform Peace Officers Disciplinary Act, 50 ILCS 725/1 *et seq.*;
4. the Firemen's Disciplinary Act, 50 ILCS 745/1 *et seq.*; and
5. all applicable collective bargaining agreements.

If any portion of these Rules conflicts with these statutes or agreements, the provisions of the statute or agreement shall govern. In the case of any conflict between any provision of these Rules and any other provision of any federal, State of Illinois, or City constitution, statute, ordinance, or regulation ("*Other Law*"), the provision of these Rules shall apply and govern unless such provision is legally preempted by the *Other Law*.

B. Applicability. These Rules only apply to those positions in the Police and Fire Department listed in Section 1.2B of these Rules.

C. Conflict Limited. If any provision of these Rules is rendered invalid pursuant to Subsection A of this Section 1.6, then that fact shall not affect any other provision of these Rules.

D. Facial Invalidity. If any court of competent jurisdiction shall adjudge any provision of these Rules to be invalid, then that judgment shall not affect any other provision of these Rules.

- E. Invalidity as Applied. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these Rules to a particular case, then that judgment shall not affect the application of any other provision or of that provision to any other particular case having different facts or circumstances.

CHAPTER 2. CALLS FOR EXAMINATIONS

Section 2.1 Examination Calls.

The Board shall call examinations from time to time to establish and maintain a Register of Eligibles for entry level and promotional ranks in the Departments. The Departments shall advise the Board from time to time about the status of existing Register of Eligibles and the need for an examination. If it determines to call an examination, then the Board shall advise the Secretary of the elements of the examination; the rank to be filled from the resulting Register of Eligibles; any special eligibility standards established pursuant to Subsection 4.1F of these Rules; and notice that applications for that examination will be received for a period of time established by the Board but not less than two weeks.

Section 2.2 Notice of Examination.

An examination shall be held at a time and place fixed by the Board. Notice of an examination for an entry level appointment shall be given by publication at least 30 days preceding the examination in one or more newspapers published in the City or, if no newspaper is published in the City, then in one or more newspapers with a general circulation within the City. Such notice shall also be posted at City Hall and on the City's web site. Notice of an examination for a promotional appointment shall be provided in writing to all members of the Department who are in the rank below that for which the promotional examination is being held.

The notice of examination shall state the period during which applications for that examination will be accepted. The examination may be postponed by order of the Board, which order shall state the reason for the postponement and shall designate a new date for the examination. Applicants shall be notified of the postponement of the examination and of the new date fixed for said examination.

Section 2.3 Examiners

- A. Whenever an examination is to take place, the Board may designate a suitable number of persons, agencies or corporations to administer any or all of the elements that constitute the examination. Examiners shall conduct such tests and/or entire examinations as the Board may direct, and shall report the results thereof to the Board.
- B. The Board may at any time substitute any other person, agency or corporation in the place of anyone previously selected as an examiner.

- C. The Commissioners, including the Secretary, may at any time act as examiners. For promotional appointments within the Fire Department, all aspects of the promotion process shall be subject to monitoring and review. The bargaining representative of the Fire Department, if any, may select two impartial persons who are not members of the Fire Department to act as observers. The Board also may select two additional impartial observers.
- D. Other than the examiners, authorized impartial observers, and the Board, no person shall be permitted to review any test, examination or portion thereof and/or any result of any test or examination without the prior written consent of the Board.
- E. No person other than applicants for examinations, the Commissioners, authorized impartial observers, and any examiners shall be admitted to the examination room during any test, except as authorized by the Board.

CHAPTER 3. REGISTERS OF ELIGIBLES

Section 3.1 Establishment of Registers of Eligibles.

The Board shall establish and maintain a Register of Eligibles as the Board determines is necessary for each rank over which the Board has jurisdiction. A Register of Eligibles shall rank all applicants who have passed all pre-offer elements of an examination for the stated rank in order of their relative excellence as determined by the examination and preferences, but without reference to priority of time of examination. In the event of a tie score, the priority in time of filing of the application shall determine ranking for entry level positions, and seniority in the Department shall determine ranking for promotional positions.

Section 3.2 Initial Eligibility Lists.

- A. Entry Level Positions. Within 30 days after all applicants for an entry level position have completed all applicable pre-offer elements of an examination, the Secretary shall prepare and post an Initial Eligibility List of the applicants who passed all of those elements, ranking those applicants in order of their relative excellence.
- B. Promotional Positions. Except as may be provided otherwise in the Fire Department Promotion Act or the applicable Bargaining Agreement, within 30 days after all applicants for a promotional appointment have completed all applicable pre-offer elements of an examination, the Secretary shall prepare and post an Initial Eligibility List of the applicants who passed all of those elements, ranking those applicants in order of their relative excellence.

Section 3.3 Preference Points.

- A. Military Preference Points. Military preference points may be awarded to persons who otherwise have qualified for placement on an Initial Eligibility List for an entry level position and who have served for at least one year in the United States Armed Forces during a time of hostilities with a foreign country. Persons eligible for such military preference points may submit to the Board proof of honorable discharge from active military service or other proof of entitlement to military credit within 10 days after the initial posting of an Initial Eligibility List. However, applicants may only receive preference points for military service for one appointment. In cases where such credit is given, it shall be given to individuals whose names appear on the Initial Eligibility List by adding three points to their final rating.
- B. Seniority Preference Points for Promotional Appointments within the Police Department. Credit for seniority shall be given for actual continuous service

with the Police Department. Credit for seniority shall be given to individuals whose names appear on the Initial Eligibility List for a promotional appointment within the Police Department by adding points to the applicant's final rating in the following amounts:

1 - 5 years	1 point
6 - 10 years	2 points
More than 10 years	3 points

- C. Firefighter Certification Points for Entry Level Appointments within the Fire Department. Credit shall be awarded to applicants who possess State of Illinois Firefighter II Certification (or its equivalent in other states, or its replacement certification as established by the Office of the Illinois State Fire Marshal) by adding three points to the applicant's final rating.

Section 3.4 Final Ranking.

After all applicants have made claims for military points and have received seniority preference points and firefighter certification preference points as applicable under Section 3.3 of these Rules and Regulations, the Secretary shall re-rank the applicants on each Initial Eligibility List according to their scores. Each candidate's order of eligibility as thereupon determined shall be the basis for placement of such candidates on the Register of Eligibles.

Section 3.5 Additions to Registers of Eligibles.

A. Entry Level Positions.

1. Each Register of Eligibles for an entry level position shall be valid for 12 months. However, the validity of an existing Register of Eligibles for an entry level position may be extended for up to two additional six-month periods by order of the Board. The Register of Eligibles shall contain the following statement:

"The persons listed herein have successfully completed the pre-offer elements of the examination for this position, but after being offered an appointment are also, as a condition of such appointment, subject to successful completion of other post-offer tests, including medical and psychological tests, required by the Board of Fire and Police Commissioners. Failure to pass any of these tests shall preclude appointment of the applicant, and may cause the removal of the applicant's name from this list. This list shall expire automatically and be of no further force or effect twelve months after the date hereof, unless such expiration date is extended by the Board of Fire and Police Commissioners."

2. Should the Board deem it advisable to prepare a new Register of Eligibles, it may properly do so at any time with no effect on the Register of Eligibles existing at that time. Should the newly developed Register of Eligibles be completed before the existing Register of Eligibles expires by virtue of the limitations period having run, the new Register of Eligibles will be held in abeyance until the time the existing Register of Eligibles expires. Applicants whose names appear on the existing Register of Eligibles may apply for re-examination in order to be placed on the new Register of Eligibles. No consideration whatsoever will be given to an applicant with respect to his or her prior placement on the expiring Register of Eligibles.

B. Promotional Positions.

1. Each Register of Eligibles for promotional positions in the Fire and Police Departments shall be valid for two years.
2. Should the Board deem it advisable to prepare a new promotional Register of Eligibles, it may properly do so at any time with no effect on the promotional Register of Eligibles existing at that time. Should the newly developed promotional Register of Eligibles be completed before the existing promotional Register of Eligibles expires by virtue of the limitations period having run, the new promotional Register of Eligibles will be held in abeyance until the time the existing promotional Register of Eligibles expires. Applicants whose names appear on the existing promotional Register of Eligibles may apply for re-examination in order to be placed on the new promotional Register of Eligibles. No consideration whatsoever will be given to an applicant with respect to his or her prior placement on the expiring promotional Register of Eligibles.

Section 3.6 Removal of Names from Registers of Eligibles.

A. Entry Level Registers of Eligibles. The Secretary shall strike from the Register of Eligibles for an entry level position the name of:

1. any applicant who may be disqualified pursuant to any provision of these Rules; or
2. any applicant who ceases to meet the qualifications for the rank to be filled from that Register of Eligibles, unless otherwise specified in these Rules; or
3. any applicant who does not, or cannot, accept the position within seven days after receiving notice of his or her appointment.

- B. Promotional Registers. The Secretary shall strike from the Register of Eligibles for a promotional position the name of:
1. any applicant who may be disqualified pursuant to any provision of these Rules; or
 2. any applicant who ceases to meet the qualifications for the rank to be filled from that Register of Eligibles, unless otherwise specified in these Rules; or
 3. any applicant who does not, or cannot, accept the position within seven days after receiving notice of his or her appointment.

CHAPTER 4. APPLICATIONS FOR ENTRY LEVEL POSITIONS

Section 4.1 Minimum Requirements and Standards for Applicants.

- A. Citizenship. At the time of filing an application, an applicant for a position in the Fire Department or Police Department must be a citizen of the United States.
- B. Age.
1. Minimum Age for Entry Level Positions. At the time of sitting for the first element of an examination for an entry level position in the Fire Department or Police Department as provided in Section 5.3 of these Rules, an individual must have passed his or her 21st birthday; provided, however, that applicants who are 20 years of age and who have successfully completed 60 semester hours credit or more (or 90 quarter credits or more) in the study of law enforcement at a college or university accredited by a nationally recognized accrediting organization may be considered for an entry level position with the Police Department. Any such applicant who is appointed to the Police Department shall not have power of arrest, nor shall he be permitted to carry firearms, until he reaches 21 years of age.
 2. Maximum Age for Entry Level Positions. At the time of sitting for the first element of an examination for any entry level position as provided in Section 5.3 of these Rules, an individual must be less than 35 years of age.
- C. Fingerprinting. Each applicant shall be fingerprinted as part of the Preliminary Character and Background Investigation element of the entry level examination, as provided in Section 5.3D of these Rules.
- D. Education and Training. No person shall be eligible to apply for a position in the Fire Department or Police Department who does not possess a high school diploma or its equivalent. Further, as of the latest date that an application may be submitted pursuant to a notice of examination issued under Section 2.2 of these Rules and Regulations, an applicant shall meet the following requirements as applicable to the position for which the applicant is applying:
1. An applicant for an entry level position in the Police Department shall have the following qualifications:

- a) have successfully completed 60 semester hours credit or more (or 90 quarter credits or more) from a college or university accredited by a nationally recognized accrediting organization; or
 - b) have proof of completion of four years of continuous active duty in the United States Armed Forces.
2. An applicant for an entry level position in the Fire Department shall possess State of Illinois Emergency Medical Technician-Paramedic Licensure or its equivalent.

An applicant who fails to provide documentation in a timely manner establishing compliance with the required education and training requirements shall be disqualified and may not continue in the entry level testing process.

- E. Candidate Physical Ability Test (“CPAT”). An applicant for an entry level positions in the Fire Department shall have successfully completed a CPAT not more than six months immediately prior to the latest date that an application may be submitted pursuant to a notice of examination issued under Section 2.2 of these Rules and Regulations. The CPAT shall be prepared and administered by an agency that is licensed by the International Association of Firefighters to administer the CPAT and with which the Fire Department has a written CPAT agreement. Each applicant shall submit, with his or her application, evidence of successful completion of a CPAT, which evidence shall include the date on which the applicant successfully completed the CPAT.
- F. Peace Officer Wellness Evaluation Report (“POWER”) Test. An applicant for an entry level position in the Police Department shall have successfully completed a POWER Test not more than six months immediately prior to the latest date that an application may be submitted pursuant to a notice of examination issued under Section 2.2 of these Rules and Regulations. The POWER Test must be administered by an agency that is authorized to administer the test. Each applicant shall submit, with his or her application, evidence of successful completion of a POWER Test, which evidence shall include the date on which the applicant successfully completed the POWER Test.
- G. Special Standards. The Board, at the time that it calls an examination, may set particular standards for eligibility for a position for which applications are sought if the Board determines that such position requires special qualifications. The Board also may require evidence from each applicant establishing that the applicant meets those particular standards.

Section 4.2 Application Forms.

The Board or its designated representative shall furnish application forms, which forms must be completed by any applicant desiring appointment to the Fire Department or Police Department. At the time of filing an application, the applicant shall furnish a certified copy of his or her birth certificate; a copy of his or her high school diploma or its equivalent; a copy of his or her transcripts of post-high school study, if applicable; and a copy of the certifications, ~~or~~ licenses, listed and ability test completions indicated in Subsections 3.3C, 4.1D1, 4.1D2, 4.1E, 4.1F, and 4.1G of these Rules and Regulations, as applicable.

Section 4.3 Filing of Application.

Applications for entry level positions in the Fire Department or the Police Department must be completed by all applicants. Persons completing applications for entry level positions must return them to the Secretary or his or her designee by hand delivery, U.S. mail, or delivery service, along with the mandatory application fee determined by the Board at the time of issuance of a notice of examination under Section 2.2. of these Rules and Regulations. The Secretary or his or her designee shall initial each application and note the date and the hour it was received, which time shall determine the timeliness and priority of filing. No application will be accepted until notice of an examination for a position has been given in accordance with Section 2.2 of these Rules, and applications will be accepted only during the period designated by the Board in such a notice of examination. Each applicant shall be responsible for advising the Board of any changes in his or her address or telephone number.

Section 4.4 Disqualification.

The Board may refuse to examine, or after examination refuse to certify as eligible, or after certification as eligible refuse to retain on the Register of Eligibles, any applicant:

- A. who is found lacking in any of the established general requirements, or in any special standards established pursuant to Subsection 4.1G of these Rules, for an entry level position stated in these Rules or in the Act; or
- B. who is a habitual user of narcotics or other drugs, or intoxicating beverages; is a gambler; or is not a person of good character; or
- C. who has been convicted of a felony, or a misdemeanor specifically listed in 65 ILCS 5/10-2.1-6 as amended from time to time; or

- D. who, in the judgment of the Board, has practiced or attempted to practice any dishonesty, deception, or fraud in his or her application, examination, or other submissions, to or dealings with, the Board, the Departments, or the City; or
- E. who has failed to abide by the rules and procedures governing any aspect of the application process; or
- F. who is physically or mentally unable to perform the duties of the position to which he seeks appointment, with or without reasonable accommodations as required by law for qualified individuals with disabilities unless doing so would result in undue hardship; or
- G. who has been dismissed from any public service for good cause; or
- H. whose character or employment references are unsatisfactory; or
- I. who, for a position in the Police Department, does not meet the standards set forth in Subsection 4.1D1 and 4.1F of these Rules; or
- J. who, for a position in the Fire Department, does not meet the standards set forth in Subsection 4.1D2 and 4.1E of these Rules; or
- K. who has failed to appear for, or failed, any element of the examination or otherwise has not successfully completed any portion of the examination process; or
- L. who does not have a valid automobile driver's license.

Section 4.5 Release of Liability.

In consideration of being admitted to the examination process, all applicants shall execute and deliver to the Board or its designated representative a release of all liability as a result of participating in the examinations, and all waivers and releases of information necessary to allow the Board to complete all elements of the examination, on forms approved by the Board.

Section 4.6 Admission to Examination.

No person shall knowingly be admitted to any element of any examination who does not meet the minimum qualifications established for the position sought. The fact that a person is admitted to an element of an examination shall not be considered as evidence that he is qualified or eligible for the position.

Section 4.7 No Creation of Applicant Right or Interest.

Neither the filing of an application, nor the acceptance of an application, nor an applicant's satisfaction of the general or special qualifications for filing an application or being admitted to an examination, nor any provision of these Rules shall be construed or applied as creating any vested, property, or other right or interest in any person to apply for, be examined for, or be appointed to any position in the Departments.

Section 4.8 Correction of Application.

A defective application shall be returned to the applicant for correction, if the applicant otherwise is qualified for the position he seeks. A returned application must be resubmitted within the time period established by the Board or its designated representative.

CHAPTER 5. ENTRY LEVEL EXAMINATIONS AND APPOINTMENTS

Section 5.1 Entry Level Examination Elements.

In each examination, a series of competitive tests will be held as prescribed by the Board. Applicants receive a numeric grade on the written test and oral interview. The other elements of the examination are scored on a pass or fail basis. An applicant will be rejected upon failure to pass any element comprising an examination and will be disqualified from further participation in the examination process. Refusal by an applicant to take any examination element or test shall disqualify the applicant from further participation in the examination process and shall eliminate the applicant from further consideration. Applicants for entry level positions have no appeal rights relating to the examination and appointment process. Examinations for an entry level appointment shall consist of the following elements and shall be scored as follows:

<u>Examination Element</u>	<u>Scoring of Element</u>
Written Test	Police: 70 out of 100 points (minimum passing grade) Fire: A score that is at or above the median score for all applicants participating in the written test
Screening Interview	Pass or Fail
Preliminary Character and Background Investigation	Pass or Fail
Polygraph Test	Pass or Fail
Oral Interview	70 out of 100 points (minimum passing grade)
Detailed Character and Background Investigation	Pass or Fail
Psychological/Psychiatric Test	Pass or Fail
Medical Test	Pass or Fail

The Board, at its discretion, may administer the various elements of the examination in a different order than that set forth above; or may delete an element from, or add an element to, the testing process, provided that such deletion or addition shall be identified in the call for examination as provided for in Chapter 2 of these Rules.

Section 5.2 Grading.

An applicant's written test score will comprise 20% of his or her total examination score, while his or her oral interview score will comprise 80% of his or her total examination score.

Section 5.3 Pre-Offer Examination Elements.

- A. Written Test. Each applicant for an entry level position who has passed all preceding examination elements, if any, shall submit himself or herself for a written test to be conducted at a place designated by the Board for that purpose.
- B. Establishment of Examination Bands. At any time after the Written Test and before the Screening Interview, the Board may establish bands of applicants for further testing. The first band shall include the 24 highest scoring applicants on the Written Test plus additional applicants determined by the Board based on military service or relevant or exceptional education, training, certifications or licenses, or work experience or other criteria established by the Board at the time an examination is called. The remaining bands shall include 24 applicants each, in order of their scores on the Written Test.
- C. Screening Interview. Each applicant for an entry level position within the first band established by the Board shall submit himself or herself for a screening interview before the Board, or before an interview panel designated by the Board. The Board also may determine to conduct screening interviews of applicants in the second and subsequent bands. The screening interview is intended to assist the Board in determining an applicant's suitability for the position sought by the applicant. If the Board designates an interview panel to conduct this screening interview, then the Board shall await the report of the panel before conducting the final oral interview.
- D. Preliminary Character and Background Investigation. The City shall conduct a preliminary character and background investigation of each applicant for an entry level position who has a screening interview. The investigation shall include, among other things, fingerprinting of the applicant and a criminal history check.
- E. Polygraph Test. Each applicant for an entry level position who has passed all preceding examination elements shall submit himself or herself to a polygraph test administered by a licensed polygraph examiner. Results of the polygraph test shall be submitted to the Board to determine whether the applicant has passed this examination element.

- F. Oral Interview. Each applicant for an entry level position who has passed all preceding examination elements shall be required to undergo at least one oral interview with the Board and/or its designees.

Section 5.4 Post-Offer Examination Elements; Deferral.

- A. Detailed Character and Background Investigation. Upon notification and conditional offer of appointment, the City shall conduct, and/or shall engage a service to conduct, a detailed character and background investigation of each applicant who has accepted a conditional offer of appointment. Such investigation may include further checking of the fingerprints obtained during the Preliminary Character and Background Investigation. Results of this investigation shall be submitted to the Board to determine whether the applicant has passed this examination element. If the applicant fails this examination element, then the applicant's name shall be removed from the Register of Eligibles.
- B. Psychological/Psychiatric Test. Upon notification and conditional offer of appointment, an applicant who has passed the preceding examination elements shall submit himself or herself to a psychological examination administered by such psychologist or psychiatrist designated by the Board. The test shall be given solely to determine an applicant's suitability for the position to which he or she seeks appointment. The examiner shall prepare and submit a report of the examination to the Board who shall determine whether the applicant has passed this examination element. If the applicant fails this examination element, then the applicant's name nevertheless may be retained on the Register of Eligibles.
- C. Medical Test. Upon notification and conditional offer of appointment, an applicant who has passed the preceding examination elements shall submit himself for a comprehensive medical test administered by a licensed physician designated by the Board. The examiner shall prepare and submit a report of the examination to the Board who shall determine whether the applicant has passed this examination element. If the applicant fails this examination element, then the applicant's name nevertheless may be retained on the Register of Eligibles.

The comprehensive Medical Test shall consist of a physical examination as prescribed by the Board and shall include a vision test. The medical examiner shall state in his or her report submitted to the Board his or her opinion regarding the overall health and vision of the applicant.

The Medical Test shall also include a drug screening test administered by a licensed physician or such other person designated by the Board. Failure to

pass this drug screening test shall eliminate the applicant from any further consideration.

- D. Supplemental Physical Test for Applicants. If an applicant for a position has not been appointed to a position because of his or her failure to pass the Medical Test or the Psychological/Psychiatric Test, but the applicant has been retained on the Register of Eligibles, and the Board makes the applicant a second conditional offer of appointment more than 60 days after the date of the applicant's first Medical Test, or after the number of days designated by the Psychologist's/Psychiatrist's report as being valid, then the Board shall cause a second test to be made of the applicant within 60 days prior to his or her appointment. If the applicant fails this second test, then his or her name shall be removed from the Register of Eligibles, unless otherwise required by law.
- E. Deferral. The post-offer examination elements may be deferred by the Board for all applicants until the Board receives notice from the City Manager that a vacancy exists in the entry level rank. When the Board receives notice of a vacancy from the City Manager, the Board shall administer the deferred examination elements to the same number of the highest ranking applicants who still qualify to remain on the Register of Eligibles and who have not been so previously examined as there are vacancies to be filled and such additional number of the next highest ranking applicants as the Board thereafter shall determine, either before or after receiving the results of the examination of the highest ranking applicants.

Section 5.5 Entry Level Appointments.

- A. Appointment. Whenever a vacancy in an entry level position is to be filled, the City Manager shall request the names of the three persons having the highest ranking on the Register of Eligibles created for that position, and thereupon the Board shall certify the names and addresses of such persons. The City Manager shall make his selection from the names certified by the Board and shall not pass over the person having the highest rating on the Register of Eligibles more than once and shall not pass over the person having the second highest rating on the Register of Eligibles more than twice.
- B. Oath of Office and Bond. Before entering into duty, each person about to commence his or her Probationary Period as a member of the Fire Department or Police Department shall take and sign the following oath, which may be administered by the City Clerk or any member of the Board in the following form:

"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 the ordinances of the City of Highland Park, and that I will faithfully discharge the duties of the Position of _____ of the City of Highland Park, Illinois, according to the best of my ability.

Signed: _____
Date: _____ Witness: _____”

This oath shall be taken at the time the applicant is appointed to an entry level position.

CHAPTER 6. APPLICATIONS FOR PROMOTIONAL POSITIONS

Section 6.1 Minimum Requirements for Applicants.

Eligibility for promotion in the Fire Department shall be as specified in the applicable Bargaining Agreement. Every applicant for a promotional position in the Police Department shall have obtained the following qualifications before he or she may sit for a promotional examination:

- A. has successfully completed his or her Probationary Period with the Police Department; and
- B. has successfully completed five years of service at the Police Department or another law enforcement agency in the next lower rank or its equivalent as of the date of the written exam; and
- C. has successfully completed 60 semester hours credit or more (or 90 quarter credits or more) from a college or university accredited by a nationally recognized accrediting organization.

Section 6.2 Filing of Application.

An application for a promotional position shall be filed with the Secretary or his or her designee on an approved form. No application will be accepted until notice of an examination for a position has been given in accordance with Section 2.2 of these Rules. Also, no application will be accepted less than ten days prior to the date of an examination. The Secretary or his or her designee shall cause each application to be noted with the date and hour it was received, which time shall determine the timeliness and priority of filing.

Section 6.3 Disqualification.

The Board may refuse to examine, or after examination refuse to certify as eligible, or after certification as eligible refuse to retain on the Register of Eligibles, any applicant:

- A. who has not completed his or her Probationary Period; or
- B. who is found lacking in any of the requirements established in Sections 4.1 of these Rules and Regulations or in any special standards set by the Board pursuant to Section 4.1G of these Rules and Regulations; or

- C. who is a habitual user of narcotics or other drugs, or intoxicating beverages; is a gambler; or is not a person of good character; or
- D. who has been convicted of a felony or a misdemeanor specifically listed in 65 ILCS 5/10-2.1-6 as amended from time to time; or
- E. who has been shown to have attempted to practice any dishonesty, deception, or fraud in his or her application, examination, or other submissions to or dealings with the Board, the Departments, or the City; or
- F. who has failed to abide by the rules and procedures governing any aspect of the application process; or
- G. who is physically or mentally unable to perform the duties of the position to which he seeks appointment, with or without reasonable accommodations as required by law for qualified individuals with disabilities unless doing so would result in undue hardship; or
- H. who does not satisfy the requirements of the job description for the position for which he is applying.

Section 6.4 Release of Liability.

In consideration of being admitted to the examination process, all applicants shall execute and deliver to the Board or its designated representative a release of all liability as a result of participating in the examinations, and all waivers and releases of information necessary to allow the Board to complete all elements of the examinations, on forms approved by the Board.

Section 6.5 Admission to Examination.

No person shall knowingly be admitted to any element of any examination who does not meet the minimum qualifications fixed for the position sought. The fact that a person is admitted to an element of an examination shall not be considered as evidence that he is qualified or eligible for the position.

Section 6.6 No Creation of Applicant Right or Interest.

Neither the filing of an application, nor the acceptance of an application, nor an applicant's satisfaction of the general or special qualifications for filing an application or being admitted to an examination, nor any provision of these Rules shall be construed as creating any vested, property, or other right or interest in any person to apply for, be examined for, or be appointed to any position in the Departments.

Section 6.7 Correction of Applications.

A defective application shall be returned to the applicant for correction, if the applicant otherwise is qualified for the position he seeks. All returned applications must be resubmitted within the time period established by the Board or its designated representative.

CHAPTER 7. PROMOTIONAL EXAMINATIONS AND APPOINTMENTS

Section 7.1 Promotional Examinations; Grading.

- A. Police Department. Examinations for promotional positions within the Police Department shall consist of the following elements in the following order, which shall each comprise a percentage of the applicant's total score as identified below:

Examination Element	Percent of Total Score
Departmental Evaluation	30%
Written Test	30%
Assessment Center Process, including oral interview with Board	40%
Psychological/Psychiatric	Pass/Fail
Total (not including seniority preference points)	100%

The Departmental Evaluation, Written Test, and Assessment Center Process each are based on a 100-point scale. After each of those examination elements is scored individually, the applicant's score then shall be calculated based on the percentages attributed to each element as set forth above.¹ Each element score will be provided to the Board promptly after that score is calculated.

Based on the scores from the Departmental Evaluation and Written Test, candidates who have scored at or above the 80th percentile of candidates following the Departmental Evaluation and Written Test will undergo evaluation in the Assessment Center Process.

¹ The following examples demonstrate the manner in which an applicant's total examination score would be calculated.

a. If an applicant receives 70 points on the Written Test, 90 points on the Assessment Center Process, and 80 points on the Departmental Evaluation, then the applicant's, total examination score would be 81 points, calculated as follows: $(70 \times .3 + 90 \times .4 + 80 \times .3) = 81$ points.

b. If an applicant receives 90 points on the Written Test, 50 points on the Assessment Center Process, and 60 points on the Departmental Evaluation, then the applicant's total examination score would be 65 points, calculated as follows: $(90 \times .3 + 50 \times .4 + 60 \times .3) = 65$ points.

- B. Fire Department. Examinations for promotional appointments within the Fire Department shall consist of elements that will be scored in accordance with the provisions of the applicable Bargaining Agreement and the Fire Department Promotion Act.

Section 7.2 Pre-Offer Examination Elements for Promotions Within the Police Department.

- A. Departmental Evaluation. The Chief of the Police Department will assign points to each applicant based on his or her evaluation of all aspects of the applicant's past performance, including without limitation the applicant's overall work performance, previous performance evaluations, leadership abilities, interaction with others, familiarity with applicable laws, proficiency in the use of necessary equipment, administrative skills, managerial abilities, and prior service in the Department. Each candidate will be advised of his or her Departmental Evaluation score prior to the administration of the next testing element.
- B. Written Test. Each applicant for a promotional position shall submit himself or herself for a written test to be conducted at a place designated by the Board for that purpose. Each candidate will be advised of his or her Written Test score prior to the administration of the next testing element.
- C. Assessment Center Process. Based on the scores from the Departmental Evaluation and Written Test, candidates who have scored at or above the 80th percentile of candidates following the Departmental Evaluation and Written Test shall be required to undergo an Assessment Center Process to be announced prior to, or in conjunction with, the notice of examination as provided in Section 2.2 of these Rules.

Section 7.3 Post-Offer Examination Elements for Promotions Within the Police Department.

- A. Psychological/Psychiatric Test. Upon notification and conditional offer of appointment, each applicant for a promotional position shall submit himself to a psychological examination administered by such psychologist or psychiatrist designated by the Board. The examiner shall prepare and submit a report of the examination to the Board for its evaluation. Refusal of the applicant to take this test shall eliminate the applicant from further consideration.
- B. Deferral. The post-offer psychological/psychiatric test may be deferred by the Board for all applicants until a vacancy exists in the promotional level rank.

Section 7.4 Promotional Appointments.

- A. Positions Within the Police Department. Whenever making a promotional appointment within the Police Department, the City Manager shall request the names of the three persons having the highest ranking on the promotional Register of Eligibles created for that position, and thereupon the Board shall certify the names and addresses of such persons. The City Manager shall appoint one of these persons to the position. The City Manager shall not pass over the person having the highest rating on the promotional Register of Eligibles more than once and shall not pass over the person having the second highest rating on the promotional Register of Eligibles more than twice.
- B. Positions Within Fire Department. Whenever making a promotional appointment within the Fire Department, the City Manager shall appoint to that position the person having the highest ranking on the promotional Register of Eligibles for that rank, except that the City Manager may pass over that person and appoint the next highest ranked person on that list if the City Manager 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 City Manager shall document his or her reasons for that decision. Unless the reasons for passing over the highest ranking person are not remedial, no person who is the highest ranking person on the list at the time of the vacancy shall be passed over more than once.
- C. Oath of Office and Bond. Before entering into duty, each person about to be promoted within the Fire Department or Police Department shall take and sign the following oath, which may be administered by the City Clerk or any member of the Board in the following form:

"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 the ordinances of the City of Highland Park, and that I will faithfully discharge the duties of the Position of _____ of the City of Highland Park, Illinois, according to the best of my ability.

Signed: _____
Date: _____ Witness: _____"

This oath shall be taken at the time the applicant is appointed to a promotional position.

- D. Probationary Period. At or before the expiration of the Probationary Period following a promotional appointment, the Employee may be returned to his prior position by the City Manager without a hearing before the Board.

CHAPTER 8. TEMPORARY APPOINTMENTS AND VOLUNTARY DEMOTIONS

Section 8.1 Temporary Appointments.

- A. Emergency Appointments. The Board, at the request of the City Council and without complying with the provisions of these Rules otherwise applicable to appointments, shall make temporary appointments to the Fire Department or Police Department to prevent a stoppage of public business, to meet extraordinary situations, or to prevent the material impairment of the Fire Department's or Police Department's ability to carry out its functions. Such temporary appointments shall not be made to exceed 60 days and no person shall receive such a temporary appointment more than twice in any calendar year. Any person whose name is on a Register of Eligibles for a position may accept a temporary appointment to a position other than or including that for which he or she was examined and is eligible, without losing his or her place upon such Register of Eligibles.
- B. Vacancy Caused by Military Leave. Whenever a vacancy occurs in any position in the Fire Department or Police Department by virtue of an Employee taking a leave of absence because of enlistment or because he has been ordered into the military forces of the United States or the State of Illinois, the Board may fill such vacancy by a temporary appointment of a person on an entry level or promotional Register of Eligibles for the position, should such a list be in existence. The duration of any such appointment shall be for the period of said leave of absence, and not more than 60 days thereafter. The name of the temporary appointee shall be retained on the Register of Eligibles subject to the provisions of Sections 3.6, 4.4 and 6.3.
- C. Vacancy Caused by Personal Injury. Whenever a vacancy occurs in any position in the Fire Department or Police Department by virtue of an Employee's personal injury or illness or an extended leave of absence due to such injury or illness, the Board may fill such vacancy by a temporary appointment of a person on an entry level or promotional Register of Eligibles for the position, should such a list be in existence. The duration of any such appointment shall be for a period extending until the subject Employee is capable of returning to work following his or her injury or illness or leave of absence. The name of the temporary appointee shall be retained on the Register of Eligibles subject to the provisions of Sections 3.6, 4.4 and 6.3.

Section 8.2 Voluntary Demotions.

Any member of the Fire Department or Police Department may request a demotion to a lower rank subject to the approval of the Board. Demotion shall result in a reduction in compensation to a rate not exceeding the maximum rate of such lower rank.

CHAPTER 9. SUSPENSIONS, REMOVALS, DEMOTIONS AND DISCHARGES

Section 9.1 **Collective Bargaining Agreements; Just Cause Required.**

- A. Collective Bargaining Agreements. The provisions of applicable Bargaining Agreements between the City and members of the Fire Department or Police Department shall apply to suspension, removal, discharge, or demotion.
- B. Just Cause Required. Except as provided in Section 9.8 of this Chapter, no member of the Fire Department or Police Department shall be suspended, removed, discharged, or demoted except for just cause, which shall include, but not be limited to, the following:
1. failure to follow the orders of one's supervisor or a rule or regulation of a Department;
 2. absence from work without permission or, when one is absent, failure to report to one's supervisor or department head;
 3. continual and repeated absences or tardiness;
 4. failure to perform assigned work in an efficient manner;
 5. incompetence, nonfeasance, misfeasance, or malfeasance in office;
 6. inability to work with fellow Employees so that the work being done is hindered and/or does not meet required levels;
 7. continued and repeated failure to pay just debts, leading to the Employee being subject to repeated garnishments;
 8. violation of the City's drug and alcohol use policies;
 9. conduct which is unbecoming a City Employee;
 10. filing a false report and/or lying to a superior;
 11. conviction of any criminal offense;
 12. violation of any Board Rule;
 13. violation of any provision contained within the City's Personnel Handbook;
 14. failure to maintain required certifications or licenses;

15. failure to maintain one's physical condition and/or job-related skills, or failure to participate in physical conditioning maintenance programs and additional training programs as required by the rules and regulations promulgated by one's department head;
16. nondisclosure of any fact or making a false statement that would have required or constituted a ground for disqualification from Appointment or would have substantially affected the decision to appoint the applicant; or
17. any act or occurrence, after appointment, that would have required or constituted cause for disqualification from appointment.

Section 9.2 Suspensions.

- A. Suspension of Five Days or Less. An Employee of the Police Department or the Fire Department who has completed his or her Probationary Period may be suspended for just cause by the head of the Department for a period of not more than five days. The Employee may grieve such discipline as provided in any applicable Bargaining Agreement. If, pursuant to such Bargaining Agreement, the grievance is to proceed through the Board, or if there is no applicable Bargaining Agreement, the Employee so suspended may, within ten days of the receipt of the grievance response from the City Manager or the receipt of the suspension notice, as applicable, submit a written request for a hearing before the Board concerning the propriety of such suspension; provided, however, that the Board shall not be required to grant any such hearing. If the Board chooses to provide the Employee a hearing on appeal, the hearing shall be conducted in accordance with the requirements of this Chapter 9, except that the Employee shall have the burden of establishing by a preponderance of the evidence that just cause for the suspension does not exist. Even if the Employee does not submit a request for a hearing, the Board shall be notified of any such suspension.
- B. Suspension of Between Six and Thirty Days. An Employee of the Police Department or the Fire Department who has completed his or her Probationary Period may be suspended for just cause by the head of the Department for a period of six days to not more than 30 days, upon prompt written notice to the Board. The Employee so suspended may grieve such discipline as provided in any applicable Bargaining Agreement. If, pursuant to such Bargaining Agreement, the grievance is to proceed through the Board, or if there is no applicable Bargaining Agreement, the Employee so suspended shall be entitled, upon his or her written request to the Board submitted within ten days of the receipt of the grievance response from the City Manager or the receipt of the suspension notice, as applicable, to a hearing before the Board concerning the propriety of such suspension.

Section 9.3 Charges for Removal, Discharge, Demotion or Suspension of Over 30 Days.

- A. Written Charges Required. No Employee who is appointed after examination and has completed his or her Probationary Period under these Rules may be removed, discharged, demoted or suspended for a period of more than 30 days unless written charges shall have been filed with the Board, and the Employee shall have been given an opportunity to be heard before the Board in his or her own defense.
- B. Complainant. Charges may be brought against a member by the Fire Chief, the Police Chief, or the City Manager.
- C. Charges. Charges shall be in writing, shall be signed by the Complainant, and shall state with specificity the facts alleged to constitute just cause for suspension, removal, discharge, or demotion. Such charges shall be filed with the Board and shall be served upon the Respondent.
- D. Charges of Unreasonable Force. If a charge is based upon an allegation of the use of unreasonable force by a police officer, the charge must be brought within three years after the date of the act upon which the charge is based.

Section 9.4 Pre-Hearing Procedures.

- A. Hearing Date. Upon the filing of a charge, the Board shall set the date, time, and place for hearing, which hearing date shall be within 30 days after the filing date.
- B. Notice of Hearing. The Board shall cause notice of hearing to be served on the parties promptly and not less than five days prior to the hearing date.
- C. Answer. The Respondent may file a written answer to the charges. Such written answer shall be signed by the Respondent, shall be filed with the Board, and shall be served on the Complainant not less than 48 hours prior to the hearing.
- D. Reply. The Complainant may reply to any affirmative matter contained in such answer by signing, filing, and serving such reply not less than eight hours prior to the hearing.
- E. 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. The Board may waive said requirements upon good cause being shown and a finding that no prejudice will result to any party from any such waiver. The

Board may grant or deny a continuance on the motion of either party or on its own motion, but no continuance that extends the commencement of the hearing beyond 30 days from the date the continuance motion is filed shall be granted. If a continuance is granted on the motion of a Respondent who has been suspended by the Board, with or without pay, pursuant to Section 9.4J of this Section and said continuance causes postponement of the conclusion of the hearing to a date more than 30 days after the date on which charges were filed, the Respondent shall waive all pay for the period beginning with the 31st day after such filing and continuing to the date of the conclusion of the hearing.

- F. Other Motions. In connection with any hearing conducted pursuant to these Rules, any party may file a motion with the Board by signing, filing and serving such motion not less than 48 hours prior to the time set for the hearing.
- G. Attendance of Witnesses. Either party, at any time prior to the hearing, may file applications with the Board for the issuance of subpoenas for any person or persons to appear at the hearing, or to have any such person produce books, papers, records, accounts, and other documents at the hearing. Such application shall be in writing and shall adequately identify such person, persons, or documents sought to be subpoenaed. The Board, or any Commissioner, shall issue such subpoenas if the Board deems the testimony of such person or such documents to be relevant to the hearing. Such subpoenas may be authorized either by resolution at a Board meeting or by the signature of any two Commissioners without a meeting. Subpoenas may be served by any person of the age of 21 years or more.
- H. Evidence Depositions. Evidence depositions may be taken and utilized in the manner and under the conditions prescribed therefor in courts of general jurisdiction in the State of Illinois.
- I. 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.
- J. Suspension Before Hearing. The Board may suspend the Respondent pending a hearing, with or without pay for not more than 30 days. In the event that the Board, after hearing, determines that the charges are not sustained, the Respondent shall receive any pay and benefits withheld during the suspension period.

Section 9.5 Hearing.

- A. Commencement and Adjournment. A hearing shall be commenced within 30 days after the filing of the charges, unless continued by the Board, and may be adjourned from time to time thereafter for lack of a quorum or in order to complete the hearing at a later date.
- B. Conducting a Hearing. Two Commissioners shall constitute a quorum of the Board for the conducting of a hearing. In the alternative, the Board may designate any hearing officer or board to conduct a hearing. In such cases, the hearing officer or board shall provide the Board with its findings and recommend a decision for approval by the Board. The Board may affirm, modify or reverse any decision or discipline recommended by a hearing officer or board, in whole or in part, or may remand the same for further hearing or proceedings.
- C. Public Hearings and Closed Hearings. All disciplinary hearings of the Board shall be held in accordance with the Illinois Open Meetings Act. The hearing shall be public, but at any time before or during such hearing the Board may determine that such hearing, or any portion of such hearing (except for final action), shall be closed.
- D. Counsel. The Respondent may, at his or her election, be represented by any attorney at law licensed to practice law in the State of Illinois. Such attorney shall file and serve his or her appearance with the Board.
- E. Oath. All witnesses shall be sworn under oath prior to testifying. The oath may be administered by any member of the Board or an Illinois notary public.
- F. Order of Proceedings; Cross Examination. After disposition of any preliminary motions for continuance, motions directed to the charges, or other motions, the Complainant shall present and examine witnesses and offer other evidence substantiating the charges that have been made against the Respondent. Thereafter the Respondent may present and examine witnesses and offer other evidence refuting the charges. Complainant may then present evidence in rebuttal. All parties shall have the right to cross examine witnesses presented by the opposite party.
- G. Rules of Evidence.
1. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence, as applied in civil cases in Illinois, shall be followed; provided, however, that when necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The Board shall give

effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made by either party and must be ruled on by the Board. Such objections and rulings shall be noted in the record. Subject to these requirements, when a hearing is expedited and the interests of parties will not be prejudiced substantially, any part of the evidence may be received in written form.

2. Documentary evidence may be received in the form of copies or excerpts if originals are not readily available.
 3. The Board may take notice of judicially cognizable facts.
- H. Burden of Proof. Except as provided in Subsection 9.2A of these Rules, the Complainant shall have the burden of proving the charges brought by a preponderance of the evidence.
- I. Argument. The Board shall permit opening statements and closing arguments, first on behalf of the Complainant, next on behalf of the Respondent, and finally on behalf of the Complainant, within time limits to be established by the Board in each case.
- J. Record of Proceedings. The hearing proceedings shall be recorded on a tape by an ~~tape~~ audio recording supplied by the Board. A copy of such tape shall be made available to any party at the expense of the person making the request. Alternatively, such audio recording shall be made available to be transcribed at City Hall, during normal business hours, at the expense of the person making the request. The Board or any party in addition may provide for a transcript to be taken by a reporter, in which event audio recording shall not be required. Such transcript may be written upon the request of the Board or any party, at the expense of the person making the request.

Section 9.6 Findings and Decision.

- A. Vote; Deliberations. To sustain the charges brought pursuant to Section 9.3 of these Rules, at least two Commissioners must vote to sustain. To reverse a suspension appealed to the Board pursuant to Section 9.2 of these Rules, at least two Commissioners must vote to reverse. The Board may deliberate in public or in closed session, provided that final action shall be taken only in public session.
- B. Findings. If none of the charges against the Respondent have been supported by a preponderance of the evidence, or if a suspension is reversed, then the Board shall make a finding that the charges or suspension are not sustained and shall enter an order terminating immediately any suspension and requiring the Fire Department or Police Department to reimburse

Respondent for all wages and benefits not paid to the Respondent during such suspension period.

If the Board finds that any of the charges have been sustained by a preponderance of the evidence or if the Board denies the appeal of a suspension, then the Board shall adopt findings of fact in support of such determination. The Board may sustain the action of the Department; may order the immediate discharge and removal of the Respondent from office; may order the suspension of the Respondent from office, with or without pay not to exceed 30 days without pay, may demote the Respondent previously promoted from a lower rank with immediate reduction in compensation to a rate not exceeding the maximum rate of such lower rank; or any combination of the above.

- C. Notice of Findings and Decisions. The Board shall promptly serve notice on the parties of its findings and decision.
- D. Rehearing. Such findings and decision of the Board shall be final and not subject to rehearing.

Section 9.7 Administrative Review.

Either party may file a complaint for review of a final decision by the Board in accordance with the provisions governing administrative review in Article III of the Illinois Code of Civil Procedure, 735 ILCS 5/3-101 *et seq.* Such complaint shall be filed within the time frame set forth in the Illinois Code of Civil Procedure, 735 ILCS 5/3-101 *et seq.*

Section 9.8 Not Applicable To Employees Who Have Not Completed Their Probationary Period.

The provisions of this Chapter 9 do not apply to Department personnel in entry level positions who are in their Probationary Period.

CHAPTER 10. DEFINITIONS AND GRAMMAR

Section 10.1 General Definitions.

For the purposes of these Rules and Regulations, the following terms shall have the meanings herein ascribed to them:

- A. Act. The Illinois Board of Fire and Police Commissioners Act, 65 ILCS 5/10-2.1-1 through 5/10-2.1-30, as amended from time to time.
- B. Bargaining Agreement. An exclusive bargaining agreement between the City and an exclusive bargaining representative of a group of Employees.
- C. Board. The Board of Fire and Police Commissioners of the City.
- D. Charge. A written statement alleging just cause against the Respondent for suspension, removal, discharge or demotion.
- E. City. The City of Highland Park, Illinois.
- F. City Council. The City Council of the City of Highland Park, Illinois.
- G. City Manager. The City Manager of the City.
- H. Commissioner. A member of the Board.
- I. Complainant. The person who files a charge under this Chapter.
- J. CPAT. The Candidate Physical Ability Test established as part of the International Association of Firefighters and International Association of Fire Chiefs Fire Service Joint Labor Management Wellness-Fitness Initiative and conducted by an agency with which the Fire Department has a written CPAT agreement and which is licensed by the International Association of Firefighters to administer the test.
- K. Day. One calendar day.
- L. Departments. The Fire Department and the Police Department.
- M. Employee. A person employed by the City in one of the positions listed in Section 1.2B of these Rules.
- N. Filing. Presenting a document to the Board by delivery to the Secretary personally, or by delivery to the Office of the City Manager addressed to the

attention of the Board, or by mailing by certified mail, return receipt requested, to the office of the Board. In the case of filing by certified mail, the date of filing shall be deemed to be the second day following the date of mailing, unless said second day is a Saturday, Sunday, or federal or state legal holiday, in which event the date of filing shall be the first regular business day following said Saturday, Sunday, or legal holiday.

- O. Fire Chief. The Chief of the Fire Department.
- P. Fire Department. The Fire Department of the City.
- Q. Mayor. The Mayor of the City.
- R. Parties. The Complainant and the Respondent.
- S. Police Chief. The Chief of the Police Department.
- T. Police Department. The Police Department of the City.
- U. POWER Test. The Peace Officer Wellness Evaluation Report, as established by the Illinois Law Enforcement Training and Standards Board, and as administered by an agency that is authorized to administer the test.
- V. Probationary Period. The probationary period as defined in any applicable Bargaining Agreement except that for promotional appointments the probationary period shall be one year.
- W. Respondent. A member of the Fire Department or Police Department against whom a Charge is filed.
- X. Rules. These Rules and Regulations of the Board.
- Y. Secretary. The Secretary of the Board or a person designated by the Secretary to perform some or all of the administrative and clerical duties of the Secretary.
- Z. Service. The presentation by a party to the other party, or by the Board to a party, of any document by personal delivery to the other party or by mailing by certified mail, return receipt requested, to the last known address of such other party, together with a written certificate of service. In the case of service by certified mail, the date of service shall be deemed to be the second day following the date of mailing, unless said second day is a Saturday, Sunday, or federal or state legal holiday, in which event the date of service shall be the first regular business day following said Saturday, Sunday, or legal holiday.

Section 10.2 Grammar Rules.

Throughout these Rules, all nouns and pronouns shall include both masculine and feminine genders and all forms of words shall include both singular and plural meanings.