

**RULES AND REGULATIONS OF THE
BOARD OF FIRE AND POLICE COMMISSIONERS
VILLAGE OF LOMBARD, STATE OF ILLINOIS**

Originally adopted by the Board of Fire and Police Commissioners of the Village of Lombard, Illinois, on July 31, 2000, effective September 15, 2000; and amended from time to time as set forth herein.

CHAPTER I: ADMINISTRATION

SECTION 1: SOURCE OF AUTHORITY

The Board of Fire and Police Commissioners of the Village of Lombard derives its power and authority from an act of the General Assembly entitled the Board of Fire and Police Commissioners Act of the Illinois Municipal Code ", Chapter 65 of the Illinois Compiled Statutes, Sections 5/10-2.1-1 et. seq.

The Board of Fire and Police Commissioners of the Village of Lombard shall have the authority to make original appointments to the Police and Fire Departments, promotions to ranks as set forth in these Rules and Regulations and the ordinances of the Village of Lombard, and to discipline members of the police department and fire department in accordance with these Rules and Regulations and the ordinances of the Village of Lombard.

SECTION 2: DEFINITIONS

The word "Board" and/or "Commission" wherever used herein shall mean the Board of Fire and Police Commissioners of the Village of Lombard. The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural the singular.

SECTION 3: OFFICERS OF BOARD AND THEIR DUTIES

The Board shall annually, at the first meeting in May, elect a Chairman, Vice Chairman and a Secretary. They shall hold office for one (1) year and until their successors are duly elected and qualified. The Chairman shall be the presiding officer at all meetings. The Secretary shall keep the Minutes of all meetings of the Board in a permanent record book and shall be the custodian of all forms, papers, books, records of the Board.

SECTION 4: MEETINGS

- a. Regular meetings shall be held monthly. The meeting night for the ensuing calendar year shall be determined by the Board in the May meeting of each year and notice provided as required by law. Meetings of the Board shall be open to the public.

- b. Special meetings shall be open, notice thereof to be posted in the Village Hall of the Village of Lombard forty-eight (48) hours prior to convening. The special meeting may be called by the filing of a written notice with the Secretary of the Board and signed either by the Chairman of the Board or any two members thereof. This notice shall contain a brief statement of the business to be submitted for the consideration of the Board at such special meeting, and no other business shall be considered at such special meeting.
- c. Notice of all meetings shall be given to the public and news media so requesting in the manner provided by law.
- d. During any regular or special meeting a closed session may be held, as allowed by the Open Meetings Act, upon a proper motion made by any single member of the Board. Close sessions may be limited to Board members and such invited persons as the Board may deem necessary. The Secretary will record the motion to close the meeting, record the roll call vote of the members on said motion and keep minutes of the closed session.
- e. Public notice of any regularly scheduled or special meeting shall be given in accordance with the Open Meetings Act, Illinois Compiled Statutes, Chapter 5, Sections 120/1 et. seq.

SECTION 5: QUORUM

Two (2) members of the Board shall constitute a quorum for the conduct of all business.

SECTION 6: ORDER OF BUSINESS

The order of business at any meeting shall be:

- a. Call to Order & Roll Call
- b. Approval of Minutes
- c. Visitor Comments
- d. Payment of Bills
- e. Chairman's Report
- f. Vice-Chairman's Report
- g. Secretary's Report
- h. Correspondence
- i. Unfinished business
- j. New business
- k. Adjournment

SECTION 7: PROCEDURE

The parliamentary procedure prescribed in Robert's "Rules of Order" shall be followed as far as practicable.

SECTION 8: AMENDMENTS

Amendments to the rules of the Board may be made at any meeting of the Board. All such amendments shall forthwith be printed for distribution and notice shall be given of the place or places where said rules may be obtained. Such notice shall be published in a newspaper of general circulation in the Village of Lombard. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication, when such rules shall go into effect.

SECTION 9: ANNUAL REPORT AND BUDGET REQUEST

The Board shall submit to the Village President, an Annual Report of its activities as required by Section 10-2.1-19 of the Board of Fire and Police Commissioners Act (65 ILCS 5/10-2.1-19). The Board shall also submit to the Corporate Authorities an annual Budget Request for the ensuing fiscal year, as required by local ordinance and Section 10-2.1-19 of the Board of Fire and Police Commissioners Act.

SECTION 10: SENSITIVE PERSONAL INFORMATION

In conducting its duties with respect to initial appointment and promotion, the Board may receive and review Sensitive Personal Information of candidates. Sensitive Personal Information includes but is not limited to the following items whether stored in electronic or printed format: credit card information, tax identification numbers, date of birth, address, phone numbers, drivers license number, criminal history records or medical records. All Sensitive Personal Information shall be kept separate from general Board documents. After the Board has reviewed any document that contains Sensitive Personal Information, that document shall be returned to the appropriate department for disposition or disposal, as the case may be.

CHAPTER II: APPLICATION FOR APPOINTMENT

SECTION 1: AGE AND RESIDENCY

a. All Applicants for a position in either the fire or police department shall be at least 21 years of age by the date the applications are due. All Applicants for a position in either the fire or police department shall be under 35 years of age on the date of appointment. Applicants for examination must be citizens of the United States and residents of the State of Illinois at the time of appointment. Any other residence requirements shall be as prescribed by the corporate authorities.

b. The age limitation in subsection (a) does not apply (i) to any person previously employed as a policeman or fireman in a regularly constituted police or fire department of (I) any municipality, regardless of whether the municipality is located in Illinois or in another state, or (II) a fire protection district whose obligations were assumed by a municipality under Section 21 of the Fire Protection District Act, (ii) to any person who has served a municipality as a regularly enrolled volunteer

fireman for 5 years immediately preceding the time that municipality begins to use full time firemen to provide all or part of its fire protection service, or (iii) to any person who has served as an auxiliary police officer under Section 3.1-30-20 of the Illinois Municipal Code for at least 5 years and is under 40 years of age, (iv) to any person who has served as a deputy under Section 3-6008 of the Counties Code and otherwise meets necessary training requirements, or (v) to any person who has served as a sworn officer as a member of the Illinois Department of State Police.

c. If a person is placed on an eligibility list and becomes overage before he or she is appointed to a police or fire position, that person shall remain eligible for appointment until the list expires. Otherwise, no person who has attained the age of 36 years shall be inducted as a member of a police department and no person who has attained the age of 35 years shall be inducted as a member of the fire department. However, for appointment to the police department, a veteran shall be allowed to exceed the maximum age provision of this Section by the number of years served on active military duty, but by no more than 10 years of active military duty.

SECTION 2: APPLICATION FORMS

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

The applicant shall furnish with the completed application a copy of his Military Service Record and Discharge Papers (DD-214), if applicable.

A false statement made by a person in any application for position or for examination, connivance in any false statement made in any certificate which may accompany such application or complicity in any fraud regarding the same, shall be regarded as good cause for exclusion from the examination, eligibility or appointment or discharge at a later date.

An application fee and waiver procedure, to help cover examination costs may be established by the Board prior to conducting any examination.

SECTION 3: DISQUALIFICATION

The Board may refuse to certify for appointment to any position any individual:

- a. Who is found lacking in any of the established preliminary requirements for the service for which he or she applies.
- b. Who is physically unable to perform the duties of the position to which he or she seeks appointment.
- c. Who is found to have taken or used drugs and/or narcotics illegally.

- d. Who has been convicted of a felony.
- e. Who has been convicted of a misdemeanor involving moral turpitude as specified in Section 10-2.1-6 of the Board of Fire and Police Commissioners Act.
- f. Who has been dismissed from any public service for good cause or while on any probationary period.
- g. Who has attempted to practice any deception or fraud in his or her application.
- h. Who may be found disqualified in personal qualifications.
- i. Whose character and employment references are unsatisfactory.
- j. Who does not possess a high school education or its equivalent.
- k. Who has failed to fulfill any of the requirements for applicants which are established for the hiring process or by these rules or regulations.

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

SECTION 4: DEFECTIVE APPLICATIONS

An applicant may correct minor omissions or deficiencies to his application prior to the time of the first examination only. In the event that prior to the date of the first examination the Board finds that a minor and inadvertent or clerical omission has occurred on an application, the Board shall attempt to notify the applicant of the item required to be completed. The applicant will have ten days from the date of notification to complete the omission or deficiency. Failure of the applicant to complete the omission or deficiency may be construed by the Board as a withdrawal of the application.

SECTION 5: EDUCATION REQUIREMENTS

Applicants for the Fire Department shall have attained a high school diploma or an equivalent high school education. Applicants for the Police Department shall have attained an associate's degree or its equivalent number of hours towards a bachelor's degree from an accredited college or university by the date of application, provided however, that applicants who are certified police officers in the state of Illinois or applicants who were engaged in active military or naval service of the United States for at least one year and honorably discharged shall not be required to have attained an associate's degree or the equivalent number of hours towards a bachelor's degree.

SECTION 6: NOTICE OF ACCEPTANCE

The Secretary will notify all applicants whose applications have been accepted by the Board to be present for orientation and subsequent examination with an executed Physicians Certificate that they are physically capable of participating in a strenuous “Physical Ability Test”.

SECTION 7: RELEASE OF LIABILITY

All applicants shall execute and deliver to the Board, a release of all liability as a result of taking a “Physical Ability Test” in favor of the Board, the Village of Lombard and any other involved agency, on a form prescribed by the Board.

CHAPTER III: ORIGINAL APPOINTMENT PROCESS

SECTION 1: NOTICE OF EXAMINATIONS

Examinations shall be held on the dates fixed by the Board and advertised in local newspapers in accordance with the statutes of the State of Illinois. All notices of examination shall include a statement that the Village of Lombard is an Equal Opportunity Employer. The Board may also utilize one or more of the following methods of notification: Village or Department web sites, law enforcement or fire service web sites, written notification to members of the department, local civic groups and service organizations, regional colleges and universities, and individuals who have completed pre-application contact cards. Examinations may be postponed, however, by order of the Board, which order shall state the reason for such postponement and shall designate a new date for said examination. Applicants shall be notified of the postponement of any examination and of the new date fixed for said examination.

SECTION 2: APPLICATIONS FOR ORIGINAL APPOINTMENT

All applications for appointment shall be made on forms prepared by the Board. The application packet shall include the following:

- a. The application which shall include herein a statement that the Village of Lombard is an Equal Opportunity Employer.
- b. Notice describing the elements of the testing process and the estimated length of the testing process.
- c. Waiver and release of liability forms.
- d. Physician’s release for participation in the physical aptitude test. (Police Only)
- e. The rules of the Board regarding reapplication for future appointment processes.

SECTION 3: EXAMINATIONS

The Board shall call for examinations to fill vacancies in the class of service in which vacancies are liable to occur. A call for such examination shall be entered in the Minutes of the Board and shall include a statement of:

- a. The time and place where such examination will be held.
- b. Applications will be received for at least a two (2) week period, which shall terminate ten (10) business days before the orientation program.
- c. The position to be filled from the resulting eligibility list.

Examinations shall be held only on dates selected by the Board. There shall be no make up examinations and any applicant failing to be present for any examination or phase of the testing process shall be deemed to have withdrawn from the testing process.

SECTION 4: TYPE OF EVALUATIONS

The subject matter for orientation, physical ability test, written examination, and oral interviews shall be such as will fairly test the capacity of the applicant to discharge the duties of the position to which the applicant seeks appointment. No examination shall contain questions regarding applicant’s political or religious opinions or affiliations.

SECTION 5: APPOINTMENT PROCESS

Evaluations will be conducted in the areas described herein. The sequence of these evaluations shall be at the discretion of the Board. A failure to achieve the minimum passing grade, as set by the Board in any examination, disqualifies the applicant from any further participation. All grades are based on a maximum weighted grade of one hundred per cent 100% plus military, cadet or paid on call credits. All examinations shall be administered, scored, evaluated and interpreted in a uniform manner.

<u>Evaluations</u>	<u>Percentage of Total</u>	<u>Minimum Passing</u>
Orientation	----	Attendance Mandatory
Physical Aptitude Test	----	* (Fire)
Written Examination	90%	* (All candidates)
Oral Interview Process	10%	
In-depth Polygraph Test	----	Pass or Fail
Background Investigation	----	Pass or Fail
Psychological Evaluation	----	Pass or Fail
Medical Evaluation	----	Pass or Fail

***For All Candidates** - To be announced by the Board prior to conducting the examination and may vary based upon the examination or the testing agency used by the Board.

***For Fire Candidates** - Candidates shall provide proof of having successfully completed the Candidate Physical Agility Test (CPAT).

SECTION 6: ORIGINAL APPOINTMENT, ORIENTATION

It will be a requirement that all applicants attend an original appointment orientation program sponsored by the Board. Such orientation will provide information regarding the selection process including the examination schedule and estimated process completion date, the job duties and responsibilities, village demographics, employment benefits, work schedules, training programs and such other information as the Board determines appropriate.

SECTION 7: ORIGINAL APPOINTMENT, PHYSICAL ABILITY TEST

All applicants shall successfully complete a valid non-discriminatory and job related physical ability test. Police Candidates shall be required to pass the “Physical Aptitude Test” prior to being permitted to participate in the written examination.

All Fire Candidates on the Final Eligibility List shall maintain a Candidate Physical Agility Test Certification (CPAT) that is no more than one year old. Fire Candidates who are on the Final Eligibility List shall be required to provide a copy of said CPAT certification within 14 days of receiving notice from the Board that the candidate is being considered for appointment. No CPAT certification more than one (1) year old from the date of notice from the Board will be considered. No candidate shall receive a conditional offer of appointment without having provided evidence of such successful completion of CPAT.

SECTION 8: ORIGINAL APPOINTMENT, WRITTEN EXAMINATIONS

Information as to the type of written examination to be conducted by the Board will be provided as part of the orientation program. The material used in this examination shall be of such a nature that it will adequately outline the candidate’s aptitude to assimilate training and the duties of the position as a firefighter or patrol officer. All information regarding the validity of the examination shall be maintained by or on behalf of the Board in accordance with these Rules and Regulations.

All examination papers are the property of the Board and the grading thereof by the Board shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description. Candidates who fail to achieve a passing grade will be notified and eliminated from all further consideration.

SECTION 9: INITIAL ELIGIBILITY REGISTER

- a. The Board will prepare an “Initial Eligibility Register” of the candidates successfully passing the written examination. The candidates will be listed in order of excellence based on their final score.
- b. A dated copy of the Initial Eligibility Register shall be sent to each person appearing thereon.
- c. Candidates who are eligible for preference points shall make a claim in writing with proof thereof within ten (10) days after the publishing date of the Initial Eligibility List or such claim shall be deemed waived.

SECTION 10: ORIGINAL APPOINTMENT, ORAL INTERVIEW

- a. Oral Interviews shall be given on a periodic basis to those candidates appearing on the Initial Eligibility Register. Oral interviews shall be given to the highest ranking candidate on the Initial Eligibility Register and all candidates whose written examination score plus the addition of the maximum possible score on the oral interview plus the maximum amount of preference points as provided in Section 11 herein, would be equal to or greater than the written examination score of the candidate or candidates who are highest on the Initial Eligibility Register and would be considered for a vacancy.
- b. Evaluation Panel: The Board shall establish an oral evaluation panel that may include Board members or Evaluators appointed by the Board from outside resources.
- c. Subjects of Evaluation: Questions shall be asked of the Candidate that will enable the Board members to properly evaluate and grade the candidate on speech, alertness, ability to communicate, judgment, emotional stability, self-confidence, social skill and general fitness for the position.
- d. Grading of Evaluation: On completion of each oral interview the Board and/or evaluation panel will discuss the candidate’s abilities based upon the oral interview responses. Each Evaluator will then grade the candidate. The applicant’s final grade will be the average of the Evaluation panel’s grades. Candidates who fail to achieve a passing grade will be notified and eliminated from all further consideration.

SECTION 11: PREFERENCE IN APPOINTMENT

- a. The Board of Fire and Police Commissioners shall give preference for original appointment to the following persons whose names appear upon the eligibility register by adding five (5) points to the initial eligibility grade received:
 1. Persons who have successfully obtained an associate’s degree in the field of law enforcement, criminal justice, fire service or emergency medical services;

2. Persons who have successfully obtained a bachelors degree from an accredited college or university;
 3. Persons who have been awarded a certificate of successful completion of the Minimum Standards Basic Law Enforcement Training Course as provided in or part time police officer in the State of Illinois ;
 4. Persons who were engaged in the military or naval service of the United States for at least one year and who were honorably discharged or who are now or may hereafter be on inactive or reserve duty in such military or naval service (not including, however, in the case of offices, positions and places of employment in the police department, persons who were convicted by court martial of disobedience of orders where such disobedience consisted in the refusal to perform military service on the ground of religious or conscientious objection).
- b. Applicants who were employed as a full time firefighter or firefighter-paramedic in a municipal fire department or fire protection district shall be preferred for appointment by awarding 0.5 points for each year of service in those capacities up to a maximum of five (5) points.
 - c. Preference points awarded under this section shall not be cumulative.
 - d. To qualify for the preference, the applicant shall make the claim for the credit, in writing, within ten days after the posting of the initial eligibility list or the claim shall be deemed waived. An applicant may not receive preference points under this section if the amount of points awarded would place the applicant before a veteran on the eligibility list.

SECTION 12: FINAL ELIGIBILITY REGISTER

- a. The Commissioners will prepare and maintain a “Final Eligibility Register” which shall include the written examination score, the oral interview evaluation score and any claimed preference points described in Sections 10-2.1-8 and 10-2.1-9 of the Board of Fire and Police Commissioners Act (65 ILCS 5/10-2.1-8 and 65 ILCS 5/10-2.1-9), added to the original weighted scores of the applicants.
- b. A dated copy of the Final Eligibility Register shall be posted sent to each person requesting a copy of said Register.
- c. Appointment from this Final Eligibility Register is subject to, and dependent upon, satisfactorily passing the following: , a Polygraph Test, or other test which may include a test to screen for the use or abuse of drugs and/or narcotics or alcohol and a satisfactory background investigation, an in depth psychological evaluation and a medical evaluation. In addition, appointment to the position of firefighter shall require proof of CPAT certification which is no more than one year old from the date of the request to provide such certification.

No person shall be appointed who is in violation of Chapter II, Section 3 of these Rules and Regulations.

- d. Appointments from the Final Eligibility Register shall be made as vacancies are authorized by the Village.
- e. Any person whose name appears on the Final Eligibility Register may decline appointment. The Board may strike the candidate's name from the Final Eligibility Register or, for good cause shown, may maintain upon the Register the name of such candidate without otherwise altering the candidate's original position on the Register.
- f. The names of candidates for original appointment shall be stricken from the Eligibility List after such names have been on the List for more than 2 years.

SECTION 13: LATERAL ENTRY FOR POLICE

- a. A person who has been previously employed as a full-time police officer with a regular police department in any municipal, county, university, or State law enforcement agency and has completed at least two (2) years of service and the required probationary period (unless waived by the Board) as a "Police Officer" may be considered for lateral entry. In order to be considered for lateral entry, a completed application, as outlined in Section 2 must be submitted to the Board. All lateral entry applicants must provide documentation to show that their current responsibilities and duties are similar to those of a "Police Officer" in the Village of Lombard and must provide documentation that they have fulfilled the above stated requirements and the requirements of the Illinois Police Training Act. Lateral entry applicants who meet the aforementioned requirements and have been selected for lateral entry will not be required to attend the orientation in order to be placed on the eligibility list. However, all lateral entry candidates shall be required to successfully complete all other phases of the entry process prior to an offer of employment being given. No preference points, as outlined in Section 11, shall be applied to lateral entry applicants.
- b. All applicants that apply and are selected for lateral entry will be placed upon the separate Final Eligibility List for Lateral Entry in order of their relative excellence based upon their final score. The lateral entry applicant with the highest ranking on the Final Eligibility List for Lateral Entry will be considered tied with the highest ranking applicant from the Final Eligibility List for purposes appointment to a vacancy by the Board. The Board, in its discretion, may make an offer of employment to either a candidate from the Final Eligibility List or the Final Eligibility List for Lateral Entry.

SECTION 14: ADDITIONAL EXAMINATIONS AND TESTS

- a. Applicants for original appointment with the Fire or Police Department shall submit to a Polygraph Device Deception Test, at such time and place as the Board may designate. Such test shall be given without expense to the applicant. Failure of the applicant to take such test

on the date and time specified shall disqualify the applicant from further consideration. Each applicant must provide a waiver allowing the results of the polygraph to be released to the Board. Prior to administering the test, the applicant shall be provided with the general areas to be covered during the polygraph examination. No applicant may be disqualified solely on the basis of a polygraph device reading indicating that the applicant gave an untruthful response to a question. Applicants may be disqualified from further consideration on the basis of responses provided prior to or after the polygraph device portion of the examination, inconsistent responses to questions, efforts to manipulate, control or distort the data of the test or untruthful responses together with other information received by the examiner or the Board. The polygraph test shall be administered by a licensed operator.

- b. A thorough background investigation will be conducted on every candidate considered for appointment. Sworn personnel, trained in background investigations shall conduct the background investigation. The background investigation shall include but not be limited to: verification of qualifying credentials such as educational achievement, employment history, age, citizenship, driving records; criminal history; verification of at least three personal references and investigation of the applicant's integrity and character.

SECTION 15: PROBATIONARY APPOINTMENT

- a. All vacancies to the Fire or Police Departments shall be filled by individuals from the Final Eligibility Register in the order in which their names appear on the register and having met all requirements previously listed.
- b. In accordance with the provisions of the Americans with Disabilities Act, 42 USC 12112(d)(2)(A), the Board shall make a conditional offer of appointment to the applicant determined most qualified for the position, prior to conducting any medical examination of the applicant. Applicants shall be notified in writing of the conditional offer of employment and the conditions the applicant must meet in order to be offered a final offer of employment. The Applicants shall accept or decline the conditional offer of employment no later than five business days of the date upon the notification. Should an Applicant fail to accept or decline the conditional offer of employment within the required time period the Applicant shall be deemed to have declined the offer. After the conditional offer of appointment is made and accepted the applicant shall be required to submit to and pass a physical and medical examination as determined by the Board. The purpose of such examination shall be to determine whether the applicant is capable of performing the duties of the position for which he is seeking appointment. Medical examination has used herein shall mean any examination conducted by a health care professional the results of which are designed to reveal a physical or mental impairment which would cause the applicant to be unable to perform the duties of the position for which he is seeking appointment. Mental impairment shall include any physical or psychological disorder such as mental retardation, organic brain syndrome, and schizophrenia, multiple personality disorder, or specific learning disabilities. Prior to each examination the Applicant shall execute a waiver allowing the results of the examination to be released to the Board. All information from the examinations shall be strictly confidential

and shall not be subject to disclosure. All Applicants for the position of probationary police officers shall meet the physical criteria as set forth in the Ralph Andersen & Associates Class Specifications for the Village of Lombard Police Department.

- c. All original appointees to the Police Department shall serve a probationary period of not less than two (2) years from original date of appointment. All original appointees to the Fire Department shall serve a probationary period of one (1) year. Such probationary period may be extended, however, during the additional probationary period the firefighter may be discharged without a hearing only for failure to meet the requirements for paramedic certification.

SECTION 16: CERTIFICATION OF PROBATION

- a. Final certification of probationary police officers shall be subject to successful completion of the minimum training entrance standards as provided by the Illinois Governmental Law Enforcement Officers Training Board and certification by the State of Illinois within the prescribed probationary period and successful completion of the Field Training Program and satisfactory completion of the probationary period in accordance with the Rules and Regulations of the Lombard Police Department. Inability to successfully complete any of these standards shall be grounds for unsatisfactory termination of the probationary period and dismissal.
- b. Final certification of probationary firefighters shall be subject to successful completion of the Certified Firefighter Basic Training Course as prescribed by the Illinois Fire Protection Personnel Standard and Education Commission, paramedic certification by the State of Illinois within the prescribed probationary period, and satisfactory completion of the probationary period in accordance with the Rules and Regulations of the Lombard Fire Department. Inability to successfully complete any of these standards shall be grounds for unsatisfactory termination of the probationary period and dismissal.

SECTION 17: FAILURE TO COMPLETE SELECTION PROCESS

All Applicants who have failed to successfully complete any phase of the selection process shall be notified of such failure in writing within thirty days of such determination. With the exception of those Applicants who are determined not qualified pursuant to Chapter 2, Section 3, are disqualified for cheating on any examination or for providing false information, or who have failed to successfully complete the background investigation, polygraph examination or medical evaluation, Applicants not selected for appointment may participate in future selection processes for original appointment.

CHAPTER IV: PROMOTIONAL SELECTION PROCESS

SECTION 1: GENERAL

Promotion in the Fire and Police Departments shall be based upon ascertained merit and seniority in service and examination. Where it is practicable, vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such non-probationary members of the next lower rank as desire to submit to examination. The Board may be assisted by a testing agency with the administration, validation and scoring of examinations. Examinations shall measure the skills, knowledge, abilities and traits necessary to perform duties and obligations of the position. The Chief of the respective department shall assist the Board in the distribution of notices of examination and facilitation of access to study materials. The Board shall strike off the names of candidates for promotional appointment after they have remained thereon for more than three (3) years, provided there is no vacancy existing which can be filled from the promotional register.

SECTION 2: POLICE DEPARTMENT PROMOTIONS

- a. The Promotional Examination score for all ranks shall be determined as follows:
 1. The earned score of the Written Promotional Score shall constitute twenty-five percent (25%) of the final promotional examination. Failure to achieve the minimum passing grade, as set by the Board, in this examination shall disqualify the applicant from any further participation in the current promotional exams.
 2. The earned score on the oral examination shall constitute twenty-five percent (25%) of the final promotional examination.
 3. Department Merit and Efficiency Rating: (Based on Department Efficiency Ratings and Commanding Officer's rating) equals fifteen percent (15%) of the final promotional examination, subject to approval in advance by the Board as to the methods to be used in the evaluations by the Department.
 4. Assessment Center: The earned score for the assessment center shall constitute twenty-five (25) per cent of the final promotional examination.
 5. In Grade Seniority: One percent (1%) per six months of time in grade, up to a maximum of ten (10) points or ten percent (10%).
 6. Maximum Score equals one hundred percent (100%).
- b. The position of Police Department Deputy Chief shall be classified as an exempt rank and appointment to the position of Police Department Deputy Chief shall not be made by the Board.
- c. All promotions shall be made by the Board, in its discretion, from the three (3) candidates having the highest rating on the Promotional Eligibility Register, and where there are less than three (3) names on the Promotional Eligibility Register, as originally posted, or remaining thereon after appointments have been made therefrom, appointments to fill

vacancies shall be made from the name or names remaining on the Promotional Eligibility Register.

- d. The Board, upon tabulation of the scores as determined in each of the areas set forth in subparagraph a. above, shall prepare an Initial Promotional List ranking all candidates in the order in which they finished as compared to the other candidates, with the highest score being first and the lowest score being last. The actual scores will not be listed on the Initial or Final Promotional List. The Initial Promotional List shall be subject to Veteran's Points if allowable and as set forth in Section 10-2.1-11 of the Board of Fire and Police Commissioners Act (65 ILCS 5/10-2.1-11). Upon request by the candidate and if otherwise allowable, Veteran's Points shall be added to the candidate's final unpublished score and a Final Promotional List shall be compiled and posted following the same procedure as in the preparation of the Initial Promotional List.
- e. The Board in determining next in order of rank in promotional examinations herewith determines a policy of extending the examination successfully through all of the order of rank in the services in an endeavor to qualify suitable eligible or eligible for the vacancy or vacancies existing before extending the examination to the general public.
- f. Appointment from this Final Promotional Eligibility Register is subject to, and dependent upon, the applicants satisfactorily passing each of the following:
 - an in-depth Psychological Examination
 - a satisfactory background check;
 - and meeting the minimum requirements for the position as established by the Village.

SECTION 3: FIRE DEPARTMENT PROMOTIONS – Battalion Chief

- a. Battalion Chief: The Promotional Examination score for the rank of Battalion Chief of the Fire Department shall be determined as follows:
 1. The earned score of the Assessment Center shall constitute seventy-five percent (75%) of the final promotional examination. Failure to achieve the minimum passing grade, as set by the Board, in this examination shall disqualify the applicant from any further participation in the current promotional process.
 2. Department Merit and Efficiency Rating: (Based on Department Efficiency Ratings and Commanding Officer's rating) equals fifteen percent (15%) of the final promotional examination, subject to approval in advance by the Board as to the methods to be used in the evaluations by the Department.
 3. In Grade Seniority: .0883 of one point for each one month of time in grade, up to a maximum of ten (10) points.

4. Maximum score equals one hundred percent (100%).
- b. The Board, upon tabulation of the scores as determined in each of the areas set forth in subparagraph b. above, shall prepare an Initial Promotional List ranking all candidates in the order in which they finished as compared to the other candidates, with the highest score being first and the lowest score being last. The Initial Promotional List shall be subject to Veteran's Points if allowable and as set forth in Section 10-2.1-11 of the Board of Fire and Police Commissioners Act (65 ILCS 5/10-2.1-11). Upon request by the candidate and if otherwise allowable, Veteran's Points shall be added to the candidate's final unpublished score and a Final Promotional List shall be compiled and posted following the same procedure as in the preparation of the Initial Promotional List.
- d. The Board in determining next in order of rank in promotional examinations herewith determines a policy of extending the examination successfully through all of the order of rank in the services in an endeavor to qualify suitable eligible or eligible for the vacancy or vacancies existing before extending the examination to the general public.
- e. All promotions shall be made by the Board, in its discretion, from the three (3) candidates having the highest rating on the Promotional Eligibility Register, and where there are less than three (3) names on the Promotional Eligibility Register, as originally posted, or remaining thereon after appointments have been made therefrom, appointments to fill vacancies shall be made from the name or names remaining on the Promotional Eligibility Register
- f. Appointment from this Final Promotional Eligibility Register is subject to, and dependent upon, the applicants satisfactorily passing each of the following:
 - an in-depth Psychological Examination
 - a satisfactory background investigation;
 - and meeting the minimum requirements for the position, as established by the Village, at the time of appointment.

SECTION 4: FIRE DEPARTMENT PROMOTIONS – Fire Lieutenant

Promotions to the rank of Fire Lieutenant shall be made in accordance with the provisions of the Fireman's Promotion Act, Public Act 93-0411, and as set forth in Appendix A, attached hereto and made a part of these Rules and Regulations.

SECTION 5: IN GRADE SENIORITY

The minimum in grade seniority requirements for promotion to Fire Department Battalion Chief shall be completion of five (5) years of service in rank of Fire Lieutenant.

SECTION 6: INELIGIBILITY

- a. Any applicant who has failed to successfully complete any portion of the selection process shall be notified in writing. Such notification shall be made within thirty days of the decision.
- b. Any applicant who believes an error has been made in eligibility, examination or placement on the promotion list shall be entitled to review by the Board or as otherwise provided by law.
- c. Any applicant who fails to successfully complete any portion of the promotional process or who is not promoted from the eligibility list may reapply for the next promotional process.

**CHAPTER V: ORDER OF RANK,
CLASSIFICATION AND OATH OF OFFICE**

SECTION 1: RANK

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

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

SECTION 2: CLASSIFICATION

The Board classified such offices in the fire and police services for the purpose of establishing and maintaining standards of examinations and promotions based upon job descriptions and departmental regulations.

SECTION 3: OATH OF OFFICE

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

“I, _____, do solemnly swear or affirm that I will support the Constitution of the United States, the Constitution of the State of Illinois, and the ordinances of the Village of Lombard and that I will faithfully discharge the duties of the office according to the best of my ability.”

Signed: _____

Subscribed and Sworn to before me this ____ day of _____, 19__.

Notary Public: _____

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

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

SECTION 1: HEARING OF CHARGES

- a. Hearings before the Board are not common law proceedings. The provisions of the “Illinois Code of Civil Procedure” do not apply to hearings before the Board.
- b. “Counsel” as used herein means a person who has been admitted to the bar as a duly licensed attorney-at-law in this State.
- c. Cause” is some substantial shortcoming which renders continuance in employment in some way detrimental to the discipline and efficiency of the public service and something which the law and sound public opinion recognizes as good reason for the officer no longer occupying his position.
- d. The Complainant or Appellant initiating any proceedings which call for a hearing before the Board shall have the burden of proof to establish by a preponderance of the evidence that cause for discipline exists or that a suspension, previously imposed by the Chief of a department is unwarranted. Should the question of a crime be involved, the rule of “reasonable doubt” shall not control.
- e. The phrase “preponderance of evidence” is defined as the greater weight of the evidence, that is to say, it rests with that evidence which, when fairly considered produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighted against the evidence in opposition thereto.
- f. All hearings shall be public, in accordance with the Open Meetings Act. Illinois Compiled Statutes, Chapter 5, Section 120/1 et. seq.
- g. At the time and place of hearing, both parties may be represented by counsel, if they so desire.
- h. All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board.
- i. The records of all hearings will not be transcribed by the reporter unless requested to do so by the Board or any party of interest.

- j. All witnesses shall be sworn prior to testifying and the matter will be decided by the Board solely on evidence presented at the hearings. The credibility of any witness and the weight to be given to any witness' testimony shall be determined by the Board.
- k. The Board will first hear the witness either substantiating the charges which have been made against the respondent or in support of an appeal brought by a suspended police officer or firefighter. Thereafter, the other party may present and examine those witnesses whom he desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

SECTION 2: HEARING PROCEDURE

- a. **COMPLAINTS:** In all cases, written complaints shall be filed setting forth a plain and concise statement of the facts upon which the Complaint is based. The Complaint shall be signed by the person or persons making or bringing such Complaint.
- b. **HEARING OFFICER:** The attorney for the Board shall act as hearing officer and shall make all rulings as to evidence and procedure.
- c. **NOTIFICATION OF HEARING:** Upon the filing of a complaint with the Secretary of the Board, and the determination by the Board of proper cause for entertaining said complaint, the Secretary of the Board shall notify both the complainant and respondent, either by registered mail or certified mail, return receipt requested, or personally, of the time and place of the hearing of the charges contained in the Complaint. The respondent shall also be served with a copy of the complaint, and if an Order of Suspension Pending a Hearing is entered by the Board, the respondent, the complainant, the Chief of the Department, the treasurer, comptroller, manager, or other finance officer of the municipality shall be notified of the entry of such Order of Suspension Pending a Hearing, and be served either personally or by registered or certified mail, return receipt requested, with a copy of such Order.
- d. **CONTINUANCES:** The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.
- e. **STIPULATIONS:** Parties may, on their own behalf, or by counsel, stipulate and agree in writing, or on the record as to evidentiary guilt. The facts so stipulated shall be considered as evidence in the proceeding.

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

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

SECTION 3: SUBPOENAS

- a. Any party to an administrative hearing may, at any time before the hearing, make application to the Board by filing with it a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records, accounts and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person twenty-one (21) years of age or older designated by the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce. Subpoenas will not be issued for anyone residing outside of the State of Illinois.
- b. Any request for continuance by reason of inability to serve subpoenas shall be filed in the office of the Board at least three (3) days before the date set for such hearing, provided, however, that the Board in its discretion may waive this rule.

SECTION 4: SERVICE

All papers required by these Rules and Regulations to be served shall be delivered personally to the party designated or mailed, by United States mail in an envelope properly addressed, with postage prepaid, to the designated party at his last known residence as reflected by the complaint filed with the Board, except as herein otherwise provided. Proof of service of any paper may be made by the certification of any person so mailing the paper or delivering the same to the designated party personally, or by filing a return receipt showing that a paper was mailed by either registered or certified mail, return receipt requested, to a party's address where it was received by a named party.

SECTION 5: FILING

All papers may be filed with the Board by mailing them or delivering them personally to the Secretary of the Board at the Village of Lombard, 235 East Wilson Avenue, Lombard, Illinois, 60148. For the purpose of these Rules and Regulations, the filing date of any paper shall be the date it was received in the Board's office, in the event the paper is delivered personally or by messenger. In the event a paper is forwarded by mail, then the filing date shall be the date which is postmarked on the envelope of such paper.

SECTION 6: FORMS OF PAPER

- a. All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.

- b. If typewritten, the lines shall be double spaced except that long quotations may be single spaced and indented.
- c. All papers shall be not larger than 8-1/2” by 11” with inside margins of not less than one inch.
- d. The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent, or attorney thereof and copies thereof provided the opposing party or his counsel.
- e. If papers are filed by an attorney, his name and address shall appear thereon.

SECTION 7: COMPUTATION OF TIME

The time within which any act under these Rules is to be done shall be computed by excluding the first day and including the last, unless the last day is Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in the State, and then it shall also be excluded. If the day succeeding such Sunday or holiday is also a holiday or a Sunday, then such succeeding day shall also be excluded.

SECTION 8: SUSPENSION

- a. The Board may suspend any member of the Fire or Police Department against whom charges have been preferred, pending a hearing of the charges by the Board, but not to exceed thirty (30) days, without pay, at any one time.
- b. The Chief of the Fire or Police Department shall have the right to suspend any officer under his command for a period of not to exceed five (5) days, providing no charges on the same offense have been filed and are pending before the Board, and he shall notify the Board in writing within five (5) days of the time of such suspension. Any police officer or firefighter so suspended may appeal to the Board for a review of the suspension within five (5) days after such suspension by filing notice of such appeal in writing with the Secretary of the Board of Fire and Police Commissioners. A hearing shall be had upon such appeal, and due notice given to the Chief of the Department who suspended such officer, and to the officer so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal.
- c. Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the officer so suspended receive his pay for the period involved, may suspend the officer for a period of not more than thirty (30) days, or discharge him, depending on the evidence presented.

SECTION 9: DISCHARGE OR SUSPENSION AFTER HEARING

- a. Discharge from office, or suspension from service in the Fire or Police Department shall be in compliance with the Fire and Police Commissioners Act of the State of Illinois, (65 ILCS 5/10-2.1-1 et. seq.).
- b. The Board shall, within a reasonable time not to exceed fifteen (15) days after the hearing is completed, enter its findings on the records of the Board.

SECTION 10: DATE OF HEARING

The hearing of charges shall be set by the Board, within thirty (30) days of the time of the filing of such charges. Continuances may be granted from time to time upon motion of any party to the proceeding by order of the Board. This time limitation is not applicable to hearings conducted to review suspensions of five (5) days or less imposed by a Chief of a department on one of its members.

SECTION 11: FINDING AND ORDER

In case any member of the Fire or Police Department shall be found guilty of the charges preferred against him after a hearing by the Board, he may be removed, discharged, or suspended for a period not exceeding thirty (30) days, per charge, without pay. If removal or discharge is ordered, such removal or discharge shall be effective immediately. Upon an appeal, the Board may sustain the action of the Chief, may reverse it, in whole or in part, or may suspend the officer or firefighter for an additional period of not more than thirty (30) days or discharge him depending on the facts presented.

SECTION 12: RULES - CONFLICT

The personnel of the Fire and Police Department shall be governed by the Rules as adopted by the Board and the Regulations of the Fire and Police Departments. In case of conflict, the Rules of the Board shall govern.

SECTION 13: POLITICAL CONTRIBUTIONS

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

SECTION 14: VIOLATION OF RULES

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

SECTION 15: VIOLATION OF LAW

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

SECTION 15: FINDING AND DECISION

The finding and decision of the Board, following a hearing of charges, shall be preserved by the Secretary, and notice of said finding and decision sent to the officer involved and the department head for enforcement. If the finding or decision is that an officer or employee is guilty of charges investigated, and removal or discharge is ordered, such order of removal or discharge shall become effective forthwith. (See Section 9 of this Chapter).

CHAPTER VII GENERAL RULES

SECTION 1: RULES AND ORDERS OF THE BOARD

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

SECTION 2: POWERS AND DUTIES

The Board shall have such other Powers and Duties as are granted from time to time by the Illinois Legislature or by ordinance.

SECTION 3: CONFLICT WITH STATE STATUTES

In the event that any Chapters, Sections and/or Subsections of the foregoing Rules for the operation of the Board of Fire and Police Commissioners are in conflict with State Statute or with any amendments thereto that may hereafter be enacted, the Illinois Compiled Statutes shall govern. This, however, shall not invalidate any other Chapters, Sections and/or Subsections of said Rules.

SECTION 4: AMENDMENTS

Amendments to the Rules of the Board may be made at any meeting of the Board. A notice shall be published, in a newspaper of general circulation in the municipality, specifying where such Rules are available for inspection. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication when said Rules shall become effective.

SECTION 5: LEAVE OF ABSENCE

The Board shall have the ability to grant leaves of absence by reason of military service or duty-related disability as specified in Section 10-2.1-23 of the Board of Fire and Police Commissioners Act (65 ILCS 10-2.1-23). If a Leave of Absence is granted by the Board during a probationary period, such probationary period shall be tolled until the probationary employee returns from his leave of absence.

SECTION 6: RECORDS

- a. The Secretary of the Board or his designee shall be responsible for the storage and maintenance of the records for those personnel activities carried out under the Board's authority. Records are categorized as classified and non-classified.
- b. Non-Classified Records include the following:
 1. Data required to comply with the provisions of these guidelines regarding recruitment, selection and promotion.
 2. Data required to comply with state and federal regulations regarding equal employment and other related regulations and statutes.
 3. Flow data for each applicant for full-time employment by sex, race and national origin.
- c. Classified Records shall include but not be limited to the following:
 1. Applications, waivers and releases, educational and military records.
 2. All recommendations, findings, reports, etc. resulting from any of the various tests and examinations authorized by the Commission, including, but not limited to:
 - a. Medical reports.
 - b. Written examination results.
 - c. Psychological evaluations.

- d. Oral interview ratings.
3. Any other findings, reports, recommendations, etc. which are:
- a. Associated with background investigations conducted on behalf of the Commission by the Police Department (at least three-year retention).
 - b. Turned over to the Commission for consideration in the recruitment, selections or promotion process of an individual candidate for a Police Department position under Commission control.
- d. Selection materials are considered classified material and will be stored in secured areas when not in use so as to preclude unauthorized access. Review of all materials shall be in strict conformance with the Illinois Freedom of Information Act. Materials used in the selection processes shall be disposed of in accordance with Illinois law.

CHAPTER VIII ADDITIONAL RULES

SECTION 1: POLYGRAPH EXAMINATION

Any applicant for original appointment with the Fire or Police Department for the Village of Lombard, Illinois, shall submit to a Polygraph Device Deceptive Test, commonly known as a Lie Detector Test, at such time and place as the Board may in writing designate. Such test shall be given without expense to the applicant. Failure of the applicant to take or pass such test shall disqualify him to enter upon the duties of the office for which the application for examination was filed.

SECTION 2: PSYCHOLOGICAL EXAMINATION

Each applicant for either an original appointment or for promotion shall submit to a Psychological Examination by such Psychologist or psychiatrist as the Board may in writing designate.

Such examination shall be without expense to the applicant. Failure of the applicant to take or pass such test shall eliminate him from further consideration.

SECTION 3: PROBATION

Original appointment shall be on “probationary basis” for a period of two (2) years. In no case shall a probationer be discharged until after the Chief of the Department has received from the Board a notice in writing that the Board has approved such a discharge. Time served on probation, whether continuous or not, shall be fully credited.

SECTION 4: ILLINOIS POLICE TRAINING ACT

By reason of the fact that this Municipality has adopted the provisions of the Illinois Police Training Act, (50 ILCS 705/1 et. seq.), all probationary policemen appointed by this Board shall take and

complete an approved training course within a period of six (6) months of the date of his initial employment and shall be certified by the Illinois Governmental Law Enforcement Officers Training Board that he has successfully completed said course. Failure of said probationary policeman to take said course at such times as designated or failure to pass such course shall result in immediate discharge of such probationary policeman.

SECTION 5: ILLINOIS FIRE PROTECTION AND TRAINING ACT

All probationary firefighters appointed by this Board shall take and successfully complete the required courses for certification as Illinois Firefighter II as provided by Public Act 77-1665. Said courses must be taken and successfully completed during the firefighter's first twelve (12) months of the probationary period. Failure to certify, as State of Illinois Firefighter II during the first twelve (12) months of the probationary period shall subject to discharge of the probationary firefighter prior to his certification as a regular member of the Fire Department.

SECTION 6: FIREFIGHTER/PARAMEDIC

It is the duty of each appointee to the Fire Department, to successfully complete the Emergency Medical Technician Course and Paramedic training during the Firefighter/Paramedic's two (2) – year probationary period. In addition, it is the duty of each Firefighter/Paramedic to maintain his certification as a Paramedic during his entire course of employment with the Village of Lombard Fire Department. Failure to obtain certification during the probationary period; or failure to maintain Paramedic certification during his course of employment, shall constitute grounds for termination of employment in the Fire Department of the Village of Lombard.

SECTION 7: EFFICIENCY REPORTS

The Board shall receive from the Chief of the Department a quarterly efficiency of evaluation report, including the results of the Basic Training Course, on probationary patrol officers and firefighters.

For all other members of the Department reports shall be made available on an annual basis to the Board within ten (10) days of the anniversary date of appointment. This report shall include in addition to efficiency report, a report on schools attended, commendations or reprimands given and any other pertinent information that might be appropriate in possible promotional examination.

CHAPTER IX ADOPTION OF RULES

These Rules were adopted by the Board of Fire and Police Commissioners, Village of Lombard, Illinois, on 31st day of July, 2000, and became effective on the 15th day of September, 2000. They were amended on January 29, 2002, June 18, 2002, July 23, 2002, September 24, 2002, April 5, 2004, May 25, 2004, June 21, 2004, March 1, 2006; September 26, 2006, December 13, 2006,

November 29, 2007, February 26, 2008, March 25, 2008 , March 24, 2009, June 23, 2009, December 22, 2009 and January 16, 2010.

Board of Fire and Police Commissioners,
Village of Lombard, Illinois

Chairman

Commissioner

Commissioner

ARTICLE XIV – VACANCIES AND PROMOTIONS

SECTION 14.1 - PROMOTION TO THE RANK OF LIEUTENANT

Promotions to the rank of Lieutenant shall be in accordance with the provisions of this Article and, if not otherwise covered by this Article, the applicable provisions of the Fire Department Promotion Act, 50 ILCS 742 (hereinafter the "Promotion Act").

All remaining aspects of the Lieutenant's promotional process shall be in accordance with the applicable Rules and Regulations of the Village Board of Fire and Police Commissioners (hereinafter the "BOFPC"), as the same may be changed from time to time, provided that such rules shall not contravene the provisions of this Article or the applicable provisions of the Promotion Act.

SECTION 14.2 – VACANCIES

This Article applies to promotions to vacancies in the rank of Lieutenant. A vacancy in the rank of Lieutenant shall be deemed to occur on the date upon which the position is vacated, provided that the position continues to be funded and authorized by the Village. If the Village should add lieutenant positions to the budget the position shall be treated open based upon the date funded in the adopted budget. If a vacated Lieutenant position is not filled due to the lack of funding or authorization, and is subsequently reinstated the final promotion list shall be continued in effect until all Lieutenant positions that were vacated and not filled due to the lack of funding or authorization have been filled or for a period of up to five (5) years beginning from the date on which such position was vacated.

SECTION 14.3 – ELIGIBILITY REQUIREMENTS

The examination process for promotion to the rank of Lieutenant shall be competitive among the rank of Firefighter who meets the eligibility requirements.

Firefighters shall be eligible to participate in the process for promotion to Lieutenant if they have served a minimum of five (5) years on the Lombard Fire Department, including probation, as of the date of the written examination. Commencing with the second promotional testing process conducted following the date of this Agreement, the following additional eligibility requirements shall apply:

- (1) All applicants must be certified as an Advanced Firefighter as described by the Illinois Office of the State Fire Marshal;

(2) All applicants must be an Illinois Licensed Paramedic as of the date of the close of applications for the promotion testing process as established by the BOFPC; and

(3) All applicants must be certified as a Fire Officer I or provisional Fire Officer I as described by the Illinois Office of the State Fire Marshal as of the date of the close of applications for the promotion testing process as established by the BOFPC.

It is further understood that any non-paramedic who was permitted to apply before the second promotional testing process must become an Illinois Licensed Paramedic within two (2) years of the date he or she is promoted, or said employee shall be demoted to their prior rank.

The Union and the Village hereby waive any requirement that eligibility requirements be published at least one year prior to the date of the beginning of the promotional process, including, but not limited to, any such requirement under Section 15 (b) of the Promotion Act.

SECTION 14.4 – APPLICATION TO BE TESTED

The posting of the testing process by the BOFPC shall include a date and time by which the applicant who wishes to be tested shall have submitted an application in person to the Fire Chief or his designee, or by certified mail addressed to the Fire Chief . (Any application submitted by certified mail must be received by the date specified in the BOFPC posting.) This posting shall be made no less than sixty (60) calendar days prior to the deadline for submitting the application, and shall include a copy of the application form. The form provided by the fire department shall be officially received, signed and date-stamped. A copy will be made available to the applicant.

No applications shall be received after the closing date and time specified in the BOFPC posting. Failure to submit such form by the closing shall preclude any consideration to the testing process.

SECTION 14.5 – COMPONENTS OF THE PROMOTIONAL PROCESS AND THE WEIGHTING OF COMPONENTS

The placement of eligible candidates on a promotion list shall be based on the points achieved by the candidate on each of the following five components weighted as specified.

Order of Administration	Component	Weighting Percentage
1	Seniority	10%
2	Ascertained Merit	10%
3	Chief's Points	15%
4	Written Examination	40%
5	Assessment Center	25%

SECTION 14.6 – CANDIDATE WITHDRAWAL

If a candidate wishes to withdraw from the promotional process he may do so prior to the final posting, the candidate shall so advise the Fire Chief in writing. After receipt of the request the candidate name will be removed from any posting in regard to the promotion.

SECTION 14.7 – PROMOTION PROCESS

Seniority

Seniority shall be calculated based upon whole months of completed service as of the close of applications for the promotion testing, as established by the BOFPC. Seniority shall be calculated as follows:

- Candidates shall be granted .5555 point for each completed month of full-time service with the Lombard Fire Department, beyond sixty (60) months of completed service.
- The total point value shall not exceed 100 points, based upon twenty (20) or more years of service.

Ascertained Merit

A maximum of 100 points can be earned based on ascertained merit, which shall be determined on the basis of the following:

	Points
Thirty Hours of College Credit with no degree	10 points
Associate's Degree - Non-Fire/EMS Related/Emergency Management	15 points
Associate's Degree - Fire/EMS Related/Emergency Management	20 points
Bachelor's Degree - Non-Fire/EMS Related/Emergency Management	25 points
Bachelor's Degree - Fire/EMS Related/Emergency Management	35 points
Master's Degree - Non-Fire/EMS Related/Emergency Management	40 points
Master's Degree - Fire/EMS Related/Emergency Management	50 points

Points are cumulative. All post-secondary degrees or credit hours must be from a degree granting educational institution accredited by the North Central Association or an equivalent regional institutional accreditor in the United States that is recognized by the U.S. Department of Education and the Council on Higher Education Accreditation.

Chief's Points

The Fire Chief shall rate each candidate from 0 to 100 points. The total weighted score awarded to all candidates shall be sent via email and sent via certified mail to each candidate as provided in this article. The Fire Chief shall assign points based on his assessment of each candidate's qualifications and abilities to perform the duties of Lieutenant. The Chief's points shall be based on job related criteria. Such criteria shall be disclosed to all candidates and the Union at least 90 days prior to the awarding of the points.

If an employee files a grievance over the Chief's points and it is appealed to arbitration, the arbitrator shall apply the arbitrary and capricious standard to determine whether or not the contract has been violated. Any such grievance must be filed at Step 4 of the grievance procedure within fourteen (14) calendar days of the date the Chief's point ratings are sent via certified mail to the employee's home address.

Written Examination

The BOFPC will post a reading list of the study materials for written examination, which shall include study and reference material for all major areas contained in the written examination at both fire stations, at least ninety (90) calendar days in advance of the date of the written examination. The written exam shall be conducted by an outside vendor selected by the BOFPC. The written exams may be scored off site or on site as elected by the vendor. The candidates may review their scores and/or challenge questions with a representative of the vendor at a pre-determined time period at the Village, provided that the BOFPC or the BOFPC's designee shall make the final determination.

The Village will not retain an outside vendor to conduct the written exam unless such vendor agrees not to offer a pre-examination review session to eligible employees in advance of the written examination component which they have been retained to conduct.

Assessment Center

The BOFPC will select an independent vendor, who will use a panel or panels of fire command officers from other public sector jurisdictions to conduct an Assessment Center. The Assessment Center may include the use of multiple assessment techniques. Each candidate may be awarded up to 100 points by the Assessment Panel.

The Village will not retain an outside vendor to conduct the Assessment Center unless such vendor agrees not to offer a pre-assessment center review session to eligible employees in advance of the assessment center component which they have been retained to conduct.

SECTION 14.8 – SCORING COMPONENTS AND POSTING OF PRELIMINARY PROMOTION LIST

Each component of the promotional test shall be scored on a scale of 100 points. The component scores shall then be reduced by the weighting factor assigned to the component on the test, carried out two (2) decimal places, and the scores of all components shall be added to produce a total possible score of 100 points. After each component is completed, the score for that component shall be mailed to the applicant's home address. Candidates shall then be ranked on the list in rank order based on the highest to the lowest total weighted points scored on all components of the test. This shall be the preliminary promotion list.

SECTION 14.9 – MILITARY PREFERENCE POINTS

Once the preliminary promotion list is posted, if a candidate wishes to receive points for being a military veteran such employee must affirmatively so request in writing to the BOFPC or their designee within fifteen (15) calendar days of the posting of such list. The determination of whether an employee is eligible for military preference points shall be based on the provisions of the Illinois Municipal Code, 65 ILCS Sections 5/10-2.1-10. Candidates who are otherwise qualified and timely request credit for at least one year of active military service, shall be granted military preference points of 0.1389 of one point for each month of such military service not exceeding thirty-six (36) months [maximum military preference points is five (5)]. Any person who has received a promotion from a promotion list on which his or her position was adjusted for military preference, under this Article, the Promotion Act or any other law, shall not be eligible for any subsequent military preference points.

SECTION 14.10 - FINAL PROMOTION LIST

After all components of the promotional process have been completed and any military preference points added, the score for all components for each candidate who completed all components shall be tallied, and a final promotion list shall be prepared by the BOFPC. The final promotion list shall be posted on the bulletin board at each fire station and at the Village Hall, listing in rank order from highest to lowest the scores of all candidates, except for candidate who withdrew from the process. Once posted this date becomes the start date for the life of the list. In the event two or more candidates receive the identical score on the final list, priority shall be given to the person with the greatest seniority, among those with the same score. It is further agreed, however, that any candidate who

fails to achieve a total weighted score of 75.00 points or greater shall be excluded from the final promotion list and ineligible for promotion.

SECTION 14.11 – ORDER OF SELECTION

When there is a vacant or newly created position in the rank of Lieutenant that the Village has funded and authorized to be filled, the BOFPC shall appoint to that position the person with the highest ranking on the final Lieutenant Promotional List, except that the BOFPC, upon recommendation of the Fire Chief, shall have the right to pass over that person and appoint the next highest ranked person on the list if the BOFPC 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 BOFPC shall document their reasons for their decision to select the next highest ranking person on the list. Any dispute as to the selection of the first or second highest-ranking person shall be subject to resolution in accordance with the provisions of the grievance and arbitration procedure set forth in Article 9 of this Agreement; provided, however, any such grievance must be filed at Step 4 within seven (7) calendar days of the date the employee is notified, in writing, of the BOFPC's reason for passing him over. If a timely grievance is filed, the promotion shall be held in abeyance pending completion of the grievance process. During the pendency of any such grievance, the BOFPC may exercise their authority, pursuant to ILCS 5/10-2.1-16, to make a temporary appointment. If no such appointment is made the procedures set forth in Article XVIII (Acting Out of Classification) of this Agreement shall be utilized. Unless the reasons for passing over the highest ranking person are not remediable, no person who is the highest ranking person shall be passed over more than once. Any candidate may refuse a promotion once without losing his position on the final promotional list. Any candidate who refuses a promotion a second time shall be removed from the final promotion list, provided that such action shall not prejudice a person's opportunity to participate in future promotional testing processes. Candidate refusal must be in writing.

SECTION 14.12 – DURATION OF FINAL PROMOTION LIST

A final promotion list developed pursuant to this Article shall be effective for a period of three (3) years from the date of its posting. Integrated lists shall not be utilized.

SECTION 14.13 – MONITORING OF THE TESTING PROCESS

The Union and the Village may elect to have up to two (2) monitors each at the written exam and the Assessment Center. The monitors cannot be participants in the testing process. The monitors are observing only and cannot be disruptive to the process. The failure to be on time or to attend will not impede the testing process. Names of the monitors for the Union have to be provided by the Union to the Fire Chief five (5) calendar days before the test component.

SECTION 14.14 – RIGHT OF REVIEW

Any individual participant in the promotional process who believes that an error has been made with respect to eligibility to take an examination, examination result, placement or position on a promotion list, or application of military preference points shall be entitled to a review of the matter

by the BOFPC or as otherwise provided by law. Such a review request must be made within seven (7) calendar days of the final posting.