

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

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**RULES AND REGULATIONS OF THE
BOARD OF FIRE AND POLICE COMMISSIONERS OF THE
VILLAGE OF FLOSSMOOR
COUNTY OF COOK STATE OF ILLINOIS**

Pursuant to the authority vested in the Board of Fire and Police Commissioners of the Village of Flossmoor, Illinois, by the Ordinances of said Village, Cook County, Illinois, and by the Statutes of the State of Illinois. The following rules and regulations are hereby adopted.

CHAPTER I - ADMINISTRATION

Section 1 **DEFINITIONS.** The word Act shall mean the Board of Fire and Police Commissioners Act Illinois Municipal Code 65/ ILCS 5/Art. 10 Div. 2.1, et.seq. The words "Commission" and/or "Board" wherever used herein shall mean the Board of Fire and Police Commissioners of the Village of Flossmoor, Illinois. The word "Officer" shall mean any person holding a permanent office in the Fire or Police Department of the Village of Flossmoor. The words Village or municipality shall mean the Village of Flossmoor, Cook County, Illinois. The masculine noun or pronoun includes the feminine. The singular includes the plural and the plural the singular.

Section 2 **OFFICERS OF BOARD AND THEIR DUTIES.** The Board shall annually, at the first meeting in May of each year, elect a Chairman and a Secretary. They shall hold office for one 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 the forms, papers, books, records, and completed examinations of the Board. The Board of Fire and Police Commissioners shall have such powers and duties as are now, or as may hereafter be given to it by law.

Section 3 **MEETINGS.**

(a) Regular meetings shall be held on the second Wednesday in May, August, November and February at 6:30 P.M. in the Village Hall, Village of Flossmoor, Illinois, 2800 Flossmoor Road, unless the Chairman shall designate otherwise.

(b) Special meetings may be called by the filing of a notice in writing with the Secretary of the Board, signed by any two members. This notice shall contain a brief statement of the business to be submitted for the consideration of the Board at such special meeting, and

shall set forth the time and place of such special meeting, and no other business shall be considered at such special meeting.

(c) Special meetings may also be called by the Chairman of the Board and he shall designate in a notice to be filed with the Secretary of the Board, the time and place of the special meeting and the business to be considered at such special meeting, and no other business shall be considered at such special meeting, except by unanimous consent of the whole Board.

(d) Notice of all meetings shall be given in accordance with the Illinois Open Meetings Act (5 ILCS120/).

Section 4 **QUORUM.** Two members of the Board shall constitute a quorum.

Section 5 **ORDER OF BUSINESS.** The order of business at any meeting shall be (1) Roll Call; (2) Reading of the Minutes; (3) Communications; (4) Unfinished Business; (5) New Business; (6) Adjournment. When applicable the parliamentary procedure prescribed in Robert's "Rules of Order" shall be followed.

Section 6 **AMENDMENTS TO RULES.** Amendments to or revisions of The Rules and Regulations of the Board may be made at any meeting of the Board. All amendments and revisions 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. The notice shall specify the date, not less than ten days subsequent to the date of such publication, when said rules shall go into effect.

Section 7 **ANNUAL REPORT AND BUDGET REQUEST.** Annually, at any time the corporate authorities may provide, the Board shall submit a report to the Mayor and Board of Trustees of the Village of Flossmoor as provided by 65 ILCS 5/10-2.1-19 of the Illinois Municipal Code.

CHAPTER II - APPLICATIONS

Section 1 **CITIZENSHIP.** No person shall be admitted to examination who is not a citizen of the United States.

Section 2 **APPLICATION FORMS.** Applications for position shall be filed upon forms furnished by the Village of Flossmoor, and applicants must comply with the requirements of said form in every respect.

Section 3 **CHARACTER AND FITNESS OF APPLICANTS.** Every applicant must be of good moral character, of temperate habits, of sound health and must be physically and mentally able to perform the duties of the position applied for. The burden of establishing these facts rests upon the applicant.

Section 4 **EFFECT OF FALSE STATEMENTS.** A false statement knowingly made by any person in an application for examination, any false statement made in any certificate which may accompany such application, or complicity in any fraud touching the same shall be regarded as good cause for exclusion from the examination, or from the register of eligibles, or for removal or discharge during probation or thereafter, but no person shall be removed from a register or eligibles, or from service, under this section, until an opportunity has been given him to be heard by the Commission.

Section 5 **FILING APPLICATIONS.** Applications for the Police and Fire Departments shall be addressed to the Board of Fire and Police Commissioners, Flossmoor Police Department, 2800 Flossmoor Road, Flossmoor, IL 60422.

Section 6 **DEFECTIVE APPLICATIONS.** Defective applications shall be returned to the applicant for correction, provided the applicant is qualified for the position he seeks.

Section 7 **SPECIAL QUALIFICATIONS.** If the application for examination requires a special qualification, the Commission may require evidence of special training or practical experience.

Section 8 DISQUALIFICATION. The Commission may refuse to examine an applicant, or after examination, to certify him as eligible and may remove an applicant's name from the Eligible Register:

- (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 or mentally unable to perform the duties of the position to which he or she seeks appointment.
- (c) Who is currently using a controlled substance.
- (d) Who has been convicted of a felony or any misdemeanor involving moral turpitude.
- (e) Who has been dismissed from any public service for good cause.
- (f) Who has attempted to practice any deception or fraud in his or her application.
- (g) Who may be found disqualified in personal qualifications or health.
- (h) Who does not possess a high school education or its equivalent.

Any applicant deemed disqualified hereunder shall be notified by the Commission of such disqualification. Any applicant, so disqualified, shall file written objection to the Commission within five days after the giving of such notice. Such objection shall completely detail the reasons supporting it. The Commission, in its sole discretion, may consider said objection without hearing.

Section 9 AGE REQUIREMENTS.

- A. Police applicants who are 20 years of age and have successfully completed two (2) years of law enforcement studies at an accredited college or university shall be eligible to take the initial examination for patrolman. Any such applicant who is appointed under this provision of the act shall not have power of arrest or be permitted to carry firearms until he reaches 21 years of age. Other applicants not having such college education must be 21 years of age, and not having passed their 35th Birthday except as otherwise provided by Statute. Proof of birth date will be required before appointment.
- B. Fire applicants who are between 21 years and not exceeding their 35th Birthday except as otherwise provided by statute. Proof of birth date will be required before appointment.

Section 10 NOTICE OF ACCEPTANCE. The Secretary will notify all applicants whose applications have been accepted by the Board to present themselves for examination.

Section 11 **RELEASE OF LIABILITY.** All applicants shall execute and deliver to the Board prior to taking a Physical Aptitude Test a release of all liability as a result of taking said test in favor of the Village of Flossmoor.

Section 12 **RESIDENCE.**

- A. All full time Police department employees who are appointed by the Fire and Police Commission shall establish residency, prior to completion of their probationary period, in compliance with the residency requirement as stated in the Labor Agreement.

- B. All full time fire department employees who are appointed by the Fire and Police Commission shall establish residency within a twenty (20) mile radius of Flossmoor Village Hall prior to completion of their probationary period.

CHAPTER III - EXAMINATIONS.

Section 1 **SEQUENCE OF TESTING.** The tests listed in Section 2 of Chapter III and the sequence in which they are administered are subject to change at the discretion of the Commission.

Section 2 **GRADING.**

Failure of either Fire or Police applicants to achieve the minimum passing grade in any of the examinations shall disqualify the applicant from further consideration. All grades are based on a maximum of 100%. An applicant's final grade will be the average of the grades provided by the Board members present. Applicants who fail to achieve a passing grade will be notified within (30) days and eliminated from further consideration.

Police examinations:

Background	- Pass or Fail
(Power Test) certification within last 6 months	- Pass or Fail
Written Exam	- 70%
Oral Interview	- 70%

Fire examinations:

Background	-Pass or Fail
(CPAT) certification within last 12 months	-Yes or No
Written Exam	-70%
Assessment Center	-70%
Oral Exam	-70%

Section 3 ADDITIONAL CREDITS

The Fire and Police Commission determines preference points in all categories listed below except "A".

A. Preference as Provided by (65 ILCS 5/10-2.1-8):

Upon written request, additional credits shall be given to applicants described in above referenced section in accordance with the applicable statutory provisions then in force.

Fire Applicants (65 ILCS 5/10-2.1-6.3 Generally):

B. Preference as provided by 65 ILCS 5/10-2.1-6.3 (h) as provided below:

Veteran's Preference (Fire Department). Candidates engaged in the military service of the United States for a period of at least one year of active duty and who were honorably discharged therefrom, or who are now or have been members on inactive or reserve duty shall (i) receive **five (5) preference points** added to their Initial Eligible Register score, and (ii) be preferred for appointment to and employment with the Fire Department in relation to candidates having similar ranking on the Final Eligibility Register.

Associates Degree in the field of fire service or EMS, or a Bachelor's degree from an accredited College or University	-5 points
OSFM Fire Officer II certification (provisional or full)	-4 points
OSFM Fire Prevention Officer I certification	-4 point
South Cook County EMS Lead Instructor	-3 point
OSFM Training Program Manager (TPM)	-4 point
Experience preference as provided by statute:	-0.5 per year of service (5 points maximum)

Section 4 NOTICE OF EXAMINATIONS. Examinations shall be held on the dates fixed by the Commission and advertised in a local paper in accordance with the Act at least two (2) weeks preceding examinations. Examinations may be postponed; however, by order of the Commission; which order shall state the reason for such postponement and shall designate a new date fixed for said examination. Applicants shall be notified of the new date fixed for said examination.

Section 5 **VACANCIES.** The Commission shall call examinations for fill vacancies in the class of service, or to provide eligible lists for the service, in which vacancies are likely to occur. A call for such examination shall be entered in the minutes of the Commission and shall include a statement:

- (a) of the time and place where such examinations will be held.
- (b) that applications will be received from announcement of the examination up to three (3) days before the examination.
- (c) of position to be filled from the resulting eligibility test.

Section 6 **TYPE OF EXAMINATIONS.** The subject matter of examinations 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 examinations shall contain questions regarding applicant's political or religious opinions or affiliations.

Section 7 **FINALITY.** All examination papers shall be and become the property of the Board and the grading thereof by the Board shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description.

Section 8 **PHYSICAL APTITUDE.** Applicants are required to undergo an examination of their physical ability to perform the essential functions included in the duties they may be called upon to perform as a member of the police or fire departments. The Peace Officers Wellness Evaluation Report (POWER) test is utilized for police applicants and the Candidate Physical Ability Test (CPAT) is utilized for fire applicants. Applicants shall submit proof of certification and said certification shall be current within the timeframe(s) outlined in Chapter III, Section II. Timeframes shall be measured from date of application and any costs associated with physical aptitude certification is at the expense of the applicant.

Section 9 **MEDICAL EXAMINATION.** A candidate on notification of a pending appointment shall submit himself for "medical examination" by a licensed physician designated by the Commission. Such examination shall be without expense to the applicant. Failure to pass this examination shall eliminate the candidate's name from the "Eligible Register" and further consideration.

Section 10 **PSYCHOLOGICAL EXAMINATIONS.** A candidate on notification of a pending appointment for either an original position or for promotion shall submit to a Psychological examination by such Psychologist 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 11 **FRAUD IN EXAMINATIONS.** No person shall make false representations regarding himself or any of the applicants at the examination or in any document signed and/or furnished, either by him or in cooperation with others; nor shall he impersonate anyone or allow anyone to impersonate him, nor use or provide aid in using any memoranda, printed or written, whereby an advantage is obtained over other competitors at such an examination.

Section 12 **ORIGINAL ENTRY.**

- A. The Commissioners will prepare, post and keep an "Eligible Register" of applicants in the order of their relative excellence as determined by examination without reference to priority of time or examination. A minimum composite grade of 70% is required for listing on the "Eligible Register" and in determining relative excellence, the written examination shall constitute 70% and the oral interview 30% of the composite grade. For fire department shift Captain, the written exam shall constitute 33.33%, assessment center 33.33%, and oral interview 33.33% of the composite grade. In the event of tie scores, priority in time of filing applications shall determine applicant's respective standing.

- B. After scoring the examination components, the Board will create an "Initial Eligible Register". Applicants on the Initial Eligible Register of entry level applicants shall have ten (10) calendar days after the posting of such Initial Eligible Register List to claim any preference points authorized under Section 3 above, which claim shall be delivered in writing to the Secretary with all evidence of qualification for such preference points. Applicants who fail to submit a complete and timely claim for preference points shall be deemed to have waived their right to receive such preference points. The Board may establish forms for the submission of a proper request for preference points. After all claims for preference points are evaluated and established, the Board shall cause the composite numeric scores of applicants to be adjusted to reflect the appropriate preference points and thereupon establish the Final Eligible Register. No preference points shall be awarded to a candidate who does not fully satisfy the criteria for which preference points are sought.

- C. Names placed on the "Final Eligible Register" will remain for a period of two (2) years from the date of listing on the "Final Eligible Register". All vacancies to the Fire and Police Department shall be filled with the applicant heading the list who has satisfied the standards as set forth in Chapter III, except as otherwise provided by statute (fire department hires). The Commission, prior to

appointment, may request the applicant on the "Eligible Register" to submit to a physical examination, psychological examination and/or polygraph test. Failure to pass any of these examinations shall eliminate the applicant's name from the "Eligible Register".

Section 13 **EXISTING REGISTERS.** Original entrance examinations at any time.

Section 14 **REMOVAL OF NAME FROM REGISTER** The Board shall strike off the names of applicants after such names have been on the Register for more than two (2) years.

Section 15 **CHANGE OF ADDRESS.** It is incumbent upon applicants and persons whose names are placed upon the Register to notify the Commission of any change of address while they are awaiting appointment. If the Commission is unable to contact an applicant by certified mail at his last known address, the applicant's name shall be removed from the "Eligible Register".

CHAPTER IV- APPOINTMENTS

Section 1 **OATH OF OFFICE.** All successful applicants before entering service will take the following Oath of Office and sign same before the Board:

"I do solemnly swear that I will uphold the Constitution of the United States of America, State of Illinois, the Ordinances of the Village of Flossmoor, and the rules and regulations of the Fire/Police Department and the Flossmoor Board of Fire and Police Commission, and that I will faithfully discharge the duties of a member of the Fire/Police Department to the best of my ability. I also swear that I am not now a member nor do I intend to become a member of any organization intent upon the subversion or the overthrow of the legal government of this Country."

Section 2 **PROBATIONARY PERIOD.** Fire and Police appointees shall be on probation for a period of one year after having taken the oath of office.

Section 3 **TRAINING COURSE FOR POLICE OFFICERS.** 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 Local Governmental Law Enforcement Officers Training Board that he has successfully completed said course. Said course shall be taken in an approved school designated by the Police Department and on such dates as the Department shall designate.

Failure of said probationary policeman to take said course at such school and at such times as designated by the Department or failure of such course, shall result in immediate discharge of such probationary police officer.

Section 4 **PROBATIONARY PERIOD DISCHARGE.** Upon the written recommendation of the department head, the Board may suspend or discharge a probationary appointee. Written notice of any such suspension or discharge shall be given to the appointee by registered or certified mail, a copy of which shall be given to the head of the department.

Section 5 **RESTORATION OF PROBATIONER TO REGISTER.** Should the work for which the probationer has been certified prove temporary, and he be laid off without fault or delinquency on his part before his time of probation is completed, his name shall be restored to its proper position upon the register of eligibles and the term he has served shall be credited to him on his probationary period.

Section 6 **TEMPORARY APPOINTMENTS.** To prevent the stoppage of public business or to meet extraordinary exigencies, the Board may make temporary appointments to remain in force not exceeding sixty days, and only until a regular appointment can be made under these rules. Any person whose name is on the Eligible Register may accept a temporary appointment to a position other than that for which he was examined and is eligible without losing his place upon such register.

CHAPTER V- PROMOTIONAL EXAMINATIONS ELIGIBILITY.

Section 1 **ELIGIBILITY** Each candidate for promotion shall have served not less than one (1) year in the classified service rank from which promotion is sought. For the purpose of this section the probationary period shall not be counted in determining the time of service in the lowest rank.

All candidates for promotion shall establish their physical fitness for the position for which the examination is held by means of a medical examination as directed by the Board. All candidates shall be within the weight range for their height as provided by the Board.

Section 2 **GENERAL.** The Board shall provide for promotion on the basis of ascertained merit and seniority in service and examination and/ or assessment center evaluation as from time to time determined by the Board and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to

submit themselves to such examination. All promotions shall be made from the promotional register pertaining to the rank or position to which appointment is to be made. Each promotion shall be made from three persons having the three highest ratings on the promotional register. Where they are fewer than three names on the promotional register, as originally posted or remaining thereon, an appointment to fill an existing vacancy shall be made from those names or name remaining on the promotional register. The method of examination and rules governing the same are the same as provided for applicants for original appointment, except the Board may waive medical and physical aptitude tests, and may determine from time to time to use written examination or assessment center evaluation or a combination of the two.

The order or relative excellence of all officers who submit themselves to the evaluation will be determined according to the following schedule:

Written Examination/Assessment Center	45%
Oral Interview	25%
Merit and Efficiency Rating based on previous service	25%
Seniority (1% per year with a maximum of five years)	5%
Maximum Grade, before military credit	100%

Military credit may be applied as prescribed by the Act. In the event two or more officers are promoted to the same rank on the same date, their order of seniority for operational purposes shall be determined in accordance with their total grades (including military credit).

Section 3 **PROMOTIONAL REGISTER** Any person whose name appears on a promotional register may decline appointments in writing once, but in the event a person declines an appointment in writing a second time, the Board shall strike his name from the register.

CHAPTER VI - ORDER OF RANK AND CLASSIFICATION

Section 1 **RANK**. The order of rank in the Police Department shall be as provided by Ordinance. The order of rank in the Fire Department shall be as provided by Ordinance.

CHAPTER VII - HEARING OF CHARGES, COMPLAINTS AND APPEALS

Section 1 GENERAL RULES AND DEFINITIONS.

- (a) Hearings before the Board are not common law proceedings. The provisions of the "Code of Civil Procedure" do not apply to hearings before the Board.
- (b) "Counsel" as used herein means: One who has been admitted to the bar as an attorney-at-law in this State.
- (c) No hearing, reconsideration, modification, vacation or alteration of a decision of the Board can be allowed.
- (d) "Cause" is some substantial shortcoming which renders continuance in employment in some way detrimental to the discipline and efficiency of the public service and something which the law and sound public opinion recognize as cause for the officer no longer occupying his position. The right to determine what constitutes cause is in the Board.
- (e) 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.
- (f) The phrase "preponderance of evidence" is defined as the greater weight of the evidence, that is to say, it rests with that evidence which, when fairly considered produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.
- (g) All hearings shall be public, in accordance with the Open Meetings Act.
- (h) At the time and place of hearing, both parties may be represented by counsel, if they so desire.
- (i) All proceedings before the Board during the conduct of the hearing shall be recorded by a court reported to be employed by the Board.
- (j) The records of all hearings will not be transcribed by the reporter unless requested to do so by the Board of any party of interest.

(k) All witnesses shall be sworn by the Chairman of the Board prior to testifying and the matter will be decided by the Board on evidence presented at the hearing.

(I) Subpoenas.

1. Any party to an administrative hearing may, at any time before the hearing, make application to the Board by filing with it a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records, accounts and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person 21 years of age or older designated by the part 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.

2. Any request for continuance by reason of inability to serve subpoenas shall be filed in the office of the Board at least three (3) days before the date set for such hearing, provided however, that the Board in its discretion may waive this rule.

(m) 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.

(n) Filing.

All papers may be filed with the Board by mailing them or delivering them personally to the Secretary of the Board at (Municipality), Illinois. For the purpose of these Rules and Regulations, the filing date of any paper shall be the date it was received in the Board's office, in the event the paper is delivered personally or by messenger. In the event the paper

is forwarded by mail, then the filing date shall be the date which is postmarked on the envelope of such paper.

"Oral notification of charges or appeals, personally or by telephone is insufficient to satisfy a filing requirement. A filing at a commissioner's residence is insufficient to satisfy a filing requirement."

Filings with the office of the Secretary may be received by the police clerk on duty who shall time stamp and initial such filing when received and who shall have the ranking fire or police officer on duty at such time, other than the person so filing, witness and initial such filing.

(o) Forms of paper.

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

2. If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.

3. All papers shall be not larger than 8-1/2" by 11" with inside margins of not less than one inch.

4. The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent or attorney thereof and copies thereof provided the opposing party or his counsel.

5. If papers are filed by an attorney, his name and address shall appear thereon.

(p) 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.

(q) Suspension Pending Hearing.

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.

(r) Date of Hearing.

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

Section 2 HEARING PROCEDURE- Complaints/Charges.

(a) COMPLAINTS: In all cases, written complaint shall be filed with the Secretary of the Board of fire and Police Commissioners, Village Hall, Flossmoor, Illinois, 60422, in quintuplicate, setting forth a plain and concise statement of the facts upon which the complaint is based.

(b) PROBABLE CAUSE: The Board shall have the right to determine whether there is or is not probable cause for hearing a complaint and may conduct such informal hearings as may be necessary for such purpose.

(c) NOTIFICATION OF HEARING: Upon the filing of a complaint 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 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 will also be served with a copy complaint. If an Order of Suspension is entered by the Board pending a hearing, the respondent, the complainant, the Chief of the Department, the treasurer and manager of the municipality shall be notified of the entry of such Order of Suspension, and be served either personally or by registered or certified mail, return receipt requested, with a copy of such Order of Suspension Pending Hearing.

(d) CONTINUANCES: The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board. A request for a continuance shall not be entertained, unless such Request is received in writing at the Board's offices at least three days before the scheduled hearing date.

A request for a continuance during the course of a hearing may be entertained by the board upon a showing of good cause.

The initial hearing date must be set and a hearing commenced within 30 days of the filing of an appeal. No request for a continuance of the initial hearing date shall be granted without such hearing having been first commenced.

(e) **STIPULATIONS:** Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, to a continuance or as to evidentiary matters. The facts so stipulated shall be considered as evidence in the proceeding.

The parties' stipulation to a continuance shall not be binding upon the Board unless approved by the Board.

(f) **SUFFICIENCY OF CHARGES-OBJECTION 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 HEARINGS OF APPEALS.

(a) Suspension by Chief

The Chief of the Fire or Police Department shall have the right to suspend any officer or firefighter under his command for a period of time not to exceed five (5) days, providing no charges on the same offense have been filed and are pending before the Board. The Chief shall file with the Board a notice of such suspension within 24 hours of the Chief's notification of Suspension to the individual(s). The Chiefs notice to the Board shall include the following:

1. The date and time of his notice to the officer; and
2. A statement of the facts relied upon by the Chief in imposing the sanction; and
3. A citation of the rules and regulations, general orders, or standard operating procedures, which were violated, or such other basis as there may be.

(b) Appeal from Suspension by Chief.

1. Any police officer or firefighter who is not a member of a bargaining unit covered by a collective bargaining agreement who is suspended by the Chief may appeal such suspension

to the Board by filing a notice of appeal in the Office of the Secretary of the Board within five (5) days of the date of the Chiefs notice of suspension.

2. In the event that an officer or firefighter is a member of a bargaining unit, then such member shall follow the procedure described in the collective bargaining agreement for appeals from the Chiefs suspension. Bargaining unit member's appeals shall be filed with the Office of the Secretary of the Board within five (5) days of the date of the last decision step provided for under collective bargaining agreement.

(c) Scope of Appeal.

Only those matters included in the Chief's notice to the Board, prior documented performance and prior suspensions may be considered by the Board of Appeal.

(d) Order of Procedure and Burden of Proof

The officer appealing a suspension by the Chief shall have the burden of proof to show that the suspension is not warranted or should be modified and shall proceed first.

(e) Continuance, Stipulations and Motion.

The rules with respect to continuances, stipulations and motions shall be as provided in Section 2 of this Chapter.

Section 4 FINDINGS, DECISION AND ORDER.

(a) Within 14 days after the conclusion of a hearing and deliberation, the Board shall render a decision with findings and an Order as authorized by ILL Rev. Statutes, Chapter 24 Section 10-2.1-1 et. seq.

(b) The finding a 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.

CHAPTER VIII- GENERAL

Section 1 **RULES- CONFLICT.** The personnel of the Fire and Police Department shall be governed by the Rules and Regulations of the Board, Ordinances of the Village and the General Orders and Rules and Regulations of the Department. In case of conflict, the Ordinances of the Board of Trustees shall govern, except where related to hiring, promoting, suspending, or terminating service.

Section 2 **POLITICAL CONTRIBUTIONS.** No person in the Fire Department or Police Department of the Village, shall be under any obligation to contribute any fund or to render any political service, and no such person shall do so or be removed otherwise prejudiced for refusing to do so. No person in the Fire Department or the Police Department shall discharge or promote or reduce, or in any manner change the official rank or compensation of any other person in such service, or promise or threaten so to do, for withholding or refusing to make any contribution of money or service or any other valuable thing for any political purpose, or in any other manner, directly or indirectly, use his official authority or influence to compel or induce any other person to pay or render any political assessment, subscription, contribution or service.

Section3 **POLITICAL ACTIVITIES.** No person holding a position in the Fire and Police Department of the Village, shall use his official authority or influence to coerce the political action of any person or body, or to interfere with any election, or shall take an active part in a political campaign, or shall seek or accept nomination, election, or appointment as an officer of a political club or organization or serve as a member of a committee of any such club or organization, or circulate or seek signatures to any petition provided for by any primary or election law, or act as a worker at the polls, or distribute badges, color, in indicia favoring or opposing a candidate for election or nomination to a public office, whether federal, state, county, or municipal. Nothing in this Section shall be construed to prohibit or prevent any such person from becoming or continuing to be a member of a political club or organization or from attendance at political meetings, from enjoying entire freedom from all interference in casting his vote, or from expressing privately his opinions on all political questions.

Section 4 **VIOLATION OF RULES.** All members of the Fire and Police Departments shall be subject to the Rules and Regulations of such departments, and the Rules and Regulations of the Board, and the General Orders of the Department and a violation of such shall be cause for the filing of charges before the Board, a subsequent hearing and action by the Board on such charges.

Section 5 **VIOLATION OF LAW.** Any violation of the laws of the municipality or state or federal law, by any member of the Fire or Police Department shall be cause for the filing of charges against said officer.

Section 6 **PROBATIONARY PERSONNEL.** The hearing procedures and procedural protections provided by the Chapter VIII shall be afforded only to those officers or members who have successfully completed the probationary period as outlined in Chapter IV of these Rules and Regulations.

Section 7 **OBEYING OF RULES.** All officers and members of the Fire and/or 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 Rules and Regulations for the operation of a Fire and/or Police Department as adopted by the Board of Trustees of the Village and in force or which may be adopted hereafter.

Section 8 **ADDITIONAL POWERS.** The Board shall have such other Powers and Duties as are given it by the Statutes of the State of Illinois.

Section 9 **CONFLICTING RULES.** Any Chapters, Sections, and/or Sub-sections of the foregoing rules and regulations for the operation of the Board that are in conflict with the State Statutes or with any amendments thereto that may hereafter be enacted are null and void. This however, does not invalidate any other Chapters, Sections; and/or sub-sections of said Rules.

**Board of Fire and Police Commissioners
Village of Flossmoor, Cook County, Illinois**

**VILLAGE OF FLOSSMOOR
BOARD OF FIRE AND POLICE COMMISSIONERS**

Notice is hereby given that the Board of Fire and Police Commissioners of the Village of Flossmoor has adopted new and revised rules governing qualifications and The conduct of examinations for original appointments to the Police Department and Fire Department, for promotions and for disciplinary hearings, effective ten (10) days after the date of Publication.

These rules have been printed in pamphlet form and may be obtained at the Police Department, Village Hall, 2800 Flossmoor Road, Flossmoor, Illinois

Dated: / /

Board of Fire and Police Commissioners. By:

Chairman