

**RULES AND REGULATIONS OF THE BOARD OF FIRE
COMMISSIONERS**

WINFIELD FIRE PROTECTION DISTRICT

DUPAGE COUNTY, ILLINOIS

As amended by the Board of Fire Commissioners

on April 22, 2004

**RULES OF THE BOARD OF FIRE COMMISSIONERS
WINFIELD FIRE PROTECTION DISTRICT**

CHAPTER 1 - ADMINISTRATION

1.1 Source of Authority

These rules are established by the Board of Fire Commissioners (the "Board") of the Winfield Fire Protection District (the "District") pursuant to power and authority derived from the Fire Protection District Act (70 ILCS 705/16.01 *et seq.*) and the Board of Fire and Police Commissioners Act (65 ILCS 5/10-2.1-1 *et seq.*), as well as any applicable District ordinance.

1.2 Appointment of Board Members and Terms of Office

The Board shall be comprised of three (3) members. The Board shall be appointed by the Board of Trustees of the Fire Protection District (the "Trustees"). Board members shall serve three (3)-year terms which shall expire on the first Monday in June of the third year. Each Commissioner shall serve until his or her successor is appointed and has qualified for the position. (70 ILCS 705/16.01, 16.02, and 16.03)

1.3 Officers of the Board

The Board shall annually elect a Chairperson and a Secretary during the first meeting each fiscal year. The Chairperson shall be the presiding officer at all meetings. The Secretary shall assist the Board by preparing all correspondence, keeping records, assisting in the testing process, and performing other duties as assigned by the Board. 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, and shall perform all other duties the Board prescribes. (70 ILCS 705/16.02)

1.4 Duties of the Board

The scope of duties of the Board shall generally include:

- 1.4-1 Establishing policies for recruiting, testing, selection, and promotion for all members covered under its authority.
- 1.4-2 Establishing guidelines and procedures for hearings required for discipline and termination of members of the District covered by its authority.
- 1.4-3 Serving as an appeals board or hearing board for District members disciplined or terminated under guidelines established by these rules.
- 1.4-4 The Board shall have such other powers and duties as are given it by the statutes of the State of Illinois.

1.5 Meetings

1.5-1 Regular Meetings

Regular meetings of the Board shall be held semi-annually or as determined necessary by the members of the Board. At the beginning of each calendar year, the Board shall prepare and make available a schedule of all its regular meetings, listing the times and places of such meetings. Meetings shall be held and notice of the meetings shall be given in accordance with the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*).

1.5-2 Special Meetings

Special meetings may be called by any Commissioner with notice thereof to be posted forty-eight (48) hours prior to convening, by the filing of a notice in writing with the Secretary of the Board and signed either by the Chairperson of the Board or any Commissioner thereof. This notice shall contain an agenda for the meeting and shall set forth the time and place of such special meeting. No business not on the agenda shall be considered at a special meeting.

1.5-3 Closed Sessions

During any regular or special meeting, a closed session may be held for any purpose permitted by law as set forth in the Open Meetings Act. Closed sessions may be limited to Commissioners 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 Commissioners on said motion, and keep minutes of the closed session. A verbatim video or audio tape recording of each closed session shall be made and preserved for eighteen (18) months in accordance with the Open Meetings Act. The Board shall semi-annually review the minutes of all closed sessions to determine whether the need for confidentiality still exists as to all or part of those minutes and whether the minutes or portions thereof may be made available for public inspection. (5 ILCS 120/2 and 2a)

1.5-4 Quorum

A majority of the Board shall constitute a quorum for the conduct of all business.

1.5-5 Order of Business

The order of business at any meeting, except hearings and oral interviews of candidates, shall generally be:

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Public Comments
- V. Communications and Payment of Bills
- VI. Unfinished Business
- VII. New Business
- VIII. Closed Session for any Lawful Purpose
- IX. Adjournment

1.5-6 **Procedure**

Meetings of the Board shall be conducted in an orderly manner.

1.5-7 **Addressing the Board**

Except during the public comment portion of the regular Board agenda, or as stated in this rule, no person other than the Fire Chief or his designee, or the Board's attorney may address the Board.

A portion of every regular Board meeting shall be provided for public comment. Anyone who wishes to address the Board shall submit a written request to the secretary not less than three (3) business days in advance of the regular meeting. The Chairperson may revise the order of business at any time. The speaker must be designated and authorized to speak by the Chairperson. Each speaker shall limit his or her public participation to a period of three (3) minutes or less so that all persons shall have an adequate opportunity to make their statements to the Board.

The purpose of public participation is to allow the public the opportunity to make a statement to the Board. The purpose of public participation is not to provoke a debate with the Board. Once an individual has spoken, that individual may not speak on the same issue again. Any limitation regarding addressing the Board may be waived by a majority vote of the Board.

In the absence of any objection by a member of the Board, the Fire Chief may authorize an employee of the District to address the Board. Under special circumstances, the Chair may recognize employees or agents of the District on specific agenda items during the discussion of those items.

1.6 **Amendments**

Amendments to these rules of the Board may be made at any meeting of the Board. All amendments shall be printed immediately for distribution in accordance with Section 16.05 of the Fire Protection District Act. Notice of the place(s) where the printed rules may be obtained and of the date when rule amendments shall go into effect, not less than ten (10) days subsequent to the date of publication, shall be published in a manner prescribed by law. (70 ILCS 705/16.05)

1.7 **Annual Report and Budget Request**

The Board shall submit to the Board of Trustees of the District an annual report of its activities, and of the rules in force. In its annual report, the Board may make suggestions to the Board of Trustees which it believes would result in greater efficiency or safety in the fire department. The Board shall also submit an annual budget request to the Board of Trustees prior to the end of the fiscal year or as may be requested by the Board of Trustees (see **Form A**). (70 ILCS 705/16.14)

CHAPTER 2 – JOB REQUIREMENTS, APPLICATIONS AND TESTING REQUIREMENTS FOR ORIGINAL APPOINTMENTS

2.1 General Information

Applicants for examination must comply with the current prerequisite policies and the job descriptions adopted by the District's Board of Trustees. Standards for the testing and evaluation of applicants shall be established by the Board of Fire Commissioners based on an analysis of the essential functions of the position, and the tasks and traits necessary for successful performance in the position for which testing and evaluation shall be conducted. The testing standards shall be based on the suggestions of the District's physician and other consultants as deemed appropriate by the Board. The Board may also utilize the most current National Fire Protection Association (NFPA) or other guidelines deemed appropriate by the Board. The testing process shall be practical in character and shall relate to those matters which fairly test the applicant's capacity to perform the essential functions of the job and shall be validated whenever possible. Any validation studies shall be consistent with criteria such as that established by the American Psychological Association and consistent with both state and federal equal employment opportunity laws.

2.2 Age Requirements

Applicants must be at least twenty-one (21) years of age and under thirty-five (35) years of age at the time of submission of an application for original appointment unless otherwise provided by state or federal law. Proof of date of birth shall be furnished.

Such maximum age limitation shall not apply in the case of any person having previous employment status as a firefighter in a regularly constituted fire department of any fire protection district or municipality, and shall not apply in the case of any person who has served the District as a volunteer or POC firefighter for at least five (5) years immediately preceding the time the District began using full-time firefighters to provide all or part of its fire protection service. "Previous employment status" shall mean, for purposes of this section, actively worked within two (2) years of the date of his or her application in part-time employment status of at least twenty (20) hours per month or full-time employment status as a firefighter in any fire protection district. To qualify as "employment status" for purposes of this section, the applicant must have received or should have received a W-2 from the employer under federal law or regulations. (70 ILCS 705/16.06; 65 ILCS 5/10-2.1-6)

2.3 Education and Certification Requirements

The Board of Fire Commissioners shall announce any applicable education and certification requirements for entry-level positions at the beginning of the application process. Failure to obtain or thereafter maintain requisite certifications as established by the Board of Trustees and/or the Commission shall result in the removal of an applicant from the application process, removal from an eligibility list, result in termination if the individual is employed as a probationary employee, or constitute just cause for dismissal if the individual is employed as a non-probationary employee.

2.4 Citizenship and Residency

Applicants for examinations must be citizens of the United States or an alien admitted for permanent residence or lawfully admitted for temporary residence who produces evidence of intention to become a citizen of the United States. Applicants selected for employment must meet the District's residency requirements.

2.5 Application Forms

Applicants for full-time positions with the District shall make application on forms approved by the Board (see **Form B**). Applicants must file their application with the Board or its agent(s) prior to taking any examination, and must comply with the requirements of the form in every respect.

Applicants shall furnish with their applications a copy of their birth certificate; a certified high school transcript or evidence of a G.E.D. equivalence diploma; any military service record and discharge papers, if applicable; valid driver's license; college transcripts, if applicable; and any other document necessary to meet District, state or federal requirements. All applicants shall execute and deliver to the Board a signed release of all liability prior to participating in the application and examination process. The form for the release of all liability shall be approved by the Board and is included in **Form B** of these Rules.

All applicants shall execute and deliver to the Board a form authorizing and empowering the Board and its agents or other outside service company engaged by the Board to conduct a background investigation of the applicant. Any false statement or omission of a material nature knowingly made by a person in an application or examination, or connivance in any false statement made in a certificate that may accompany such application, or complicity in any fraud touching the same shall be regarded as good cause for disqualification or exclusion from the examination process, and/or discharge from the District.

2.6 Additional Information

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

CHAPTER 3 – EXAMINATIONS FOR ORIGINAL APPOINTMENTS

3.1 Notice of Examinations

Notice of examination for original appointments shall be given by the Board by publication at least two (2) weeks preceding the examination in one (1) or more newspapers published in the District, and shall include a statement of:

- A. the deadline by which all applications will be received;
- B. the time and place where such examinations will be held; and
- C. the position(s) to be filled from the resulting final eligibility lists. (70 ILCS 705/16.09)

The examinations may be postponed, however, by order of the Board. When an examination is postponed, the Board shall state the reason for such postponement and shall designate a new date for the examination. Applicants shall be notified of the postponement of any examination and the new date for examination.

3.2 Type of Examinations

Subject matter for orientations, written test batteries, oral examinations, physical ability and job task test, medical and or other tests administered by the Board, or its agent shall be such as will fairly test the capacity of the applicant to discharge the essential duties of the position to which the applicant seeks appointment. No examination shall contain questions regarding the applicant's political or religious opinions or affiliations. (70 ILCS 705/16.06)

3.3 Order and Weight of Examinations

The Board shall determine the order and criteria for evaluating all elements of the testing process prior to administering each examination. The Board may establish a job-related minimum passing grade in any examination. Failure to meet this or any established minimum passing grade shall disqualify candidates from further participation in the testing process. All grades shall be based upon weighing of criteria defined by the Board. Such criteria shall be established before tests are administered. The Board may rank the candidates; assign them a percentile, or raw score; or evaluate them as "qualified" or "not qualified" based upon performance in elements of the testing process. (70 ILCS 705/16.07 and 16.08a)

Program, Examinations, and Investigation	Percent of Weighted Score	Minimum Passing Grade/Score
Orientation Program	-	Pass or Fail
Written Test	75%	70%
Job Task Test	-	Pass or Fail
Oral Test (Interview)	25%	70%

3.4 Orientation

An orientation may be held for all applicants and, if held, shall be considered a mandatory part of the testing process. The Board or its agents shall explain the testing process and provide information so that the applicants are oriented regarding the position for which they apply. Applicants will receive notice of the orientation session and must attend the session assigned unless prior arrangements are made with the Board to attend an alternate session. Failure to attend the session assigned or the prearranged alternate date will result in disqualification.

3.5 Written Examinations

Written examinations shall be administered in order to measure specific job-related criteria. The test procedure will be determined by the Board or its agent or designee. Written tests may be used to differentiate among candidates beyond the passing level when the tests can be shown to be predictive of job skills or performance as documented by a validation study. All written examination papers shall become the property of the Board. The grading of the written examination by the Board and/or its designees or agents shall be final and conclusive and not subject to review by any other board, tribunal, or court of any kind or description.

3.6 Physical Fitness

Applicants must successfully complete a job related physical job task test for further consideration in the testing process. Prior to participating in the physical qualifications test, all applicants must submit a completed physician's certification of safe participation (**Form C**). The Board reserves the right to modify the physical fitness testing from time to time. If the testing is modified, the Board shall notify the affected applicants.

3.7 Oral Examinations

The Board may examine or cause to be examined all or a portion of the candidates for positions in the District under its jurisdiction through an oral interview. Interviews shall be administered according to a structured pattern established by the Board and shall measure criteria which the Board shall designate prior to the interview.

If the oral examination is administered by the Board, each Board member shall independently grade candidates for positions using the established criteria for evaluating candidates. At the time of the oral interviews, the Board will know only if the candidates are otherwise qualified for the position. The average score achieved by each candidate on the oral interview will constitute the final score used by the Board or its agent to determine the rank order of the candidates.

3.8 Preliminary Eligibility List

The Board will prepare a "Preliminary Eligibility List" of the candidates successfully completing the examination process. The candidates will be listed in order of excellence based on their final weighted score. When more than one applicant receives the same number of points, placement on the Preliminary Eligibility List shall be assigned based upon the date and time the applications were received. A dated copy of the Preliminary Eligibility List shall be sent to each person thereon. The Preliminary Eligibility List is subject to change with the addition of veteran, educational, or professional or paid-on-call experience preference points. (70 ILCS 705/16.07, 16.08 and 65 ILCS 5/10-2.1-8 and 10-2.1-9)

3.9 Final Eligibility List

3.9-1 Generally

Candidates shall receive information regarding preference points (see **Form D**), and if eligible for preference points shall make a claim in writing using the form set forth in **Form E** of these Rules, with proof thereof within ten (10) days after the date of the Preliminary Eligibility List or such claim shall be deemed waived. The Commissioners will prepare a "Final Eligibility List" which shall include approved preference points.

3.9-2 Preference Points

The Commission shall assign preference points as follows:

1. Veteran's Preference Points

Applicants who served in the United States military actively for at least one (1) year and who were honorably discharged or are now on inactive or reserve duty shall receive five (5) points. Proof of such service must include a copy of Military Form DD-214 (long form) as proof of active service, evidence of the honorable discharge, and a sworn affidavit by the applicant (see **Form E**). Veteran's and educational preference points shall not be cumulative.

2. Educational Preference Points

Applicants who have successfully obtained an associate's degree in the field of fire service or emergency medical services, or a bachelor's degree from an accredited college or university shall receive five (5) points provided that the applicant has not received veteran's preference points. An official transcript with seal must be included with the request for preference points as proof of the attainment of degree.

3. Experience Preference Points

Any applicant who, on or after August 20, 1993, has been a paid-on-call certified Firefighter II and/or paramedic of the District shall be awarded one half (1/2) point for each year of successful service, up to a maximum of five (5) points at the time of initial hire. Any applicant who, on or after August 20, 1993, has been a paid-on-call certified Firefighter III of the District shall be awarded one (1) point per year of successful service, up to a maximum of five (5) points at the time of initial hire.

Applicants from outside the District who were employed as full-time certified Firefighters II for at least two (2) years at another fire protection district or municipality shall have the same preference as District paid-on-call firefighters and shall be awarded one-half (1/2) point for each year up to a maximum of five (5) points. Applicants from outside the District who were employed as full-time certified Firefighters III for at least two (2) years at another fire protection district or municipality shall have the same preference as District paid-on-call firefighters and shall be awarded one (1) point per year to a maximum of five (5) points at the time of initial hire. No experience preference points will be awarded to applicants for service with a private employer who had a contract for fire or ambulance service with a fire protection district or municipality. The Board shall prorate the awarding of the points based on partial years of experience under this section.

Proof of such service must include submission of copies of applicable certificates and a sworn affidavit by the applicant (see **Form E**). Note that proof of POC or full-time service may be verified by the District. Also note that an applicant may not receive experience preference points for a certificate if the amount of points awarded would place the applicant before a veteran on the eligibility list. Finally, no person shall be awarded more than the maximum of five (5) points for experience.

4. **Limitations on Application of Preference Points**

No application of experience preference points may be allowed that will cause any candidate on the Preliminary Eligibility List to pass over or be listed above a veteran. In the case of a tie between candidates immediately below a veteran, those tied shall be ranked according to the total they would have achieved if all experience points could have been awarded. Any remaining ties shall be broken based upon the date and time the applications were received. (**Forms F and G**)

3.9-3 **Expiration of List**

The Final Eligibility List shall remain valid for two (2) years after which it will expire, and the Board will strike off all remaining names. (70 ILCS 705/16.07, 16.08 and 16.10; 65 ILCS 5/10-2.1-8 and 10-2.1-9)

3.10 **Release of Information**

Information regarding specific elements of the testing process for any candidate shall be deemed to be confidential and shall not be released to a third party not serving as an agent of the Board in the examination process without written approval of the candidate.

3.11 **Disqualification**

The Board may refuse to examine an applicant, or after examination, may refuse to certify a candidate as eligible, or may refuse to appoint an eligible:

- 3.11-1 who fails to fully complete the application or fails to comply with the requirements of the application or examination process in any respect;
- 3.11-2 who is found lacking in any of the established bona fide occupational requirements of the position for which the candidate applies;

- 3.11-3 who is physically unable to perform the essential duties of the position to which the candidate seeks appointment with or without reasonable accommodation;
- 3.11-4 who uses intoxicating substances to the extent that performance may be diminished on the job, or who currently uses any nonprescription controlled substances or narcotics;
- 3.11-5. who tests positive for drugs or other illegal, non-prescription narcotics identified in the District's Drug and Alcohol Policy;
- 3.11-6 who has been convicted of any felony or a misdemeanor involving moral turpitude pursuant to Section 5/10-2.1-6 of the Illinois Municipal Code (65 ILCS 5/10-2.1-6);
- 3.11-7 who has attempted to practice any deception or fraud in completing the application or examination process;
- 3.11-8 whose character and employment references are unsatisfactory;
- 3.11-9 who has been dismissed from any public service for good cause; or
- 3.11-10 for any lawful reason, including any other reason set forth in Section 10-2.1-6 of the Illinois Municipal Code (65 ILCS 5/10-2.1-6).

3.12 Notification of Candidates

Each candidate completing the testing process will be notified within a reasonable time as to his or her ranking. In the event that the candidate achieves a numerical score that would place him or her in the "not qualified" category, that person shall receive notice stating that he or she has failed to achieve an aggregate passing score and will not be placed on the eligibility list.

3.13 Reconsideration

Any applicant, candidate, or eligible deemed to be disqualified shall be notified by the Board and may request reconsideration of such disqualification within ten (10) days from notification by written request filed with the Secretary of the Board. The request for reconsideration must set forth a basis for reconsideration and the Board may provide an opportunity for the applicant to be heard to the extent as may be determined by the Board and pursuant to whatever procedures the Board may establish. The Board shall reserve the right to amend any final rating of candidates as a result of reconsideration, however, any amendment shall not affect the position of any person appointed from the list prior to the amendment.

3.14 Change of Name, Address or Phone Number

Each applicant for appointment shall inform the Board in writing of any change of name, address or telephone number. Failure to properly notify the Board may be considered sufficient grounds to strike the name of the applicant from the Final Eligibility List.

CHAPTER 4 – INITIAL APPOINTMENT AND WAIVER OF APPOINTMENT

4.1 Filling of Vacancies

Whenever a vacancy exists in a position subject to the jurisdiction of the Board, the Board of Trustees shall so notify the Board of Fire Commissioners. All original conditional offers of employment shall be made from the Final Eligibility List in the order in which the eligible candidates appear on the list, provided the candidates have satisfied all requirements established by the Board.

4.2 Acceptance of Appointment

An eligible candidate who has received a conditional offer of employment shall notify the Board of his or her intent to accept the conditional offer within five (5) business days of receipt of the offer. A candidate who has been certified by the Board to fill a vacancy may waive said appointment without losing his or her place on the eligibility list provided the candidate notifies the District of his or her waiver within five (5) business days of receiving a conditional offer of appointment. The right to waive appointment shall exist only once for each eligible candidate. An eligible candidate who refuses a second offer of appointment or untimely requests a waiver shall be stricken from the eligibility list.

4.3 Background Investigation

Prior to appointment, the Board shall also require that an in-depth background investigation be completed for all positions in the District for which it has jurisdiction. Such investigation shall examine the candidate's work record, criminal conviction history, educational experience and other factors of background and life experience which shall be reasonably related to the requirements of the position. This portion of the application process will be graded on a pass/fail basis. (65 ILCS 5/10-2.1-6.2)

4.4 Medical Examinations

After the conditional offer of hire, a candidate for original appointment shall be required to submit to basic medical examinations by physicians selected by the District. These examinations may include psychological and comprehensive drug evaluations. The extent and scope of the examinations shall be determined by the Board, and shall be graded on a pass/fail basis. The Board shall pay for the basic required medical examinations; however, if additional medical evaluations, testing, or treatment are required in order to determine the candidate's fitness for duty, the candidate shall be responsible for obtaining and paying for the additional medical evaluation, testing, or treatment. (70 ILCS 705/16.06)

4.5 Fingerprints

At the time an eligible candidate receives a conditional offer of employment, he or she shall be required to be fingerprinted as directed by the District. (65 ILCS 5/10-2.1-6.1)

4.6 Temporary Appointments to Entry-Level Positions

The Board may make temporary appointments of candidates for entry level positions until regular appointments may be made under these Rules. The Board shall exercise such authority only when the Board of Trustees has entered appropriate findings of the need to prevent a stoppage of public business, to meet extraordinary exigencies, or to prevent material impairment of the District. A temporary entry level appointment shall not exceed

a period of sixty (60) days. No person shall receive temporary appointment to the same position more than twice in any calendar year. (70 ILCS 705/16.12)

CHAPTER 5 – PROBATION

5.1 Probation Period

Appointees to entry level positions in the District under the authority of the Board shall be on probation for one (1) year from the date of employment. Upon satisfactory completion of the probationary period, the appointment shall become permanent upon written notification from the Board. If an absence greater than thirty (30) calendar days is granted by the District during the first nine (9) months of a firefighter's probationary period, the probationary period shall be tolled until the probationary employee returns to full active duty. (65 ILCS 5/10-2.1-4; 70 ILCS 705/16.13b)

5.2 Discharge of a Firefighter during Probationary Period

The Board of Trustees has the sole authority to terminate a probationary firefighter during the first twelve (12) months of employment. A probationary firefighter is an employee-at-will and may be suspended or terminated whenever the Board of Trustees determines that the employee's performance or conduct is unsatisfactory for any or no reason. The Board of Trustees shall notify the Board of Fire Commissioners of any such action. (65 ILCS 5/10-2.1-4; 70 ILCS 705/16.13b)

CHAPTER 6 – PROMOTIONS

6.1 Rank and Classification

The District's order of ranks in the chain of command shall be as determined by the Board of Trustees. The Board shall confer with the Board of Trustees and its designees for the purpose of establishing and maintaining standards of examinations and promotions based upon such information as job descriptions and departmental regulations. The determination of whether a position is a rank classification rests solely with the Board of Trustees.

6.2 Promotional Lists

Promotional lists of qualified eligibles shall be established as needed for the non-exempt ranks designated by the Board of Trustees.

6.3 Method of Promotion

All promotions to ranks in the District under the jurisdiction of the Board may be made on the basis of ascertained merit, subjective evaluation, seniority points, and written examination in full compliance with the Fire Department Promotion Act (50 ILCS 742/1 *et seq.*), as well as other applicable laws. All vacancies shall be filled by promotion. Applications for officer positions in the form of **Form H** to these Rules shall be completed and submitted to the Board prior to the deadline set by the Board of Fire Commissioners.

All examinations for promotions, where practicable, shall be competitive among the members of the next lower rank who meet any eligibility requirements set forth for the promoted position. If the Board finds that a sufficient number of suitable candidates do not apply from the next lower rank, the Board shall extend the examination successively through all the orders of rank in the District in an endeavor to qualify suitable candidates. If a sufficient number of suitable candidates are not available through all orders of rank, the Board shall extend the examination to the general public.

6.4 Criteria for Determining Promotions

The Board shall identify the criteria to be used in the evaluation of all candidates prior to administering each promotional examination. Eligibility requirements as determined by the Board of Trustees to participate in the promotional process and the basis for granting any ascertained merit points shall be established and shall be published by posting on station bulletin boards at least one (1) year in advance of the date of the beginning of the promotional examination process. All promotional candidates shall be allowed to participate in all components of the testing process irrespective of their score on any one component. Each component of the testing process shall be based on a one hundred (100) point scale, and following the application of the weighting process, the total score shall also be based on a one hundred (100) point scale. (50 ILCS 742/20 and 30)

6.5 Examination Process

The exact examination process and testing procedures used shall be determined by the Board prior to giving notice for the examination and shall be disseminated to all participants. In all cases, the compilation and posting of a seniority list shall take place first and shall be calculated as of the date of the written examination. Ascertained merit and subjective evaluation, if any, will be done before the written examination. The written

examination shall in all cases be administered and graded last. Monitoring of the portions of the promotional examination that are amenable to monitoring may take place in accordance with Section 25 of the Fire Department Promotion Act (50 ILCS 742/15, 25, 30, 35, and 40).

Examination/Credits	Percentage Points
Seniority	5 percentage points
Ascertained Merit (Based on a scale of 100, maximum of 100 points)	15 percentage points
Examination	80 percentage points
Total	100 percentage points

6.6 Notice of Promotional Examinations

Written notice of the time, date, and location of every promotional examination shall be posted by the Board on the Board's bulletin board for a minimum of ninety (90) days prior to any promotional examination. The Board shall also give notice of every promotional examination by publication at least two (2) weeks preceding the examination, in one or more newspapers published in the District, unless, all members of the District for which the promotional examination is to be given waive notice by publication in writing.

The notice of examination shall include a statement of:

- A. the position to be filled from any resulting eligibility list;
- B. the deadline by which all applications will be received;
- C. the components of the testing and the evaluation procedures;
- D. the time and place where such examinations will be held;
- E. the applicable minimum aggregate passing score, if any; and
- F. a list of recommended reference materials and their availability.

Reading and study materials for current written examinations and the reading list for the last two (2) written examinations for each rank shall be made available and accessible at each fire station. (50 ILCS 742/15 and 35; 70 ILCS 705/16.09; and 65 ILCS 5/10-2.1-13)

6.7 Promotional List

After completion of the promotional testing process, the Board will prepare a preliminary promotional list. Applicants who are eligible for and elect to use their military preference credit must make a claim for such credit in writing to the Board within ten (10) days after the posting of the preliminary promotional list or such claims shall be deemed waived (see **Forms I and J**). The Board shall award veteran's preference points to those eligible veterans timely claiming the credit in accordance with Section 16.08a of the Fire Protection District Act; and Sections 10-2.1-10, 10-2.1-11 and 10-2.2-12 of the Illinois Municipal Code. No person shall receive preference for a promotional appointment after receiving one promotion from an eligibility list on which he or she was allowed military preference points (see **Form K**).

Once all claimed preference points have been awarded, the Board shall certify a final adjusted promotional list. The final adjusted promotional list shall expire on a date set by the Board at least two (2) but not more than three (3) years from the date of its creation. Any names remaining on the list shall be stricken from the list upon its expiration. (50 ILCS 742/20; 70 ILCS 705/16.08a; 65 ILCS 5/10-2.1-10, 10-2.1-11 and 10-2.1-12)

6.8 Filling of Vacancies

All promotions shall be awarded to the person with the highest ranking on the final adjusted promotional list for that rank, unless the Board has reason to conclude that the highest ranked 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 final promotional list. (50 ILCS 742/20(d))

6.9 Acceptance of Promotion

Any candidate may refuse a promotion once without losing his or her position on the final adjusted promotional list. Any candidate who refuses promotion a second time shall be removed from the final adjusted promotional list, provided that such action shall not prejudice a person's opportunities to participate in future promotional examinations. (50 ILCS 742/20 (d))

6.10 Right to Review

Any person or party who believes that an error has been made with respect to eligibility to take an examination, examination result, placement or position on a promotional list, or veteran's preference, shall be entitled to a review of the matter by the Board. The person or party seeking a review has ten (10) days following the posting of the final promotional list to request the right to review, and untimely requests are deemed waived. The Board will conduct the review at its next regularly scheduled meeting and issue a final opinion on the matter within seven (7) days thereafter. (50 ILCS 742/60)

6.11 Temporary Appointments to Promoted Ranks

If there is no final adjusted promotional list in effect for the rank on the date a vacancy occurs, or if all persons on the final adjusted promotional list refuse the promotion, the Board shall not make a permanent promotion until a new final adjusted promotional list has been prepared. In such cases, a successor list shall be prepared and distributed within 180 days after a vacancy. Temporary promotions may be made for up to 180 days in the absence of a promotional list. (50 ILCS 742/15 and 20; 70 ILCS 705/16.11)

The Board may make temporary appointments of members for promotional positions until regular appointments may be made under these Rules. The Board shall exercise such authority only when the Board of Trustees has entered appropriate findings of the need to prevent a stoppage of public business, to meet extraordinary exigencies, or to prevent material impairment of the District. No person shall receive temporary appointment to the same position more than twice in any calendar year. Temporary promotions shall not exceed 180 days. (50 ILCS 742/5; 70 ILCS 705/16.12).

6.12 Voluntary Reassignment

Any officer may petition the Chief for reassignment to a lower rank. Upon approval of the Chief, the officer will be reassigned to the lower rank, and simultaneously therewith the

Board of Fire Commissioners will promote another employee to the position held by the officer requesting reassignment as long as the Trustees determine the position is open.

6.13 Removal or Demotion

The Chief may file charges pursuant to Chapter 9 of these Rules seeking the removal or demotion of an officer to a lower rank. A hearing on the charges will be held in accordance with the procedures set forth in Chapter 9 for suspension, removal, and dismissal hearings.

CHAPTER 7 – REMOVAL, DISCHARGE AND SUSPENSION

7.1 Prehearing Procedures

7.1-1 Filing of Complaints

Complaints subject to the jurisdiction of the Board shall be filed by the Trustees or the Fire Chief with the Secretary of the Board setting forth a plain and concise statement of the facts upon which the charge of misconduct is based.

7.1-2 Notification of Hearing

Upon the filing of a complaint with the Secretary of the Board, the Secretary shall notify both the complainant and respondent either by registered or certified mail, return receipt requested or personally of the time and the place of the hearing and the charges contained in the complaint. The respondent shall also be served with a copy of the complaint.

7.1-3 Stipulations

Parties may on their own behalf or by counsel stipulate and agree in writing or on the record to evidentiary facts. Facts so stipulated shall be considered as evidence in the proceeding.

7.1-4 Objections to Sufficiency of Charges

Motions or objections to the sufficiency of written charges are proper at any time prior to commencement of the evidentiary portion of a hearing before the Board.

7.1-5 Subpoenas

Either the complainant or the respondent may at any time before a hearing make application for subpoenas by filing with the Board a written request identifying the individual to appear or the books, papers, records, accounts and other documents to be produced. On the filing of such applications, subpoenas will be issued. Subpoenas may be served by any person of the age of twenty-one (21) years or older. Subpoenas will not be issued for anyone residing outside of the State of Illinois. Any requests 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. (65 ILCS 5/10-2.1-17; 70 ILCS 705/16.13b)

7.1-6 Service

All papers required to be served shall be delivered personally to the party designated, or mailed by certified United States mail, return receipt requested, in an envelope properly addressed with the postage prepaid to the designated party at his or her last known residence as reflected by documents filed with the Board, except as herein otherwise provided. Proof of service of any document may be made by the certification of any person 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 the party's address where it was received by a named party.

7.1-7 Filing

All documents may be filed with the Board by mailing them or delivering them to the Office of the Secretary of the Board at 27W530 High Lake Road Winfield, Illinois 60190.

For the purpose of these Rules, the filing date of any document shall be the date of the business day (excluding weekends and holidays) it was received in the Board's office whether the document is delivered personally or by messenger or by mail. Items received after 4:30 p.m. on Friday and before 8:30 a.m. on Monday shall be deemed "filed" on Monday, provided that Monday is not a holiday. If Monday is a holiday, the item shall be deemed "filed" on the next business day.

7.1-8 Forms of Paper

All documents filed in any proceeding shall be typewritten or printed and shall be on one side of 8 1/2" x 11" paper only. The document shall be double-spaced except that long quotations may be singled-spaced and indented. The original of all documents filed shall be signed in ink by the party filing the document or by an officer, agent or attorney thereof. If documents are filed by an attorney, his or her name, address and telephone number shall appear thereon.

7.1-9 Computation of Time

The time within which any act under these Rules is to be done shall be computed only on the business days, Monday through Friday, excluding holidays recognized by the District, except as provided in Section 7.1-10 below.

7.1-10 Date of Hearing

Time for the hearing of charges shall be set by the Board within thirty (30) calendar days from 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 the order of the Board. The granting of or refusing to grant a continuance of a hearing is within the discretion of the Board.

7.2 Hearing of Charges

7.2-1 Hearings before the Board are quasi-judicial proceedings. The provisions of the Illinois Code of Civil Procedure shall not be binding on the Board, but may be referred to in guiding the Board in its proceedings. The Board shall determine any special rules for conducting the hearing. (65 ILCS 5/10-2.1-25)

7.2-2 "Counsel" as used herein means one who has been admitted to the bar as an attorney at law in the State of Illinois.

7.2-3 No rehearing, reconsideration, modification, vacation, or alteration of a decision will be allowed, except upon a written request filed within five (5) calendar days of the Board's decision. While any request for rehearing, reconsideration, modification, vacation, or alteration is pending, the time period for review under the Administrative Review Act shall not be tolled. (75 ILCS 5/3-101 *et seq.*)

7.2-4 In any hearing, including a hearing requested by any employee, the burden shall be upon the Board of Trustees or the Fire Chief to prove the charges by the preponderance of the evidence.

7.2-5 All hearings shall be conducted in accordance with the Open Meetings Act. (5 ILCS 120/1 *et seq.*)

7.2-6 At the time and place of hearing, parties may be represented by counsel if they so desire.

7.2-7 All proceedings before the Board during the conduct of a hearing shall be recorded by a court reporter to be employed by the Board.

- 7.2-8 The records of all hearings will not be transcribed by the court reporter unless requested by the Board or any party of interest. When a party of interest requests that a transcribed record be kept, the party of interest shall pay for the cost of transcription and record preparation.
- 7.2-9 All witnesses shall be sworn in by a member of the Board or the court reporter prior to testifying. All matters will be decided by the Board upon evidence presented at the hearing.
- 7.2-10 The Board will first hear the witnesses substantiating the charges which have been made against the respondent. Thereafter, the respondent may present and examine those witnesses whom he or she desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party. Both parties shall have the right of rebuttal.
- 7.2-11 The Board's attorney shall serve as counsel to the Board.
- 7.2-12 All hearings may be bifurcated, and if so, the initial hearing shall be over the alleged misconduct. If the misconduct is upheld, a second hearing shall be conducted on the penalty assigned.

7.3 Suspension Pending Hearing

In cases where a hearing is pending on charges on seeking the suspension of a member, the Board may suspend a member of the District against whom charges have been proffered for up to thirty (30) calendar days without pay. In cases where a hearing is pending on charges on seeking the dismissal of a member, the Board may suspend a member of the District against whom charges have been proffered for an unlimited period without pay. Such suspension may be considered a part of the disciplinary action if the employee is found guilty.

If the Board is contemplating the suspension of a member pending a full hearing on the charges, the Board shall hold an informal pre-suspension meeting with the employee to allow the employee a chance to respond orally to the charges and the proposed suspension pending the hearing on the charges. The employee shall receive written notice of the meeting by personal service or certified mail, return receipt requested, and shall be afforded protections under the Firemen's Disciplinary Act, where applicable. (50 ILCS 745/1 *et seq.*)

7.4 Suspension by the Fire Chief

- 7.4-1 The Fire Chief shall have the right to suspend any member under his or her command without pay for a period not to exceed five (5) consecutive calendar days for any one (1) offense, providing no charges regarding the same offense(s) have been filed and are pending before the Board. The Chief shall promptly notify the Board in writing of the suspension.
- 7.4-2 Any member so suspended shall be entitled to appeal the suspension by requesting in writing a hearing before the Board within five (5) calendar days after notification of the suspension. The request for an appeal hearing must be filed with the secretary of the Board. A hearing shall be granted upon such request and due notice shall be given to the Fire Chief and to the employee in the same manner as if charges were originally filed before the Board.
- 7.4-3 Upon conclusion of the suspension appeal hearing, the Board may sustain the action of the Fire Chief, may reduce the suspension, or reverse the suspension with instructions that the officer or member suspended receive pay and benefits withheld for the period involved, or may suspend the employee for an additional period of up to thirty (30) days, demote the member to a lower rank, and/or discharge the member or officer, as it deems appropriate.

7.5 **Findings and Decision**

The findings and decision of the Board following a hearing of charges shall be recorded by the Secretary and notice of said findings and decision sent to the member involved and the Board of Trustees for enforcement. A member may be discharged, removed from a higher rank, or suspended without pay for a period not exceeding thirty (30) calendar days.

The Board shall inform the Board of Trustees of any decision discharging a member from employment or removing a member from a higher rank and demoting a member to a lower rank and the reasons for its decision. Any discharge or removal decision shall not become effective until confirmed by a majority vote of the Board of Trustees.

Notice of the Board of Trustees' confirmation vote shall be provided to the respondent, complainant, and the Board of Fire Commissioners. Notice of the confirmation vote shall be the final administrative decision for purposes of administrative review for demotions or discharges. All other findings and decisions of the Board involving disciplinary sanctions less than demotion or discharge shall be final administrative decisions and are not subject to the Board of Trustees' confirmation.