

## ORDINANCE 14-11

### **An Ordinance Amending Title 2, Chapter 3, Board of Fire and Police Commissioners, of the West Dundee Municipal Code**

WHEREAS, the Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, the review and update of the municipal code was necessary to stay current with the Illinois legislation pertaining to the testing and hiring of firefighter/paramedics and police officers, and;

WHEREAS, the intention of the amendment is to facilitate the hiring of the most highly qualified candidates as sworn officers within the West Dundee Police and Fire Department;

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES, VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 2 Chapter 3 Article C of the West Dundee Municipal Code shall be amended in its entirety as set forth in Exhibit A.

SECTION 2: If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged in any Court of competent jurisdiction to be invalid, such judgment shall not effect, impair, invalidate or nullify the remainder thereof, which remainder shall remain in full force and effect.

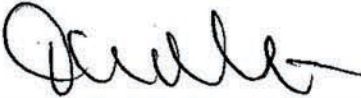
SECTION 3: This ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form which publication is hereby authorized as provided by law.

PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 5th day of May, 2014.

AYES: Trustees Pflanz, Wilbrandt, Kembitzky, Price, Hanley and Yuscka  
NAYS: None  
ABSENT: None

ATTEST:

Barbara Traver  
Barbara Traver,  
Village Clerk

  
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Christopher Nelson  
Village President

# EXHIBIT A

## ARTICLE C. EXAMINATIONS

### 2-3C-1: NOTICE OF EXAMINATION:

Examinations shall be held on the dates fixed by the commission and advertised in a local newspaper or on the Village's website in accordance with the statutes of the state of Illinois. 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 for said examination. Applicants shall be notified of the postponement of any examination and of the new date fixed for said examination. (Ord. 97-25, 10-20-1997)

### 2-3C-2: EXAMINATIONS:

#### A. Call For Examination:

The commission shall call 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 commission and shall include a statement of:

- 1) The time and place where such examination will be held;
- 2) The position to be filled from the resulting eligibility register. (Ord. 02-18, 6-17-2002)

#### B. Applications

Applications will be received for at least a two (2) week period, which shall terminate thirty (30) days before the examination. Applications for a position shall be filed upon blank forms furnished by the Commission, or its agent, and applicants must comply with the requirements of said form in every respect. The application must be filed with the Board prior to taking an examination.

Every applicant must be of good moral character, of temperate habits, of sound health and must be physically able to perform the duties of the position applied for. The burden of establishing these facts rests upon the applicant.

The applicant shall furnish a copy of his Military Service Record, Discharge Papers, Social Security Card, Birth Certificate, High School Diploma or G.E.D. Certificate, a copy of his College or University Degree and, if requested, a copy of a certified transcript of his course work from an accredited College or University to the Commission at the oral interview.

### C. Disqualification

A false statement knowingly made by a person in an application for examination, connivance in 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.

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

- 1) Who is found lacking in any of the established preliminary requirements for the service for which he or she applies.
- 2) Who is physically unable to perform the duties of the position to which he or she seeks appointment.
- 3) Who is addicted to the use of drugs or intoxicating beverages or is found to have taken or used drugs and/or narcotics illegally.
- 4) Who has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in §5/10-2.10-6.3 of the Board of Fire and Police Commissioners Act.
- 5) Who has been dismissed from any public service for good cause.
- 6) Who has attempted to practice any deception or fraud in his or her application.
- 7) Who may be found disqualified in personal qualifications or health.
- 8) Whose character and employment references are unsatisfactory.
- 9) Who does not possess a high school education or its equivalent.
- 10) Who has applied for a position as a police officer and is or has been classified by his or her Local Selective Service Draft Board as a conscientious objector.
- 11) Who has applied for a position as a firefighter/paramedic and is not certified as FFII (basic) with the Office of the Illinois Fire Marshall.
- 12) Who has applied for a position as a firefighter/paramedic and is not certified as EMT-P with the Illinois Department of Public Health, unless currently enrolled in a paramedic class and verified by letter as a student in good standing by the respective teaching hospital.
- 13) All applicants will be a minimum of 21 years old on the date of the written exam.
- 14) All applicants will be citizens of the United States of America.

#### D. Type of Examinations:

Applicants must attend the orientation program sponsored by the commission. In addition, applicants shall be required to participate in a physical aptitude test and written and oral examinations as determined by the commission and as more particularly set forth in subsection 2-3C-3 of this article. No examination shall contain questions regarding applicants' political or religious opinions or affiliations. (Ord. 97-25, 10-20-1997)

#### 2-3C-3: TESTS AND FACT SHEETS FOR ORIGINAL APPOINTMENTS:

##### A. Generally:

1. The commission recognizes that actual tests, weights and procedures employed in the hiring and promoting of candidates are controlled by changing law and technical procedures. To adapt efficiently to this state of affairs, the commission shall separate rules from actual test procedures by the mechanism of the fact sheet.
2. The fact sheet shall be considered a policy statement by the commission for a specific list of eligibles. Although bound by dictates of each individual fact sheet, no fact sheet shall be construed as rules under Illinois Compiled Statutes and may be changed, at the commission's discretion, without public notice, for such legal, technical, professional or practical reasons as the commission may choose. The fact sheet shall become a part of the minutes and records of the commission.
3. Tests employed by the commission shall conform to recognized professional standards and shall give deference to federal, state, and local regulations relative to employment and testing. The commission shall consider and may be guided by controlling authority, be it state or federal, to effect substantial compliance with the law.
4. At the discretion of the commission, tests may be conducted by or with the assistance of such consultants as the commission may appoint.

##### B. Fact Sheet Usage:

1. The commission shall publish, deliver, and otherwise make available to all candidates a fact sheet of hiring or promotional information at the mandatory orientation prior to the first scored procedure.
2. The fact sheet shall contain such information and guidelines as are normally given and professionally recommended and may include, but shall not be limited

to, the order and type of tests and prerequisites that shall comprise the testing procedure culminating in a list of eligible candidates.

3. The fact sheet shall include each scored or mandatory step of the testing for positions under commission purview, and such weights and passing scores, if any, as are employed in the calculation of the list position.

4. The fact sheet may also include such information as:

- a. Application procedures and consequences, testing dates and locations, required materials or dress.
- b. Necessary prerequisites for employment such as age, education, medical condition, citizenship, etc.
- c. Responsibility for current address, and procedure for notification of results by the commission.
- d. Procedures and deadlines for seeking redress of action.
- e. Conditions of employment such as pay, benefits, probation procedures, waivers of appointment privileges, postemployment residency, and conduct requirements.
- f. Methods of contacting commission, review principles. (Ord. 97-25, 10-20-1997)

C. Examinations and placement upon eligibility registers:

Examinations at the entry level may include, but are not limited to: orientations, physical aptitudes, written, psychological, oral, medical, polygraph deception detection, drug screens, and background investigation. (Ord. 97-25, 10-20-1997). The sequence of testing may vary at the discretion of the Board. Failure to achieve the minimum passing grade in any examination disqualifies the applicant from any further participation. Each weighted component of the examination process shall be based upon a scale of 1 to 100. The commission, at its discretion, may employ a testing vendor(s) to conduct any of the examinations administered pursuant to these rules. Physical Aptitude Test may be given for demonstration purposes or on a pass/fail basis. Certification that a fire fighter candidate has successfully, within the twelve months immediately preceding the administration of the written test, passed the Candidate Physical Ability Test (CPAT), as licensed and approved by the International Fire Chief's Association and the International Association of Fire Fighters, satisfies the candidate's obligation to complete the "physical aptitude test" component of this screening process for firefighter/paramedic.

1. Physical Aptitude Test:

All applicants will be required to submit themselves to a physical aptitude test. Only those candidates who successfully complete the physical aptitude test will be permitted to take the written examination.

2. Written Examinations:

Information as to the type of written examination employed by the commission will be provided as part of the orientation program. All examination papers shall be and remain the property of the commission and the grading thereof by the commission 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. (Ord. 97-25, 10-20-1997)

3. Oral Examination:

A minimum of two (2) commissioners' questions shall be asked of the candidate that will enable the commissioners to properly evaluate and grade the candidate on speech, alertness, ability to communicate, judgment, emotional stability, self-confidence, social skills, and general fitness for the position. On completion of each oral examination, each commissioner will then evaluate the candidate. Each commissioner will then grade the candidate. The candidate's final grade will be the average of the grades assessed by the commissioners. The candidates who fail to successfully complete the oral examination will be notified and eliminated from all further consideration. (Ord. 01-14, 3-5-2001)

4. Background Investigation:

All applicants who have successfully passed the oral examination interview shall submit to a background investigation. This investigation shall require each applicant to execute consent forms to facilitate the investigation. Failure or refusal to execute the required consent forms or pass this investigation shall result in failure of the applicant to be considered further. (Ord. 97-25, 10-20-1997)

5. Polygraph Examination:

All applicants who have successfully passed the background investigation shall submit to a polygraph device deceptive test, commonly known as a lie detector test, as directed by the commission. The failure of the applicant to pass this examination shall result in the failure of the applicant to be considered further. (Ord. 05-03, 2-7-2005)

## 2-3C-4: ELIGIBLE REGISTERS AND APPOINTMENTS:

The commission shall prepare and keep a register of all eligible applicants. All vacancies to the department shall be filled with the first applicant listed on the register, except as otherwise provided in the act. When the department deems it necessary to fill a vacancy, an offer of employment with the department shall be made to the first applicant on the eligible register, subject to the conditions that the applicant successfully passes the polygraph examination, psychological examination, and medical examination as set forth in section 2-3C-8 of this article. (Ord. 97-25, 10-20-1997; amd. Ord. 05-03, 2-7-2005)

### A. Police Officer

#### 1. Initial Eligibility Register

- a. The Commissioners will prepare an "Initial Eligibility Register" of the Candidates successfully completing the orientation, physical ability test (if any) and written test. Candidates shall be placed and listed on the eligibility register in order of their relative excellence as determined by their test scores.
- b. This register is subject to change with the addition of any claimed preference points. Preference points will not be added to any candidate's score if that candidate failed to obtain a minimum passing score. Candidates who are eligible for any preference points, shall make a claim in writing with proof thereof within ten (10) days after the date of the first posting of the initial eligibility register or such claim shall be deemed waived. Preference points will be awarded as prescribed in 5/10-2.1-8 and 5/10-2.1-9 (a) of the Act.
- c. A dated copy of the Initial Eligibility Register, duly adjusted with preference points awarded, shall be sent to each person appearing thereon.
- d. A candidate's name shall be stricken from an initial eligibility register or a subsequent primary register after the name has been on the initial eligibility register for a period exceeding two (2) years.

#### 2. Final Eligibility Register

- a. Final appointment for the Police Department shall be from the names appearing on the "Final Eligibility Register."
- b. The Board shall select a number of candidates (the number to be determined at the discretion of the Board and announced at orientation)

from the top of the Initial Eligibility Register who shall be required to submit to an oral interview to be conducted by the Board and, if successful, whose names will be included on the "Final Eligibility Register."

- c. The names of the applicants shall be placed upon the "Final Eligibility Register" in rank order, highest first. Rank order shall be based upon the applicant's total cumulative score which shall be calculated as indicated on the Fact Sheet (see section 2-3C-3B, "Fact Sheet Usage").
- d. In the event a "Final Eligibility Register" is exhausted prior to the expiration of the "Initial Eligibility Register," the Board may establish another "Final Eligibility Register" in accordance with subsections a) through c) above.
- e. Applicants shall be appointed from the eligibility register in descending order. Notwithstanding anything to the contrary contained within these rules and regulations, the Board may, at its discretion, choose to appoint an applicant, for a police officer's position, who has been awarded a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, ahead of non-certified applicants.
- f. Appointment from the Final Eligibility Register is subject to satisfactorily passing or completing an in-depth psychological examination, a polygraph test, background investigation, and a thorough medical examination (which may include a test of the applicant's vision and hearing, a test for the presence of communicable diseases as well as a test to screen for the use of drugs and/or narcotics). A conditional offer of employment shall be made prior to an applicant submitting to the in-depth psychological examination and the medical exam.

## B. Firefighter/Paramedic

### 1. Preliminary Eligibility Register

The Commissioners will prepare a "Preliminary Eligibility Register" of the Candidates who have attended the orientation and passed the written test. Candidates shall be placed on the preliminary eligibility register in the order of their relative excellence as determined by their written test scores.

### 2. Initial Eligibility Register

a) The Board shall select a number of candidates (the number to be determined at the discretion of the Board and announced at orientation) from the top of the Preliminary Eligibility List who shall be required to successfully complete a physical agility examination (CPAT) and submit to an oral interview to be



administered by the Board and, if successful, their names will be included on the "Initial Eligibility Register."

b) The names of the applicants shall be placed upon the "Initial Eligibility Register" in rank order, highest first. All scored examinations shall be based upon a scale of 1 to 100. Rank order shall be based upon the applicant's total cumulative score which shall be calculated as follows:

1. Original written test score multiplied by 70%; and,
2. Oral interview score multiplied by 30%.

### 3. Final Eligibility Register

A. Within ten (10) days after the posting of the Initial Eligibility Register, applicants whose names appear thereon shall make a claim for preference points. Failure to timely make a claim for preference points shall constitute a waiver thereof. Preference points shall be awarded as follows:

- 1) Military Preference – 5 points. Awarded to applicants who have served a minimum of 12 months on active duty in the service of the U. S. Military and who have either been honorably discharged or, in lieu of an honorable discharge, are still serving in an active or inactive reserve status.
- 2) Fire Cadet Training-*none*.
- 3) Education Preference – 5 points. Candidates must have an Associate's Degree in Fire Science or Emergency Medical Services from an accredited Community or Junior College or a Bachelor's Degree in any field from an accredited College or University.
- 4) Paramedic Preference –*none*
- 5) Experience Points – *None*
- 6) Residency Points – *none*.
- 7) Additional Points – 1-5 points. Candidates currently employed by the West Dundee Fire Department in a part-time capacity shall be awarded one (1) point for each full year of service, to a maximum of five (5) points. Eligibility will be verified by the chief of the department.

B. Applicants shall be appointed from the Final Eligibility Register in descending order. Notwithstanding anything to the contrary contained herein, the Commission, at its discretion, may bypass a higher ranking candidate and appoint a lower ranking candidate if, in the Commission's opinion, the lower ranking candidate is more qualified for the position and that candidate's name

appears within the top 5% of the names remaining on the list or, if there is less than 100 names remaining on the register, the applicant's name is within the top 5 names remaining on the register.

C. Appointment from the Final Eligibility Register is subject to satisfactorily passing or completing an in-depth psychological examination, a polygraph test, background investigation, and a thorough medical examination (which may include a test of the applicant's vision and hearing, a test for the presence of communicable diseases as well as a test to screen for the use of drugs and/or narcotics). A conditional offer of employment shall be made prior to an applicant submitting to the in-depth psychological examination and the medical exam.

D. In the event a "Final Eligibility Register" is exhausted prior to the expiration of the "Initial Eligibility Register," the Board may establish another "Final Eligibility Register" in accordance with Section 11 above. Names will be stricken from the "Final Eligibility Register" and the Initial Eligibility Register after the names have appeared on the original "Initial Eligibility Register" in excess of two years.

#### 2-3C-5: PROBATION:

Upon original appointment, all appointee firefighters shall serve in a probationary capacity for a period of twelve (12) consecutive months from the first date of appointment. Upon original appointment, all appointee police officers shall serve in a probationary capacity for a period of twelve (12) consecutive months from the date of successful completion of basic training as required by 50 Illinois Compiled Statutes 705/1 et seq. No probationary police officer or firefighter shall be eligible for promotion. During this probationary period the police officer's or firefighter's employment may be terminated, at any time, for any reason or no reason at all by the respective police chief or fire chief. (Ord. 97-25, 10-20-1997; amd. Ord. 05-03, 2-7-2005)