

ORDINANCE 2022-31

An Ordinance Amending Title 2, Boards and Commissions Chapter 3, Board of Fire and Police Commissioners

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, current trends reflect the difficulty in traditional Police and Fire recruitment methods; and

WHEREAS, the Police and Fire Officer applicant pool has significantly decreased in recent years; and

WHEREAS, Police and Fire staff identified changes to qualifications for candidates at the time of testing to reach a larger pool of candidates eliminating the 30-day wait for applications close to the written test; and

WHEREAS, the proposed amendments have been reviewed by the respective Police and Fire Chiefs, the Village of West Dundee's Police and Fire Commission along with the Village Attorney's review; and

WHEREAS, the proposed amendment to Title 2, Chapter 3, Board of Fire and Police Commissioners would become effective December 1, 2022, in order to ensure proper notification and compliance with the Village's collective bargaining agreements.

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

Section 1: The recitals in the preambles to this Ordinance are incorporated into this Section 1 as if fully set forth herein.

Section 2: The Village of West Dundee's Municipal Code is hereby amended by deleting Title 2, Chapter 3 in its entirety and replacing it with the following:

CHAPTER 3

BOARD OF FIRE AND POLICE COMMISSIONERS

ARTICLE A. BOARD PROVISIONS

SECTION:

2-3A-1: Source of Authority

2-3A-2: Definitions

2-3A-3: Creation; Appointments, Terms

2-3A-4: Qualifications; Removal

2-3A-5: Compensation

2-3A-6: Meetings

2-3A-7: Duties

2-3A-8: Conflict with State Statutes

2-3A-1: **SOURCE OF AUTHORITY:** The Board of Fire and Police Commissioners (commission) of the Village of West Dundee (Village) derives its power and authority from 65 Illinois Compiled Statutes 5/10-2.1-1 et seq., (Act). To the extent that these rules conflict with provisions of the Act, these rules shall be deemed to apply pursuant to the home rule powers of the Village. (Ord. 97-25, 10-20-1997)

2-3A-2: **DEFINITIONS:**

COMMISSION: The Board of fire and police commissioners of the Village of West Dundee.

DEPARTMENT: Police Department and/or the Fire Department.

FIRE DEPARTMENT: The Village of West Dundee Fire Department.

OFFICER: Any person successfully completing the required probationary period and holding a permanent full-time position as a police officer of the police department or firefighter of the fire department.

POLICE DEPARTMENT: The Village of West Dundee Police Department. (Ord. 97-25, 10-20-1997)

2-3A-3: **CREATION, APPOINTMENTS, TERMS:**

A. Creation: There is hereby created a board of fire and police commissioners consisting of three (3) members. The members of the commission must be residents of the Village and will be considered officers of the Village. The members of the commission shall file an oath of office with the village clerk.

B. Appointments, Terms: The commissioners shall be appointed by the village president, with the advice and consent of the Board of trustees. The terms of office of the commissioners shall be three (3) years and until their respective successors shall be appointed and qualified; provided, that no such appointments shall be made by the village president within thirty (30) days before the expiration of his term of office; and provided further, that the president shall appoint the first members of such commission, one of whom shall be appointed to serve until the end of the current municipal year in which such appointment is made, another shall serve until the end of the municipal year next ensuing, and the third shall serve until the end of the municipal year second next ensuing; provided, that each of the first members of the commission shall serve until his successor is appointed and qualified. (Ord. 97-25, 10-20-1997)

2-3A-4: QUALIFICATIONS; REMOVAL:

- A. The commissioners shall have such qualifications as are now, or may hereafter be, required of them by law. No person may serve on the commission who is an officer or precinct captain of any "established party" as defined in the election code 1 , or who is an elected official of any governmental body. No person shall be appointed as a member of the commission who is related, either by blood or marriage, up to the degree of first cousin to any elected official of the Village. Contrary to 65 Illinois Compiled Statutes 5/10-2.1-3, all members of the commission may belong to the same political party.
- B. Commissioners shall not be subject to removal except for cause upon written charges and after an opportunity to be heard in their own defense before a public meeting of the Board of Trustees of the Village. A majority vote of the President and Board of Trustees shall be required to remove any such Commissioner from office. (Ord. 97-25, 10-20-1997)

Notes

- 1 1. 10 ILCS 5/10-2.

2-3A-5: COMPENSATION:

The Commissioners shall be paid as follows:

Chairman	\$750.00 per year
Commissioners	750.00 per year
Secretary	750.00 per year

These amounts are payable in December of each year unless a Commissioner leaves prior to the December payment, in which case the Commissioner and his or her successor shall be paid pro rata to or from the date of the end of the leaving Commissioner's term. (Ord. 2018-34, 12-17-2018)

2-3A-6: MEETINGS:

- A. Regular Meetings: The location, date and time of regular meetings shall be established at the first meeting in May for the forthcoming year.
- B. Special Meetings: Special meetings may be called by, or at the request of, the Chairman, or any two (2) Commissioners.
- C. Open Meetings: The Illinois Open Meetings Act shall apply to all meetings 1 .
- D. Parliamentary Procedure: The parliamentary procedure prescribed in "Robert's Rules of Order" shall govern the commission's proceedings. (Ord. 97-25, 10-20-1997)

Notes

- 1 1. 5 ILCS 120/1 et seq.

2-3A-7: DUTIES:

- A. The Board of Fire and Police Commissioners shall appoint all officers of the Fire and Police Departments, except those exempted by subsection 2-3D-7G of this chapter and shall conduct and hold all entrance and promotional examinations in the manner provided by law. It shall have all such powers and duties as are now or as may hereafter be empowered to it by statute.
- B. The commission shall annually, at the first meeting in May, elect a Chairman and a Secretary. They shall hold office for one year or 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 commission in a permanent record book and shall be the custodian of all the forms, papers, books, records, and completed examinations of the commission, which material shall always remain at a Village building. Should a change in the commission membership vacate one or all officers, the new commission shall, at its next meeting, elect new officers to fill the unexpired terms.

- C. The commission shall submit to the Village an annual report of its activities as required by section 5/10-2.1-19 of the Act, and a budget request for the ensuing year, on or before the close of each calendar year. (Ord. 97-25, 10-20-1997)

2-3A-8: CONFLICT WITH STATE STATUTES:

Any chapters, sections, and/or subsections of these rules and regulations for the operation of the commission, which conflict with the Illinois or United States Constitution and found by a court of law to exceed the home rule powers of the Village, shall be deemed null and void. This, however, shall not be deemed to invalidate any other chapters, sections, and/or subsections of these rules or this chapter. (Ord. 97-25, 10-20-1997)

ARTICLE B. QUALIFICATIONS OF APPLICANTS

SECTION:

2-3B-1: Residence

2-3B-2: Applications

2-3B-3: Qualifications

2-3B-4: Disqualification

2-3B-5: Notice of Acceptance for Eligibility

2-3B-1: RESIDENCE:

Any person who becomes an officer of the department shall reside within a radius of thirty-five (35) miles of the Village of West Dundee village hall, 102 South Second Street, West Dundee, Illinois, within a period of twelve (12) months from the date of his or her initial hire. (Ord. 97-25, 10-20-1997)

2-3B-2: APPLICATIONS:

- A. Orientation: The commission shall furnish application forms for positions in the department prior to the orientation program, as published.
- B. Filing:
 - 1. Applications for original appointment to the department shall be returned as specified at the orientation program. All such applications shall be addressed to the commission and filed at the village public safety building. All applications shall be completely filled out and shall be signed. Any application which is not completely filled out will automatically be rejected.
 - 2. Persons making untruthful answers to questions in said application shall be rejected by the commission and the applicant notified of such action.
 - 3. It shall constitute cause for discharge if, after becoming an officer in the department, it is discovered that a false statement was made or that any material facts were misrepresented on the application form submitted to the department by the officer. (Ord. 97-25, 10-20-1997)

2-3B-3: QUALIFICATIONS:

- A. Special Qualifications: If a position requires special qualifications, the commission may require evidence of special training or practical experience prior to examination. (Ord. 97-25, 10-20-1997)
- B. Special Requirements: Applicants for original appointment must be United States citizens and shall be at least twenty-one (21) years of age on the day of the application deadline. No person shall be eligible to take the fire and/or police department entry level examination unless such person possesses a high school diploma or an equivalent high school education. Any candidate for a firefighter paramedic position must be licensed by IDPH as an EMT at the time of the written examination and licensure as an EMT-P by the time of a conditional offer of appointment. All applicants shall be under thirty-five (35) years of age on the day of the application deadline, except as allowed by Illinois State Statute. Proof of birth date will be required at time of application. (Ord. 05-03, 2-7-2005)

2-3B-4: DISQUALIFICATION:

- A. The commission may refuse to examine any applicant, or, after examination, may refuse to certify any applicant as eligible, or may remove any applicant from the eligible list:
 - 1. Who is found lacking in any of the established preliminary requirements for the position applied for;
 - 2. Who is physically unable to perform the essential functions of the job, even with a reasonable accommodation;
 - 3. Who currently illegally uses drugs and/or narcotics or abuses intoxicating beverages;
 - 4. Who has practiced or attempted to practice any deception or fraud in the application or application process;
 - 5. Whose character and/or employment references are unsatisfactory; or
 - 6. Who has a record of any misdemeanor or felony conviction including, but not limited to, any section of the criminal code 1.
- B. Any applicant disqualified for any of the above-mentioned reasons shall be notified in writing by the commission that said individual does not meet the standards for appointment to the position of officer with the department. (Ord. 97-25, 10-20-1997)

Notes

- 1 1. 720 ILCS 5/1-1 et seq.

2-3B-5: NOTICE OF ACCEPTANCE FOR ELIGIBILITY:

The secretary of the commission will notify all applicants whose applications have been accepted by the commission. Said notification will instruct the applicants to report for examinations at a specified location and at a specified time and date. At the time of the examination the applicant must execute a waiver of liability form provided by the commission. (Ord. 97-25, 10-20-1997)

ARTICLE C. EXAMINATIONS

SECTION:

- 2-3C-1: Notice of Examination
- 2-3C-2: Examinations
- 2-3C-3: Tests and Fact Sheets for Original Appointments
- 2-3C-4: Eligible Registers and Appointments
- 2-3C-5: Probation

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. 18-16, 8-6-2018)

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.
- B. Applications: Applications will be received for at least a two (2) week period. 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 (If Applicable), discharge papers (If Applicable), social security card, birth certificate, high school diploma or GED certificate, a copy of his college or university degree and, if requested, a copy of a certified transcript of his coursework 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.
- D. 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 section 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 EMT-B with the Illinois Department of Public Health.
 12. All applicants will be a minimum of twenty-one (21) years old on the date of the written exam.
 13. All applicants will be citizens of the United States of America.
- E. 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 section 2-3C-3 of this article. No examination shall contain questions regarding applicants' political or religious opinions or affiliations. (Ord. 18-16, 8-6-2018)

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 eligible. 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.

- #### 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. 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 one to one hundred (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 firefighter candidate has successfully, within the twelve (12) months immediately preceding the administration of the written conditional offer of employment, passed the candidate physical ability test (CPAT) with ladder climb, 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.
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.
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.
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.
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. 18-16, 8-6-2018)

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 this section.

- 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 subsection 2-3C-3B, "Fact Sheet Usage", of this article).
 - 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 A2a through A2c of this section.
 - 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 noncertified 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 one to one hundred (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 seventy percent (70%); and,
 - 2) Oral interview score multiplied by thirty percent (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 - five (5) points. Awarded to applicants who have served a minimum of twelve (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 – (2.5) 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 - Paramedic (2.5) - Current EMT-P license by the Illinois Department of Public Health
 - 5) Experience points - none.
 - 6) Residency points - none.
 - 7) Additional points - one to ten (10) points. Candidates currently employed by the West Dundee Fire Department or who was employed by the West Dundee Fire department in a part-time capacity and left the department in good standing within 18 months before the application deadline shall be awarded one point for one full year of cumulative service; three (3) total points for two (2) full years of cumulative service; or five (5) total points for three (3) or more full years of cumulative service. Eligibility will be verified by the Chief of the department. Additional Certifications (5) - 2.5 points for certification by the Illinois State Fire Marshal's Office as a Basic Operations Firefighter (Firefighter 2); an additional 2.5 points for certification by the Illinois State Fire Marshal's Office as an Advanced Technician Firefighter (Firefighter 3).
- 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 five percent (5%) of the names remaining on the list or, if there is less than one hundred (100) names remaining on the register, the applicant's name is within the top five (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). Candidates shall also provide proof of CPAT certification with ladder climb which has been completed within the twelve (12) months immediately preceding the date of a conditional offer of employment. 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 this subsection B3. 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 (2) years.
- C. Police Officer - Accelerated Entry/Lateral Transfer:
1. In addition to original appointment to the Village of West Dundee Police Department as set forth in Section A of these rules, the Board may create a second eligibility register of persons who have previously been full-time sworn officers of a regular police department in any municipality, county, university or State law enforcement agency provided they are certified by the Illinois Law Enforcement Training standards Board and have been with their respective law enforcement agency within the State for at least two (2) years.
 2. All accelerated entry process applicants must provide documentation at the time of initial application to show their previous responsibilities and duties are similar to those of a Police Officer in the Village of West Dundee. This will be accomplished using a combination of the

West Dundee Police Department Lateral Transfer application, employee evaluations, past and current assignments, and training certificates.

Applicants must provide documentation that they have fulfilled the requirements of the Illinois Police Training Act at the time of initial application.

3. The Board may accept applications from candidates interested in accelerated entry at any time.
4. Accelerated entry applicants who meet the requirements of Sections C1 and C2 above shall submit to an oral interview to be conducted by the Board. The Board may conduct oral interviews of those applicants at such times as is necessary and as determined at the discretion of the Board.
5. The names of the applicants shall be placed upon the eligibility register in rank order, highest first. Rank order shall be based upon the applicant's oral interview score and application preference points (military and/or educational)
6. An original accelerated entry register shall be established by the Board. After the establishment of the original accelerated entry register the names of applicants will be inserted onto the register based upon their oral interview scores and application of preference points (military and/or educational). Names shall be stricken from the register after two (2) years. Applicants who have been stricken from the register may reapply and shall be subject to the requirements outlined in C1 and C2 of this section.
7. Applicants shall be appointed from the eligibility register in descending order.
8. 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.
9. After being hired, the applicants will be required to successfully complete a field training program and twelve (12) month probation period.
10. The Board and the Chief of Police will determine in all cases which list will be used to fill any existing vacancy.
11. Any lateral entry list established by the Board shall remain active indefinitely or may terminate when no viable candidate names remain on the list.
12. All other provisions of these rules, including promotions shall be applicable to all applicants of the accelerated process who accept an offer of employment and complete the probationary period. (Ord. 18-16, 8-6-2018; amd. Ord. 2021-04, 3-15-2021)

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. 18-16, 8-6-2018)

ARTICLE D. CLASSIFICATION, OATH, RANK AND PROMOTIONS

SECTION:

2-3D-1: Rank

2-3D-2: Classification

2-3D-3: Oath of Office

2-3D-4: Rules and Orders
2-3D-5: Leave of Absence
2-3D-6: Police Department Promotional Procedures
2-3D-7: Fire Department Promotional Procedures

2-3D-1: RANK 1 :

- A. The order of rank in the police department shall be as provided by ordinance and the municipal budget.
- B. The order of rank in the fire department shall be as provided by ordinance and the municipal budget. (Ord. 97-25, 10-20-1997)

Notes

- 1 1. See also subsection 1-8A-2E of this code.

2-3D-2: CLASSIFICATION:

The commission classifies such offices in the fire and police departments for the purpose of establishing and maintaining standards of examinations and promotions based upon job descriptions and departmental regulations. (Ord. 97-25, 10-20-1997)

2-3D-3: OATH OF OFFICE:

Before entering duty, any person about to become a member of the police department or fire department shall take the following oath, before any person authorized to administer oaths in the state of Illinois:

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

Signed _____

Subscribed and sworn to before me this _____ day of _____
(Ord. 97-25, 10-20-1997)

2-3D-4: RULES AND ORDERS:

- A. All officers and members of the fire department and police department shall observe and obey all rules and orders of the commission which are in force or which may be adopted hereafter as well as all regulations for the operation of a fire department and police department as adopted by the Board of trustees and in force or which may be adopted hereafter. The village board hereby authorizes the police chief and fire chief to establish further rules and regulations and standard operating procedures applicable to their respective departments.
- B. A notice shall be published, in a newspaper of general circulation in the municipality, specifying where such rules are available for inspection. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication, when said rules shall become effective. .
(Ord. 97-25, 10-20-1997)

2-3D-5: LEAVE OF ABSENCE:

Leaves of absence shall be granted by reason of military service or duty related disability as specified in 65 Illinois Compiled Statutes 5/10-2.1-23. If a leave of absence is granted by the commission during a probationary period, such probationary period shall be tolled until the probationary employee returns from his leave of absence. (Ord. 97-25, 10-20-1997)

2-3D-6: POLICE DEPARTMENT PROMOTIONAL PROCEDURES:

- A. Generally: Except as to exempt ranks as set forth in this section, and except as provided otherwise herein, promotions in the department shall be governed by section 5/10-2.1-15 of the Act. The method of examination and the rules governing promotions are the same as provided for applicants for original appointment, except as follows: (Ord. 02-18, 6-17-2002)
 - 1. Competitive Among Members: All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to examination. (Ord. 02-18, 6-17-2002; amd. 2004 Code)
 - 2. Grading: All officers who submit themselves to examination will be graded according to the following schedule:
 - a. Promotion Potential Rating: Points to be specified in the fact sheet issued by the commission for this process. To identify a candidate's promotional potential, each candidate shall receive a promotional potential rating (as opposed to job performance). The manner in which the rating is prepared shall be at the discretion of the chief of the police department. The promotional potential rating shall be conducted as follows:
 - 1) The chief of the department shall notify each candidate in writing, no less than one month prior to the rating, the manner in which the rating will be prepared, which rating will be reviewed by the village manager.
 - 2) Information concerning the nature and scope of the rating procedure is to be forwarded to the commissioners no less than three (3) weeks prior to the rating process and prior to the notification of each participating candidate.
 - b. Written Examination: Points to be specified in the fact sheet issued by the commission for this process.
 - c. Personal Interview: Points to be specified in the fact sheet issued by the commission for this process.
 - Maximum grade: One hundred (100) points.
 - 3. Promotion Tests: Examinations at the promotional level may include, but are not limited to, written, oral, and promotion potential rating and to be determined by the commission prior to testing and provided to candidates as part of the promotional fact sheet.
 - 4. Preferential Credit Points: No preferential credit points will be awarded in connection with any promotional eligibility list.
 - 5. Service Required: An officer must have served a minimum of three (3) years (whether in this department or another police department) in the rank of full-time patrol officer and completed his/her probationary period before being eligible for appointment to the rank of sergeant. An officer must have served one full year in the immediately preceding rank before being eligible for appointment to the next higher rank.
 - 6. Review Of Reports or Evaluations: As part of the promotion process, the commission shall review, with the prior written consent of the officer, any and all reports or evaluations of the police chief relating to the officer.
 - 7. Injury Not to Disqualify: Officers injured while on duty or in the discharge of duty shall not be disqualified from promotion. Where such injuries occur, the chief of the department shall notify the commission, in writing, of the nature of the injuries and the circumstances under which the injuries were received.
- B. Notification Of Test Results/Grading: Upon completion of each phase of the examination, each candidate will be notified whether the candidate passed or failed that phase of the examination. Upon completion of all written and oral examinations, applicants will be advised of their scores by posting of an eligibility list with a three (3) year limit. (Ord. 02-18, 6-17-2002)
- C. Posting Of Sergeant Position Eligibility List: The commission will prepare an eligible register of all police candidates successfully passing all examinations for the position of sergeant. The police candidates shall be listed by grade. (Ord. 02-18, 6-17-2002; amd. 2004 Code)
- D. Test Results Interview: After the examination process is completed, a candidate may request an interview with the commission to help the candidate identify areas of weakness which need

improvement. Requests for such interviews should be addressed to the secretary of the commission in writing and will be scheduled by the commission.

- E. Promotion: Promotions of personnel in the police department as provided for in this article, will be made by the chief from the three (3) candidates receiving the highest promotion scores.
- F. Probationary Period: All appointments to the position of sergeant in the police department shall be subject to a promotional probationary period of twelve (12) months. Any such appointee who fails to satisfactorily complete his/her promotional probationary period, as solely determined by the chief of the department without hearing or cause, shall be returned to his/her prior rank except when such appointee retires, resigns or is discharged for cause. (Ord. 02-18, 6-17-2002)
- G. Exempt Positions: The police chief and deputy police chief are exempt from and not subject to the provisions of the Act. Should the police chief or deputy police chief not be reappointed, then he/she shall revert to his/her former commission rank. (Ord. 02-18, 6-17-2002; amd. Ord. 10-14, 5-17-2010)

2-3D-7: FIRE DEPARTMENT PROMOTIONAL PROCEDURES:

- A. Generally: Except as to exempt ranks as set forth in subsection G of this section, and except as provided otherwise herein, promotions in the department shall be governed by 65 Illinois Compiled Statutes 5/10-2.1-15 of the Act. The method of examination and the rules governing promotions are the same as provided for applicants for original appointment, except as follows:
 - 1. Competitive Among Members: All examinations for promotion shall be competitive among such members of the next lower ranks as desire to submit themselves to examination.
 - 2. Grading: All firefighter/paramedics who submit themselves to examination will be graded according to the terms of the collective bargaining agreement.
- B. Notification Of Test Results/Grading: Upon completion of each phase of the examination, each officer candidate will be notified whether the candidate passed or failed that phase of the examination. Upon completion of all written and oral examinations, officer candidates will be advised of their scores by posting of an eligibility list with a three (3) year limit.
- C. Posting Of Lieutenant Position Eligibility List: The commission will prepare an eligible register of all officer candidates successfully passing all examinations for the position of fire lieutenant. The fire lieutenant candidates shall be listed by grade.
- D. Test Results Interview: After the examination process is completed, an officer candidate may request an interview with the commission to help the candidate identify areas of weakness which need improvement. Requests for such interviews should be addressed to the secretary of the commission in writing and will be scheduled by the commission.
- E. Promotion: Promotions of personnel in the fire department as provided for in this article, will be made by the fire chief from the three (3) candidates receiving the highest promotion scores.
- F. Probationary Period: All appointments to the position of lieutenant or captain in the fire department shall be subject to a promotional probationary period of twelve (12) months. Any such appointee who fails to satisfactorily complete his/her promotional probationary period, as solely determined by the chief of the fire department without hearing or cause, shall be returned to his/her prior rank except when such appointee retires, resigns, or is discharged for cause.
- G. Exempt Positions: The fire chief and assistant fire chief are exempt from and not subject to the provisions of the Act. Should the fire chief or assistant chief not be reappointed, then he/she shall revert to his former commission rank. (Ord. 06-41, 7-24-2006)

ARTICLE E. HEARING PROCEDURES

SECTION:

- 2-3E-1: General Provisions
- 2-3E-2: Hearing Procedure
- 2-3E-3: Subpoenas
- 2-3E-4: Filing

2-3E-5: Forms Of Paper
2-3E-6: Suspension
2-3E-7: Discharge, Suspension Or Demotion After Hearing
2-3E-8: Date Of Hearing
2-3E-9: Rules; Conflict
2-3E-10: Violations
2-3E-11: Finding And Decision

2-3E-1: GENERAL PROVISIONS:

- A. Hearings before the commission are not common law proceedings. The provisions of the Illinois code of civil procedure do not apply to hearings before the commission.
- B. "Counsel" as used herein means one who has been admitted to the bar as an attorney at law in Illinois.
- C. No rehearing, reconsideration, modification, vacation, or alteration of a decision of the commission will be allowed.
- D. Cause for discharge is some substantial shortcoming which renders continuance in employment in some way detrimental to the discipline and efficiency of the public service and which the law and sound public opinion recognize as cause for the officer to no longer occupy his or her position.
- E. The commission has the sole right and authority to determine what constitutes cause for discharge.
- F. The burden of proof rests upon the complainant who initiates any proceedings which provide for a hearing before the commission. The standard for the burden of proof is a preponderance of the evidence.
- G. The phrase "preponderance of the evidence" is defined as the greater weight of the evidence; that is to say, it rests with the evidence which, when fairly considered, produces the stronger impression, has a greater weight, and is more convincing as to its truth when weighted against the evidence in opposition.
- H. All hearings shall be conducted pursuant to the Illinois open meetings act.
- I. At the time and place of hearing, both parties may be represented by counsel, if they so desire.
- J. All proceedings before the commission during the conduct of the hearing shall be recorded by a court reporter to be employed by the commission.
- K. The records of all hearings will not be transcribed by the court reporter unless requested by the commission or any party in interest. Should any party in interest request transcription, that party shall be responsible for the costs of transcription.
- L. The commission 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 commission to hear. All parties shall have the right to cross examine witnesses presented by the opposite party. (Ord. 97-25, 10-20-1997)

2-3E-2: HEARING PROCEDURE:

- A. General: Pursuant to section 5/10-2.1-17 of the Act, the commission shall, upon filing of written charges against a particular officer or upon written request for appeal by a police officer or firefighter of a suspension by the chief, conduct the hearing as prescribed by the Act. In all cases, the original written charges, or written requests for appeal, shall be filed with four (4) copies setting forth a plain and concise statement of the facts upon which the charges, or appeal, are based.
- B. Notice: Upon the filing of written charges, or upon receipt of a written request for appeal, and, if applicable, after the commission has made a determination as to whether probable cause exists for conducting a hearing on the charges, the secretary of the commission shall notify the complainant and respondent, either by registered or certified mail, return receipt requested, or

personally, of the time and place scheduled for the hearing. Along with this notice to the respondent, the commission shall enclose a copy of the charges or the request for appeal.

- C. Continuances: The matter of granting or refusing to grant a continuance of a hearing is within the sole discretion of the commission.
- D. Stipulations: Parties may stipulate and agree in writing, or on the record, to a continuance, to facts, or as to evidentiary guilt. The facts so stipulated shall be considered as evidence in the proceeding.
- E. Motions: Motions or objections to the sufficiency of written charges must be filed prior to or at the beginning of the hearing before the commission, unless the commission specifies otherwise. (Ord. 97-25, 10-20-1997)
- F. Counsel: For purposes of conducting any hearing on charges filed hereunder, the attorney for the commission shall be from the law firm representing the Village. The Village, on behalf of the complainant, shall retain independent counsel, other than the law firm representing the Village, to prosecute the charges and the Village shall pay the fees of the independent counsel. The commission shall appoint its counsel to act as hearing officer during the hearing to facilitate receipt of the evidence and ruling on objections. (Ord. 05-03, 2-7-2005)

2-3E-3: SUBPOENAS:

Either party may, at any time before the hearing, make application to the commission, by filing with it a written request, for subpoenas for any individual to appear at the hearing or have any individual produce books, papers, records, accounts, or other documents as may be deemed by the commission 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 of the age of twenty-one (21) years or older designated by the party requesting the subpoenas, provided they have no interest in the proceedings or relationship to any of the parties. Application for subpoenas should include a form of subpoena to be issued containing the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce at the hearing. Subpoenas will not be issued for any person residing outside of the state of Illinois. The party requesting a subpoena shall pay all costs associated with service and issuance. (Ord. 97-25, 10-20-1997)

2-3E-4: FILING:

All papers may be filed with the commission by mailing or personally delivering the papers to the secretary of the commission, addressed to the West Dundee Village Clerk, 102 South Second Street, West Dundee, IL 60118. For the purpose of these rules and regulations, the filing date of any paper shall be the date it is received in the commission's office if the paper was delivered personally or by messenger, or, in the event a paper was mailed, the filing date shall be the date which is postmarked on the envelope of such paper. All original papers filed with the commission shall include four (4) copies. (Ord. 97-25, 10-20-1997)

2-3E-5: FORMS OF PAPER:

- A. All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
- B. If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.
- C. All papers shall be not larger than eight and one-half inches by eleven inches (8 1/2" x 11") with inside margins of not less than one inch (1").
- D. The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent, or attorney thereof and copies thereof provided the opposing party or his counsel.
- E. If papers are filed by an attorney, his name and address shall appear thereon. (Ord. 97-25, 10-20-1997)

2-3E-6: SUSPENSION:

- A. The commission may suspend any member of the fire department or police department against whom charges have been preferred, pending a hearing of the charges by the commission but not to exceed thirty (30) days, without pay, at any one time.
- B. The chief of the fire department or police department shall have the right to suspend any officer under his command for a period not to exceed five (5) days (not to exceed 40 working hours), providing no charges on the same offense have been filed and are pending before the commission, and he shall notify the commission in writing within twenty-four (24) hours of the time of such suspension. Any police officer or firefighter so suspended may appeal to the commission for a review of the suspension within five (5) days after receiving notice of such suspension by filing notice of such appeal in writing with the secretary of the Board of fire and police commissioners. A hearing shall be had upon such appeal, and due notice given to the chief of the department who suspended such officer, and to the officer so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal.
- C. Upon such appeal, the commission may sustain the action of the chief of the department, may reverse it with instructions that the officer so suspended receive his pay for the period involved, may suspend the officer for a period of not more than thirty (30) calendar days, demote the officer or discharge the officer, depending on the evidence presented. (Ord. 97-25, 10-20-1997)

2-3E-7: DISCHARGE, SUSPENSION OR DEMOTION AFTER HEARING:

- A. Discharge from office, or suspension from service in the fire department or police department shall be in compliance with sections 5/10-2.1-1 through 5/10-2.1-30, inclusive, of the Act.
- B. In addition to the commission's powers to discharge or suspend granted by 65 Illinois Compiled Statutes 5/10-2.1-17, the commission may, in case an officer is found guilty after the hearing provided in said section, demote said officer or member one rank and/or remove said officer or member's name from the promotional eligibility list.
- C. The commission shall, within a reasonable time after the hearing is completed, enter its findings on the records of the commission. (Ord. 97-25, 10-20-1997)

2-3E-8: DATE OF HEARING:

The time for the hearing of charges shall be set by the commission, within thirty (30) days of the time of the filing of such charges. Continuances may be granted from time to time upon motion of any party to the proceeding by order of the commission. This time limitation is not applicable to hearings conducted to review suspensions of five (5) days or less imposed by a chief of a department on one of its members. (Ord. 97-25, 10-20-1997)

2-3E-9: RULES; CONFLICT:

The personnel of the fire department and police department shall be governed by the rules adopted by the commission and the regulations of the fire department and police department as adopted by ordinance. In case of conflict, the rules of the commission shall govern. (Ord. 97-25, 10-20-1997)

2-3E-10: VIOLATIONS:

- A. Rules: All members of the fire department and police department shall be subject to the regulations of such department, and the rules of the commission, and a violation of such rules or regulations may be cause for the filing of charges before the commission, a subsequent hearing and action by the commission on such charges.

- B. Law: Any violation of the laws of the Village or state or federal law, by any member of the fire department or police department of the Village may be cause for the filing of charges against said officer, except as herein otherwise provided. (Ord. 97-25, 10-20-1997)

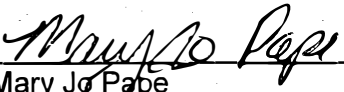
2-3E-11: FINDING AND DECISION:

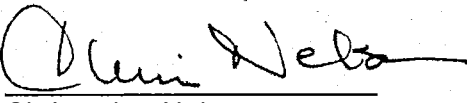
The finding and decision of the commission, following a hearing of charges, shall be preserved by the secretary, and notice of said finding and decision sent to the officer involved and the chief of the department for enforcement. If the findings and decision are that an officer is guilty of charges investigated, and removal or discharge is ordered, such order of removal or discharge shall become effective forthwith pursuant to section 2-3E-7 of this article. (Ord. 97-25, 10-20-1997)

APPROVED and PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 17th day of October, 2022.

AYES: Trustees Wilbrandt, Price, Haley, Alopogianis and Anderley
NAYS: None
ABSENT: Trustee Yuscka

ATTEST:


Mary Jo Pape
Village Clerk


Christopher Nelson
Village President