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**RULES AND REGULATIONS  
OF THE  
BOARD OF FIRE AND POLICE COMMISSIONERS  
OF THE  
CITY OF WARRENVILLE  
STATE OF ILLINOIS**

As adopted by the Board of Fire and Police Commissioners of the City of Warrenville, Illinois, effective \_\_\_\_\_.

**CHAPTER I - ADMINISTRATION**

**SECTION 1 - SOURCE OF AUTHORITY.**

The Board of Fire and Police Commissioners of the City of Warrenville, Illinois derives its power and authority from an Act of the General Assembly entitled, "Division 2.1 Board of Fire and Police Commissioners", of Chapter 65 of the Illinois Compiled Statutes.

**SECTION 2 - DEFINITIONS.**

The word "Commission" and/or "Board" wherever used shall mean the Board of Fire and Police Commissioners of the City of Warrenville, Illinois. The word "Officer" shall mean any person holding a permanent office in the Police Department of the City of Warrenville, Illinois. The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural the singular.

**SECTION 3 - OFFICERS OF BOARD AND THEIR DUTIES.**

The Board shall annually, on the first meeting in May elect a Chairman and a Secretary. They shall hold office until the end of the fiscal year of the municipality and until their successors are duly elected and qualified. The Chairman shall be the presiding officer at all meetings. The Secretary shall keep the Minutes of all meetings of the Board in a permanent record book and shall be the custodian of all the forms, papers, books, records and completed examinations of the Board.

**SECTION 4 - MEETINGS.**

- a) Regular meetings shall be held monthly, notice shall be posted and meetings shall be open to the public.
- b) Special meetings shall be open, notice thereof to be posted forty-eight (48) hours prior to convening, called by the filing of a notice in writing with the Secretary of the Board and

signed either by the Chairman of the Board or any two members thereof. This notice shall contain a brief statement of the business to be submitted for the consideration of the Board at such special meetings, and shall set forth the time and place of such special meeting, and no other business shall be considered at such special meeting unless by unanimous consent of the Board.

c) During any regular or special meeting a closed session may be held upon a proper motion made by any single member of the Board for the purpose of discussing personnel. Closed sessions may be limited to Board members and such invited persons as the Board may deem necessary. The secretary will record the motion to close the meeting, record the roll call vote of the members on said motion and keep minutes of the closed session.

d) Public notice of any regularly scheduled or special meeting shall be held in accordance with the Open Meetings Act, Illinois Compiled Statutes, Chapter 5, 120/1-120/5.

### **SECTION 5 - QUORUM.**

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

### **SECTION 6 - ORDER OF BUSINESS.**

The order of business at any meeting shall be:

- a) Approval of the Minutes.
- b) Communications.
- c) Unfinished Business.
- d) New Business.
- e) Adjournment.

### **SECTION 7 - PROCEDURE.**

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

### **SECTION 8 - AMENDMENTS.**

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

## **SECTION 9 - ANNUAL REPORT AND BUDGET REQUEST.**

The Board shall submit an Annual Report of its activities as required by 5/10-2.1-19 of the Board of Fire and Police Commissioners Act, and a Budget Request for the ensuing year, as required by local ordinance and the aforementioned 5/10-2.1-19.

## **CHAPTER II - APPLICATIONS**

### **SECTION 1 - RESIDENCE.**

Applicants for examination must be citizens of the United States and/or an alien admitted for permanent residence or lawfully admitted for temporary residence and who produces evidence of intention to become a citizen of the United States.

### **SECTION 2 - APPLICATION BLANKS.**

Applications for position shall be filed upon blank forms furnished by the Commission, and applicants must comply with the requirements of said form in every respect. The application must be filed with the Commission 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 with his application a copy of his Military Service Record, Discharge Papers, Birth Certificate, High School Diploma or G.E.D. Certificate, and a copy of the applicant's College or University Degree.

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.

### **SECTION 3 - DISQUALIFICATION.**

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

- a) Who is found lacking in any of the established preliminary requirements for the service for which he or she applies.
- b) Who is physically unable to perform the duties of the position to which he or she seeks appointment.

- c) Who is addicted to the use of intoxicating beverages or is found to have taken or used drugs and/or narcotics illegally.
- d) Who has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in 10-2.10-6 of the Board of Fire and Police Commissioners Act.
- e) Who has been dismissed from any public service for good cause.
- f) Who has attempted to practice any deception or fraud in his or her application.
- g) Who may be found disqualified in personal qualifications or health.
- h) Whose character and employment references are unsatisfactory.
- i) Who does not possess a high school education or its equivalent.
- j) Who has applied for a position of a police officer and is or has been classified by his or her Local Selective Service Draft Board as a conscientious objector.

k) Anti-nepotism

To avoid potential conflicts of interest, the appearance of bias, and to enhance supervision and security, the City generally prohibits the employment of relatives of current employees or elected officials. The provisions of this policy shall only apply to changes in employment status or marriages occurring after the effective date of the policy. However, if a grandfathered employee terminates his or her employment and later re-applies, he/she would be subject to this policy. The following are among the reasons the City discourages the hiring of relatives.

1. Residents may believe that the related person was employed not on the basis of merit but rather on the basis of the relationship with a current employee or elected official. Whether correct or incorrect, such perceptions may weaken the credibility of the City.
2. Submission of an application by a related person creates the risk that other members of the City will feel pressured to act favorable on the application out of loyalty and the need to work with the related member, rather than on the merits of the application.
3. Those who have supervisory authority over a related person may feel reluctance to properly evaluate or discipline that employee, particularly when the person conducting the evaluation or administering the discipline reports directly to the related employee.
4. The related person may be privy to confidential information maintained by the related employee that they would not typically have access to.
5. The related employee's performance and attitude may suffer out of loyalty to a relative suffering adverse employment action.

The City will discourage the hiring of more than one member of a family, or having more than one relative of the same family in its employ at any time. A relative includes spouse, parent,

father-in-law, mother-in-law, grandparent, child, grandchild, sibling, brother-in-law, sister-in-law, son-in-law, daughter-in-law, uncle, aunt, niece, nephew, or first cousins. Also included is any person residing in the same household as a current employee or elected official. However, despite an apparent conflict with this policy, the best candidate for a position shall be hired as long as such employment does not conflict with the following section. The City Administrator shall have the authority to make decisions regarding the interpretation and enforcement of this policy.

The City will not employ, transfer, or promote the related person of a current employee or elected official in which:

1. One of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
2. One party would handle confidential material that creates improper or inappropriate access to that material by the other;
3. One party would be responsible for auditing, supervising, or approving the work of the other;
4. Work involves potential conflicts of interest, due to the relationship;
5. Work involves potential severe safety risk to both employees;
6. The respective positions would require the performance of joint duties;
7. The respective positions would share responsibility or authority; or
8. Both parties function directly in the same chain of command, work the same shift at the same work site, or work for the same department.

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

#### **SECTION 4 - DEFECTIVE APPLICATIONS.**

Defective applications shall be returned to the applicant for correction, provided the applicant is not otherwise disqualified for the position sought.

#### **SECTION 5 - PHYSICAL AND MEDICAL EXAMINATIONS.**

Applicants for original appointment may be subject to a physical aptitude test and shall be required to submit to a thorough medical examination by a licensed physician appointed by the Board of Fire and Police Commissioners of the City of Warrenville.

#### **SECTION 6 - AGE REQUIREMENTS.**

Applicants shall be under 35 years of age, at the time of application and at such time as the final eligibility list is posted, unless exempt from such age limitations as provided in Section 5/10-2.1-6 of the Fire and Police Commissioners Act. Applicants who are 20 years of age and meet the educational requirements as set forth above shall be eligible to take the initial examination for Patrol Officer. Any such applicant who is appointed under this provision of the Act shall not have power of arrest or be permitted to carry firearms until he or she reaches 21 years of age.

Proof of birth date will be required at time of application.

#### **SECTION 7 - NOTICE OF ACCEPTANCE.**

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

#### **SECTION 8 - RELEASE OF LIABILITY.**

All applicants shall execute and deliver to the Board or their hiring representative a release of all liability as the result of taking a "Physical Aptitude Test" in favor of the City of Warrenton on a form to be prescribed by the Board.

#### **SECTION 9 - APPLICANT PRE-QUALIFICATION**

a) Notwithstanding anything to the contrary contained herein, the Board, at its discretion, may require that all applicants register with and pre-qualify by successfully completing all testing/examination pre-requisites as established by the Municipal Police and Fire Registry or such other testing agency employed by the Board. Applicants processed through the Municipal Police and Fire Registry shall bear the expense of the pre-qualification examinations. Examinations are conducted at the offices of or at such locations as specified by the Municipal Police and Fire Registry. In order to be eligible for placement upon an eligibility register, any applicant, pre-qualified by the Municipal Police and Fire Registry must have successfully completed all testing within twelve (12) months prior to the posting of the eligibility list by the Board. The Municipal Police and Fire Registry shall certify to the Board the date that an applicant has complete all pre-qualification testing. Individual applicants will be responsible for contacting the Municipal Police and Fire Registry to arrange to register and complete all testing requirements.

b) Pre-qualified applicants shall be required to submit to a polygraph examination, background investigation, in-depth psychological examination, and a thorough medical examination as more specifically set forth in Chapter III, Section 8.

c) To the extent that the rules set forth in Chapter III do not conflict with the rules governing pre-qualified applicants, the rules set forth in Chapter III shall also be applicable to the pre-qualified applicants.

d) In the event the Board chooses not to employ the services of the Municipal Police and Fire Registry (or similar testing agency), Chapter III hereof, shall be applicable in its entirety as to all applicants for original appointment.

### **CHAPTER III - EXAMINATIONS**

## ORIGINAL APPOINTMENTS

### **SECTION 1 - NOTICE OF EXAMINATIONS.**

Examinations shall be held on the dates fixed by the Commission and advertised in a local paper 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.

### **SECTION 2 - EXAMINATIONS.**

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:

- a) The time and place where such examination will be held.
- b) The location where applications may be obtained and the date by which applications must be returned to the Board.
- c) The position to be filled from the resulting eligibility list.

### **SECTION 3 - TYPE OF EXAMINATIONS.**

Applicants must attend the orientation program sponsored by the Board. In addition, applicant's may be required to participate in a physical aptitude test, written and oral examinations as determined by the Board and as more particularly set forth in Section Four 4 below. No examination shall contain questions regarding applicant's political or religious opinions or affiliations.

### **SECTION 4 - EXAMINATIONS - MINIMUM GRADE.**

The following examinations may be conducted by the Board. 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.

<u>Examinations</u>	<u>% of Total Grade</u>	<u>Minimum Passing</u>
Orientation	-	Attendance Mandatory
Physical Aptitude Test	-	Pass or Fail
Written Test	100%	*
Psychological Examination	-	Pass or Fail
Polygraph Test	-	Pass or Fail
Background Investigation	-	Pass or Fail
Medical Examination	-	Pass or Fail

Oral Test (Interview)

-

\*

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

Note: To any person who is entitled to military, educational or law enforcement certification preference points whose name appears on the register of eligible's the Board shall add five (5) points (5/10-2.1-8 and 5/10-2.1-9) upon request of applicant.

### **SECTION 5 - ORIGINAL APPOINTMENT - PHYSICAL APTITUDE TEST.**

All applicants may be required to submit themselves to a physical aptitude test. Only candidates who have passed the "Physical Aptitude Test" will be permitted to participate in the written examination.

### **SECTION 6 - ORIGINAL APPOINTMENT - WRITTEN EXAMINATIONS.**

Information as to the type of written examination employed by the Board will be provided as part of the orientation program. All examination papers shall be and remain the property of the Board and/or the testing company the Board hires and the grading thereof by the Board shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description. Candidates who fail to achieve a passing grade will be notified and eliminated from all further consideration.

### **SECTION 7 - ORIGINAL APPOINTMENT - ORAL EXAMINATION.**

All Commissioners shall participate in the Oral Examination except wherein one Commissioner is absent due to illness or when matters of an emergency nature preclude his/her attendance. In no event shall less than a majority of the Commissioners conduct the Oral. 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 skill and general fitness for the position. On completion of each Oral Examination the Commissioners will discuss the Candidate's abilities using the traits listed above. Candidates who fail to successfully complete the Oral Examination will be notified and eliminated from all further consideration.

### **SECTION 8 - INITIAL ELIGIBILITY REGISTER.**

a) The Commissioners will prepare an "Initial Eligibility Register" of the Candidates successfully completing the orientation, written test and physical aptitude test. Candidates shall be placed on the eligibility list in order of their relative excellence as determined by their test scores. In the event of a tie score, the placement of the tied candidates' names on the eligibility list shall be determined by lot, in the presence of a quorum of the Board in whatever manner the Board deems appropriate.

The Candidates will be listed in order of excellence based on their final score.

This register is subject to change with the addition of the veteran, educational or law enforcement certification preference points as prescribed in 5/10-2.1-8 and 5/10-2.1-9 of the Act.

b) A dated copy of the Initial Eligibility Register shall be sent to each person appearing thereon.

Candidates who are eligible for veteran, educational or law enforcement preference points or firefighter/paramedic points, shall make a claim in writing with proof thereof within ten (10) days after the date of the eligibility list or such claim shall be deemed waived.

#### **SECTION 9 - FINAL ELIGIBILITY REGISTER.**

a) The Commissioners will prepare a "Final Eligibility Register" which shall include claimed preference points.

b) A dated copy of the Final Eligibility Register shall be sent to each person appearing thereon. This copy shall include the date of expiration of the register two (2) years hence.

c) Applicants shall be appointed from the eligibility list 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 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.

d) Appointment from this Final Eligibility Register is subject to satisfactorily passing an Oral Interview, In-depth Psychological Examination, a Polygraph Test, Background Investigation, and a thorough Medical Examination (which may include a test of the applicant's vision, hearing, for the presence of communicable diseases as well as a test to screen for the use of drugs and/or narcotics).

#### **SECTION 10 - PROFESSIONAL EXAMINATIONS AND TESTS.**

a) Each applicant for original appointment shall submit to a Psychological Examination by such psychologist or psychiatrist as the Board may in writing designate. Such examination shall be without expense to the applicant. Failure of the applicant to take or successfully complete such test shall eliminate him/her from further consideration.

b) Any applicant for original appointment to the Police Department of the City of Warrenville, Illinois, may be required to submit to a Polygraph Device Deceptive Test, commonly known as a Lie Detector Test, at such time and place as the Board may in writing designate. Such test shall be given without expense to the applicant. Failure of the applicant to

take or successfully complete such test shall disqualify him/her to enter upon the duties of the office for which the application for examination was filed.

- c) Medical Examinations shall be performed by a licensed physician.

#### **SECTION 11 - PROBATIONARY APPOINTMENT.**

a) All vacancies to the Police Departments shall be filled by individuals from the Final Eligibility Register in the order in which their names appear on the register and having met all requirements previously listed. Pursuant to Section 9 c) above, the Board may choose to appoint a certified applicant ahead of a non-certified applicant.

b) All original appointments to the police department shall be for a probationary period of eighteen (18) months.

c) Any person whose name appears on the Final Eligibility Register may decline appointment. It shall be the option of the Board to strike from or maintain upon the register the name of such candidate without otherwise altering the candidate's original position on the Final Eligibility Register.

d) Probationary officers may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time officers by statute or these rules.

#### **SECTION 12 - CERTIFICATION.**

Final certification of probationary Police Officers shall be subject to successful completion of the Basic Training Course as provided by the Illinois Governmental Law Enforcement Officers Training Board within the prescribed probationary period. Inability to successfully complete this course shall be grounds for dismissal.

### **CHAPTER IV - PROMOTIONAL EXAMINATIONS**

#### **SECTION 1 - GENERAL.**

The Board, by its rules, shall provide for promotion in the Police Department on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases, where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to examination. All promotions shall be made from the three (3) having the highest rating, and where there are less than three (3) names on the promotional eligibility register, as originally posted, or remaining thereon after appointments have been made there from, appointments to fill existing vacancies shall be made from those names or name remaining on the promotional register. The method of examination and the rules governing examinations for promotion are

specified below. The Board shall strike off the names of candidates for promotional appointment after they have remained thereon for more than three (3) years, provided there is no vacancy existing which can be filled from the promotional register. Each weighted component of this examination process shall be based upon a scale of 1 to 100.

a) The final Promotional Examination score shall be determined as follows:

<b>Examination</b>	<b>Weight Max Points</b>	
Communication (Written/Oral) Analytical Assessment	30%	30
Oral Examination-Assessment	60%	60
<u>Department Merit and Efficiency Rating</u> (based on a scale of 1-100/10% weighted)	Maximum Points	10
Total Maximum Points		100
<u>Seniority</u>		
1 point per year of service, or part thereof as a full-time police officer with the Warrenville Police Department, not to exceed five (5) points	Maximum Points	5

b) In the event no candidate from the immediate next lower rank qualifies for promotion, the Commission in determining next in order of rank in promotional examinations herewith determines a policy of extending the examination successively through all the orders of rank in the services in an endeavor to qualify suitable eligible or eligible's for the vacancy or vacancies existing before extending the examination to the general public.

c) Candidates who are otherwise qualified and have made a timely request for credit of prior military service shall be granted veteran's preference points as provided by state statute.

**SECTION 2 - TOTAL SCORE.**

A Candidate's total score shall consist of the combined scores of the merit/efficiency rating, written examination and oral examination plus seniority and veteran's preference points. The Board, at its discretion, may impose a minimum passing total score which must be attained by a candidate in order to be placed upon a promotional eligibility list. A minimum passing total score, if any, will be announced by the Board prior to conducting the written examination. Candidates shall take rank upon a promotional eligibility register in the order of their relative excellence as determined by their total score. In the event of a tie score, the placement of the tied candidates' names on the eligibility list shall be determined by lot, in the presence of a quorum of the Board, in whatever manner the Board deems appropriate.

**SECTION 3 - PROMOTIONAL VACANCY.**

Upon notice from the appropriate corporate authority that a promotional vacancy exists, the Board shall select the individual to be promoted in the manner specified in Section 1 of Chapter IV.

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

**SECTION 1 - RANK.**

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

**SECTION 2 - CLASSIFICATION.**

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

**SECTION 3 - OATH OF OFFICE.**

Before entering duty on any person about to become a member of the Police 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 Police Officer according to the best of my ability."

Signed \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC.

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

**CHAPTER VI - HEARING OF CHARGES, REMOVALS,  
SUSPENSIONS AND DISCHARGES**

## **SECTION 1 - HEARING OF CHARGES.**

a) Hearings before the Board are not common law proceedings. The provisions of the "Code of Civil Procedure" do not apply to hearings before the Board.

b) "Counsel" as used herein means: One who has been admitted to the bar as an attorney-at-law in this State.

c) No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall be allowed.

d) "Cause" is some substantial shortcoming which renders continuance in employment in some way detrimental to the discipline and efficiency of the public service and something which the law and sound public opinion recognize as cause for the officer no longer occupying his position. The right to determine what constitutes cause is in the Board.

e) The complainant or appellant initiating any proceedings which call for a hearing before the Board shall have the burden of proof to establish by a preponderance of the evidence that cause for discipline exists or that a suspension, previously imposed by the Chief of the department, is unwarranted. Should the question of a crime be involved, the rule of "reasonable doubt" shall not control.

f) The phrase "preponderance of evidence" is defined as the greater weight of the evidence, that is to say, it rests with that evidence which, when fairly considered produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.

g) Probationary officers may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time officers by statute or these rules.

h) All hearings shall be public, in accordance with the 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 Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board.

k) The records of all hearings will not be transcribed by the reporter unless requested to do so by the Board or any party of interest.

l) All witnesses shall be sworn prior to testifying and the matter will be decided by the Board solely on evidence presented at the hearings.

m) The Board will first hear the witnesses either substantiating the charges which have been made against the respondent or in support of an appeal brought by a suspended police officer. Thereafter the other party may present and examine those witnesses whom he desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

## **SECTION 2 - HEARING PROCEDURE.**

a) **Complaints:** In all cases, written complaints shall be filed in quintuple, setting forth a plain and concise statement of the facts upon which the complaint is based.

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

c) **Notification of Hearing:** Upon the filing of a complaint in quintuple with the Secretary of the Board, and the determination by the Board of proper cause for entertaining said complaint, the Secretary of the Board shall notify both the complainant and the respondent, either by registered or certified mail, return receipt requested, or personally, of the time and place of the hearing of the charges contained in the Complaint. The respondent shall also be served with a copy of the Complaint, and if an Order of Suspension Pending a Hearing is entered by the Board, the respondent, the complainant, the Chief of the Department, the treasurer, comptroller, manager, or other finance officer of the municipality shall be notified of the entry of such Order of Suspension Pending a Hearing, and be served either personally or by registered or certified mail, return receipt requested, with a copy of such Order.

d) **Continuances:** The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.

e) **Stipulations:** Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, as to evidenced guilt. The facts so stipulated shall be considered as evidence in the proceeding.

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

f) **Sufficiency of Charges-Objections To:** Motions or objections to the sufficiency of written charges must be filed or made prior to or at the hearing before the Board.

## **SECTION 3 - SUBPOENAS.**

a) Any party to an administrative hearing may, at any time before the hearing, make application to the Board by filing with it a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records, accounts and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person 21 years of age or older designated by the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce. Subpoenas will not be issued for anyone residing outside of the State of Illinois.

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

#### **SECTION 4 - SERVICE.**

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

#### **SECTION 5 - FILING.**

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

#### **SECTION 6 - FORMS OF PAPER.**

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

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

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

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

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

#### **SECTION 7 - COMPUTATION OF TIME.**

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

#### **SECTION 8 - SUSPENSION.**

a) The Board may suspend any member of the Police Department against whom charges have been preferred, pending a hearing of the charges by the Board, but not to exceed thirty (30) days, without pay, at any one time.

b) The Chief of the Police Department shall have the right to suspend any officer under his command for a period not to exceed five (5) days, providing no charges on the same offense have been filed and are pending before the Board, and he shall notify the Board in writing within 24 hours of the time of such suspension. Any policeman so suspended may appeal to the Board 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 Board may sustain the action of the Chief of the Department, may reverse it with instructions that the officer so suspended receive his pay for the period involved, may suspend the officer for a period of not more than thirty (30) days, or discharge him, depending on the evidence presented.

#### **SECTION 9 - DISCHARGE OR SUSPENSION AFTER HEARING.**

a) Discharge from office, or suspension from service in the Police Department shall be in compliance with the Fire and Police Commissioners Act of the State of Illinois, being Division 2, Sections 5/10-2.1-1 through 5/10-2.1-30, inclusive, of Chapter 65 of the Illinois Compiled Statutes.

b) The Board shall, within a reasonable time after the hearing is completed, enter its findings on the records of the Board.

**SECTION 10 - DATE OF HEARING.**

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

**SECTION 11 - FINDINGS AND DECISION.**

In case any member of the Police Department shall be found guilty of the charges preferred against him/her after a hearing by the Board, he/she may be removed, discharged, or suspended for a period not exceeding thirty (30) days, without pay. Upon an appeal, the Board may sustain the action of the Chief, may reverse it, in whole or in part, or may suspend the officer for an additional period of not more than thirty (30) days or discharge him/her depending on the facts presented. The findings and decision of the Board, following a hearing of charges, shall be preserved by the Secretary, and notice of said finding and decision sent to the officer involved and the department head for enforcement. If the finding or decision is that an officer or employee is guilty of charges investigated, and removal or discharge is ordered, such order of removal or discharge shall become effective forthwith. (See Section 9 of this Chapter VI).

**SECTION 12 - RULES - CONFLICT.**

The sworn personnel of the Police Department, other than the Police Chief, shall be governed by the Rules as adopted by the Commission and the Regulations of the Police Departments as adopted by ordinance. In case of conflict, the Rules of the Board shall govern.

**SECTION 13 - VIOLATION OF RULES.**

All sworn members of the Police Department shall be subject to the regulations of such Departments, and the Rules of the Board and a violation of such rules or regulation by any sworn member, other than the Police Chief may be cause for filing of charges before the Board, and a subsequent hearing and action by the Board on such charges.

**SECTION 14 - VIOLATION OF LAW.**

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

**CHAPTER VII - GENERAL**

## **SECTION 1.**

The Board shall have such other powers and duties as are given it by the Statutes of the State of Illinois or by ordinance.

## **SECTION 2.**

Any Chapters, Sections and/or Subsections of the foregoing Rules for the operation of the Board that are in conflict with the State Statute or with any amendments thereto that may hereafter be enacted are null and void. This, however, does not invalidate any other Chapters, Sections and/or Subsections of said Rules.

## **SECTION 3.**

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

## **SECTION 4 - LEAVE OF ABSENCE.**

Leaves of Absence shall be granted by reason of military service or duty-related disability as specified in Illinois Compiled Statutes, Chapter 65, Section 5/10-2.1-23. If a Leave of Absence is granted by the Board during a probationary period, such probationary period shall be tolled until the probationary employee returns from his/her leave of absence.