

**RULES AND REGULATIONS  
OF THE  
BOARD OF FIRE AND POLICE COMMISSIONERS  
VILLAGE OF LAKEMOOR  
STATE OF ILLINOIS**

ADOPTED:  
REVISED:  
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Village of Lakemoor  
Board of Fire and Police Commissioners

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As adopted by the Board of Fire and Police Commissioners of the Village of Lakemoor, Illinois, effective December 19th, 2011.

**Chapter I-Administration**

**Section 1-Source of Authority.**

The Board of Fire and Police Commissioners of the Village of Lakemoor, 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 Village of Lakemoor, Illinois. The word "Officer" shall mean any person holding a position as a sworn police officer in the Police Department of the Village of Lakemoor, 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.**

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

**Section 4-Meetings.**

- a) Regular meetings shall be held the third Monday of the month, 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.
- 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 the appointment, employment, discipline or dismissal of an officer or employee. 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, §§12011-120-5.

**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) Other Business Pertaining to the Operation of the Commission
- f) Adjournment
- g) Executive Session

**Section 7-Procedure.**

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

**Section 8-Records.**

The Commission shall keep such records as are deemed necessary.

- a) Minutes-The Commission Secretary shall keep such minutes as are deemed necessary by the Commission. Such minutes shall include, but are not limited to, all motions and seconds, their authors, and the actions taken thereon. In the Secretary's absence, the Chairman shall tend to the minutes.
- b) Confidential Information -All confidential information contained in applications for promotion or original appointment in the police department, references, and results of investigations, and results of any testing required, shall be maintained by the Secretary in a secure confidential file and shall not be available to any person other than Board members, without the consent of the Board. Relevant laws governing disclosure and open records shall control all record access and disposition.
- c) Commission Office-The Commission shall maintain a regular office in the Village of Lakemoor, Illinois. All records and documents shall be maintained at such office.
- d) Correspondence-The Secretary shall attend to all correspondence of the Commission.
  - i. Budget - 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 §5110-2.1-19.
  - ii. Form of Correspondence from the Chief of Police -When making written notifications or requests on any matter requiring approval, endorsements or grants of permission from the Commission, the Chief of Police shall provide the Commission with the signed original and duplicate copy of same upon his letterhead.
  - iii. Certificate of Appointment - The Secretary shall prepare or cause to be prepared the certificate of appointment required by Illinois law.

- e) Purging of the Commission Files -The Secretary of the Commission may, pursuant to the Local Records Act and with the consent of the Commission, remove, delete, store or destroy any reports, communications, correspondence, folders, examinations and etc., which have been in the Commission files in compliance with the Illinois Compiled Statutes.
- f) Federal Records -The Commission Secretary shall keep or cause to be kept such records of race and sex as may be required by federal or state authority and shall take such measures as the Commission may deem necessary, to assure that they remain separate from and do not affect the selection process.
- g) Addresses of Eligible's The Secretary shall maintain a roster of the current addresses and phone numbers of all candidates on original lists of eligibles. Candidates whose names are placed on a list of eligible's must notify the Secretary of any changes of address and phone numbers while their names remain on such list. Names of candidates who fail to notify the Secretary of a change in address and phone number shall be stricken from the list.
- h) Certifications and Registrations - The Commission shall request and maintain on an annual basis a current list of all recognized professional service vendors and copies of their current certifications and/or registrations.

**Section 9-Rules.**

- a) Generally and Severability - In accordance with Illinois Compiled Statutes of Chapter 65, 5110-2.1-5, the Commission shall make and maintain such rules as they deem necessary to carry out the provisions of Division 2.1. If any section or portion thereof these rules and regulations are for any reasons, found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision. Such finding shall not affect the remaining portions of these rules and regulations.
- b) Amendments - Amendments to the Rules of the Commission may be made at any meeting of the Commission. All rules and changes therein or amendments thereto, shall become effective not less than ten days after notice of the place or places where the rules may be obtained. Such notice shall be published in a newspaper having general circulation of the Village of Lakemoor and shall state the date when the rules or changes therein shall take effect.
- c) Conflicting with Other Rules - In the case of conflict between Commission rules and police department regulations, the former shall control in matters before the Commission within the lawful authority of the Commission.

## **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.**

Applications for position shall be filed upon blank forms furnished by the Commission, and applicants must comply with the requirements of said form. 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 essential job functions of the position applied for. Applicants must speak and understand English language sufficient to discharge the duties of police officer for the Village of Lakemoor. The burden of establishing these facts rests upon the applicant.

The applicant shall furnish with their application a copy of Birth Certificate, High School Diploma or G.E.D. Certificate and a certified copy of their bachelor's degree or associates degree in criminal justice or 60 college credits from a related field of law enforcement study. If applicable, the applicant shall furnish any Military Service Records, including Discharge Papers (DD Form 214).

Any false statements, misrepresentations, or omissions, 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 and bar to employment.

### **Section 3-Disqualification.**

The Board 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 essential job functions 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 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.
- t) 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 an associate's degree or 60 college credits from an accredited college or university.
- 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) Who has not successfully completed the background or psychological examination, or who has made admissions of criminal conduct during the polygraph examination that would otherwise preclude them from consideration for the position of police officer (as outlined in §10-2.10-6 of the Board of Fire and Police Commissioners Act) shall be ineligible to re-apply to the Lakemoor Police Department for a period of four years from the date of written notification.

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

**Section 4-Defective Applications.**

Applications shall not be rejected for minor omissions or deficiencies. Defective applications must be corrected by the applicant by the date of the written examination provided the applicant is not otherwise disqualified for the position sought.

**Section 5-Physical and Medical Examinations.**

Applicants for original appointment must successfully complete a certified physical ability test, as adopted by the Illinois Law Enforcement Training and Standards Board 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 Village of Lakemoor.

**Section 6-Age Requirements.**

Applicants shall be under 35 years of age unless exempt from such age limitation as provided in 65 ILCS, Section 5110-2.1-6 of the Fire and Police Commissioners Act. Applicants who are 20 years of age and meet all other eligibility criteria 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 reaches 21 years of age. Proof of birth date shall be required at time of application.

**Section 7-Notice of Acceptance.**

At the time of their formal application, candidates shall be informed in writing of all elements of the testing and selection process, including all relevant dates, times and locations. There will be no further notifications made to candidates prior to the date of the written examination.

**Section 8-Release of Liability.**

All applicants shall execute and deliver to the Board a release of all liability as the result of taking the physical ability test in favor of the Village of Lakemoor on a form to be prescribed by the Board.

## Chapter III-Examinations

### Original Appointments

#### Section 1-Notice of Examinations.

Examinations shall be held on the dates fixed by the Board 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. Whenever practicable, the Board shall notify applicants of the postponement of any examination and of the new date fixed for said examination. All notices of examinations shall include a brief description of all necessary steps in the examination process.

#### Section 2-Examinations.

The Board may call examinations to fill vacancies for the position of police officer. A call for such examination shall be entered in the Minutes of the Board 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-Employment Examinations.

Applicants must attend any orientation program sponsored by the Board. In addition, applicants shall be required to participate in the physical ability test, written examination, oral interview, background investigation, psychological examination, polygraph examination, and medical examination (including drug screening) as determined by the Board. Examinations will be administered, scored, evaluated and interpreted in a uniform manner. No examinations shall contain questions regarding applicant's political or religious opinions or affiliations.

The following examinations may be conducted by the Board. Attendance at the Written Examination, Physical Ability Test, and Oral Interview is mandatory. Absence from any of these steps shall be considered reason for disqualification. The sequence of testing may vary at the discretion of the Board. Failure to achieve the minimum-passing grade in any phase of the examination disqualifies the applicant from any further participation.

Step	Minimum Passing Score	Weight
Written Test	75%	45%
Physical Ability Test*		N/A
Initial Oral Interview	75%	55%

\*No applicant will be eliminated from further participation based on their failure to successfully complete the initial physical ability test. However, all applicants must successfully complete a certified physical ability test, as adopted by the Illinois Law Enforcement Training and Standards Board, as a condition of their employment with the Village of Lakemoor. Applicants must provide proof of successful completion of the Power Test, as provided by NIPSTA (Northeastern Illinois Public Safety Training Academy), current within six months of required application date.

#### Section 4-Examination Papers.

All examination papers shall be and remain the property of the Board and the grading thereof by the Board shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description. Candidates who fail to achieve a passing grade will be notified and eliminated from all further consideration.

### **Section 5-Initial Oral Interview.**

Whenever practicable, all Commissioners shall participate in the initial oral test. In no event shall less than a majority of the Commissioners conduct the initial oral interview. 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 initial oral test the Commissioners will grade the Candidate's abilities using the traits listed above. Candidates who fail to complete the oral interview process will be notified and eliminated from all further consideration.

### **Section 6-Initial Eligibility List.**

- a) The Commissioners will prepare an "Initial Eligibility List" of the Candidates successfully completing the written test and initial oral test. Candidates shall be placed on the eligibility list in order of their relative excellence as determined by their test scores.
- b) This list is subject to change with the addition of the veteran, educational and law enforcement certification preference points as prescribed in 5/10-2.1-8 and 5/10-2.1-9 of the Act.
- c) A dated copy of the Initial Eligibility List shall be sent to each person appearing thereon. Candidates who are eligible for veteran, educational or law enforcement certification preference points shall make a claim in writing with proof thereof within ten (10) days after the date of the initial eligibility list being posted or such claim shall be deemed waived.

### **Section 7-Preference Points.**

Illinois Compiled Statutes 65 ILCS (5/10-2.1-8 and 5/110-2.1-9) state that any applicant who qualifies, or is otherwise entitled to military, educational or law enforcement certification preference points shall be awarded five (5) points to their final grade average upon request of the applicant. The statutes further state that the preference points awarded under this section shall not be cumulative. Every applicant must apply for their preference points within ten (10) days of the posting of the Initial Eligibility List.

### **Section 8-Final Eligibility List.**

- a) The Commissioners will prepare a "Final Eligibility List" of the Candidates successfully completing the written test and initial oral interview. Candidates shall be placed on the eligibility list in rank order based on their combined final score as outlined in Section 3, including the application of preference points as described in Section 6.
- b) 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.
- c) A dated copy of the Final Eligibility List shall be sent to each person appearing thereon. This copy shall include the date of expiration of the list two (2) years hence.
- d) When the Board receives a written request for appointment of a probationary police officer made by the Chief of Police, with the approval of the village manager, applicants may be chosen from the Final Eligibility List in descending order for purposes of completing a background investigation. Pursuant to Section 5/10 2.1-14 of the Illinois Compiled Statutes, certified police officers may be given preference over non-certified applicants.
- e) Following completion of a background investigation, a conditional offer of employment may be extended. Following a conditional offer of employment, applicants must pass an in-depth psychological examination, polygraph examination and a thorough medical examination (which shall include a drug screen and tests of the applicant's vision and hearing). The Commission may also conduct a final oral interview for the purpose of discussing any matters which bear on the

applicant's character and background and any other matters bearing on the applicant's fitness for the position of police officer.

- f) The Commission may strike from the list of eligibles, any candidate who fails to meet the standards set forth for original entry. In addition, any person who is discovered to have made false representation in any document or examination or who aids in committing such fraud, to gain a position on the list shall be stricken from the list of eligible's.

#### **Section 9-Professional Examinations and Tests.**

- a) Psychological Examination- Each applicant for original appointment shall submit to a psychological examination by such psychologist or psychiatrist as the Board may designate. Such examination shall be without expense to the applicant. Failure of the applicant to take or successfully complete such test shall eliminate him from further consideration.
- b) Polygraph Examination - Any applicant for original appointment to the Police Department of the Village of Lakemoor, Illinois, shall be required to submit to a polygraph examination at such time and place as the Board may 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 for the position of police officer. The results of the polygraph examination shall not be singularly used to disqualify a candidate; however, they may be used to assist in focusing further background checks or in conjunction with other pre or post test interviews together with other information or lack of information to support decisions relevant to employment status.
- c) Drug Screen-Any applicant for original appointment to the Police Department of the Village of Lakemoor, Illinois, shall be required to pass a drug screening test to establish the applicant's fitness to perform the duties of police officer. Said drug screening test shall be arranged for and paid by the Board. Failure to pass the drug screening test shall disqualify an applicant from appointment and the applicant's name shall be stricken from the eligibility list.
- d) Medical Examinations – All medical examinations shall be performed by a licensed physician at no expense to the candidate. If a candidate is found to be physically unable to perform any essential function of the job as a police officer he or she shall be stricken from the eligibility list

#### **Section 10-Probationary Appointment.**

- a) All original appointments to the police department shall be for a probationary period of eighteen (18) months. The probationary period shall commence as of the first date said individual is sworn in with the department and ends when the Board receives notification from the Chief of Police to remove the officer from probationary status and when the probationary appointment is satisfactorily terminated by the Board. At the discretion of the Board an officer's probationary status may be extended for an additional six months (to a maximum of 24 months) at the written request of the Chief of Police.
- b) Probationary employees may be summarily dismissed and are not entitled to the protection afforded to non-probationary officers by statute or these rules.

#### **Section 11-Certification.**

- a) Final certification of probationary Police Officers shall be subject to successful completion of the Basic Training Course as provided by the Illinois Law Enforcement Training and Standards Board within the prescribed probationary period.
- b) Inability to successfully complete this course shall be grounds for termination of an officer's probationary appointment.

## **Chapter IV- Lateral Entry**

### **Section 1-Source of Authority.**

In accordance with Illinois Compiled Statutes of Chapter 65, 5/10-2.1-6, the commission may waive portions of the required examination for police applicants who have previously been full-time sworn officers in any municipal, county, university or State law enforcement agency, provided they are certified by the Illinois Law Enforcement Training and Standards Board and have been with their respective law enforcement agency within the State for at least two continuous years.

### **Section 2- Application for Lateral Entry**

Applications for lateral entry positions shall be filed upon blank forms furnished by the Village of Lakemoor, and applicants must comply with the requirements of said form.

Applicants for Lateral Entry shall have been awarded a certificate attesting to their successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act and shall have been employed as a sworn police officer with their respective Illinois law enforcement agency for at least two continuous years.

Every applicant must be of good moral character, of temperate habits, of sound health and must be physically able to perform the essential job functions of the position applied for. Applicants must speak and understand English language sufficient to discharge the duties of police officer for the Village of Lakemoor. The burden of establishing these facts rests upon the applicant.

The applicant shall furnish with their application a copy of Birth Certificate, High School Diploma or G.E.D. Certificate, a certified copy of their college transcripts from an accredited institution proving a minimum of 60 college credits, and a copy their certificate attesting to their successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act. If applicable, the applicant shall furnish any Military Service Records, including Discharge Papers (DD Form 214).

Any false statements, misrepresentations, or omissions, 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 and bar to employment.

### **Section 3-Disqualification.**

The Board may refuse to examine a lateral entry applicant or, after examination, to certify him as eligible pursuant to Chapter II Section 3.

### **Section 4-Defective Applications.**

Applications shall not be rejected for minor omissions or deficiencies. Defective applications must be corrected by the applicant provided the applicant is not otherwise disqualified.

### **Section 5-Age Requirements.**

In accordance with Illinois Compiled Statutes of Chapter 65, 5/110-2.1-6, age limitations do not apply to lateral entry applicants.

### **Section 6-Notice**

At the time of their application, candidates for lateral entry shall be informed in writing of all elements of the lateral entry selection process and that the lateral entry application process is open and continuous.

### **Section 7-Oral Interview**

Candidates for lateral entry will be scheduled for an oral interview at the convenience of the commission. Whenever practicable, all Commissioners shall participate in the oral test. In no event shall less than a majority of the Commissioners conduct the oral interview. Questions shall be asked of the lateral entry Candidate that will enable the Commissioners to properly evaluate and grade the lateral entry 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 test the Commissioners will grade the lateral entry Candidate's abilities using the traits listed above. Lateral entry Candidates who fail to successfully complete the oral interview process will be notified and eliminated from all further consideration.

### **Section 8-Lateral Entry Eligibility List**

- a) The Commission will maintain a separate list of lateral entry candidates based on their relative excellence following the oral interview. This list will be maintained indefinitely, in parallel to the eligibility list of candidates identified in Chapter III.
- b) The Commission will automatically add preference points to a lateral entry candidate's score prior to placement on the eligibility list.
- c) A dated copy of the lateral entry eligibility list will be sent to each person appearing thereon. When candidates are added to or stricken from the eligibility list copies of the updated list will be sent to each person appearing on the list.

### **Section 9-Preference Points**

Illinois Compiled Statutes 65 ILCS (5110-2.1-8 and 5/10-2.1-9) state that any applicant who qualifies, or is otherwise entitled to military, educational or law enforcement certification preference points shall be awarded five (5) points to their final grade average. The statutes further state that the preference points awarded under this section shall not be cumulative.

### **Section 10-Selection**

- a) When the Commission receives a written request for appointment of a probationary police officer made by the Chief of Police, with the approval of the village manager, applicants may be chosen from either Eligibility List in descending order.
- b) Following an in-depth background investigation, a conditional offer of employment may be extended. Lateral entry applicants must pass a psychological examination, polygraph examination and a through medical examination (which shall include a drug screen and tests of the applicant's vision and hearing). Such examinations shall be without expense to the applicant. Examinations will be administered, scored, evaluated and interpreted in a uniform manner. No examinations shall contain questions regarding applicant's political or religious opinions or affiliations.
- c) The Commission may also conduct a final oral interview for the purpose of discussing any matters, which bear on the applicant's character and background, and any other matters bearing on the applicant's fitness for the position of police officer.
- d) The Commission may strike from either list of eligibles, any candidate who fails to meet the standards set forth for original entry. In addition, any person who is discovered to have made false representation in any document or examination or who aids in committing such fraud, to gain a position on the list shall be stricken from the list of eligible's.

### **Section 11-Professional Examinations and Tests.**

- a) Psychological Examination- Each applicant for original appointment shall submit to a psychological examination by such psychologist or psychiatrist as the Board may designate.

Failure of the applicant to take or successfully complete such test shall eliminate him from further consideration.

- b) Polygraph Examination - Any applicant for original appointment to the Police Department of the Village of Lakemoor, Illinois, shall be required to submit to a polygraph examination at such time and place as the Board may designate. Failure of the applicant to take or successfully complete such test shall disqualify him for the position of police officer. The results of the polygraph examination shall not be singularly used to disqualify a candidate; however, they may be used to assist in focusing further background checks or in conjunction with other pre or post test interviews together with other information or lack of information to support decisions relevant to employment status.
- c) Drug Screen-Any applicant for original appointment to the Police Department of the Village of Lakemoor, Illinois, shall be required to pass a drug screening test to establish the applicant's fitness to perform the duties of police officer. Said drug screening test shall be arranged for by the Board. Failure to pass the drug screening test shall disqualify an applicant from appointment and the applicant's name shall be stricken from the eligibility list.
- d) Medical Examinations – All medical examinations shall be performed by a licensed physician. If a candidate is found to be physically unable to perform any essential function of the job as a police officer he or she shall be stricken from the eligibility list.

**Section 12-Probationary Appointment.**

- a) All original appointments to the police department shall be for a probationary period of eighteen (18) months. The probationary period shall commence as of the first date said individual is sworn in with the department and ends when the Board receives notification from the Chief of Police to remove the officer from probationary status and when the probationary appointment is satisfactorily terminated by the Board. At the discretion of the Board an officer's probationary status may be extended for an additional six months (to a maximum of 24 months) at the written request of the Chief of Police.
- b) Probationary employees may be summarily dismissed and are not entitled to the protection afforded to non-probationary officers by statute or these rules.

## Chapter V- 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) individuals having the highest rating, and where there are less than three (3) names on the promotional eligibility list, 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 the name remaining on the promotional list. 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 list. Candidates not selected for promotion may submit themselves for re-examination in future promotional processes. For the purpose of determining that a vacancy exists, the Board must have received written notice from the Chief of Police that a vacancy exists in a promotional rank prior to the date the name(s) are to be stricken from a promotional eligibility list.

### Section 2-Promotional Positions

At the present time there is no village ordinance in place to provide for the position of Sergeant through Commander. In the event of an ordinance being passed to provide for those positions, the following process will be adhered to.

### Section 3-Notice

A notice of the time, date and location of every promotional examination shall be given by the Commission by legal notice at least once in one or more newspapers generally circulated within the Village of Round Lake Park. Such legal notice shall be made at a minimum of two (2) weeks, and a maximum of four (4) weeks preceding any promotional examination. In lieu of the published legal notice the Commission may post a written notice on the department bulletin board and when such action is taken by the Commission, each and every eligible and qualified member of the department shall notify the Commission of his waiver of the need for a published legal notice.

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

<b>Test Components</b>	<b>Minimum</b>	<b>Passing Score</b>	<b>Weight</b>
Written Test Score		75%	35%
Oral Test Score		75%	45%
Promotability Rating		N/A	20%

The Board shall be responsible for ensuring that examinations for promotion are job related and nondiscriminatory. The Board may have the ability to employ the services of private sector vendors for the purpose of development, administering, scoring and validating written examinations.

The Board shall be responsible for the construction and administration of the oral interview element of the promotional process. The oral interview will be structured, job related, scored and administered uniformly for all candidates.

The Police Department shall be responsible for the computation of a promotability rating for each candidate, based on scale of 1-10, with a maximum score of 10 points. The authority and responsibility for computing the promotability ratings shall rest with the Chief of Police. The Chief of Police will uniformly evaluate potential candidates for promotion and may base the rating on, previous performance evaluations, awards, commendations, disciplinary record, training, personal observation, and Command Staff input.

### Seniority

One (1) point per year of service, or part thereof on the Lakemoor Police Department up to a maximum of five (5) points.

- b) No officer shall be eligible to test for promotion to the rank of Sergeant until that officer has successfully completed probation.
- c) No sergeant shall be eligible to test for promotion to the rank of Commander until that sergeant has served at least twelve (12) months at the rank of sergeant. In the event no candidate for Commander qualifies for examination for promotion due to insufficient time in the rank of sergeant, the Commission may waive the time in rank requirement and all sergeants shall be eligible for examination for promotion to Commander. In the event that no officers in the rank of sergeant exist, all non-probationary officers meeting the criteria established in Section 2 b) shall be eligible to test for Commander.
- d) Candidates who are otherwise qualified and have timely requested credit for prior military service shall be granted veterans preference points as provided by state statute.

### **Section 3-Total Score.**

A Candidate's total score shall consist of the combined scores of the promotability rating, written examination, oral test, plus seniority and veteran's preference points. No officer shall receive veteran's preference for promotion after receiving one promotional appointment from a list upon which such credit was granted. Candidates shall take rank upon a promotional eligibility list 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 4-Promotional Vacancy.**

Upon notice from the Chief of Police that a promotional vacancy exists, the Board shall select the individual to be promoted in the manner specified in Section 1 of this Chapter IV. Certificates of promotion shall be issued by the Board.

**Chapter VI-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 departments 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, 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 \_\_\_\_\_ according to the best of my ability.

**Signed**\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
Notary Public."

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

## **Chapter VII-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 the State of Illinois.
- c) No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall 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 something which the law and sound public opinion recognize as cause for the officer no longer occupying his position. Cause for discharge must not be arbitrary, unreasonable, or unrelated to the requirements of the service. The right to determine what constitutes cause is in the sole discretion of 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 greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.
- g) Probationary police officers may be summarily dismissed by the Board and are not entitled to the protection afforded to non-probationary officers by statute or these rules.
- h) All hearings shall be public, in accordance with the Open Meetings Act, except that the Board may meet in closed session for any proper purpose recognized in the 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 court reporter unless requested to do so by the Board or any party of interest. The party requesting a transcript shall bear the cost of the transcript.
- 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 probable cause for entertaining said complaint, the Secretary of the Board shall notify both the complainant and the respondent, either by listed or certified mail, return receipt requested, or personally, of the time and place of the hearing of the charges contained in the Complaint. If the Chief of Police seeks to suspend an officer without pay pending the hearing on the charges filed with the Board, the officer shall be given an opportunity to a limited hearing before such an Order of Suspension Pending a Hearing is entered. 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 Police, 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. No hearing shall be continued at the request of any of the parties to a proceeding or their attorneys, unless such request is received in writing by the Board's attorney at least forty-eight (48) hours before the scheduled hearing date.
- 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 to 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. Copies of subpoenas shall be served on the opposing party and counsel, if any.
- 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 Village of Lakemoor, 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 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 filed, pending a hearing of the charges by the Board, but not to exceed thirty (30) days, without pay.
- b) The Chief of Police shall have the right to suspend any officer under his command for a period not to exceed five (5) days, provided 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 police officer 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 Police 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 Police, 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-Answer and Witness List.**

The respondent shall file an answer to the charges with the Secretary of the Board not less than five (5) days before the day of the hearing. Prior to the hearing, respondent and complainant shall exchange witness lists and provide the Board's attorney with a copy of said lists.

**Section 10-Date of the 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 the 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.

**Section 11-Findings and Decision.**

In case any member of the Police Department shall be found guilty of the charges filed against him after a hearing by the Board, he 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 depending on the facts presented.

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

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 Chief of Police.

**Section 12-Rules-Conflict.**

The personnel of the Police Department shall be governed by the Rules as adopted by the Board and the Regulations of the Police Department as adopted by ordinance. In case of conflict, the Rules of the Board shall govern with respect to matters within the lawful authority of the Board.

**Section 13-Violation of Rules.**

All members of the Police Departments shall be subject to the regulations of such Departments, and the Rules of the Board, and a violation of such rules or regulations may be cause for filing of charges before the Board, 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 may be cause for the filing of charges against said officer, except as herein otherwise provided.

## **Chapter VIII-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-Leaves 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 leave of absence. A leave of absence may also be granted for good cause upon written request with approval of the Village Manager and Chief of Police, for a period not to exceed one (1) year and without pay.

### **Section 4-Review and Appeal**

The review and appeal of any administrative decision by the Commission shall be as prescribed in the Illinois Compiled Statutes Chapter 735 ILCS 5/3.