

RULES OF THE CIVIL SERVICE COMMISSION
VILLAGE OF BARTONVILLE ADOPTED FEBRUARY 28, 2023;
EFFECTIVE=MARCH 15, 2023

These Rules of the Civil Service Commission of the Village of Bartonville are adopted pursuant to 65 ILCS 5/10-1-5.

SECTION 1

ORGANIZATION AND MEETINGS

- 1-1 The Civil Service Commission of the Village of Bartonville, Illinois (hereinafter referred to as the 'Commission'), was voted into existence on April 21, 1977.
- 1-2 The Commission shall consist of an odd number of members, not less than 3, appointed by the Mayor of Bartonville, Illinois; one for three (3) years, one for two (2) years and one for one year. In every year thereafter the mayor shall, in like manner, appoint one person as the successor of the commissioner whose term shall expire in that year to serve as such commissioner for 3 years and until his successor is appointed and qualified. Not more than two (2) members may, at the time of appointment, be members of the same political party. Commissioners may not be employed by the United States, the State of Illinois, any municipal corporation, or any political division thereof, and shall not have been convicted of a felony.
- 1-3 The Commission shall meet at such times as designated by the Chairperson.
- 1-4 The Commission shall elect a Chairperson and a Secretary.
- 1-5 The Chairperson shall appoint all committees, preside at all meetings, and may, as necessary, call special meetings.
- 1-6 The Secretary shall prepare the official minutes of each meeting and be custodian of all records of the Commission.
- 1-7 The agenda for meetings shall be as follows:
 Call the meeting to order
 Roll call of members
 Approval of minutes of previous meeting
 Acknowledgment of visitors
 Reading of communications
 General business
 Commissioner reports
 Adjournment
- 1-8 Two (2) members of the Commission shall constitute a quorum.

1-9 The Commission shall, on or before January 15 of each year, pursuant to 65 ILCS 5/10-1-21, file with the President of the Village Board of Trustees an Annual Report.

SECTION 2

ORIGINAL APPOINTMENTS

- 2-1 Applications for appointment to the classified civil service positions must be made on 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 appropriate department head at least four (4) days prior to the date of the initial examination as announced. Applications must be in the hands of the Secretary seventy-two (72) hours prior to the examination.
- 2-2 Every application must be accompanied by satisfactory proof of age and a copy of discharge if the applicant is a veteran. Applications for Police must also include Birth Certificate, High School Diploma or GED, Certificate, letters of recommendation, school grade transcripts, evidence of law enforcement training courses completed and such other information as the Commission shall request. Applicants for the Street Department must hold a valid Illinois CDL A or B license to apply. 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.
- 2-3

The examinations for Village Secretary, Dispatchers, Street/Park Department employees, and Police shall consist of the following parts with the following weights:

Village Secretary:

A. Occupational examination	40%
B. Typing examination	20%
C. Oral examination	40%

Dispatchers

A. Oral examination	50%
B. Typing examination	50%

Street Department

A. Occupational examination	Pass/fail
B. Oral examination	50%
C. Written Examination	50%

Police

A. Orientation	0%
B. Physical Aptitude Test	25%
C. Written examination	50%

D. Background Investigation	0%
E. Oral examination	25%

The Commission shall prior to examination establish the content and relative weights for examination for other positions.

- 2-4 A passing grade of 70% must be received on the examinations to be eligible for the Eligible List described in Section 2.7 of these Rules. A grade below 70% will result in disqualification.
- 2-5 Upon request, candidates may review their own papers, at a time and place designated by the Commission.
- 2-6 In accordance with provision of 65 ILCS 5/10-1-16, preference to veterans for original appointment shall be given by adding to the final grade average which they receive as a result of any examination, five (5) points. For Police positions, Veterans and Cadet preference points shall be awarded as set forth in Section 10-2-1-8 and 9 of the Illinois Municipal code. The numerical result this obtained shall be applied in determining the position of such persons on the Eligible list. In the event of a tie score, the placement of the tied candidates' names on the Eligible List shall be determined by lot, in the presence of a quorum of the Commission in whatever manner the Commission deems appropriate. A dated copy of the Eligible List shall be sent to each person appearing thereon. The Eligible List shall not include Lateral Transfer Applicants.
- 2-7 The Commission shall prepare, keep, and furnish to the President of the Village Board of Trustees a register of applicants passing examination. The register is to be known as the Eligible List. Applicants shall take rank on the eligible list without reference to priority of the time of examination. Provided, however, that pursuant to the provisions of 65 ILCS 5/10-1-14, the Commission may strike off the names of candidates for original appointment after such names have been on the Eligible List for more than two (2) years. An applicant may be removed from the Eligible List if the applicant is physically unfit for performing the duties of the position to which the applicant seeks appointment, is addicted to the habitual use of narcotics or intoxicating beverages, has unsatisfactory character or previous employment records, has failed to submit pertinent information requested by the Commission, or has made any false statement or practiced any fraud or deception in the application. In addition, no applicant for the position of Dispatcher shall be placed on the Eligible List unless the applicant can type a minimum of 45 words per minute with 6 or fewer errors over a 5-minute test. Any applicant's status on the eligible list shall be subject to passing a physical examination as set forth in Section 2-10 of these rules.
- 2-8 All appointments shall be for a period of six months which shall serve as a probationary period during which time the appointee's work shall be evaluated and rated by the appropriate Department head. All original appointments to the Police Department shall be for a period of 12 months. All original appointments to the Fire Department shall be for a period of 24 months to permit satisfactory completion of paramedic training. These ratings shall be forwarded to the Commission to be placed in the employee's personnel file. Prior to completion of the probationary period, the appropriate Department head may, by and with the consent of the Commission, discharge the employee upon assigning

in writing the reasons therefore to the Commission. If the employee is not discharged, his or her appointment shall be deemed complete.

- 2-9 The Department heads shall inform the Commission of the existence of vacancies and shall request the filling of these vacancies. The Commission, upon receipt of requests, shall fill such vacancies from the Eligible List. When such vacancy results from a resignation, the resignation must be on file with the Secretary before the vacancy is filled.
- 2-10 Prior to the appointment of an applicant to fill any vacancy, the applicant must pass a physical examination to confirm that the applicant is physically fit to perform the duties of the vacant position.
- 2-11 Department head, with the approval of the Commission, may make temporary appointments to prevent the stoppage of public business or to meet extraordinary exigencies. Such temporary appointments shall not exceed one hundred twenty (120) days and shall last only until regular appointments can be made.
- 2-12 The name of an applicant for an original appointment who is offered an appointment and fails or refuses to accept that appointment within five (5) days shall be stricken from the Eligible List unless the applicant shall file with the Commission within five (5) days an affidavit showing good and sufficient cause by the name should not be stricken. To expedite the selection process, the Department head may, when it deems necessary, notify three (3) applicants next in line of a pending vacancy and require each to indicate within five (5) days whether or not an appointment, if available, would be accepted. The name of an applicant not responding within five (5) days may be stricken from the Eligible List unless the applicant shall file with the Department head within five (5) days in affidavit showing good and sufficient cause why the name should not be stricken.
- 2-13 In the event that the Village Board of Trustees shall establish a part-time position within the Village which is not exempt under 65 ILCS 5/10-1-17, such position shall be filled from the Eligible List. No applicant who refuses to accept an appointment to any part-time position shall be stricken from the Eligible List if the applicant files an affidavit as set forth in Section 2-12 above stating that the applicant desires a full-time position.
- 2-14 A transfer from a part-time or full-time position within any department shall for the purposes of these rules be deemed a promotion and processed without reference to any eligibility list for original appointment, except that no transfer from part-time to full-time employment within a department shall operate to defeat the rights of an applicant whose name was on the Eligible List when this rule first became effective.

SECTION 3

PROMOTIONS

- 3-1 When possible, vacancies in the classified civil service shall be filled by promotion.
- 3-2 Promotion in the classified civil service shall be on the basis of merit, seniority, and examination. The method of examination and the rules governing the same, and the method of certifying, shall be the same as provided for applicants for original

appointment, except that if an employee is presently physically able to perform the duties of employee's current position, and the physical requirements of the vacant position to be filled by promotion are not substantially greater than that of the employee's current position, a medical examination shall not be required.

- 3-3 In accordance with the provisions of 65 ILCS 5/10-1-16, preference to veterans for promotional appointment shall be given by adding to the final grade average which the veteran received or will receive as a result of any promotional examination 7/10 of one point for each six months or fraction thereof military or naval service not exceeding thirty (30) months. The numerical result thus obtained shall be applied in determining the position of such employee on the Promotional Eligible Register.
- 3-4 If two or more applicants achieve the identical final grade average, they shall be placed on the Promotional Eligible Register in the order of seniority in the position from which they seek promotion. The Commission shall submit to the President of the Village Board of Trustees the names of not more than three (3) applicants for each promotion having the highest rating.
- 3-5 Pursuant to the provisions of 65 ILCS 5/10-1-13, the Commission may strike off the names of applicants from a Promotional Eligible Register after they have remained thereon more than two years, provided that the Commission shall notify the President of the Village Board of Trustees before the names are stricken so that any existing vacancies may be filled before any names are stricken.
- 3-6 In the event all but one member of the applicable department states in writing that such member does not desire promotion to a vacant position, promotion of one member not so disclaiming an interest, providing such members qualified, may be made without examination.

SECTION 4

REDUCTION IN FORCE

- 4-1 In the event of a reduction in force, all part-time employees shall be laid off before any full-time employees are laid off. In the event further reduction in force is necessary, the employees with the least seniority in the classified position shall first be laid off.
- 4-2 "Reduction in force" for the purposes of these rules shall mean action by the Village Board of Trustees to reduce the total number of classified civil service employees within a department, whether or not such action arises from a decision to eliminate a position within a department.
- 4-3 In the event of a layoff as a result of reduction in force, the laid off employee shall have a right to recall for one (1) year from the date of such layoff and shall be entitled to a position within the department from which the employee was laid off, providing a position becomes available for which the employee is qualified.
- 4-4 An employee exercising a right to recall will not be subject to examination, except that if the employee has been laid off for sixty (60) days or more, the employee may be examined as to physical qualifications and health.

- 4-5 An employee subject to recall who is offered employment and who fails or refuses to accept that employment within five (5) days, shall forfeit all recall rights.

SECTION 5

HEARING PROCEDURES

- 5-1 all charges against civil service employees must be presented to the Commission in writing by the person or persons making such charges. A violation of departmental rules shall constitute cause for the suspension, removal, or discharge from the service of the respective department, subject to hearing before the Commission
- 5-2 When charges are so filed, the Commission will, through its Secretary, notify the accused party of the charges filed against him and shall notify the accused of the time and place of the hearing. Not less than five (5) days shall be given for the preparation of the defense.
- 5-3 In the conduct of such investigation, each member of the Commission shall have power to administer oaths and affirmations, and the Commission shall have power to secure by its subpoena, both the attendance and testimony of the witness, and the production of books and papers relevant to such investigation.
- 5-4 The person accused may, but is not required to, file an answer to the charges with the Secretary of the Commission.
- 5-5 All testimonial evidence shall be under oath or affirmation and all evidence and proofs shall conform to the issues made as aforesaid. The person accused may be heard in person or by Counsel with the privilege of examination and cross examination conducted with proper decorum. The Commission may call upon the Village Attorney to present the evidence in support of such charges. The Commission may continue such hearing for any good cause shown, provided such continuance shall not be made for a longer period than is reasonably necessary.
- 5-6 If any person against whom charges have been filed shall fail to answer the charges, or to appear at the hearing before the Commission, the Commission may hear such evidence as may be produced, or as it shall deem proper or necessary, and make its finding according to the evidence.
- 5-7 The Commission, after hearing of evidence and completion of testimony may immediately announce its decision in the case or defer same until a date fixed by the Commission; provided, however, that a decision shall be rendered within thirty (30) days of the date of the hearing.
- 5-8 A copy of the Commission's decision shall be filed in the personnel file of the concerned parties.
- 5-9 Any employee who shall have been dismissed and removed from the service of the Commission shall not be eligible for employment again until the expiration of two (2) years, and then only after examination in accordance with these rules.

- 5-10 Hearings involving employee appeals from suspensions levied by a Department head shall be conducted in substantially the same manner as set forth above. All appeals must be in writing and filed within five (5) days of the date of the issuance of the suspension.

SECTION 6

RULES GOVERNING FIRE AND POLICE

- 6-1 The Commission may refuse to examine an applicant or, after examination, to certify him as eligible, for any of the following grounds:
- (a) The applicant is found lacking in any of the established preliminary requirements for the service for which he or she applies.
 - (b) The applicant is physically unable to perform the duties of the position to which he or she seeks appointment.
 - (c) The applicant is addicted to the use of intoxicating beverages or is found to have taken or use drugs and/or narcotics illegally.
 - (d) The applicant has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in section 10-2.1-6 of the Illinois Municipal Code.
 - (e) The applicant has been dismissed from any public service for good cause.
 - (f) The applicant has attempted to practice any deception or fraud in his or her application.
 - (g) The applicant may be found disqualified in personal qualifications or health.
 - (h) The applicant's character and employment references are unsatisfactory.
 - (i) The applicant does not possess a high school education or its equivalent.
 - (j) The applicant 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.

Any applicant, or eligible, deemed disqualified here under, shall be notified by the board.

- 6-2 Defective application shall be returned to the applicant for correction, provided the applicant is not otherwise disqualified for the position sought.
- 6-3 Applicants who are twenty (20) years of age and have successfully completed two (2) years of law enforcement studies at an accredited college or university 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. Other applicants not having such college education must be twenty-one (21) years of age. Proof of birth date will be required at the time of application. No person who is under twenty-one (21) years of age shall be eligible for employment as a firefighter.

No person who is 35 years of age or older shall be eligible to take an examination for a position as a firefighter unless the person has had previous employment status as a

firefighter in the regularly constituted fire department of the municipality. The age limitation does not apply to:

- Any person previously employed as a full-time firefighter in a regularly constituted fire department of (i) any municipality or fire protection district located in Illinois, (ii) a fire protection district whose obligations were assumed by a municipality under Section 21 of the Fire Protection District Act, or (iii) a municipality whose obligations were taken over by a fire protection district
- Any person who has served a municipality as a regularly enrolled volunteer, paid-on-call, or part time firefighter for the 5 years immediately preceding the time that the municipality begins to use full-time firefighter to provide all or part of its fire protection service, or
- Any person who turned 35 while serving as a member of the active or reserve components of any of the branches of the Armed Forces of the United States or the National Guard of any state, whose service was characterized as honorable or under honorable, if separated from the military, and is currently under the age of 40.

6-4 The Secretary will notify all applicants whose applications have been accepted by the Commission to be present for orientation and subsequent examination with an executed physician's certificate that they are physically capable of participating in a strenuous physical aptitude test.

6-5 All applicants shall execute and deliver to the Commission a release of all liability as a result of taking a physical aptitude to test in favor of the Village of Bartonville on a form to be prescribed by the Commission.

6-6 Lateral Transfer Applicants

In accordance with Village Of Bartonville Ordinance 1763 and Illinois Munciple Code (65 ILCS 5/10-2.1-1 et seq.), Applicants will submit applications to the Civil Service Commission and any applicant who meets all the requirements set forth shall be considered a lateral transfer :

- Has completed or is enrolled in the Basic Training Course for full-time or part-time officers as provided by the Illinois Governmental Law Enforcement Officers Training Board.

6-7 Examinations for new hires shall be held on the dates fixed by the Commission and advertised in a local paper in accordance with 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.

- 6-8 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 into the Minutes of the Commission and shall include a statement of:
- the time and place where such examinations will be held
 - applications will be received for at least a two (2) week period, which shall terminate three (3) days before the examination
 - the position will be filled from the resulting Eligibility List
- 6-9 Applicants other than Lateral Transfer Applicants must attend the orientation program sponsored by the Commission. In addition, applicants may be required to participate in a physical aptitude test, written and oral examinations as determined by the Commission and as more particularly set forth below. No examination shall contain questions regarding applicant's political or religious opinions or affiliations.
- 6-10 The following is examinations may be conducted by the Commission. The sequence of testing may vary at the discretion of the Commission. 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>
Physical Aptitude Test	25%	Pass or Fail
Written Test	50%	*
Background Investigation	0	Pass or Fail
Oral Test (Interview)	25%	Pass or Fail

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

- 6-11 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. Lateral Transfer Applicants shall be exempt from the physical aptitude test requirement.
- 6-12 Information as to the type of written examination employed by the Commission will be provided as part of the orientation program. All examination papers shall be and remain the property of the Commission and the grading thereof by the Commission shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description. Candidates who fail to achieve a passing grade will be notified and eliminated from all further consideration. Lateral transfer Applicants shall be exempt from the written examination requirement.

- 6-13 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 attendance. In no event shall less than two (2) Commissioners conduct the oral examination. Questions shall be asked of the candidates that will enable the Commissioners to 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.
- 6-14 The Commissioners will prepare an Eligible List of the candidates successfully completing the orientation, written test, and physical aptitude test. Veterans' and cadet preference points shall be awarded as set forth in section 10-2.1-8 and 9 of the Illinois Municipal Code. Candidates shall be placed on the Eligible List in order of their relative excellence as determined by their test scores. In the event of a tie score, the placement of the tie candidates' names on the Eligible List shall be determined by lot, in the presence of a quorum of the Commission in whatever manner the Commission deems appropriate. A dated copy of the Eligible List shall be sent to each person appearing thereon. The Eligible List shall not include Lateral Transfer Applicants. If a person is placed on an eligibility list and becomes overage before he or she is appointed to a police or fire department, the person remains eligible for appointment until the list is abolished pursuant to authorized procedures. Otherwise, no person who has attained the age of 36 years shall be inducted as a member of a police department and no person who has attained the age of 35 years shall be inducted as a member of a fire department, except as provided in Section 6-3. With respect to a police department, a veteran shall be allowed to exceed the maximum age provision of this Section by the number of years served on active military duty, but by no more than 10 years of active military duty.
- 6-15 Applicants shall be appointed from the Eligible List in descending order; provided, however, that the Commission may appoint any Lateral Transfer Applicant in lieu of any applicant listed on the Eligible List. The Commission shall extend to appointees an offer of employment conditioned upon satisfactory completion of polygraph, medical and psychological examinations set forth in the next section.
- 6-16 If an applicant accepts the conditional offer of employment, he or she shall submit to polygraph, medical, and psychological examinations, to be conducted, at the expense of the Commission, by licensed professionals selected by the Commission. Failure to submit to, cooperate with, or satisfactorily complete any of these examinations will be grounds for disqualification from any further consideration for appointment.
- Polygraph - Any deception discovered as a result of the polygraph examination shall be grounds for disqualification of an applicant. For purposes of this section, "deception" shall mean the admission of any form of wrongdoing in a polygraph examination or pretest interview that either (i) was previously denied by the applicant during the course of testing under these rules or (ii) would be grounds for disqualification of the applicant from further consideration if known to the Commission prior to the polygraph examination.

- Medical – An applicant who is not and cannot with reasonable accommodation be physically capable, in the opinion of the Commission’s selected physician, of performing the duties of the position sought shall be disqualified from further participation in the selection process, unless the disqualifying condition is one which can reasonably be remedied and the Commission’s physician certifies that in his or her medical opinion such condition can be remedied within the time remaining for the applicants eligibility from the current pool. If upon on being notified of his or her disqualification, the applicant believes that the disqualifying condition is one which can reasonably be remedied, the applicant may notify the Commission within thirty (30) days that he or she is seeking a second medical opinion at his or her own expense from another licensed physician with appropriate expertise in the field. In the event that the second opinion is that the condition is not disqualifying or is one that can reasonably be remedied within the time remaining for the applicant’s eligibility from the current pool, the second physician shall confer with the Commission's designated physician. The Commission’s designated physician will then make his or her report to the Commission. In the event, the Commission’s physician determines that the disqualifying condition is not one that can reasonably be remedied within the time remaining for the applicant’s eligibility from the current pool, the applicant shall be disqualified from any further consideration in the hiring process. In the event the applicant is found to have a condition which can reasonably be remedied within the time remaining for the applicant’s eligibility from the current pool, the applicant shall be withdrawn from current consideration until the Commission receives notification from its physician that the disqualifying condition has been remedied. At that point, the applicant shall be reinstated to the Eligible List. As part of medical examination, a candidate shall submit to and pass a drug test. Failure to pass the drug tests shall disqualify the applicant from further consideration in the hiring process, unless the applicant is able to substantiate that the drug is being taken pursuant to a prescription ordered by a licensed physician. Proof shall be verified by written statement or report by the prescribing physician. It shall be grounds for disqualification from further participation in the hiring process for an applicant to refuse to provide blood or urine samples or otherwise fail or refuse to cooperate with drug testing.
- Psychological - The Commission may disqualify any candidate who is not and cannot with reasonable accommodation be capable, in the opinion of the examining psychologist or psychiatrist, of performing the duties of the position sought. If, upon being notified of his or her disqualification, the applicant believes that the disqualifying condition is one which can reasonably be remedied, the applicant may notify the Commission within thirty (30) days that he or she is seeking a second opinion at his or her own expense from another licensed psychologist or psychiatrist with appropriate expertise in the field. In the event that the second opinion is that the condition is not disqualifying or is one that can reasonably be remedied within the time remaining for the applicant’s eligibility from the current pool, the second psychologist/psychiatrist shall confer with Commissions designated psychologist/psychiatrist. The Commission’s designated psychologist/psychiatrist will then make his or her report to the Commission. In

the event the Commission's psychologists/psychiatrists determines that the disqualifying condition is not one that can reasonably be remedied within the time remaining for the applicant's eligibility from the current pool, the applicant shall be disqualified from any further consideration in the hiring process. In the event the applicant is found to have a condition which can reasonably be remedied within the time remaining for the applicant's eligibility from the current pool, the applicant shall be withdrawn from current consideration until the Commission receives notification from its psychologist/psychiatrist that the disqualifying condition has been remedied. At that point, the applicant shall be reinstated to the Eligible List.

- 6-17 All vacancies to the Fire or Police Department shall be filled by individuals from the Eligible List in the order in which their names appear on the Eligible List and having met all requirements previously listed.
- 6-18 All original appointments to the Police Department shall be for a probationary period of twelve (12) months. All original appointments to the Fire Department shall be for a period of twenty-four (24) months to permit satisfactory completion the paramedic training. The probationary period of a newly appointed firefighter or police officer shall commence as of the first date said individual reports for work with the department.
- 6-19 Any person whose name appears on the Eligible List may decline appointment. It shall be the option of the Commission to strike from or maintain upon the Eligible List the name of such candidate without otherwise altering the candidate's original position on the Eligible List.
- 6-20 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.
- 6-21 Final certification of probationary firefighter/paramedics shall be subject to successful completion of the Certificate Firefighter Basic Training Course as prescribed by the Illinois Fire Protection Personnel Standard and Education Commission within the prescribed probationary. Inability to successfully complete this course shall be grounds for dismissal. Firefighters serving as paramedics shall also complete all coursework and be certified as paramedics during their probationary period. Inability to successfully complete these courses shall be grounds for dismissal.
- 6-22 Promotional Examinations - The Commission, by its rules, shall provide for promotion in the Fire and Police Departments on the basis of ascertained merit and seniority in service and examination and shall provide in all cases, where is practical, 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 promotion shall be made from the three (3) having the highest rating, and where there are no less than three (3) names on the Promotional Eligibility Register, as originally posted, or remaining thereon after appointments have been made therefrom, appointments to fill existing vacancies shall be made from those names or name remaining on the Promotional Eligibility Register. The method of examination in the rules governing

examinations for promotions are specified below. The Commission shall strike off names of candidates for promotional appointment after they had remained thereon for more than three (3) years, provided there is no vacancy existing which can be filled from the Promotional Eligibility Register.

- The final promotional examination shall be determined as follows:

<u>Written Test Score</u>	33%
<u>Oral Test Score</u>	33%
<u>Department Merit and Efficiency Rating</u>	33%
(based on a scale of 1-10)	Maximum of 10 points

Seniority

- 1 point per year of service or part thereof on the Bartonville Fire or Police Department up to a maximum of five (5) points.
1 point per year of time in grade or part thereof up to a maximum of five (5) points.

- 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 eligibles for the vacancy or vacancies existing before extending the examination to the general public.
- 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.

- 6-23 Total Score - 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. Candidates shall take rank upon the Promotional Eligibility Register in the order of their elective excellence as determined by their total score. In the event of a tie score, the placement of the tied candidate's names on the Eligibility List shall be determined by lot, in the presence of a quorum of the Commission, in whatever manner the Commission deems appropriate.
- 6-24 Promotional Vacancy - Upon notice from the appropriate corporate authority that a promotional vacancy exists, the Commission shall select the individual to be promoted in the manner specified previously.
- 6-25 Rank - The order of rank in the Police Department shall be as provided by ordinance and municipal budget.
The order of rank in the Fire Department shall be as provided by ordinance and municipal budget.
- 6-26 Classification - The Commission classifies such offices in the fire and police services for the purpose of establishing and maintaining standards of examinations and promotions based upon job descriptions and departmental regulations.
- 6-27 Oath of Office

Before entering duty on any person about to become a member of the Police or Fire Department shall take the following oath before any person authorized to administer oaths in the state of Illinois:

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

Signed _____

Subscribed and sworn before me this ____ day of _____, 20____.

Notary Public”

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

6-28 Hearing of Charges

- Hearings before the Commission are not common law proceedings. The provisions of the “Code of Civil Procedure” do not apply to hearings before the Commission.
- “Counsel” as used herein means one who has been admitted to the bar as an attorney at law in this state.
- No rehearing, reconsideration, modification, vacation, or alteration of a decision of Commission shall be allowed.
- “Cause” is some substantial shortcoming which renders continuance of 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 Commission.
- The complainant or appellant initiating any proceedings which call for a hearing before the Commission shall have the burden of proof to establish by a preponderance of the evidence that cause for discipline exists or that a suspension, previously employed posed by the Chief of a Department, is unwarranted. Should the question of a crime be involved, the rule of “reasonable doubt” shall not control.
- 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.
- All hearings shall be public, in accordance with the Open Meetings Act.
- At the time and place of hearing, both parties may be represented by counsel, if they so desire.

- Proceedings before the Commission during the conduct of the hearing shall be recorded by a Court Reporter to be employed by the Commission.
- The records of all hearings will not be transcribed by the Court Reporter unless requested to do so by the Commission or any party of interest.
- All witnesses shall be sworn prior to testifying and the matter will be decided by the Commission solely on evidence presented at the hearings.
- The Commission will first hear witnesses either substantiating the charges which have been made against the respondent or in support of an appeal brought by a suspended police officer or a firefighter. Thereafter, the other party may present and examine those witnesses whom he desires the Commission to hear. All parties shall have the right to cross examine witnesses presented by the opposite party.

6-29 Hearing Procedure

- 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.
- Probable Cause - The Commission 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.
- Notification of Hearing – Upon the filing of a complaint in quintuple with the Secretary of the Commission, and the determination by the Commission of proper cause for entertaining said complaint, the Secretary of the Commission 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 Commission, the respondent, the complainant, the Chief of Department, the treasurer, comptroller, manager or other finance officer of the municipality shall be notified of the entries 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.
- Continuances - The matter of granting or refusing to grant continuance of a hearing is within the discretion of the Commission
- 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 responded has been suspended pending a hearing and desires a continuance, it shall also be stipulated and agreed that in the event said responded is to be retained in his position as a result of a decision of the Commission following a hearing of the cause, then no compensation shall be paid to said respondent during period of said continuance.
- 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 Commission.

6-30 Subpoenas

- Any party to administrative hearing may, at any time before the hearing, make application to the Commission by filing with it a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records, accounts, and other documents as may be deemed by the Commission to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served to any person twenty-one (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 outside of the state of Illinois.
- Any request for continuance by reason of inability to serve subpoenas shall be filed in the office of the Commission at least three (3) days before the date set for such hearing, provided, however, that the Commission in its discretion may waive this rule.

6-31.1 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 Commission, 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 was received by name party.

6-32 Filing - Papers may be filed with the Commission by mailing them or delivering them personally to the Village Clerk of the Village of Bartonville, Illinois. For the purpose of these Rules and Regulations, the filing date of any paper shall be the date it was received in the Village Clerk'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.

6-33 Forms of Paper

- All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
- If typewritten, the line shall be double spaced, except the long quotations may be single spaced and indented.
- All papers should not be larger than 8 ½" X 1" with inside margins have not less than one inch.
- 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.
- If papers are filed by an attorney, his name and address shall appear there on.

6-34 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.

6-35 Suspension

- The Commission may suspend any member of the Fire or Police Department against whom charges have been proffered, pending a hearing of the charges by the Commission, but not to exceed thirty (30) days without pay, at any one time.
- The chief of the Fire and Police Department shall have the right to suspend any officer under his command for a period not exceeding five (5) days, providing no charges on the same offense had been filed and are pending before the Commission, and he shall notify the Commission in writing within 24 hours of the time of such suspension. Any Policeman or Fireman so suspended may appeal to the Commission for a review of the suspension within five (5) days after receiving notice of such suspension by filing notice of such appeal in writing with the Secretary of the Commission. 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.
- Upon such appeal, the Commission may sustain the action of the Chief of the Department, may reverse it with instructions that the Officer so suspended receive his pay for the period involved, may suspend the Officer for a period of not more than thirty (30) days, or discharge him, depending on the evidence presented.

6-36 Discharge or Suspension after Hearing

- Discharge from office or suspension from service in the Fire or Police Department shall be in compliance with the applicable provisions of the Illinois Municipal Code.
- The Commission shall, within a reasonable time after the hearing is completed, enter its findings on the records of the Commission.

6-37 Date of Hearing - The time for the hearing of charges shall be set by the Commission, within thirty (30) days of the time of the filing of such charges. Continuances may be granted from time to time upon motion of any party to the proceeding by order of the Commission. This time limitation is not applicable to hearings conducted to review suspensions of five (5) days or less imposed by a Chief of Department on one of its members.

6-38 Findings and Order - In case any member of the Fire or Police Department shall be found guilty of the charges proffered against him after hearing by the Commission, he may be removed, discharged, or suspended for a period not exceeding thirty (30) days without pay. Upon an appeal, the Commission may sustain the action of the Chief, may reverse it, in whole or in part, or may suspend the officer or firefighter for an additional period of not more than thirty (30) days or discharge him depending on the facts presented.

6-39 Rules, Conflict - The personnel of the Fire and Police Department shall be governed by the Rules as adopted by the Commission and the Regulations of the Fire and Police

Department has adopted by ordinance. In case of conflict, the Rules of the Commission shall govern.

- 6-40 Political Contributions - No persons in the Fire Department or Police Department of the Village of Bartonville, Illinois, shall be under any obligation to contribute any funds 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 Fire Department or the Police Department of the Village of Bartonville, 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 threatened to do so, for withholding or refusing to make any contribution of money or service or any other valuable thing for any political purpose, or 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.
- 6-41 Violation of Rules - All members of the Fire and Police Department shall be subject to the Regulations of such Department's, and the Rules of the Commission, and a violation of such Rules or Regulations may be cause for filing of charges before the Commission, a subsequent hearing and action by the Commission on such charges.
- 6-42 Violation of Law - Any violation of the laws of the municipality or state or federal law, by any member of the Fire and Police Department of such a municipality may be cause for the filing of charges against that officer, except as here in otherwise provided.
- 6-43 Findings and Decision - Findings and decision of the Commission, following a hearing of charges, shall be preserved by the Secretary, and notice of said finding and decision sent 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.
- 6-44 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 Commission during a probationary period, such probationary period shall be tolled until the probationary employee returns from his leave of absence.

SECTION 7

GENERAL

- 7-1 The Commission shall have such other powers and duties as are given it by the statutes of the state of Illinois or by ordinance.
- 7-2 Any chapters, sections and/or subsections of the foregoing Rules for the operation of the Commission 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 said rules.

- 7-3 Amendments to the Rules of the Commission may be made at any meeting of the Commission. A notice shall be published, in a newspaper of general circulation in the municipality, specifying where such Rules are available for inspection. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication when said Rules shall become effective.

SECTION 8

REVISIONS

- 8-1 Pursuant to 65 ILCS 5/10-1-5, the Commission may at any time change these rules.
- 8-2 All revisions to these rules shall be printed for distribution by the Commission and the Commission shall give public notice of the availability of the rules in accordance with 65 ILCS 5/10-1-6.
- 8-3 Each printing of the rules of the Commission shall reflect on each page there of the date the rules were last revised.