# City of Naperville
# Board of Fire and Police Commissioners
# Rules

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**Approved by the City of Naperville**
**under its home rule authority**
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# City of Naperville
# Board of Fire and Police Commissioners Rules

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# CHAPTER ONE - GENERAL PROVISIONS

## 1.01 INTRODUCTION

The Board of Fire and Police Commissioners (the "Board" or "Commission") has been established by the City of Naperville to evaluate and appoint all sworn officers and members of the City's Fire and Police Departments, as well as be responsible for their promotion and discipline, as provided in Article 10, Division 2.1, of the Illinois Municipal Code (65 ILCS 5/10-2.1-1 *et seq.*), and except as otherwise provided by City ordinance pursuant to the City's exercise of its home rule powers and subject to any applicable collective bargaining agreements.

**LEGAL REF.: 65 ILCS 5/10-2.1-1 *et seq.*; 2-13-1, Naperville Municipal Code**

**ADOPTED: February 23, 2016**

## CHAPTER ONE - GENERAL PROVISIONS

### 1.02 SOURCES OF AUTHORITY AND RULEMAKING

The Board of Fire and Police Commissioners of the City of Naperville (the "Board" or "Commission") derives its power and authority from Article 10, Division 2.1, of the Illinois Municipal Code (65 ILCS 5/10-2.1-1 *et seq.*), and the applicable provisions of the Naperville Municipal Code and City ordinances.

The Board shall adopt, enforce, administer, and amend rules and regulations which are in accordance with the Naperville Municipal Code and City ordinances, and consistent with governing state and federal law, except as may be approved by the City Council, acting within its home rule authority.

The Board may, from time to time, make changes to these rules at any properly convened meeting. The Board's rules and changes thereto shall be printed immediately for distribution. The Board shall give notice of (i) the places where the printed rules may be obtained, and (ii) the date, not less than ten (10) days subsequent to the time of publication, when the rules or changes therein shall go into operation.

**LEGAL REF.: 65 ILCS 5/10-2.1-5; 2-13-3, Naperville Municipal Code**

**ADOPTED: February 23, 2016**

## CHAPTER ONE - GENERAL PROVISIONS

### 1.03 CONFLICTS WITH APPLICABLE LAW OR COLLECTIVE BARGAINING AGREEMENT

In the event of a conflict between any Board rule and the laws or constitution of the United States, the provisions of the applicable federal law shall prevail. In the event of a conflict between any Board rule and the laws or constitution of the State of Illinois, the provisions of the applicable state law shall prevail, unless the Board rule is based upon a proper exercise of the City of Naperville's home rule authority.

In the event of a conflict between any Board rule and the provisions of the Naperville Municipal Code, the two shall be read together and deemed complementary to each other wherever possible, but the Naperville Municipal Code shall prevail if there is a direct conflict, and the Board's rule and the City's Code cannot be read together.

In the event of any conflict between any Board rule and the terms of an applicable collective bargaining agreement covering the City's fire and police department personnel, the two shall be read together and deemed complementary to each other wherever possible, but the collective bargaining agreement's provisions shall prevail if there is a direct conflict, and the agreement and rule cannot be read together.

**LEGAL REF.: 5 ILCS 315/15; 65 ILCS 5/10-2.1-5; 2-13-3, Naperville Municipal Code; Current Agreement between the City of Naperville and Naperville Professional Firefighters Union IAFF Local 4302; Current Collective Bargaining Agreement by and between the City of Naperville and the Illinois Fraternal Order of Police Labor Council/F.O.P Lodge No. 42; Current Collective Bargaining Agreement by and between the City of Naperville and the Metropolitan Alliance of Police, Naperville Police Sergeants Chapter #363**

**ADOPTED: February 23, 2016**

## CHAPTER ONE - GENERAL PROVISIONS

### 1.04 FAIR AND EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Board to be a fair and equal opportunity employment agency. The Board, its individual Commissioners, its administrative staff, and its agents shall not in any way discharge, refuse to employ, or discriminate against any person in regard to tenure, terms or conditions of employment, promotional opportunities, training or the like to any person otherwise qualified on the basis of race, religion, sex, color, creed, marital status, citizenship status, use of lawful products while not at work, being a victim of domestic or sexual violence, physical or mental disability, age, national origin, ancestry, sexual orientation, pregnancy, military status, unfavorable discharge from military service, genetic information, gender-related identity, expunged or sealed criminal history records, order of protection status, or lack of a permanent mailing address or using the mailing address of a shelter or social service provider, as well as any other protected classification pursuant to state or federal law.

All applicants, candidates or employees shall be considered only on the basis of qualifications as required by the position being sought or held relative to experience, training, physical fitness, ability, skills, knowledge, and personal characteristics and integrity as a proper representative of the City, as provided in the Naperville Municipal Code.

The Board shall use reasonable measures to inform employees and applicants that the City is an equal opportunity employer, such as by posting required notices.

**LEGAL REF.: 29 U.S.C. §621; 42 U.S.C. §2000ff-1; 42 U.S.C. §12101; 42 U.S.C. §2000e; 29 CFR Part 1601; 29 U.S.C. §206(d); 775 ILCS 5/1-101 *et seq.*; 775 ILCS 45/10(a); 820 ILCS 105/1 *et seq.*; 1-7-1 and 1-7-8, Naperville Municipal Code**

**ADOPTED: February 23, 2016**

## CHAPTER ONE - GENERAL PROVISIONS

### 1.05 RANK, CERTIFICATES OF APPOINTMENT AND OATH OF OFFICE

The order of rank in the Naperville Fire and Police Departments shall be as provided by ordinance and municipal budget. Offices in the Naperville Fire and Police Departments shall be classified for the purpose of establishing and maintaining standards of examinations and promotions based upon the City of Naperville's job descriptions and departmental regulations.

The sole authority to issue certificates of appointment shall be vested in the Board of Fire and Police Commissioners, and all certificates of appointments issued to any officer or member of the Naperville Fire or Police Department shall be signed by the Chairperson and Secretary of the Board, upon appointment of such officer or member of the Fire or Police Department by action of the Board.

Before entering duty, any person about to become a member or officer of the Naperville Fire or Police Department shall take the following oath:

> "I, _____, do solemnly swear or affirm that I will support the Constitution and laws of the United States, 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."

**LEGAL REF.: 65 ILCS 5/10-2.1-4**

**ADOPTED: February 23, 2016**

Chapter 2

## CHAPTER TWO - ADMINISTRATION

### 2.01 MEMBERS AND OFFICERS OF THE BOARD

The Board is comprised of five (5) members, who shall be appointed by the Mayor with the approval of the City Council and serve three (3) year terms which shall terminate on May 30 of the year in which the term is expired. The Commissioners shall be considered officers of the City, and shall file an oath and a fidelity bond in such amount as may be required by the City Council. Board members shall be limited to serving two (2) consecutive terms and shall not be eligible for appointment beyond two (2) consecutive terms. However, the Mayor may appoint a Board member who has already served two (2) consecutive terms to a vacancy in which he or she will serve solely for the remainder of an unexpired term.

No person holding another office with the City of Naperville shall be appointed or serve as a Commissioner. The acceptance of another office with the City shall be treated as a resignation of his or her office as a Commissioner. No person who has been convicted of a felony under the laws of Illinois or the United States shall be appointed to the Board. No person who is related, either by blood or marriage up to the degree of first cousin, to any elected official of the City, shall be appointed to the Board. Appointments to the Board may be made without concern for political party affiliation, but anyone appointed to the Board must be a resident of the City of Naperville. The Board members shall serve without compensation.

Board members may be removed at the request of the Mayor and approval of the City Council for any cause which in the opinion of the Mayor and the City Council warrants removal. Vacancies on the Board shall be filled in the same manner as the original appointments.

The Board shall annually elect a Chairperson, unless the Mayor has exercised his or her power to appoint the Chairperson, and a Secretary to serve during the City's fiscal year. All elections shall be conducted in an open session of a Board meeting. Each person so elected shall hold office for one (1) year and until his or her successor is duly elected. If any officer of the Board is unable to complete his or her term, a permanent replacement shall be elected by the Board to complete the term. If the Chairperson or Secretary is absent from a meeting or is temporarily incapacitated, the Board shall make a *pro tempore* appointment to temporarily perform their duties.

The Chairperson shall be the presiding officer at all meetings. The Secretary shall keep the minutes of all meetings of the Board, shall be the custodian of all records pertaining to the business of the Board, and shall keep a record of all examinations held. The administrative aspects of the Secretary's duties may be delegated to a Staff Liaison, assigned by the City to provide administrative support to the Board.

The Board may act only in a properly convened meeting, and no Board member shall have the authority to act for the Board or under the title of his or her Board position unless specifically authorized by statute or by the Board. Any act delegated to a Board member by the Board must be ratified by the Board.

**LEGAL REF.: 65 ILCS 5/10-2.1-1, 10-2.1-2, 10-2.1-3, and 10-2.1-20; 2-1-2, 2-1-3, 2-1-4, 2-1-5, 2-1-6, 2-1-7, 2-1-11, and 2-13-2, Naperville Municipal Code**

**ADOPTED: February 23, 2016**

## CHAPTER TWO - ADMINISTRATION

### 2.02 POWERS AND DUTIES OF THE BOARD

The powers and duties of the Board shall generally include the following:

A. To have charge of all appointments to, and promotions and demotions within, the City's Fire and Police Departments, except for those ranks which serve at the pleasure of the City Manager or the Chief(s).

B. To conduct and hold all entrance examinations for firefighter/paramedics and police officers in the manner required by law.

C. To conduct and hold all promotional examinations to sworn ranks to which it has been charged with appointment within the City's Fire and Police Departments in the manner required by law.

D. To make temporary appointments, in order to prevent a stoppage of public business, to meet extraordinary exigencies, or to prevent material impairment of either the City's Police or Fire Department, to remain in force until regular appointments may be made.

E. To conduct hearings to consider written charges for discipline, removal or discharge of an officer or member of the City's Fire or Police Department, where the Board has been charged with those duties.

F. To adopt, enforce, administer, and amend rules and regulations which are consistent with governing state and federal law, except as may be approved by the City Council acting within its home rule authority, and which are not in conflict with the Naperville Municipal Code.

G. To employ its own attorney, as authorized by the City of Naperville. In the event the authorization is withdrawn, the City's attorney shall represent the Board and shall handle prosecutions before the Board. When the City attorney is also serving as the City prosecutor, the Board may employ an attorney for the purpose of representing the Board.

H. To hire outside independent contractors to conduct aspects of the Board's testing processes.

I. To assign administrative tasks to the Board's Staff Liaison, assigned by the City to provide administrative support to the Board.

J. To periodically attend training programs and conferences applicable to the Board's duties.

K. To submit an annual report of its activities, its rules and a budget request to the Mayor prior to the end of each fiscal year.

**LEGAL REF.: 65 ILCS 5/10-2.1-4, 10-2.1-5, 10-2.1-6; 10-2.1-6.3; 10-2.1-15; 10-2.1-16; 10-2.1-17; 10-2.1-19; 2-13-2, Naperville Municipal Code**

**ADOPTED: February 23, 2016**

## CHAPTER TWO - ADMINISTRATION

### 2.03 MEETINGS GENERALLY

#### A. Regular and Special Meetings

All meetings shall be conducted in accordance with the Open Meetings Act. Regular meetings of the Board shall be held pursuant to the schedule adopted by the Board prior to the beginning of the calendar or fiscal year.

An agenda for each regular meeting shall be posted at the principal office of the Board and at the location where the meeting is to be held at least forty-eight (48) hours in advance of the holding of the meeting. At least one copy of the notice and agenda for all meetings will be continuously available for public review during the entire forty-eight (48) hour period preceding the meeting. This requirement may be met by posting the notice and agenda on a website that is maintained by the City. Lack of continuous availability of a notice or agenda for the full 48-hour period due to actions outside of the control of the Board will not invalidate the meeting or any action taken at the meeting.

Special meetings may be called by the Chairperson of the Board or any two (2) members upon at least forty-eight (48) hours' notice to all Board members. Such call shall set the time and place of holding the special meeting, and the purpose for which it is called. A special meeting may also be called for a future date at any meeting of the Board by a majority vote of the members attending the meeting.

#### B. Quorum and Required Vote

Three (3) members of the Board shall constitute a quorum to do business. All meetings shall only be held with a quorum of the Board present. The affirmative vote of three (3) members is necessary to adopt any motion or resolution, unless a greater number is otherwise required.

#### C. Closed Sessions

All meetings of the Board shall be open, unless a motion is made, seconded and carried upon a roll call vote, to go to closed session pursuant to an exception set forth under the Open Meetings Act. The motion to go to closed session shall set forth the specific exception pursuant to which the closed session will be held.

#### D. Minutes

##### 1. Generally

The Secretary or the Board's Staff Liaison shall keep written minutes of all transactions of the Board in regular and special meetings, open or closed, and committee meetings. The minutes shall include the date, time and place of the meeting; the members of the Board as either present or

## CHAPTER TWO - ADMINISTRATION

### 2.03 MEETINGS GENERALLY (Cont.)

absent; a summary of discussion on all matters proposed, deliberated, or decided; and a record of any votes taken, including the member making the motion, the second and the results of the voting.

The minutes of the proceedings of the Board at regular or special meetings shall be prepared in draft form and copies shall be mailed or delivered to all Board members along with the notice of the next meeting. The minutes of the preceding meeting, with any changes made by a motion properly made and carried or as directed by the Chairperson without objections, shall be approved by the Board and signed by the Secretary no later than 30 days after that meeting or the Board's second subsequent regular meeting, whichever is later.

Any verbatim recording of the open session of meetings by the Secretary or the Board's Staff Liaison shall be only for the purposes of preparing the written minutes. Once the Board has approved the written minutes, the Staff Liaison shall destroy the verbatim recording.

The official minutes of the Board shall be kept in the Board's files at the Commission's Administrative Office and shall be made available to citizens for inspection during regular business hours and on the City's website within ten (10) days of approval.

**2. Verbatim Record of Closed Meetings**

The Secretary or the Board's Staff Liaison shall audio record all closed meetings. After the closed meeting, the person making the audio recording shall label the recording with the date and store it in a secure location.

After eighteen (18) months have passed since being made, the audio recording of a closed meeting shall be destroyed, provided that the Board has approved its destruction and approved written minutes of the particular closed meeting.

The verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce this Act. At no time will an audio recording be released that would violate state or federal privacy or confidentiality requirements, including, but not limited to, any matter concerning (i) communications between the Board and an attorney representing the Board; and (ii) all information exempted from disclosure under the Illinois Freedom of Information Act.

## CHAPTER TWO – ADMINISTRATION

### 2.03 MEETINGS GENERALLY (cont.)

3. **Semi-Annual Review of Minutes**

The Board shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings which have not been released for public inspection. After the review is made, the Board shall make a determination and report in open session that the need for confidentiality still exists as to all or part of those minutes or that the minutes or portions thereof no longer require confidential treatment and are available for public inspection.

E. **Open Meetings Act Designee**

The Board shall designate one or more individuals to receive training on compliance with the Illinois Open Meetings Act as the Board's Open Meetings Act Designee. The Board shall submit a list of its designated individual(s) to the Public Access Counselor of the Illinois Attorney General's Office. The designated individual(s) must successfully complete an electronic training curriculum, developed and administered by the Public Access Counselor, and thereafter must successfully complete an annual training program. Whenever the Board designates an additional individual to receive this training, that individual must successfully complete the electronic training curriculum within 30 days after such designation.

F. **Open Meetings Act Training**

Each Board member must complete the electronic training curriculum developed and administered by the Public Access Counselor within 90 days of appointment to the Board and file a copy of the certificate of completion with the Board's Staff Liaison.

**LEGAL REF.: 5 ILCS 120/1.02, 1.05, 2, 2.02, 2.02, 2.06, and 2a; 2-1-9 and 2-1-10, Naperville Municipal Code**

**ADOPTED: February 23, 2016**

## CHAPTER TWO - ADMINISTRATION

### 2.04 RULES OF ORDER

#### A. Rule 1. Agenda

All regular meeting agendas shall generally be prepared pursuant to the following outline:

**Agenda**
**Regular Meeting of the**
**City of Naperville Board of Fire and Police Commissioners**
**(date)**

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A. CALL TO ORDER
B. ROLL CALL
C. PUBLIC COMMENT
D. APPROVAL OF MINUTES
E. POLICE DEPARTMENT STATUS REPORT
F. FIRE DEPARTMENT STATUS REPORT
G. OLD BUSINESS
H. NEW BUSINESS
I. CLOSED SESSION
J. ADJOURNMENT

Prior to each regular meeting, the Chairperson shall direct the Board's Staff Liaison to prepare an agenda. Any Board member may place items on the regular meeting agenda by submitting a written request to the Chairperson and the Board's Staff Liaison prior to the posting of the final agenda, which shall in no case occur less than 48 hours before the meeting. Agendas and other information for each meeting shall be provided to each Board member on the Friday preceding the Board meeting.

#### B. Rule 2. Presiding Officer

The Chairperson of the Board shall serve as presiding officer at all meetings. If the Chairperson is absent, the Board members present at the meeting shall elect a Chairperson *pro tempore* who shall act in the Chairperson's stead. The Chairperson may call on any Board member to perform the duties of presiding officer during any meeting. A *pro tempore* appointment shall not extend beyond the adjournment of the particular meeting.

The Chairperson shall preserve order and decorum, may speak to points of order in preference to other members, vote on all issues before the Board, and shall decide all questions of order subject to an appeal of any three (3) Board members.

## CHAPTER TWO - ADMINISTRATION

### 2.04 RULES OF ORDER (cont.)

#### C. Rule 3. Voting

The ayes and nays shall be taken upon the passage of all resolutions, all propositions to create any liability, for the expenditure or appropriation of its money, on the question of discipline or discharge, and in all other cases at the request of any member. All aye/nay votes shall be taken in the following order: (i) the motioner shall vote first, (ii) the seconder second, and (iii) the remaining Board members in alphabetical order. All ayes and nays taken shall be recorded in the meeting's minutes. An affirmative vote of at least three (3) members shall be necessary for the passage of any such proposition unless otherwise provided by law.

#### D. Rule 4. Questions Before the Board

Every question before the Board shall be distinctly stated by the Chairperson before it is open for debate. A motion shall be reduced to writing before a vote if so requested by any Board member. Members discussing a question shall address the Chairperson, and no Board member shall be deemed to have the floor until recognized by the Chairperson. If any question under consideration contains several distinct propositions, the Board may, by a majority vote of the Board members present, divide such questions.

#### E. Rule 5. Resolutions

All resolutions, as well as amendments thereto, shall be reduced to writing before action shall be taken on them. The title of resolutions shall be read aloud before a vote is taken, except when any Board member requests that it be read in its entirety.

#### F. Rule 6. Addressing the Board

Except during the public comment portion of the Board agenda, or as stated in this rule, no person other than the Board's Staff Liaison, attorney, or designated representatives from the City's Fire and Police Departments may address the Board unless requested to do so by the Chairperson.

A portion of every Board meeting shall be provided for public comment. The person wishing to speak shall raise his or her hand in a signal to the Chairperson. The speaker must be designated and authorized to speak by the Chairperson. Each speaker shall limit his or her public participation to a period of three (3) minutes or less so that all persons shall have an adequate opportunity to make their statements to the Board.

## CHAPTER TWO - ADMINISTRATION

### 2.04 RULES OF ORDER (cont.)

The purpose of public participation is to allow the public the opportunity to make a statement to the Board. The purpose of public participation is not to provoke a debate with the Board. Once an individual has spoken, that individual may not speak on the same issue again. Any limitation regarding addressing the Board may be waived by a majority vote of the Board.

#### G. Rule 7. Attendance by Other Means

Board members may attend meetings by video or audio conference subject to the following conditions:

1. A quorum of Board members must be physically present at the meeting location.
2. The Board member requesting to attend by audio or video conference must be unable to physically attend the meeting because of: (a) personal illness or disability; (b) employment purposes or the business of the Board; or (c) a family or other emergency.
3. The Board member requesting to attend by audio or video conference must notify the Secretary or the Board's Staff Liaison before the meeting if practicable.
4. A majority of the Board members must approve the Board member's request to attend by audio or video conference.
5. Equipment must be available that will permit the Board member to participate in the meeting so that the Board member can hear and/or see the other members and the other Board members can hear and/or see the Board member attending by audio or video conference.

If a Board member attends a meeting by audio or video conference, the minutes of that meeting shall reflect that the Board member was present via audio or video conference. Board members attending by audio or video conference shall be permitted to participate in the meeting as if they were physically present to the extent permitted by the equipment used including the right to vote on any matters that come before the Board.

#### H. Rule 8. Recording of Open Meetings

Members of the public attending an open meeting of the Board may record the proceedings of the open meeting as long as the method of recording does not interfere with the meeting. The Board reserves the right to deny the ability to record an open meeting if it determines that recording the open meeting will unreasonably interfere with its ability to conduct the meeting.

The Board's Staff Liaison shall not record open meetings unless authorized by a majority of the Board. Any verbatim recording of the open session of meetings by the Secretary or the Board's Staff Liaison shall be only for the purposes of preparing the written minutes. Once the Board has approved the written minutes,

## CHAPTER TWO - ADMINISTRATION

**2.04 RULES OF ORDER (cont.)**

the Staff Liaison shall destroy the verbatim recording.

**LEGAL REF.: 5 ILCS 120/1.02, 2.05, and 7**

**ADOPTED: February 23, 2016**

## CHAPTER TWO - ADMINISTRATION

### 2.05 BOARD MEMBER ETHICS

Each Commissioner shall agree that as a member of the Board, he or she shall do his or her utmost to represent the City by adhering to the following commitments:

A. He or she will represent the City honestly and equally and refuse to surrender his or her responsibilities to special interest or partisan political groups.

B. He or she will avoid any conflict of interest or any appearance of impropriety which could result from his or her position and shall not use his or her Board membership for personal gain or publicity.

C. He or she will recognize that a Board member has no legal authority as an individual and that decisions can be made only by a majority vote at a Board meeting.

D. He or she will take no private action that might compromise the Board or administration of the Board's business and will respect the confidentiality of privileged information.

E. He or she will abide by majority decisions of the Board while retaining the right to seek changes through ethical and constructive channels.

F. He or she will encourage and respect the free expression of opinion of fellow Board members and others who seek to be heard before the Board.

G. He or she shall faithfully and diligently perform the duties of the Board, including attendance at all Board meetings and other functions where the Board's attendance is required.

H. He or she shall not intentionally solicit or accept any gift from any prohibited source as prescribed in Article 10 of the State Officials and Employees Ethics Act. However, Board members may accept gifts from prohibited sources under the limited exceptions set forth in Section 10-15 of the Act. If the City adopts or maintains a more restrictive policy on the acceptance of gifts, the Board members shall adhere to the City's policy.

**LEGAL REF.: 5 ILCS 430/10-10 and 10-15; 1-13-1 to 1-13-9, and 2-1-13, Naperville Municipal Code**

**ADOPTED: February 23, 2016**

## CHAPTER TWO - ADMINISTRATION

### 2.06 ANNUAL REPORT AND BUDGET REQUEST

The Board shall annually submit to the Mayor a report of its activities, and of the rules in force and the practical effect thereof. In this report the Board may make suggestions which the Board believes would result in greater efficiency in the City's Fire and Police Departments. The Mayor shall transmit the report to the City Council.

The Board shall also submit an annual budget request to the City Council prior to the end of each fiscal year. If requested by the City Council, the Board shall provide any additional reports as specified by the City Council.

**LEGAL REF.: 65 ILCS 5/10-2.1-19; 2-1-12, Naperville Municipal Code**

**ADOPTED: February 23, 2016**

## CHAPTER TWO - ADMINISTRATION

### 2.07 ATTENDANCE AT CONFERENCES/CONTINUING EDUCATION AND EXPENSES

Board members are encouraged to attend commission-related conferences or continuing education. The Board shall cover the Commissioners' expenses incurred while attending a conference or continuing education as determined by the Board in accordance with the Board's rules and City's Travel Policy Guide.

Any Board member who attends a conference or continuing education shall present the material that was covered at the conference or continuing education at the next scheduled Board meeting.

**LEGAL REF.: City of Naperville Travel Policy Guide**

**ADOPTED: February 23, 2016**

## CHAPTER TWO - ADMINISTRATION

### 2.08 IDENTITY AND PRIVACY PROTECTION

The Board shall protect the identity and privacy of all officers, employees, members, agents, applicants, candidates and members of the public, in accordance with the Illinois Identity Protection Act and applicable City policy.

The Board and its agents shall not collect, use, or disclose a person's Social Security Number ("SSN"), except where required or authorized by law or regulation to conduct background checks. The Board shall not request SSNs except when it falls within a delineated exception permitted under the law. Individuals not serving on the Board or as the Board's Staff Liaison or agent shall generally have no access to Board documents or information containing individuals' SSNs.

The Board may receive and review sensitive personal information regarding applicants or candidates for positions in the City's Fire and Police Departments. Such information shall be kept secured from access by unauthorized individuals and properly stored and destroyed in accordance with applicable state and federal law, and City policy.

**LEGAL REF.: 5 ILCS 179/1 *et seq.*; 5 ILCS 140/1 *et seq.*; 50 ILCS 205/1 *et seq.*; 820 ILCS 40/1 *et seq.*; Section 1.25 of the City of Naperville Employee Policy Manual**

**ADOPTED: February 23, 2016**

## CHAPTER TWO - ADMINISTRATION

### 2.09 RECORDS

The Board shall maintain its records in accordance with applicable state or federal law, City policies, and administrative regulations. Board records or information contained therein may be released, transferred, disclosed or otherwise disseminated, only as provided by applicable law, and City policy. All application and examination records produced on behalf of and transmitted to the Board by any entity shall become the property of the Board and shall be retained as required by law. The Secretary and the Board's Liaison shall be responsible for the storage, maintenance and destruction of the Board's records, in accordance with applicable law.

The Board's records shall include, but not be limited to:

- Data and documentation regarding the Board's processes for recruitment, selection, promotion, and discipline of the sworn members of the City's Fire and Police Departments.
- Data and documentation required to comply with state and federal laws and regulations regarding equal employment, including information categorizing applicants for employment by sex, race and national origin.
- Applications, waivers and releases, educational and military records.
- Recommendations, findings, reports, and results from tests and examinations authorized by the Board, including medical reports, physical fitness testing results, written examinations results, psychological evaluations, and oral interview ratings. Any medical information regarding an applicant, candidate or employee shall be maintained in separate, secured files in accordance with the Americans with Disabilities Act.
- Findings, reports and recommendations associated with background investigations conducted on behalf by the City's Police Department or other outside agency.
- Documentation regarding activities and events involving employees subject to disciplinary action.

The City's Human Resources Department, in concert with the Chiefs of the City's Fire and Police Department, shall be responsible for maintaining an employee record for each fire and police department employee, separate from the Board's files. The Board shall have access to the City's employee records when necessary for action on an employee matter.

It is the policy of the Board to permit access to and copying of public records in accordance with the Illinois Freedom of Information Act, balanced, however, by the limited exceptions recognized in the Act to safeguard individual privacy and the efficient operation of the Board. The Board shall appoint a Freedom of Information Officer, who shall insure that the Board complies with the Act under the City's policy.

**LEGAL REF.: 5 ILCS 140/1 *et seq.*; 5 ILCS 179/1 *et seq.*; 50 ILCS 205/1 *et seq.*; 820 ILCS 40/1 *et seq.***

**ADOPTED: February 23, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.01 NOTICE OF APPLICATIONS AND TESTING

The Board shall give public notice of its intent to create a list of eligible candidates for appointment to the Fire Department by a publication at least two (2) weeks preceding the examination in one or more newspapers published in the City of Naperville; in one or more newspapers with a general circulation within the City of Naperville; or the City of Naperville's website. Notice of the examination may also be announced through other means as the Board may prescribe, such as fire service websites, and regional colleges and universities job placement offices.

The notice published in the newspaper shall contain the following information:

- A statement of the position or positions for which an eligibility list is to be created.
- Where applications can be obtained, as well as the deadline for submission of the application.
- The time and place where the orientation meeting and examinations will be held.
- The applicable fees to be charged to cover examination costs.

In addition to the information above, the notice on the City's website shall also contain information regarding the general scope of the testing process, weights of components, merit criteria for any subjective component, and any preference points.

Examinations may be postponed by order of the Board. The order shall state the reason for the postponement and shall designate a new date for the examination. Applicants shall be notified of the postponement and of the new date set for the examination.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.3(d) and 10-2.1-13**

**ADOPTED: February 23, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.02 REQUIREMENTS FOR SUBMISSION OF APPLICATION

Applicants for an entry-level position in the Naperville Fire Department must meet the following criteria at the time of submission of an application:

A. ***Citizenship and residency*** -- Applicants must be citizens of the United States of America. Proof of citizenship will be required at time of application. Sworn personnel of the Naperville Fire Department shall not be required to be residents of the City of Naperville.

B. ***Age*** -- Applicants must be at least nineteen (19) years of age and shall be under thirty-five (35) years of age.

However, the age 35 limitation shall not apply in cases where the applicant was 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) any fire protection district whose obligations were assumed by a municipality under Section 21 of the Fire Protection District Act (70 ILCS 705/21); or (iii) a municipality whose obligations were taken over by a fire protection district. To qualify for these exceptions to the age limitations the applicant shall have been actively working as a firefighter within two (2) years of the date of his or her application to this City. To qualify as "employment status" for purposes of this section, the applicant must have received or should receive a W-2 from a municipality under federal law or regulations.

Furthermore, the age 35 limitation shall not apply to any applicant 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.

Age for application will be calculated as of the date of scheduled orientation. Proof of birth date will be required at time of application. Note that the minimum age for appointment to the position of firefighter/paramedic with the City of Naperville shall be twenty-one (21), calculated as of the date of a conditional offer of hire.

C. ***Education*** – Applicants must be a high school graduate or equivalent at the time of application.

**LEGAL REF.: 65 ILCS 5/10-2.1-6 and 10-2.1-6.3**

**ADOPTED: February 23, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.03 APPLICATION

#### A. Generally

Applicants for full-time positions with the Fire Department shall make application on forms approved by the Board. Applicants must file their application with the required documents with the Board or its agent(s) prior to deadlines set by the Board and before taking any examination. Applications and required documentation received after the application deadline will not be accepted.

Applicants shall furnish with their applications:

- *A copy of their "birth record" as proof of citizenship and age.* Applicants may submit copies of a U.S. county or state issued birth record, valid U.S. passport, or naturalization papers, as their birth record. Hospital-issued birth certificates will not be accepted.

- *A copy of their high school diploma.* The Board will also accept a copy of the applicants' high school transcript (showing graduation date) or evidence of a G.E.D. equivalence diploma. In cases of applicants who were educated outside the United States, appropriate documentation of a high school level diploma shall be determined on a case by case basis.

- *A copy of their valid driver's license*, including the back side if license bears renewal sticker.

- *A copy of their valid Candidate Physical Ability Test (CPAT) card with ladder certification* issued within twelve (12) months immediately preceding the date of application.

#### B. Release of liability and authorization for background investigation

All applicants shall execute and deliver to the Board or its agents on the Board's forms a signed release of all liability prior to participating in the application and examination process, and authorizing and empowering the Board and its agents to conduct a background investigation of the applicant.

#### C. Defective applications

Applicants must comply with the requirements of the application form in every respect. The Board or its designee shall check the application material submitted for completeness. Applicants may be required to provide additional information or documentation for correction or clarification of minor omissions or deficiencies in their application, provided that the applicant is otherwise qualified for the position sought. However, nothing in this section shall require the Board to seek such additional documentation not properly provided by the applicant, and the failure to provide information or documents may be cause for refusing to further consider the applicant.

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.03 APPLICATION (cont.)

**D. False statements and omissions**

Any false statement or omission of a material nature knowingly made by a person in an application or examination, or connivance in any false statement made in a certificate that may accompany such application, or complicity in any fraud touching the same shall be regarded as good cause for disqualification or exclusion from the examination process, and/or discharge from the City.

**E. Application fees**

The Board may charge a fee to cover the costs of the application process for firefighter applicants, as may be established by the Board from time to time. Applicable costs will be provided with the notice of the examination.

**F. Changes in applicant information**

It shall be the duty of each applicant to inform the Board in writing of any change in his or her U.S. Postal Service address, e-mail address or telephone number, so that the Board may maintain contact with applicants from initial application to final employment disposition. Failure to properly notify the Board of any change may result in the striking of the applicant's name from the application process or from the eligibility roster.

**LEGAL REF.: 65 ILCS 5/10-2.1-6 and 10-2.1-6.3**

**ADOPTED: February 23, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.04 ORIENTATION AND TESTING OVERVIEW

Applicants for full-time positions with the Fire Department must attend a mandatory orientation session prior to testing and shall be considered a mandatory part of the testing process. The Board or its agents shall explain the testing process and provide information so that the applicants are oriented regarding the position for which they apply. The examinations shall be conducted by the Board or its designees and agents, and all elements of the selection process shall include job-related criteria or minimum qualifications.

The examination and qualifying standards for employment of firefighters shall be based on:

- Mental aptitude
- Physical ability
- Preferences
- Moral character
- Health

The mental aptitude, physical ability, subjective component (based on merit criteria as determined by the Board), and preference components shall determine the applicant's qualification for and placement on the final register of eligible candidates. No examination shall contain questions regarding the applicant's political or religious opinions or affiliations. Scores from the examination must be made available to the public.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.3(c) and (d)**

**ADOPTED: February 23, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.05 PHYSICAL FITNESS TESTING

Applicants are required to undergo an examination of their physical ability to perform the essential functions included in the duties they may be called upon to perform as a member of the Fire Department. The Board elects to utilize the Candidate Physical Ability Test (CPAT) with ladder certification for the purpose of testing physical fitness.

Applicants must provide a copy of their current and valid CPAT card with ladder certification issued within twelve (12) months immediately preceding the date of application to the Board or its agent with their completed job application. Any costs associated with the CPAT with ladder certification will be at the expense of the applicants.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.3(f)**

**ADOPTED: February 23, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.06 WRITTEN EXAMINATIONS

Written examinations shall be administered in order to measure an applicant's mental aptitude, and shall be practical in character and relate to those matters which fairly test the capacity of the person examined to discharge the duties performed by members of a fire department. The examination shall include specific job-related criteria and must be documented by a validation study.

The test procedure will be determined by the Board or its agent or designee. All written examinations shall be administered in a uniform manner that ensures the security and accuracy of scores achieved.

The examination shall be graded on a 100-point scale, and the Board shall set a minimum passing score which demonstrates a candidate's ability to perform the essential functions of the job. The minimum score set by the Board shall be supported by appropriate validation evidence and shall comply with all applicable state and federal laws. Applicants who fail to achieve a passing grade will be notified in writing and eliminated from all further consideration.

The grading of the written examination by the Board and/or its designees or agents shall be final and conclusive and not subject to review by any other board, tribunal, or court of any kind or description. All candidates who pass the written examination shall be ranked based on their scores on the written examination.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.3(g)**

**ADOPTED: February 23, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.07 SUBJECTIVE TESTING COMPONENTS

The Board may conduct a subjective evaluation of candidates. The merit criteria for the subjective component shall be announced by the Board in the public notice of the exam. There shall be no minimum passing score for this component. Scores will be calculated objectively, based on a 100-point scale, and used to rank candidates for placement on the Initial Eligibility Register.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.3(d) and (g)**

**ADOPTED: February 23, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.08 INITIAL ELIGIBILITY REGISTER

Following proof of physical ability, passage of the written examination and application of any subjective component points, the Board will prepare an Initial Eligibility Register. The examination components for an initial eligibility register shall be graded on a 100-point scale. The candidates will be listed in order of excellence based on their score without the application of any available preference points. When more than one candidate receives the same number of points, placement on the initial eligibility register shall be assigned by lottery.

Within sixty (60) days after the examinations, the Board shall post a dated copy of the Initial Eligibility Register. The register shall include the final grades of the candidates without reference to priority of the time of examination and subject to claim for preference credit. A dated copy of the Initial Eligibility Register shall also be sent to each person whose name appears thereon to the U.S. Postal Service address or email address provided in the application.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.3(g) and 10-2.1-14**

**ADOPTED: February 23, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.09 PREFERENCE POINTS

Candidates shall receive information regarding preference points with the application form. The Board must provide for no fewer than ten (10) preference points, nor more than thirty (30) preference points for applicants to apply for each test.

The Board reserves the right to establish the amount of preference points to be awarded for every category except preference points for veteran status. The Board will state any available preference points in the remaining categories at the time notice of the examination is posted.

If eligible for preference points, candidates shall make a claim in writing using the form provided by the Board, with proof thereof within ten (10) days after the date of the Initial Eligibility Register or such claim shall be deemed waived. The preference claim form must be submitted to the Board's Staff Liaison or its designee no later than 5 p.m. on the tenth (10th) day after the Initial Eligibility Register is posted. The Board will prepare a Final Eligibility Register which shall include approved preference points. The Board shall assign preference points as follows:

**A. Veteran's Preference Points**

Applicants who served in the United States military actively for at least one (1) year and who were honorably discharged or are now on inactive or reserve duty shall be preferred for employment and shall receive not less than five (5) preference points. Proof of such service must include a copy of his or her most current Military Form DD-214 (long form) as proof of active service and evidence of the honorable discharge.

**B. Explorer Preference Points**

Candidates who have successfully completed two (2) years of study within the City of Naperville's Fire Department Fire Explorer Post #911 program which has been established and approved for the award of preference points under the rule of the Joint Labor and Management Committee may receive from zero (0) to five (5) preference points. The amount of points to be awarded shall be announced at the time of the notice of the examination process.

**C. Educational Preference Points**

Any candidate who has successfully obtained an associate's degree in the field of fire service or emergency medical services, or a bachelor's degree from an accredited college or university may receive from zero (0) to five (5) preference points. The Board reserves the right to award a greater number of preference points for job-related degrees than for non-job-related degrees. The amount of points to be awarded shall be announced at the time of the notice of the examination process.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.3(h), 10-2.1-8 and 10-2.1-9**

**ADOPTED: February 23, 2016**
**AMENDED: March 8, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.10 FINAL ELIGIBILITY REGISTER

The Board shall prepare a Final Eligibility Register which shall include any claimed and approved preference points, with no candidates using preference points to pass candidates who are veterans on the register. Where more than one candidate receives the same number of points, placement on the Final Eligibility Register shall be assigned by lottery.

A dated copy of the Final Eligibility Register shall be posted in the City of Naperville and sent to each person whose name appears thereon to the U.S. Postal Service address or email address provided in the application.

Any person placed on the Final Eligibility Register who exceeds the age requirement before being appointed to the City of Naperville Fire Department shall remain eligible for appointment until the register is abolished, or his or her name has been on the register for a period of two (2) years.

The Final Eligibility Register shall remain valid for two (2) years after which it will expire, and the Board will strike off all remaining names.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.3, 10-2.1-8 and 10-2.1-9**

**ADOPTED: February 23, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.11 SCREENING OF CANDIDATES IN ANTICIPATION OF VACANCIES

Prior to a conditional offer of hire, the Board may initiate the screening of candidates on the Final Eligibility Register in anticipation that vacancies will be occurring in the City of Naperville Fire Department in the near future. Only candidates who are fully qualified for hire will be screened, and any candidates on the Final Eligibility Register who have not reached the age of twenty-one (21) or have not yet obtained licensure as an Illinois EMT/paramedic shall not be screened.

The Board's screening process shall commence with the release of candidate application files to the City of Naperville Fire Department for background investigation and, in most circumstances, the scheduling of a polygraph examination.

Candidates who are not yet qualified based on age or EMT/paramedic certification shall be held on the list in rank order until the Board is notified that the qualification has been attained. Candidates who are held on the list and not screened in anticipation of vacancies because they are not yet qualified based on age or EMT/paramedic licensure shall not be considered to be "passing" an appointment, as provided by statute and the Board's rules.

It shall be the candidate's responsibility to notify the Board upon attaining his or her EMT/paramedic licensure. This notification must be in writing and include a copy of the license, directed to the Board's Staff Liaison. Upon obtaining the age of twenty-one (21) and EMT/paramedic license, the candidate will be eligible for screening, and the candidate's file will be released for background investigation and polygraph testing the next time additional candidates are pulled from the list for screening.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.3(b)**

**ADOPTED: February 23, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.12 CHARACTER AND BACKGROUND INVESTIGATION

Before a candidate on the Final Eligibility Register is given a conditional offer of employment, the Board shall require that an in-depth character and background investigation be completed on the candidate. Candidates shall be required to be fingerprinted as directed by the Board.

The investigation shall include, but not be limited to, verification of the qualification credentials such as age, citizenship, and driving records. Such investigation shall examine the candidate's work record, criminal conviction history, educational experience, and other factors of background and life experience which shall be reasonably related to the requirements of the position.

Verification shall be made of at least three (3) personal references and investigation of the candidate's integrity and character. The background investigation may include an oral interview of the candidate.

Candidates shall be subject to a polygraph examination by a professionally trained and licensed polygraph examiner appointed by the Board. Candidates shall be provided a list of areas from which the polygrapher shall draw questions in advance of the examination. The results of the polygraph shall not be a single determinant of qualification for employment but shall be used as an adjunct to the character and background investigation.

This portion of the hiring process will be graded on a pass/fail basis.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.2 and 10-2.1-14; 20 ILCS 2605/2605-330**

**ADOPTED: February 23, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.13 CONDITIONAL OFFERS OF EMPLOYMENT

Whenever a vacancy exists in a position subject to the jurisdiction of the Board, the City Manager shall so notify the Board. All original conditional offers of employment shall be made from the Final Eligibility Register, provided the candidates have satisfied all requirements established by the Board and have passed the character and background investigation. At the time of a conditional offer of employment, the candidate must:

- Be twenty-one (21) years of age.
- Obtained certification as an Illinois "certified" EMT/Paramedic, or be a National Certified Paramedic.

Appointment from the Final Eligibility Register is subject to satisfactorily passing:

(i) a character and background investigation, with a polygraph test;
(ii) an in-depth psychological examination; and
(iii) a thorough medical examination.

After a conditional offer of hire, and the successful completion of any other conditions of hire, candidates for original appointment shall be required to submit to basic medical and psychological examinations, by medical professionals selected by the Board. These examinations may include vision, hearing, test for the presence of communicable diseases, psychological testing, and comprehensive drug evaluations. The extent and scope of the examinations shall be determined by the Board and shall be graded on a pass/fail basis.

The Board shall pay for the basic required medical and psychological examination; however, if additional medical evaluations, testing, or treatment are required in order to determine the candidate's fitness for duty, the candidate may be responsible for obtaining and paying for the additional evaluation, testing, or treatment, at the discretion of the Board.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.2 and 10-2.1-6.3; 20 ILCS 2605/2605-330**

**ADOPTED: February 23, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.14 DISQUALIFICATIONS

The Board will refuse to certify any candidate as eligible for the position of firefighter/paramedic if that person:

A. Is addicted to the habitual use of intoxicating beverages or is a user of narcotics or any other drug illegally;

B. Has been convicted of a felony or any misdemeanor involving moral turpitude;

C. Has attempted to practice any deception or fraud in his application which includes a finding by the Board of an untruthful answer in the application;

D. Has unsatisfactory character or unsatisfactory employment references;

E. Has been dismissed from any public service for good cause;

F. Submits an application that is incomplete and does not account for all periods of time;

G. Cannot speak and understand the English language;

H. Does not have a current valid driver's license;

I. Is found lacking in any of the established bona fide occupational requirements for the position in the service for which the candidate applies;

J. In any other way does not meet the standards established for the position;

K. Has knowingly divulged or received test questions or answers before a written examination, or otherwise knowingly violated or subverted any of these rules.

Any candidate deemed disqualified, as provided herein, shall be notified of the disqualification by the Board. Within five (5) days of receipt of such notice, the applicant or candidate may request in writing an opportunity to appear before the Board. The Board may, in its discretion, set the matter for review at its decision. The decision of the Board, if review is granted, is final.

**LEGAL REF.: 65 ILCS 5/10-2.1-6**

**ADOPTED: February 23, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.15 PASSING AN APPOINTMENT

Any candidate may pass on an appointment once without losing his or her position on the Final Eligibility Register. Any candidate who passes a second time may be removed from the Final Eligibility Register by the Board.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.3(b)**

**ADOPTED: February 23, 2016**

## CHAPTER THREE – ORIGINAL APPOINTMENTS TO THE FIRE DEPARTMENT

### 3.16 PROBATION

All persons newly appointed as a firefighter/paramedic and those hired after their termination of seniority to the City of Naperville Fire Department shall be considered probationary employees for a period of twelve (12) months. A probationary employee is an employee-at-will.

If an absence greater than thirty (30) days is granted by the City's Fire Department during a firefighter's probationary period, the probationary period shall automatically be extended by the length of the absence. The employee shall be notified of the extension of the probationary period.

During an employee's probationary period, the employee may be suspended for up to three (3) duty days or less or terminated by the City, with or without cause. At any time during the probationary period, the Fire Chief may recommend in writing to the Board the termination of a probationary employee. The Board shall consider the termination recommendation of the Fire Chief and, after consideration, may discharge the probationary employee, or continue with his or her appointment. The probationary employee is not entitled to a hearing before the Board, and no grievance shall be presented or entertained in connection with such suspension or termination of any probationary employee.

The Board shall consider the written recommendation of the Fire Chief to appoint to full-time, non-probationary status or terminate, and shall act upon that recommendation by either appointment or termination. The action of the Board is final.

**LEGAL REF.: 65 ILCS 5/10-2.1-4 and 10-2.1-6.3(c); Current Agreement between the City of Naperville and Naperville Professional Firefighter Union IAFF Local 4302**

**ADOPTED: February 23, 2016**

Chapter 4

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.01 NOTICE OF APPLICATIONS AND TESTING

The Board shall give public notice of its intent to create a list of eligible candidates for appointment to the Police Department by a publication at least two (2) weeks preceding the examination in one or more newspapers published in the City of Naperville; in one or more newspapers with a general circulation within the City of Naperville; or the City of Naperville's website. Notice of the examination may also be announced through other means as the Board may prescribe, such as police service websites, and regional colleges and universities job placement offices.

The notice published in the newspaper shall contain the following information:

- A statement of the position or positions for which an eligibility list is to be created.
- Where applications can be obtained, as well as the deadline for submission of the application.
- The time and place where the orientation meeting and examinations will be held.
- The applicable fees to be charged to cover examination costs.

In addition to the information above, the notice on the City's website shall also contain information regarding the general scope of the testing process, weights of components, merit criteria for any subjective component, and any preference points.

Examinations may be postponed by order of the Board. The order shall state the reason for the postponement and shall designate a new date for the examination. Applicants shall be notified of the postponement and of the new date set for the examination.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.3(d) and 10-2.1-13**

**ADOPTED: February 23, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.02 REQUIREMENTS FOR SUBMISSION OF APPLICATION

Applicants for an entry-level position in the Naperville Police Department must meet the following criteria for submission of an application:

A. ***Citizenship and residency*** – Applicants must be citizens of the United States of America. Proof of citizenship will be required at time of application. Sworn personnel of the Naperville Police Department shall not be required to be residents of the City of Naperville.

B. ***Age*** – Applicants must be at least twenty-one (21) years of age and shall be under thirty-five (35) years of age, unless the applicant falls under one of the following exceptions to the maximum hiring age:

1. Any person previously employed as a police officer in a regularly constituted police department of any municipality located in Illinois or another state; or

2. Any person who has served as a deputy under Section 3-6008 of the Counties Code (55 ILCS 5/3-6008) and otherwise meets necessary training requirements; or

3. Any person who has served as a sworn officer as a member of the Illinois Department of State Police; or

4. Any person who is a veteran, who shall be allowed to exceed the maximum age provision by the number of years served on active military duty, but by no more than ten (10) years of active military duty.

Age for application will be calculated as of the date of scheduled orientation. Proof of birth date will be required at time of application.

C. ***Education*** – Applicants must be a high school graduate or equivalent at the time of hire. Furthermore, applicants must have completed at least sixty (60) credit hours at an accredited college or university at the time of application and hold a Bachelor's degree in any discipline from an accredited college or university at the time of appointment. Original, official transcripts from college or university will be required as proof of higher education.

**LEGAL REF.: 65 ILCS 5/10-2.1-6**

**ADOPTED: February 23, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.03 APPLICATION

#### A. Generally

Applicants for full-time positions with the Police Department shall make application on forms approved by the Board. Applicants must file their application with the required documents with the Board or its agent(s) prior to deadlines set by the Board and before taking any examination. Applications and required documentation received after the application deadline will not be accepted.

Applicants shall furnish with their applications:

- *A copy of their "birth record" as proof of citizenship and age.* Applicants may submit copies of a U.S. county or state issued birth record, valid U.S. passport, or naturalization papers, as their birth record. Hospital-issued birth certificates will not be accepted.

- *A copy of their high school diploma.* The Board will also accept a copy of the applicants' high school transcript (showing graduation date) or evidence of a G.E.D. equivalence diploma. In cases of applicants who were educated outside the United States, appropriate documentation of a high school level diploma shall be determined on a case by case basis.

- *A copy of their original, official transcript from an accredited college or university.* At the time of application, the transcript must reflect completion of sixty (60) credit hours.

- *A copy of their valid driver's license*, including the back side if license bears renewal sticker.

#### B. Release of liability and authorization for background investigation

All applicants shall execute and deliver to the Board or its agents on the Board's forms a signed release of all liability prior to participating in the application and examination process, and authorizing and empowering the Board and its agents to conduct a background investigation of the applicant.

#### C. Defective applications

Applicants must comply with the requirements of the application form in every respect. The Board or its designee shall check the application material submitted for completeness. Applicants may be required to provide additional information or documentation for correction or clarification of minor omissions or deficiencies in their application, provided that the applicant is otherwise qualified for the position sought. However, nothing in this section shall require the Board to seek such additional documentation not properly provided by the applicant, and the failure to provide information or documents may be cause for refusing to further consider the applicant.

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.03 APPLICATION (cont.)

**D. False statements and omissions**

Any false statement or omission of a material nature knowingly made by a person in an application or examination, or connivance in any false statement made in a certificate that may accompany such application, or complicity in any fraud touching the same shall be regarded as good cause for disqualification or exclusion from the examination process, and/or discharge from the City.

**E. Application fees**

The Board may charge a fee to cover the costs of the application process for police officer candidates, as may be established by the Board from time to time. Applicable costs will be provided with the notice of examination.

**F. Changes in applicant information**

It shall be the duty of each applicant to inform the Board in writing of any change in his or her U.S. Postal Service address, e-mail address or telephone number, so that the Board may maintain contact with applicants from initial application to final employment disposition. Failure to properly notify the Board of any change may result in the striking of the applicant's name from the application process or from the eligibility roster.

**LEGAL REF.: 65 ILCS 5/10-2.1-6**

**ADOPTED: February 23, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.04 ORIENTATION AND TESTING OVERVIEW

Applicants for full-time positions with the Police Department must attend a mandatory orientation session prior to testing and shall be considered a mandatory part of the testing process. The Board or its agents shall explain the testing process and provide information so that the applicants are oriented regarding the position for which they apply. The examinations shall be conducted by the Board or its designees and agents, and all elements of the selection process shall include job-related criteria or minimum qualifications.

The examination and qualifying standards for employment of police officers shall be based on:

- Mental aptitude
- Physical ability
- Preferences
- Moral character
- Health

The sequence of testing may vary at the discretion of the Board. Failure to achieve the minimum passing grade in any examination disqualifies the applicant from any further participation in the testing process. The Board shall determine the weighting of each component of the testing process and the minimum passing grade in each examination.

The applicant's final weighted score on the graded portion of the examination process, along with the application of veteran's and other preference points, shall determine the applicant's qualification for and placement on the final register of eligible candidates. No examination shall contain questions regarding the applicant's political or religious opinions or affiliations.

**LEGAL REF.: 65 ILCS 5/10-2.1-6**

**ADOPTED: February 23, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.05 PHYSICAL FITNESS TESTING

Applicants are required to undergo an examination of their physical ability to perform the essential functions included in the duties they may be called upon to perform as a member of a police department. The Board elects to utilize the Peace Officer Wellness Evaluation Report (POWER) test for purposes of testing physical fitness.

Applicants must provide a copy of their current and valid POWER test certification card issued within six (6) months immediately preceding the date of application to the Board or its agent with their completed job application. Any costs associated with the POWER test will be at the expense of the applicants.

**LEGAL REF.: 65 ILCS 5/10-2.1-6**

**ADOPTED: February 23, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.06 WRITTEN EXAMINATIONS

Written examinations shall be administered in order to measure an applicant's mental aptitude, and shall test an applicant's ability to assimilate training as a police officer. The examination shall be documented by a validation study.

The test procedure will be determined by the Board or its agent or designee. All written examinations shall be administered in a uniform manner that ensures the security and accuracy of scores achieved.

The Board shall set a minimum passing score which demonstrates a candidate's ability to perform the essential functions of the job. The minimum score set by the Board shall be supported by appropriate validation evidence and shall comply with all applicable state and federal laws. Applicants who fail to achieve a passing grade will be notified in writing and eliminated from all further consideration.

The grading of the written examination by the Board and/or its designees or agents shall be final and conclusive and not subject to review by any other board, tribunal, or court of any kind or description. All candidates who pass the written examination shall be ranked based on their scores on the written examination.

**LEGAL REF.: 65 ILCS 5/10-2.1-6(h)**

**ADOPTED: February 23, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.07 INITIAL ELIGIBILITY REGISTER

Following completion of the orientation and the written test, the Board will prepare an Initial Eligibility Register of those candidates who have successfully passed each of these two components of the testing process. The candidates will be listed in order of excellence based on their score on the written test without the application of any available preference points. When more than one candidate receives the same number of points, placement on the Initial Eligibility Register shall be assigned by lottery.

Within sixty (60) days after the examinations, the Board shall post a dated copy of the Initial Eligibility Register. The register shall include the final grades of the candidates on the written test, subject to claim for veteran's and other preference points. A dated copy of the Initial Eligibility Register shall also be sent to each person whose name appears thereon to the U.S. Postal Service address or email address provided in the application.

**LEGAL REF.: 65 ILCS 5/10-2.1-14**

**ADOPTED: February 23, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.08 PREFERENCE POINTS

Candidates shall receive information regarding preference points with the application form. If eligible for preference points, candidates shall make a claim in writing using the form provided by the Board, with proof thereof within ten (10) days after the date of the Initial Eligibility Register or such claim shall be deemed waived. The preference claim form must be submitted to the Board's Staff Liaison or designee no later than 5 p.m. on the tenth (10th) day after the Initial Eligibility Register is posted. The Board will prepare a Primary Eligibility Register which shall include approved preference points.

The Board shall assign preference points as follows:

**A. Veteran's Preference Points**

Applicants who actively served in the United States military for at least one (1) year and who were honorably discharged or are now on inactive or reserve duty shall be preferred for employment and shall receive not less than five (5) preference points. Proof of such service must include a copy of Military Form DD-214 (long form) as proof of active service and evidence of the honorable discharge.

**B. Interns, Community Service Officers and Detention Officers Preference Points**

Applicants who successfully completed the Naperville Police Department's Internship Program, or who have completed probation and currently serve in good standing as Community Service Officers or Detention Officers for the Naperville Police Department, shall receive between zero (0) and three (3) preference points. The amount of points to be awarded shall be announced at the time of application. Proof of successful completion of the internship program, or proof of the completion of the probationary period and good standing as a Community Service or Detention Officer, must accompany the claim for preference points. Preference points awarded under this sub-section shall not be cumulative.

**LEGAL REF.: 65 ILCS 5/10-2.1-8, 10-2.1-9 and 10-2.1-14**

**ADOPTED: February 23, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.09 PRIMARY ELIGIBILITY REGISTER

The Board shall prepare a Primary Eligibility Register from the Initial Eligibility Register which shall include any claimed and approved preference points, with no candidate using preference points to pass candidates who are veterans on the register. Where more than one candidate receives the same number of points, placement on the Primary Eligibility Register shall be assigned by lottery.

Candidates shall remain on the Primary Eligibility Register until they are selected for oral examination by the Board. Any person placed on the Primary Eligibility Register who exceeds the age requirement before being appointed to the City of Naperville Police Department shall remain eligible for appointment until the list is abolished, or his or her name has been on the register for a period of two (2) years.

The Primary Eligibility Register shall remain valid for two (2) years after which it will expire, and the Board will strike off all remaining names.

**LEGAL REF.: 65 ILCS 5/10-2.1-6, 10-2.1-8, 10-2.1-9 and 10-2.1-14**

**ADOPTED: February 23, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.10 ORAL EXAMINATIONS AND WRITING ASSESSMENTS

The Board shall select a number of candidates, as determined at the discretion of the Board based on hiring needs, from the Primary Eligibility Register who shall be required to submit to an oral interview to be conducted by the Board. The oral examination may include a writing assessment component, at the Board's discretion. The Board shall announce at the time of notice of examination if a writing assessment will be included in the oral examination component. Candidates who successfully pass the oral examination, as well as the writing assessment (if given), shall be included on the Final Eligibility Register.

At least three (3) Commissioners shall participate in the oral examination of police officer candidates. Upon completion of each oral examination, the Commissioners will independently rate the candidate's ability and fitness for the position of police officer on a standard scoring sheet. The Board's Liaison shall add up the Commissioners' individual scoring sheets to determine a combined average oral examination score for each candidate.

The writing assessment (if given) shall be job-related and scored by the Board's agent. In testing processes where the writing assessment is given, it will be added to final oral interview score in a proportion determined by the Board and announced at the time of the notice of examination.

Candidates who fail to successfully complete the oral examination and/or the writing assessment (if given) will be notified in writing and eliminated from all further consideration.

**LEGAL REF.: 65 ILCS 5/10-2.1-6**

**ADOPTED: February 23, 2016**
**AMENDED: March 8, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.11 FINAL ELIGIBILITY REGISTER

The Board shall prepare a Final Eligibility Register which shall include the candidates' oral interview scores from which final police officer appointments shall be made. The candidates shall be placed upon the Final Eligibility Register in rank order, highest first. The rank order shall be based upon the candidates' total cumulative score which shall be calculated as follows:

- Adjusted Total Weighted Test Score from Initial Promotional Eligibility Register (original written test score and any applicable preference points) multiplied by 60%; and
- Oral interview score (including writing assessment, when given) multiplied by 40%.

Where more than one candidate receives the same number of points, placement on the Final Eligibility Register shall be assigned by lottery by the Board. However, if a candidate who is also a veteran receives the same number of points as another candidate(s), the veteran shall be placed above the other candidate(s).

A dated copy of the Final Eligibility Register shall be posted in the City of Naperville and sent to each person whose name appears thereon to the U.S. Postal Service address or email address provided in the application. In the event a Final Eligibility Register is exhausted prior to the expiration of the Primary Eligibility Register, the Board may establish another Final Eligibility Register.

The Final Eligibility Register shall remain valid for two (2) years after which it will expire, and the Board will strike off all remaining names. Any person placed on the Final Eligibility Register who exceeds the age requirement before being appointed to the City of Naperville Police Department shall remain eligible for appointment until the list is abolished, or his or her name has been on the register for a period of two (2) years.

**LEGAL REF.: 65 ILCS 5/10-2.1-6, 10-2.1-8, 10-2.1-9 and 10-2.1-14**

**ADOPTED: February 23, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.12 SCREENING OF CANDIDATES IN ANTICIPATION OF VACANCIES

Prior to a conditional offer of hire, the Board may initiate the screening of candidates on the Final Eligibility Register in anticipation that vacancies will be occurring in the City of Naperville Police Department in the near future. Only candidates who are fully qualified for hire will be screened.

The Board's screening process shall commence with the release of candidate application files to the City of Naperville Police Department for background investigation and, in most circumstances, the scheduling of a polygraph examination.

Candidates who are not yet qualified based on the lack of a bachelor's degree from an accredited college or university shall be held on the list in rank order until the Board is notified that the qualification has been attained. Candidates who are held on the list and not screened in anticipation of vacancies because they are not yet qualified based on the lack of a bachelor's degree from an accredited college or university shall not be considered to be "passing" an appointment, as provided by statute and the Board's rules.

It shall be the candidate's responsibility to notify the Board upon attaining his or her bachelor's degree from an accredited college or university. This notification must be in writing and include a copy of the official transcript, directed to the Board's Staff Liaison. Upon obtaining the bachelor's degree from an accredited college or university, the candidate will be eligible for screening, and the candidate's file will be released for background investigation and polygraph testing the next time additional candidates are pulled from the list for screening.

**LEGAL REF.: 65 ILCS 5/10-2.1-6**

**ADOPTED: February 23, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.13 CHARACTER AND BACKGROUND INVESTIGATION

Before a candidate on the Final Eligibility Register is given a conditional offer of employment, the Board shall require that an in-depth character and background investigation be completed on the candidate. Candidates shall be required to be fingerprinted.

The investigation shall include, but not be limited to, verification of the qualification credentials such as age, citizenship, and driving records. Such investigation shall examine the candidate's work record, criminal conviction history, educational experience, and other factors of background and life experience which shall be reasonably related to the requirements of the position.

Verification shall be made of at least three (3) personal references and investigation of the candidate's integrity and character. The background investigation may include an oral interview of the candidate.

Candidates shall be subject to a polygraph examination by a professionally trained and licensed polygraph examiner appointed by the Board. Candidates shall be provided a list of areas from which the polygrapher shall draw questions in advance of the examination. The results of the polygraph shall not be a single determinant of qualification for employment but shall be used as an adjunct to the character and background investigation.

This portion of the hiring process will be graded on a pass/fail basis.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.1(i), 10-2.1-6.2, and 10-2.1-14; 20 ILCS 2605/2605-330**

**ADOPTED: February 23, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.14 CONDITIONAL OFFERS OF EMPLOYMENT

Whenever a vacancy exists in a position subject to the jurisdiction of the Board, the City Manager shall so notify the Board. All original conditional offers of employment shall be made from the Final Eligibility Register, provided the candidates have satisfied all requirements established by the Board and have passed the character and background investigation.

Appointment from the Final Eligibility Register is subject to satisfactorily passing:

(i) a character and background investigation, with a polygraph test;
(ii) an in-depth psychological examination; and
(iii) a thorough medical examination.

Furthermore, candidates must possess a Baccalaureate Degree from an accredited college or university at the time of appointment. Original, official transcripts from the accredited college or university shall be required as proof of the Baccalaureate Degree.

The Board shall appoint the person with the highest ranking on the Final Eligibility Register; however, the Board may, at its discretion, choose to appoint a candidate who has been awarded a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, ahead of non-certified candidates.

After a conditional offer of hire, and the successful completion of any other conditions of hire, candidates for original appointment shall be required to submit to basic medical and psychological examinations, by medical professionals selected by the Board. These examinations may include vision, hearing, test for the presence of communicable diseases, psychological testing, and comprehensive drug evaluations. The extent and scope of the examinations shall be determined by the Board and shall be graded on a pass/fail basis.

The Board shall pay for the basic required medical examination; however, if additional medical and psychological evaluations, testing, or treatment are required in order to determine the candidate's fitness for duty, the candidate may be responsible for obtaining and paying for the additional evaluation, testing, or treatment.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.1(g), 10-2.1-6.2, 10-2.1-8, 10-2.1-14; 20 ILCS 2605/2605-330**

**ADOPTED: February 23, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.15 DISQUALIFICATIONS

The Board will refuse to certify any candidate as eligible for the position of police officer if that person:

- Is addicted to the habitual use of intoxicating beverages or is a user of narcotics or any other drug illegally;
- Has been convicted of a felony or any misdemeanor involving moral turpitude;
- Has attempted to practice any deception or fraud in his application which includes a finding by the Board of an untruthful answer in the application;
- Has unsatisfactory character or unsatisfactory employment references;
- Has been dismissed from any public service for good cause;
- Submits an application that is incomplete and does not account for all periods of time;
- Cannot speak and understand the English language;
- Does not have a current valid driver's license;
- Is found lacking in any of the established bona fide occupational requirements for the position in the service for which the candidate applies;
- In any other way does not meet the standards established for the position;
- Has knowingly divulged or received test questions or answers before a written examination, or otherwise knowingly violated or subverted any of these rules.

Any candidate deemed disqualified as provided herein shall be notified in writing of the disqualification by the Board. Within five (5) days of receipt of such notice, the applicant or candidate may request in writing an opportunity to appear before the Board. The Board may, in its discretion, set the matter for review of its decision. The decision of the Board, if review is granted, is final.

**LEGAL REF.: 50 ILCS 705/6.2; 65 ILCS 5/10-2.1-6**

**ADOPTED: February 23, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.16 PASSING AN APPOINTMENT

Any candidate may pass on an appointment once without losing his or her position on the Final Eligibility Register. Any candidate who passes a second time may be removed from the Final Eligibility Register by the Board.

**LEGAL REF.: 65 ILCS 5/10-2.1-6.3(b)**

**ADOPTED: February 23, 2016**

## CHAPTER FOUR – ORIGINAL APPOINTMENTS TO THE POLICE DEPARTMENT

### 4.17 PROBATION

All persons newly appointed as police officers to the City of Naperville Police Department shall be considered probationary employees for a period of at least eighteen (18) months. The Board may extend the original probationary period for a police officer for an additional six (6) months upon the recommendation of the Police Chief. A probationary employee is an employee-at-will.

The probationary period for service in the City's Police Department may be tolled for those periods of time a probationary police officer is unable or unavailable to perform his or her assigned duties due to required training or due to injury or illness (whether or not job-related) if such periods of absence exceed thirty calendar (30) days. If an absence greater than thirty (30) days is granted by the City's Police Department during a police officer's probationary period, the probationary period shall automatically be extended by the length of the absence. The employee shall be notified of the extension of the probationary period.

A probationary employee is not entitled to a hearing before the Board, and the action of the Board is final. No grievance shall be presented or entertained in connection with such suspension or termination of any probationary employee.

The Board shall consider the written recommendation of the Police Chief to appoint to full-time, non-probationary status or terminate, and shall act upon that recommendation by either appointment or termination. In no case shall a probationary police officer be discharged until after the Police Chief has received from the Board a notice in writing that the Board has approved the discharge.

**LEGAL REF.: 65 ILCS 5/10-2.1-4; Current Collective Bargaining Agreement between the City of Naperville and the Illinois Fraternal Order of Police Labor Council/F.O.P. Lodge No. 42**

**ADOPTED: February 23, 2016**

Chapter 5

## CHAPTER FIVE – PROMOTIONAL EXAMINATIONS FOR THE FIRE DEPARTMENT

### 5.01 ADMINISTRATION OF THE PROMOTIONAL PROCESS UNDER THE COLLECTIVE BARGAINING AGREEMENT

Pursuant to Section 10(e) of the Illinois Fire Department Promotion Act (50 ILCS 742/1 *et seq.*), the City of Naperville and the Naperville Professional Firefighters Union IAFF Local 4302 have agreed that the process for promotion to the ranks of Lieutenant and Captain in the Naperville Fire Department shall be governed solely by the provisions of the current collective bargaining agreement between the parties.

The provisions of that collective bargaining agreement applicable to the process of promotion to the ranks of Lieutenant and Captain shall supersede the provisions of the Illinois Fire Department Promotions Act, the Illinois Municipal Code (65 ILCS 5/10-2.1-1 *et seq.*), and these Rules and Regulations of the City of Naperville Fire and Police Commissioners.

The promotional process shall be conducted and supervised by the Board in accordance with the current collective bargaining agreement.

**LEGAL REF.: 50 ILCS 742/1 *et seq.*; 65 ILCS 5/10-2.1-1 *et seq.*; and Current Agreement between the City of Naperville and Naperville Professional Firefighters Union IAFF Local 4302**

**ADOPTED: February 23, 2016**

Chapter 6

## CHAPTER SIX – PROMOTIONAL EXAMINATIONS FOR THE POLICE DEPARTMENT

### 6.01 NOTICE OF EXAMINATION

The Board shall provide written notice to all sworn members of the Police Department of its intent to create a list of eligible candidates for promotion. Such notice shall be provided to the sworn members through an announcement distributed by memorandum or e-mail.

Unless waived in writing by all members of the Police Department for which the promotional examination is to be given, the Board shall give public notice of its intent to create a list of eligible candidates for promotion in the Police Department by a publication at least two (2) weeks preceding the examination in one or more newspapers published in the City of Naperville; in one or more newspapers with a general circulation within the City of Naperville; or the City of Naperville's website.

The notice shall contain the following information:

- A statement of the position or positions for which an eligibility list is to be created.
- The deadline for signing up to participate in the promotional testing.
- The time and place where the orientation meeting and examinations will be held.

Examinations may be postponed by order of the Board. The order shall state the reason for the postponement and shall designate a new date for the examination. Candidates shall be notified of the postponement and of the new date set for the examination.

**LEGAL REF.: 65 ILCS 5/10-2.1-13 and 10-2.1-15**

**ADOPTED: February 23, 2016**

## CHAPTER SIX – PROMOTIONAL EXAMINATIONS FOR THE POLICE DEPARTMENT

### 6.02 ELIGIBILITY

Vacancies in the rank of Police Sergeant shall be filled by promotion from the next lower rank, where it is practicable. Examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves for examination, as long as they have at least two (2) years of experience in their current rank with the City of Naperville.

Candidates for promotion to the rank of Police Sergeant shall have an associate's degree or sixty (60) semester hours, or its equivalent of college level credits, from an accredited college or university prior to the date of the written examination in order to test for this rank.

Eligible candidates for promotion to the rank of Police Sergeant may re-apply for each promotional process, regardless of the number of times the candidate previously tested for promotion.

**LEGAL REF.: 65 ILCS 5/10-2.1-15**

**ADOPTED: February 23, 2016**

## CHAPTER SIX – PROMOTIONAL EXAMINATIONS FOR THE POLICE DEPARTMENT

### 6.03 SENIORITY

Candidates for promotion shall be awarded credit for seniority in the Naperville Police Department as of the date of the written examination for purposes of the promotional process only. Candidates shall receive one-half (1/2) point per year of service for each full year the candidate has served in the Naperville Police Department after initial appointment by the Board at any full-time rank, not to exceed two and one-half (2 ½) points.

**LEGAL REF.: 65 ILCS 5/10-2.1-15; Current Collective Bargaining Agreement by and between the City of Naperville and the Illinois Fraternal Order of Police Labor Council/F.O.P. Lodge No. 42**

**ADOPTED: February 23, 2016**

## CHAPTER SIX – PROMOTIONAL EXAMINATIONS FOR THE POLICE DEPARTMENT

### 6.04 EXAMINATIONS AND PRELIMINARY PROMOTIONAL ELIGIBILITY REGISTER

Promotion in the Police Department shall be on the basis of ascertained merit, seniority in service, and examination. Each component of the examination process shall be based upon a scale of 0 to 100. All elements used to evaluate candidates in the testing process will be job-related and non-discriminatory. Candidates who submit themselves to examination will be graded according to the following schedule to create a Preliminary Promotional Eligibility Register:

| EXAMINATION | WEIGHTS | MINIMUM PASSING SCORE AND METHOD OF TESTING |
|---|---|---|
| Written Examination | 45% | Each candidate must achieve a minimum passing score as established by the Board's agent who prepares and/or administers the examination. |
| Merit and Efficiency | 25% | The method of examination and the manner in which points are to be awarded shall be in accordance with the procedures established by the Board's agent. |
| Oral Examination (by the Commissioners) | 25% | The method of examination and the manner in which points are to be awarded shall be in accordance with the procedures established by the Board. |
| Seniority | 5% | See Section 6.03 of the Board's rules |

After completion of the preliminary examinations in the promotional testing process, the Board will prepare a Preliminary Promotional Eligibility Register. The Preliminary Promotional Eligibility Register shall be posted in the Naperville Police Department and distributed to the candidates via email.

**LEGAL REF.: 65 ILCS 5/10-2.1-10, 10-2.1-11 and 10-2.1-15**

**ADOPTED: February 23, 2016**

## CHAPTER SIX – PROMOTIONAL EXAMINATIONS FOR THE POLICE DEPARTMENT

### 6.05 VETERAN'S PREFERENCE POINTS

Candidates who are eligible for and elect to use their military preference credit must make a claim for such credit on a form provided by the Board and submitted to the Board's Liaison within ten (10) calendar days after the posting of the Preliminary Promotional Eligibility Register or such claims shall be deemed waived.

Upon election by the candidate, seven-tenths (7/10) of one point for each six (6) months or fraction thereof of active military service of the United States, not exceeding thirty (30) months, up to a maximum of 3.5 points, will be added to a final grade average for a person who at any time has been engaged in the active military service of the United States for a period of one (1) year or more, and who satisfies the following requirements:

- Received an honorable discharge; and
- Was not convicted by a court martial for disobedience of orders where such disobedience consisted of the refusal to perform military service on the grounds of alleged religious or conscientious objections against war.

No person shall receive preference for a promotional appointment after receiving one promotion from an eligibility register on which he or she was allowed military preference points.

**LEGAL REF.: 65 ILCS 5/10-2.1-8, 10-2.1-10, 10-2.1-11, 10-2.1-12**

**ADOPTED: February 23, 2016**

## CHAPTER SIX – PROMOTIONAL EXAMINATIONS FOR THE POLICE DEPARTMENT

### 6.06 INITIAL PROMOTIONAL ELIGIBILITY REGISTER AND ASSESSMENT CENTER

After the award of any applicable military preference points, the Board shall prepare an Initial Promotional Eligibility Register. The Initial Promotional Eligibility Register shall be posted in the Naperville Police Department and distributed to the candidates via email.

The top twenty (20) candidates on the Initial Promotional Eligibility Register shall participate in an assessment center evaluation as directed by the Board.

**LEGAL REF.: 65 ILCS 5/10-2.1-10, 10-2.1-11 and 10-2.1-15**

**ADOPTED: February 23, 2016**

## CHAPTER SIX – PROMOTIONAL EXAMINATIONS FOR THE POLICE DEPARTMENT

### 6.07 FINAL PROMOTIONAL ELIGIBILITY REGISTER

Upon receipt of the top twenty (20) candidates' scores on the assessment center evaluation, the Board shall prepare a Final Promotional Eligibility Register. The twenty candidates shall be placed upon the Final Promotional Eligibility Register in rank order of the final weighted promotional testing scores to be calculated as follows:

| SCORE | WEIGHTING |
|---|---|
| Adjusted Total Weighted Test Score from Initial Promotional Eligibility Register | 65% |
| Assessment Center Test Score | 35% |

In the event of a tie score, the placement of the tied candidates' names on the Final Promotional Eligibility Register shall be determined by lottery at a Board meeting. The Final Promotional Eligibility Register shall be posted in the Naperville Police Department and distributed to the candidates via email.

**LEGAL REF.: 65 ILCS 5/10-2.1-15**

**ADOPTED: February 23, 2016**

## CHAPTER SIX – PROMOTIONAL EXAMINATIONS FOR THE POLICE DEPARTMENT

### 6.08 PROMOTIONS FROM FINAL REGISTER

All promotions shall be made from the three (3) candidates having the highest rating, and where there are less than three (3) names on the Final Promotional Eligibility Register, as originally posted, or remaining thereon after appointments have been made from it, appointments to fill existing vacancies shall be made from those names or name remaining on the Final Promotional Eligibility Register.

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 Final Promotional Eligibility Register.

**LEGAL REF.: 65 ILCS 5/10-2.1-15**

**ADOPTED: February 23, 2016**

## CHAPTER SIX – PROMOTIONAL EXAMINATIONS FOR THE POLICE DEPARTMENT

### 6.09 APPEAL OF PROMOTIONAL EXAMINATION RESULTS

Candidates may review and appeal the results of any component of the promotional examination process. Final decision on review and appeal of a promotional examination rests solely with the Board, which shall make such decision in writing and serve it via Certified U.S. Mail, return receipt requested, or via hand-delivery to the candidate who sought the appeal.

**LEGAL REF.: 65 ILCS 5/10-2.1-15**

**ADOPTED: February 23, 2016**

Chapter 7

## CHAPTER SEVEN – HEARING OF CHARGES FOR DISCIPLINE AND DISCHARGE

### 7.01 AUTHORITY OF COMMISSION

The Board shall have authority to conduct due process hearings in discipline or discharge matters involving non-probationary officers or members of the Naperville Fire and Police Departments, except where a collective bargaining agreement covers such officer or member and provides an alternative or supplemental form of due process, which is chosen by the officer or member, or where such officer or member is subject to discipline or discharge by the City Council or City Manager by ordinance or personal contract.

Probationary firefighters and police officers may be summarily dismissed by the Board upon the recommendation of the Fire or Police Chief, as provided by the Board's rules, and are not entitled to the protection afforded to other full-time officers or members, by statute or these rules.

**LEGAL REF.: 65 ILCS 5/10-2.1-17; 1-8A-1 *et seq.* and 1-8B-1 *et seq.* of the Naperville Municipal Code; Current Agreement between the City of Naperville and Naperville Professional Firefighters Union IAFF Local 4302; Current Collective Bargaining Agreement by and between the City of Naperville and the Illinois Fraternal Order of Police Labor Council/F.O.P Lodge No. 42; Current Collective Bargaining Agreement by and between the City of Naperville and the Metropolitan Alliance of Police, Naperville Police Sergeants Chapter #363**

**ADOPTED: February 23, 2016**

## CHAPTER SEVEN – HEARING OF CHARGES FOR DISCIPLINE AND DISCHARGE

### 7.02 VIOLATION OF RULES OR LAW

All members of the Naperville Fire and 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, except as otherwise provided.

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

**LEGAL REF.: 65 ILCS 5/10-2.1-17; 1-8A-1 *et seq.* and 1-8B-1 *et seq.* of the Naperville Municipal Code; Current Agreement between the City of Naperville and Naperville Professional Firefighters Union IAFF Local 4302; Current Collective Bargaining Agreement by and between the City of Naperville and the Illinois Fraternal Order of Police Labor Council/F.O.P Lodge No. 42; Current Collective Bargaining Agreement by and between the City of Naperville and the Metropolitan Alliance of Police, Naperville Police Sergeants Chapter #363**

**ADOPTED: February 23, 2016**

## CHAPTER SEVEN – HEARING OF CHARGES FOR DISCIPLINE AND DISCHARGE

### 7.03 HEARINGS IN GENERAL

Where the Board has jurisdiction, the Board shall conduct fair and impartial administrative hearings of charges brought against an officer or member of the Department in its quasi-adjudicative role. Hearings before the Board are not common law proceedings, and the provisions of the Illinois Code of Civil Procedure do not apply to hearings before the Board.

- All hearings shall be public, in accordance with the Illinois Open Meetings Act.
- Parties to the proceedings may be represented by counsel, if they so desire. "Counsel" as used herein, means an individual who has been admitted to the bar as an attorney-at-law in the State of Illinois.
- All proceedings during a hearing before the Board shall be recorded by a court reporter employed by the Board.
- All witnesses shall be sworn prior to testifying.
- The matter will be decided by the Board solely on the evidence presented at the hearing.

No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall be allowed. The provisions of the Illinois Administrative Review Law shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Board.

**LEGAL REF.: 5 ILCS 120/0.01 *et seq.*; 65 ILCS 5/10-2.1-17; 735 ILCS 5/3-101 *et seq.***

**ADOPTED: February 23, 2016**

## CHAPTER SEVEN – HEARING OF CHARGES FOR DISCIPLINE AND DISCHARGE

### 7.04 LEGAL PRINCIPLES FOR DISCIPLINARY HEARINGS

Proceedings before the Board in disciplinary matters shall be governed by the following legal principles:

- *Burden of proof* – The complainant or petitioner initiating any proceedings which call for a hearing before the Board shall have the burden of proof to establish by a preponderance of evidence that cause for discipline exists or that a suspension, previously imposed by the Chief, is unwarranted. Should the question of a crime be involved, the criminal standard of "reasonable doubt" shall not control.

- *Standard of review* – The test used to determine if the burden of proof has been met in an administrative hearing is the "preponderance of the evidence test." 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 weighted against the evidence in opposition thereto. In other words, the Board, as the trier of fact, must be persuaded that the proposition is more probably true than not true.

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

**LEGAL REF.: 65 ILCS 5/10-2.1-17**

**ADOPTED: February 23, 2016**

## CHAPTER SEVEN – HEARING OF CHARGES FOR DISCIPLINE AND DISCHARGE

### 7.05 HEARING PROCEDURES

***Complaints*** -- In all cases, any proceedings before the Board shall be initiated by the filing of a written complaint to the Board which shall set forth a plain and concise statement of the facts upon which the complaint is based, as well as the citation to the applicable general order, procedure, rule, policy, code, or statute.

***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.

***Notification of Hearing*** -- Upon the filing of a written complaint with the Board, and the determination of the Board of probable cause for entering said complaint, the Board shall notify both the complainant and the respondent, either by 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.

***Order of Suspension Pending a Hearing*** -- If an Order of Suspension Pending a Hearing is entered by the Board, the parties and the City's Finance Director shall be notified of the entry of such order, and be served either personally or by certified mail, return receipt requested, with a copy of such order.

***Continuances*** – A party to the proceeding may request in writing to the Board a continuance of hearing. The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.

***Stipulations*** -- Parties may, on their own behalf, or by counsel, stipulate and agree in writing, or on the record, as to potential facts. The facts so stipulated shall be considered as evidence in the proceeding. In the event a respondent has been suspended pending a hearing and desires a continuance, it shall also be stipulated and agreed that in the event said respondent is to be retained in his/her 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.

***Objections to Sufficiency of Charges*** -- Motions or objections to the sufficiency of written complaint must be filed or made prior to or at the hearing before the Board.

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

**LEGAL REF.: 65 ILCS 5/10-2.1-17**

**ADOPTED: February 23, 2016**

## CHAPTER SEVEN – HEARING OF CHARGES FOR DISCIPLINE AND DISCHARGE

### 7.06 SUBPOENAS

The Board shall have the power to secure by its subpoena both the attendance of testimony of witnesses and the production of books and papers relevant to the hearing.

Any party to an administrative hearing may file a written request to the Board 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 as relevant to the hearing.

Upon the filing of such written requests, the Board shall have the discretion to issue the subpoena or deny the request. Subpoenas may be served in person by any person twenty-one (21) years of age or older, or by certified mail, return receipt requested. Requests 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.

**LEGAL REF.: 65 ILCS 5/10-2.1-17**

**ADOPTED: February 23, 2016**

## CHAPTER SEVEN – HEARING OF CHARGES FOR DISCIPLINE OR DISCHARGE

### 7.07 FORMS OF PAPERS, FILINGS AND SERVICE

***Forms of Papers*** -- All papers filed in any proceeding shall be typewritten or printed, and shall be on one side of the paper only. If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented. All pages shall be not larger than 8 ½" by 11" with inside margins 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 to opposing party or his/her counsel. If papers are filed by an attorney, his/her name and address shall appear thereon.

***Filing Requirements*** -- All papers may be filed with the Board by mail or delivering them personally to the Board's Liaison at the City of Naperville. 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 delivered by mail, then the filing date shall be the date which is postmarked on the envelope of such paper.

***Service*** -- All papers required to be served in a proceeding before the Board shall be delivered either 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/her 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 certified mail, return receipt requested, to a party's address where it was received by a named party.

**LEGAL REF.: 65 ILCS 5/10-2.1-17**

**ADOPTED: February 23, 2016**

## CHAPTER SEVEN – HEARING OF CHARGES FOR DISCIPLINE AND DISCHARGE

### 7.08 COMPUTATION OF TIME

The time within which any act is to be done by order or rule of the Board or by statute shall be computed by excluding the first day and including the last, unless the last day is Sunday or a holiday as defined or fixed by state statute, 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.

**LEGAL REF.: 65 ILCS 5/10-2.1-17; 205 ILCS 630/17**

**ADOPTED: February 23, 2016**

## CHAPTER SEVEN – HEARING OF CHARGES FOR DISCIPLINE AND DISCHARGE

### 7.09 SUSPENSION

If the Board's jurisdiction is invoked, the Board may suspend any officer or member of the Fire or 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, at any one time.

The Chief shall have the right to suspend any officer or member under his/her command for a period not to exceed five (5) calendar days, providing no charges on the same offense have been filed and are pending before the Board, and he/she shall notify the Board in writing within twenty-four (24) hours of the time of such suspension.

Any suspended officer or member 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 Board's Liaison. A hearing shall be conducted upon such appeal, and written notice given to the Chief and to the officer or member so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal.

Upon such appeal, the Board may sustain the action of the Chief, or may reverse said action with instructions that the officer or member receive his/her pay for the period involved, in accordance with any applicable collective bargaining agreement.

**LEGAL REF.: 65 ILCS 5/10-2.1-17; 1-8A-1 *et seq.* and 1-8B-1 *et seq.* of the Naperville Municipal Code; Current Agreement between the City of Naperville and Naperville Professional Firefighters Union IAFF Local 4302; Current Collective Bargaining Agreement by and between the City of Naperville and the Illinois Fraternal Order of Police Labor Council/F.O.P Lodge No. 42; Current Collective Bargaining Agreement by and between the City of Naperville and the Metropolitan Alliance of Police, Naperville Police Sergeants Chapter #363**

**ADOPTED: February 23, 2016**

## CHAPTER SEVEN – HEARING OF CHARGES FOR DISCIPLINE AND DISCHARGE

### 7.10 DATE OF HEARING

The time set by the Board for the Board's hearing of charges shall be within thirty (30) days of the filing of such charges. Continuances may be granted from time-to-time upon written motion of any party to the proceedings, at the discretion of the Board. The time limitation is not applicable to hearings conducted to review suspensions of five (5) days or less imposed by the Chief on one of his or her officers or members.

**LEGAL REF.: 65 ILCS 5/10-2.1-17**

**ADOPTED: February 23, 2016**

## CHAPTER SEVEN – HEARING OF CHARGES FOR DISCIPLINE AND DISCHARGE

### 7.11 FINDINGS AND DECISION

In the event that any officer or member is found guilty of the charges filed against him/her after a hearing by the Board, he/she may be removed, discharged, or suspended for a period not exceeding thirty (30) days, without pay.

Upon an appeal of a disciplinary action, the Board may sustain the action of the Chief, may reverse it, in whole or part, or may suspend the officer or member for an additional period of not more than thirty (30) days, demote or discharge him/her, depending on the facts presented and any limitations imposed by an applicable collective bargaining agreement.

Following the completion of a hearing on the charges, a written Findings and Decision of the Board shall be prepared, and served upon the affected officer or member and the Chief for enforcement. If the Board's decision is that an officer or member is guilty of the charges investigated, and removal or discharge is ordered, such order for removal or discharge shall become effective immediately.

**LEGAL REF.: 65 ILCS 5/10-2.1-17; 1-8A-1 *et seq.* and 1-8B-1 *et seq.* of the Naperville Municipal Code; Current Collective Bargaining Agreement by and between the City of Naperville and the Illinois Fraternal Order of Police Labor Council/F.O.P Lodge No. 42; Current Collective Bargaining Agreement by and between the City of Naperville and the Metropolitan Alliance of Police, Naperville Police Sergeants Chapter #363**

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