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RULES AND REGULATIONS  
OF THE  
BOARD OF FIRE AND POLICE COMMISSIONERS  
OF THE  
VILLAGE OF CRETE, ILLINOIS

ADOPTED: AUGUST 8, 1963

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OCTOBER 31, 2016

OFFICE OF THE BOARD  
VILLAGE HALL  
524 W. EXCHANGE ST.  
CRETE, IL 60417

The Board of Fire and Police Commissioners of the Village of Crete, Illinois, County of Will, hereby adopts the following Rules and Regulations under the authority vested in said Board by the “Revised Cities and Villages Act” of the State of Illinois, and does hereby order and direct that the said Rules and Regulations shall become effective and shall become effective on the 31<sup>st</sup> day of October, 2016.

It is further ordered by this Board that said Rules and Regulations be printed and publicly posted in the following form:

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**PUBLIC NOTICE**

Public notice is hereby given to all persons concerned that on the 21<sup>st</sup> day of September, 2016, the Board of Fire and Police Commissioners of the Village of Crete, Illinois, voted to adopt new Rules and Regulations to wit: Police Entry Level and Lateral Entry Level hiring requirements; related procedures and other wording changes. Copies of the new Rules and Regulations may be obtained from the Village of Crete, Illinois website at [villageofcrete.org](http://villageofcrete.org)

The new rule changes shall be operable 10 days from the date of publication of this notice.

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Dated this 21st day of September, 2016

**BOARD OF FIRE AND POLICE COMMISSIONERS  
OF THE VILLAGE OF CRETE, ILLINOIS**

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Dale Nelson  
Chairman

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James McPhee  
Secretary

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William Paul  
Member

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

As adopted by the Board of Fire and Police Commissioners of the Village of Crete, Illinois, effective October 31, 2016

**CHAPTER 1 - ADMINISTRATION**

**SECTION 1 - SOURCE OF AUTHORITY**

The Board of Fire and Police Commissioners of the Village of Crete, Illinois derives its power and authority from an act of the general assembly entitled, division 2.1 Board of Fire and Police Commissioners, of Chapter 65 of the Illinois Compiled statutes.

**SECTION 1 - DEFINITIONS**

The word 'Commission' and/or Board' wherever used shall mean the Board of Fire and Police Commissioners of the Village of Crete, Illinois. The word 'Officers' shall mean any person holding a permanent office in the Police or Fire department of the Village of Crete, Illinois. The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural, the singular.

**SECTION 3 – OFFICERS OF THE BOARD AND DUTIES**

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

**SECTION 4 – MEETINGS**

- a.) Regular meetings shall be held monthly, notice shall be posted in accordance with the Open Meetings Act, and shall be open to the public.
- b.) Special meetings shall be open, notice thereof to be posted forty-eight (48) hours prior to convening in accordance with the Open Meetings Act, called by filing of a notice in writing with the Secretary of the Commission and signed either by the Chairman of the Commission or any two members thereof. This notice shall contain a brief statement of the business to be submitted for the consideration of the Commission at such special meetings, and shall be set forth the time and place of such special meeting, and no other business shall be considered at such special meeting unless by unanimous consent of the Commission.

- c) During any regular or special meeting a closed session may be held upon a proper motion made by any single member of the Commission for the purpose of discussing personnel. Closed sessions maybe limited to Commission members and such invited persons as the Commission may deem necessary. The Secretary will record the motion to close the meeting, record the roll call vote of the members on said motion and keep minutes of the closed session.
- d) Public notice of any regularly scheduled or special meeting shall be held in accordance with the Opening Meetings Act, ILCS, 5&120/1-120/5.
- e) Closed meetings must have a verbatim recording, either audio or video.

## **SECTION 5 - QUORUM.**

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

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

The order of business at any meeting shall be:

- a). Call to Order
- b). Approval of Minutes-previous meetings
- c). Communications
- d). Unfinished Business
- e). New Business
- f). Closed Session, as required
- g). Return to Open Session, as required
- h). Adjournment.

## **SECTION 7 - PROCEDURE**

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

## **SECTION 8 - AMENDMENTS**

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

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

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

## **CHAPTER II - APPLICATIONS**

### **SECTION 1 - RESIDENCE**

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

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

Applications for position shall be filed per the requirements of the testing service contracted by the Village, and applicants must comply with the said requirements in every respect. A fee for each application may be charged as prescribed by the Commission.

Every applicant must be of good moral character, of temperate habits, of sound health, and must be physically able to perform the duties of the position applied for. The burden of establishing these facts rests upon the applicant.

The applicant, as part of the application process, shall furnish with his application a copy of his Military Service Record, Discharge Papers, Birth Certificate, and High School Diploma or G.E.D. Certificate, and as required, a copy of his college or university degree.

A false statement knowingly made by a person in an application for examination, connivance in any false statement made in any certificate which may accompany such application or complicity in any fraud touching the same, shall be regarded as good cause for exclusion from the examination.

### **SECTION 3 - DISQUALIFICATION**

The Commission, by way of contracted testing service, may refuse to examine an applicant or, after the examination, to certify him as eligible:

- a) Who is found lacking in any of the established preliminary requirements for the service for which he or she applies.
- b) Who is physically unable to perform the duties of the position to which he or she seeks appointment.
- c) Who is addicted to the use of intoxicating beverages or is found to have taken or used drugs and/or narcotics illegally.
- d) Who has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in 5/10-2.1-6 of the Commission of Fire and Police Commissioners Act.
- e) Who has been dismissed from any public service for good cause.
- f) Who has attempted to practice any deception or fraud in his or her application.

- g) Who may be found disqualified in personal qualifications or health.
- h) Whose character and employment references are unsatisfactory.
- i) Who does not possess a high school education or its equivalent.
- j) Who has applied for a position of a police officer and is or has been classified by his or her Local Selective Service Draft Board as a conscientious objector.
- k) Who has been found to have a gang affiliation.
- l) Who has been convicted of a misdemeanor crime of domestic violence covered by Public Law 104-208.
- m) Who does not possess an Associate Degree or 66 semester credit hours, or equivalent, from an Accredited College or University.

The Commission shall notify any applicant, or eligible, deemed disqualified thereunder.

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

Defective applications shall be grounds for disqualification for the position sought. The contracted testing service will notify all applicants whose applications are found so defective.

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

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

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

Applicants shall be under 35 years of age unless exempt from such age limitations provided in Section 5/10-2.1-6 of the Fire and Police Commissioners Act:

The age limitation in subsection (a) does not apply:

(i) to any person previously employed as a policeman or fireman in a regularly constituted police or fire department regardless of whether the municipality is located within the State of Illinois or another state or a fire protection district whose obligations were assumed by a municipality under Section 21 of the Fire Protection District Act,

(ii) to any person who has served a municipality as a regularly enrolled volunteer fireman for 5 years immediately preceding the time that municipality begins to use full time firemen to provide all or part of its fire protection service

or (iii) to any person who has served as an auxiliary policeman under Section 3.1-30-20 for at least 5 years and is under 40 years of age,

or (iv) to any person who has served as a deputy under Section 3-6008 of the Counties Code, and otherwise meets necessary training requirements.

or (v) applicants who are age 35 or older and have previously served as a sworn officer (state trooper) as a member of the Illinois Department of State Police to apply and eventually qualify for original appointment as municipal police officers.

The term “sworn officer” means someone who was specifically hired, trained, and employed as a law enforcement officer by the State Police Department, and otherwise meets necessary training requirements.

Applicants who are 20 years of age and have successfully completed two (2) years of law enforcement studies at an accredited college or university shall be eligible to take the initial examination for Patrol Officer. Any such applicant who is appointed under this provision of the Act shall not have power of arrest or be permitted to carry firearms until he reaches 21 years of age. Other applicants not having such college education must be 21 years of age. Proof of birth date will be required at time of application.

The Commission may accept applications from applicants who are 20 years of age and have not completed the required two (2) years of law enforcement studies, but shall not make an offer of employment to that applicant if he/she will not attain the age of 21 years prior to receiving certification from the Law Enforcement Training and Standards Board. Such applicants will remain on the Final Eligibility List and be offered employment at a time determined by the Commission.

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

The Secretary will notify all applicants whose applications and required waivers have been accepted by the Commission to be present for orientation.

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

All applicants shall execute and deliver to the Commission a release of all liability as the result of taking a “Physical Aptitude Test” in favor of the Village of Crete on a form to be prescribed by the Commission.

## CHAPTER III - EXAMINATIONS

### ORIGINAL APPOINTMENTS

#### SECTION 1 - NOTICE OF EXAMINATIONS

Examinations will be held on the dates fixed by the Commission and advertised in newspapers to cover a suggested 50-mile radius from the Village of Crete. Advertisements at colleges and universities and Internet sites are recommended.

Examinations may be postponed, however, by order of the Commission, which order shall state the reason for such postponement and shall designate a new date for said examination. Applicants shall be notified of the postponement of any examination and of the new date fixed for said examination.

#### SECTION 2 - EXAMINATIONS

The Commission shall call for examinations to fill vacancies in the class of service in which vacancies are liable to occur. A call for such examinations shall be entered in the Minutes of the Commission and shall include a statement of:

- a). The time and place where such examinations will be held.
- b.) Applications can be received for at least a two-week period and may terminate on the day before the scheduled Orientation Meeting.

#### SECTION 3 - TYPE OF EXAMINATIONS

Applicants must attend the orientation program sponsored by the Commission. In addition, applicants will be required to participate in written, oral, polygraph, psychological, medical/drug testing.

#### SECTION 4 - EXAMINATIONS - MINIMUM GRADE

The Commission must conduct the following examinations. Examinations noted by \* may be conducted at the discretion of the Commission. The sequence of testing may vary at the discretion of the Commission. Failure to achieve the minimum passing grade in any examination disqualifies the applicant from any further participation.

<u>Examinations</u>	<u>% of Total Grade</u>	<u>Minimum Passing</u>
Orientation	Attendance Mandatory	
Physical Aptitude Test	Pass or Fail	
Written Test	100%	70
Psychological Examination	Pass or Fail	
Polygraph Test	Pass or Fail	
Background Investigation	Pass or Fail	
Medical Examination	Pass or Fail	
Color and Night Blindness*	Information for correcting any condition	
Oral Test Interview	Pass or Fail	
Ride-along written report*	Pass or Fail	

Note: To any person who is entitled to military, educational, or law enforcement certification preference points whose name appears on the register of eligibles, the Commission shall add five (5) points (5/10-2.1-8 and 5/10-2.1-9) upon request of the applicant. Firefighter/Paramedic preference points will be accordance with state law Section 5/10-2.1-9(b).

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

All applicants will be required to submit themselves to a physical aptitude test and pass all elements of the test. An applicant, when so notified, must provide proof to the Commission on the date of written testing, that they have successfully passed the Illinois Training and Standards Board Police Officer Wellness Evaluation Report test within the prior 365 day period. Applicants who fail to provide required proof of successful completion of the wellness evaluation report on the date of testing will be dropped from future consideration in the application process. If the applicant remains on the eligibility list for a period of time in excess of 365 days after passing the test, the applicant may be required to submit to said test again and provide updated proof of passing. Applicants who fail the physical aptitude test, or do not appear for testing without notifying the Commission prior to the test date or Notice Date, will be dropped from any further testing.

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

Information as to the type of written examination employed by the Commission will be provided as part of the orientation program. All examination papers shall be and remain the property of the Commission, and the grading thereof by the contracted vendor shall be final and conclusive and not subject to review by any tribunal of any kind or description. Candidates who fail to achieve a passing grade will be notified and eliminated for all further consideration.

## **SECTION 7 – ORAL EXAMINATION**

All commissioners shall participate in the Oral Examination except wherein one Commissioner is absent due to illness or when matters of an emergency nature preclude his attendance. In no event shall less than two (2) Commissioners conduct the Oral. Questions shall be asked of the Candidate that will enable the Commissioners to properly evaluate and grade the Candidate on speech, alertness, ability to communicate, judgment, emotional stability, self-confidence, social skill and general fitness for the position. On completion of each Oral Examination the Commissioners will discuss the Candidate's abilities using the traits listed above. Candidates who fail to successfully complete the Oral Examination will be notified and eliminated from all further consideration.

## **SECTION 8 – RIDE ALONG WRITTEN REPORT**

Each candidate for a Patrol Officer position participating in the Oral Examination will be required to take a ride along with a Field Training Officer of at least four hours. The Field Training Officer will submit a written report to the Commissioners regarding the candidate's performance and participation.

## **SECTION 9- INITIAL ELIGIBILITY REGISTER**

- a) The Commissioners will prepare an “Initial Eligibility Register” of the Candidates. The Candidates will be listed in order of excellence based on their final score. This register is subject to change with the addition of the veteran, educational, and law enforcement certification preference points as prescribed in 5/10-2.1-8 and 5/10-2.1-9 of the Act as well as firefighter/paramedic preference points as set forth in 5/10-2.1-9(b) of the Act.
- b) A dated copy of the Initial Eligibility Register shall be sent to each person appearing thereon.
- c) Candidates who are eligible for veteran, educational, or law enforcement certification preference points or firefighter/paramedic points, shall make a claim in writing with proof thereof within ten (10) days after the date of the eligibility list or such claim shall be deemed waived.

## **SECTION 10 - FINAL ELIGIBILITY REGISTER**

- a) The Commissioners will prepare a “Final Eligibility Register” which shall include claimed preference points. In the event of a tie score, the placement of the tied candidates’ names on the eligibility list shall be determined by lot, in the presence of a quorum of the Commission in whatever manner the Commission deems appropriate.
- b) A dated copy of the Final Eligibility Register shall be sent to each person appearing thereon. This copy shall include the date of expiration of the register two (2) years hence.
- c) Applicants shall be appointed from the eligibility list in descending order. Notwithstanding anything to the contrary contained within these rules and regulations, the Commission may, at its discretion, choose to appoint an applicant who has been awarded a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, ahead of non-certified applicants.
- d) Appointment from this Final Eligibility Register is subject to satisfactory passing an Oral Interview, In-depth Psychological Examination, a Polygraph Test, Background Investigation, and a thorough Medical Examination (which may include a test of the applicant’s vision, hearing, for the presence of communicable diseases as well as a test to screen for the use of drugs and/or narcotics). A written Offer of Employment must be presented to the applicant prior to conducting the Psychological and Medical examinations. This is to satisfy requirements of the Americans with Disabilities Act.

## **SECTION 11 - PROFESSIONAL EXAMINATIONS AND TESTS**

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

b) Any applicant for original appointment to the Fire or Police Department of the Village of Crete, Illinois, will be required to submit to a Polygraph Device Deceptive Test, commonly known as a Lie Detector Test, at such time and place as the Commission may in writing designate. Such test shall be given without expense to the applicant. Failure of the applicant to take or successfully complete such test shall disqualify him to enter upon the duties of the office for which the application for examination was filed.

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

d) Vision tests for color blindness and night vision will be performed by a licensed optometrist.

## **SECTION 12- PROBATIONARY APPOINTMENT**

a) All vacancies in the Police Department shall be filled by individuals from the Final Eligibility Register in the order in which their names appear on the register and having met all requirements previously listed.

b) All original appointments to the Police Department shall be for a probationary period of eighteen (18) months. Appointments to the Police Departments from the lateral entry register shall serve a probationary period for a minimum of six (6) months if their prior experience is greater than five (5) years, twelve (12) months if their prior experience is greater than three (3) years and less than five (5) years, and eighteen (18) months if their prior experience is less than three (3) years. The commission in its sole discretion shall determine the prior experience it deems applicable based upon length of time, hours worked and agency involved for the purposes of this paragraph determining the length of the probationary period. All original appointments to the Fire Department shall be for a period of twelve (12) months. The probationary period of a newly appointed firefighter or police officer shall commence as of the first date said individual reports for work with the department.

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

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

## **SECTION 13 - CERTIFICATION**

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

## SECTION 14 – LATERAL ENTRY PROCEDURES (POLICE)

a) Pursuant to 65 ILCS 5/10-2.1-6 (2014), lateral entry police applicants are individuals who have been previously full-time sworn officers of a regular police department in any municipal, county, university or State law enforcement agency provided they are certified by the Illinois Law Enforcement Training Standards Board and have been with their respective law enforcement agency within the State of Illinois for at least two (2) years.

b) The Commission shall conduct the following examinations, provided further, the Commission may, in its discretion, waive any examination other than Oral Examination, Firearm Qualifications, Background Examination and those required after offer of employment, based upon documentation contained in the application packet which in their opinion satisfied the testing criteria involved:

Application Evaluation	Pass or Fail
Oral Interview	Minimum 70 points
Physical Aptitude Test	Pass or Fail
Psychological Examination	Pass or Fail
Polygraph Test	Pass or Fail
Background Investigation	Pass or Fail
Firearms Qualification	Pass/Fail
Final Oral Examination	Pass/Fail
Medical Examination	
(after offer of employment)	Pass or Fail
Village Drug Policy Test	
(after offer of employment)	Pass or Fail

The Oral Interview and Final Oral Examination will be conducted in accordance with Section 7 above. Applicants shall authorize examination of past or current personnel files by written waiver.

c) Applicants must submit a completed long form application and attach detailed descriptions of all police related training and experience including evidence of successful completion of courses and copies of all certifications received. Applications shall be received, and if passing the Application Evaluation review, shall be placed upon an “Initial Applicant Interview List – Lateral Entry” in alphabetical order. Applicants will submit to an Oral Interview, and then be listed in order of excellence on an Initial Eligibility Register – Lateral Entry, as determined by the Commission after all candidates have completed the oral interview process.

d) This Initial Eligibility Register is subject to change with the addition of the veteran and educational preference points in accordance with 5/10-2. 1-8 and 5/10-2. 1-9 of the Act. The remaining provisions of Section 9 and Section 10 apply to this separate register with the exception of the Oral Interview requirement. Those applicants on the Final Eligibility Register shall submit to the remainder of the examinations at such time an opening occurs.

## CHAPTER IV - PROMOTIONAL EXAMINATIONS

### SECTION 1 - GENERAL

The Commission, by its rules, shall provide for promotion in the Fire and Police Departments on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases, where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit them to examination. Examinations shall be held on the dates fixed by the Commission and advertised in a local paper in accordance with the Statues of the State of Illinois, except notice may be waived in writing by all members of the Fire and Police departments eligible to take the test. Successful candidates who have qualified for placement upon a promotional eligibility list shall not be promoted until the candidate has completed at least two full years in the candidate's then current rank. All promotions shall be made from the three (3) having the highest rating, and where there are less than three (3) names on the promotional eligibility register, as originally posted, or remaining thereon after appointments have been made there from, appointments to fill existing vacancies shall be made from those names or name remaining on the promotional register. The method of examination and the rules governing examinations for promotion are specified below. The Commission shall strike off the names of candidates for promotional appointment after they have remained thereon for more than three (3) years, provided there is no vacancy existing which can be filled from the promotional register. For the purpose of determining that a vacancy exists, the Commission must have received notice from the appropriate corporate authorities to fill an existing vacancy prior to the date the name(s) are to be stricken from a promotional eligibility register.

ILCS 5/10-2.1-4 permits Chiefs of Police, Fire Chiefs, Deputy Police Chiefs, and Assistant Deputy Police Chiefs, who were appointed to their exempt positions from within the full-time membership of a fire or police department to take promotional examinations for grades higher than the classified rank they held at the time they were appointed to the Chief or Deputy Chief positions.

- a) The following examinations may be conducted by the Commission:
  - Psychological Test,
  - Assessment Center Examinations
  
- b) The following examinations shall be conducted by the Commission:
  - Written Test,
  - Oral Examination,
  - Performance Evaluations prepared by all supervising officers.
  
- c) The following points are available to all candidates:
  - 1). Department Merit and Efficiency Rating, (based on scale of 1-10) maximum of 10 points,
  - 2). Seniority, 1 point per year of service, or part thereof on the Crete Fire or Police Department up to a maximum of five (5) points,
  - 3). Time in Grade: 1 point per year of time in grade or part thereof, (excluding a candidate's initial probationary period) up to a maximum of five (5) points.
  
- d). Candidates who are otherwise qualified and have timely requested credit for prior military service, shall be granted veterans preference points as provided by state statute.

e) The sequence of testing may vary at the discretion of the Commission.

f) In the event no candidate from the immediate next lower rank qualifies for promotion, the Commission in determining next in order in rank in promotional examinations herewith in the services in an endeavor to qualify suitable eligible or eligibles for the vacancy or vacancies existing before extending the examination to the general public.

## **SECTION 2 - TOTAL SCORE**

A candidate's total score shall consist of the combined scores of all examinations conducted by the Commission, the merit/efficiency rating, seniority, grade, and veteran's preference points. Candidates shall take rank upon a promotional eligibility register in the order of their relative excellence as determined by their total score. In the event of a tie score, the placement of the tied candidate names on the eligibility list shall be determined by lot, in the presence of a quorum of the Commission, in whatever manner the Commission deems appropriate.

## **SECTION 3 - PROMOTIONAL VACANCY**

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

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

### **SECTION 1 - RANK**

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

### **SECTION 2 - CLASSIFICATION**

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

### **SECTION 3 - OATH OF OFFICE**

Before entering duty any person about to become a member of the Police or Fire Department, or take a promotional position, shall take an oath administered by the Village Clerk.

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

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

- a) Hearings before the Commission are not common law proceedings. The provisions of the “Code of Civil Procedure” do not apply to hearings before the Commission.
- b) “Counsel” as used herein means: One who has been admitted to the bar as an attorney-at-law in this State.
- c) No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Commission shall be allowed.
- d) “Cause” is some substantial shortcoming which renders continuance in employment in some way detrimental to the discipline and efficiency of the public service and something which the law and sound public opinion recognize as cause for the officer no longer occupying his position. The right to determine what constitutes cause is in the Commission.
- e) The complainant or appellant initiating any proceedings which call for a hearing before the Commission shall have the burden of proof to establish by a preponderance of the evidence that cause for discipline exists or that a suspension, previously imposed by the Chief of a department, is unwarranted. Should the question of a crime be involved, the rule of “reasonable doubt” shall not control.
- f) The phrase “preponderance of evidence” is defined as the greater weight of the evidence, that is to say, it rests with that evidence which, when fairly considered produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighted against the evidence in opposition thereto.
- g) Probationary officers may be summarily dismissed by the Commission and are not entitled to the protection afforded to other full-time officers by statute or these rules.
- h) All hearings shall be public, in accordance with the Open Meetings Act.
- i) At the time and place of hearing, both parties may be represented by counsel, if they so desire.
- j) All proceedings before the Commission during the conduct of the hearing shall be recorded by a court reporter to be employed by the Commission.
- k) The records of all hearings will not be transcribed by the reporter unless requested to do so by the Commission or any party of interest.
- l) All witnesses shall be sworn prior to testifying and the matter will be decided by the Commission solely on evidence presented at the hearings.

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

## **SECTION 2 -HEARING PROCEDURE**

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

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

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

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

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

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

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

## **SECTION 3 - SUBPOENAS**

a) Any party to an administrative hearing may, at any time before the hearing, make application to the Commission by filing with a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records accounts and other documents as may be deemed by the Commission to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons.

Subpoenas may be served by any person 21 years of age or older designated by the party requesting the subpoenas. Applications for subpoenas should contain the names and addresses of

the individuals to be subpoenaed, and the identity of any documents which they are to produce. Subpoenas will not be issued for anyone residing outside of the State of Illinois.

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

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

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

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

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

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

- a) All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
- b) If typewritten, the lines shall be double-spaced, except that long quotations may be single spaced and indented.
- c) All papers shall be not larger than 8 1/2" by 11" with inside margins of not less than one inch.
- d) The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent, or attorney thereof and copies thereof provided the opposing party or his counsel.
- e) If the papers are filed by an attorney, his name and address shall appear thereon.

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

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

## **SECTION 8 - SUSPENSION**

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

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

- a) Discharge from office, or suspension from service in the Police Department shall be in compliance with the Fire and Police Commissioners Act of the State of Illinois, being Division 2, Sections 5/10.2.1-1 through 5/10-2.1-30 inclusive, of Chapter 65 of the Illinois Compiled Statutes.
- b) The Commission shall, within a reasonable time after the hearing is completed, enter its findings on the records of the Commission.

## **SECTION 10 - DATE OF HEARING**

The time for the hearing of charges shall be set by the Commission, within thirty (30) days of the time of the filing of such charges. Continuances may be granted from time to time upon motion of any party to the proceedings by order of the Commission.

This time limitation is not applicable to hearings conducted to review suspensions of five (5) days or less imposed by a Chief of a department on one of its members.

## **SECTION 11 - FINDINGS AND ORDER**

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

## **SECTION 12 - RULES - CONFLICT**

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

## **SECTION 13 - POLITICAL CONTRIBUTIONS**

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

## **SECTION 14 - VIOLATION OF RULES**

All members of the Police Department shall be subject to the regulations of such Department, and the Rules of the Commission, and a violation of such rules or regulations may be cause for filing of charges before the Commission, a subsequent hearing and action by the Commission on such charges.

## **SECTION 15 - VIOLATION OF LAW**

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

## **SECTION 16 - FINDINGS AND DECISION**

In case any member of the Police Department shall be found guilty of the charges filed against him after a hearing by the Commission, he may be removed, discharged, or suspended for a period not exceeding thirty (30) days, without pay.

Upon an appeal, the Commission may sustain the action of the Chief, may reverse it, in whole or in part, or may suspend the officer or firefighter for an additional period of not more than thirty (30) days or discharge him depending on the facts presented.

The findings and decision of the Commission, following a hearing of charges, shall be preserved by the Secretary, and notice of said finding and decision sent to the officer involved and the department head for enforcement. If the finding or decision is that an officer or employee is guilty of charges investigated, and removal or discharge is ordered, such order of removal or discharge shall become effective forthwith. (See Section 9 of this Chapter VI).

## **CHAPTER VII - GENERAL**

### **SECTION 1**

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

### **SECTION 2**

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

### **SECTION 3**

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

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

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