

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

April 9, 1998

ADOPTED: _____

July 20, 2021

REVISED: _____

July 29, 2021

PUBLISHED: _____

TABLE OF CONTENTS

CHAPTER I -	ADMINISTRATION
CHAPTER II -	DEFINITIONS
CHAPTER III -	QUALIFICATIONS FOR APPOINTMENT
CHAPTER IV -	APPLICATIONS
CHAPTER V -	ORIGINAL APPOINTMENTS
CHAPTER VI -	APPOINTMENT, PROBATION, AND FINAL CERTIFICATION
CHAPTER VII -	PROMOTIONAL EXAMINATIONS
CHAPTER VIII -	ORDER OF RANK, CLASSIFICATION AND OATH OF OFFICE
CHAPTER IX -	FILING OF COMPLAINTS AND PRE-HEARING RULES
CHAPTER X -	HEARING RULES AND PROCEDURES
CHAPTER XI -	REMOVALS, SUSPENSIONS AND DISCHARGES

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

As adopted by the Board of Fire and Police Commissioners of the Village of Bensenville, Illinois, effective April 25, 1998; amended November 28, 2002; amended May 6, 2004; amended October 18, 2006, amended December 14, 2006, amended February 22, 2008, amended May 18, 2011, August 21, 2019, amended July 20, 2021.

CHAPTER I - ADMINISTRATION

SECTION 1 - SOURCE OF AUTHORITY.

The Board of Police Commissioners of the Village of Bensenville, 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 (hereafter referred to as "BOPC" Statute").

SECTION 2 - POWERS OF THE BOARD.

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

SECTION 3 - OFFICERS OF BOARD AND THEIR DUTIES.

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

SECTION 4 - MEETINGS.

- a) Regular meetings shall be held at such times as the Board may determine in accordance with the Open Meetings Act, as it may from time to time be amended.
- b) Special meetings shall be open, notice thereof to be posted forty-eight (48) hours prior to convening, called by the filing of a notice in writing with the Secretary of the Board and signed either by the Chairman of the Board or any two members thereof. This notice shall contain a brief statement of the

business to be submitted for the consideration of the Board at such special meetings, and shall set forth the time and place of such special meeting, and no other business shall be considered at such special meeting unless by unanimous consent of the Board and in accordance with the Open Meetings Act.

- c) During any regular or special meeting a closed session may be held in accordance with the Open Meetings Act, as it may from time to time be amended. Closed sessions may be limited to Board members and such invited persons, as the Board may deem necessary. The Secretary will record the motion to close the meeting, record the roll call vote of the members on said motion and keep minutes of the closed session.
- d) Public notice of any regularly scheduled or special meeting shall be made in accordance with the Open Meetings Act, 5ILCS, 120/1 - 120/5.

SECTION 5 - QUORUM.

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

SECTION 6 - ORDER OF BUSINESS.

The order of business at any meeting shall be:

- a) Call to order
- b) Roll call
- c) Approval of the Minutes
- d) Communications
- e) Unfinished Business
- f) New Business
- g) Approval of Invoices
- h) Closed Session, if necessary
- i) Adjournment

SECTION 7 - PROCEDURE.

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

SECTION 8 - AMENDMENTS.

Amendments to the rules of the Board may be made at any meeting of the Board. All amendments shall forthwith be printed for distribution and notice shall be given of the place or places where said rules may be obtained. Such notice shall be published in a newspaper of general

circulation in the Village, specifying where such rules are available for inspection. 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 - CONFLICTS OF LAW.

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

SECTION 10 - CONFLICT OF RULES.

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

SECTION 11 - ANNUAL REPORT AND BUDGET REQUEST.

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

SECTION 12 - POLITICAL CONTRIBUTIONS.

No person in the Police Department of the Village of Bensenville, Illinois, shall be under any obligation to contribute any funds to render any political service, and no such person shall be removed or otherwise prejudiced for refusing to do so. No person in the Police Department of the Village of Bensenville, 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.

CHAPTER II - DEFINITIONS

APPOINT shall mean the act of the Board, in assigning applicants to positions.

BOARD and/or COMMISSION shall mean the Board of Fire and Police Commissioners of the Village of Bensenville, Illinois.

CAUSE means 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 left to the discretion of the Board.

CHIEF shall refer to the Chief of the Police Department.

COUNSEL shall refer to one who has been admitted to the bar as an attorney at law in this State.

DECISION shall mean the written decision of the Commission after presentation of the charges and hearing all facts and arguments of the defense.

DEPARTMENT shall refer to the Police Department when used in the singular or the plural without specific identification.

DISMISSAL means the just discharge of a member of the Police Department.

EXAMINATION refers to all tests given by the Board for original entry into the Department or promotion therein.

GRADE shall mean the mark assessed by the examining body under the direction of the Commission.

HEARINGS mean the presentation of formal charges against members of the Department accompanied with proper defense.

OFFICER shall mean any person holding a regular office in the Police Department of the Village of Bensenville, Illinois. The word OFFICER shall not include auxiliary police officers except as provided in 65 ILCS 5/10-2/1-6.

PENALTY shall mean such disciplinary action that the Chief or Board may take against a member of the Department in accordance with the Rules and State Statutes.

POSITION shall mean an office or rank as defined in 65 ILCS 5/10-2.1-1 et. seq.

PROBATIONARY PERIOD refers to the period dating from twenty-four months from date of original appointment in the Police Department.

PROMOTION means the advancement from one rank to the next after passing the qualifying tests and interviews as established by the Commission subject to applicable probationary periods.

PREPONDERANCE OF EVIDENCE is defined as the greater weight of the evidence, that is to say, it rests with that evidence which, when fairly considered, produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.

REQUIREMENTS refer to all age, physical, medical and other qualifications of all candidates as required by the Board.

RULES shall mean the Rules of the Board of Fire and Police Commissioners of the Village of

Bensenville.

SUSPENSION refers to the temporary removal of any member of the department for cause according to law.

The masculine noun or pronoun includes the feminine. The singular includes the plural and the plural the singular.

CHAPTER III - QUALIFICATIONS FOR APPOINTMENT

SECTION 1 - RESIDENCE.

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

SECTION 2 - CHARACTER.

An applicant must be a person of good moral character, of temperate habits, capable of performing the essential functions of the position with or without reasonable accommodation, and not a habitual drunkard, gambler, or a person who has been convicted of a felony or a crime involving moral turpitude, with the exception of the misdemeanor convictions set forth in 65 ILCS 5/10-2.1-6(c) and (j).

SECTION 3 - AGE.

Applicants **must be 21** years of age and shall be under 35 years of age unless exempt from such age limitation as provided in Section 5/10-2.1- 6 of the Fire and Police Commissioners Act. Proof of birth date will be required at time of application. Other statutory or otherwise legal age limitations in effect at the time of application shall be applicable.

SECTION 4 - EDUCATION.

New Chapter III, Section 4 – Education

No person shall be appointed the Department if he or she does not possess a high school diploma or an equivalent high school education. Police applicants must also possess a minimum of 60 semester college credit hours (or an equivalent from a quarter system) from an accredited college or university at the time of application submission. An exception to this requirement shall apply to applicants who within two years of the date of application have completed a minimum of three years of military service (with an honorable discharge) and possess a primary specialty of security, law enforcement, or military police as listed on the DD form 214.

SECTION 5 - DISQUALIFICATIONS.

For other reasons, including but not necessarily limited to the following, the Board may refuse to examine an applicant or, after examination, to certify the applicant as eligible, if the applicant:

1. is found lacking in any of the established preliminary requirements or qualifications for the service for which he or she applies;
2. is physically or mentally unable to perform the duties of the position to which he or she seeks appointment, with or without a reasonable accommodation;
3. whose misuse or abuse of alcohol is inconsistent with the performance of the essential functions of the position applied for; or who is a current user of controlled substances or cannabis, other than under the supervision of a licensed healthcare professional in accordance with federal law.
4. has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in 65 ILCS 5/10-2.1-6.
5. has been dismissed from any public service for good cause;
6. has attempted to practice any deception or fraud in his or her application;
7. whose character and employment references are unsatisfactory; or
8. 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.

CHAPTER IV - APPLICATIONS

SECTION 1 - APPLICATION SUBMISSIONS.

All applicants must fill out the blank application forms furnished by the Commission, and comply with the requirements of said forms in every respect. The application forms must be filed with the Board prior to taking an examination or as specified by the Board.

Applicants shall furnish with their application forms a copy of their Military Service Record, Discharge papers, high school diploma or proof of an equivalent high school education, and their college or university transcripts, if applicable.

The Board may require applicants to pay a \$35.00 application fee to offset the cost of the application process.

SECTION 2 - EFFECT OF FALSE STATEMENTS.

A false statement knowingly made by any person in an application for examination, connivance of any false statement made in any certificate which may accompany such application, any material omissions of information, or complicity in any fraud touching the same, shall be regarded as good cause for exclusion from the register of eligibles, or for removal or discharge during probation, or thereafter.

SECTION 3 - DEFECTIVE APPLICATIONS.

Defective applications shall be cause for rejection.

SECTION 4 - FRAUD IN APPLICATION OR EXAMINATION.

Any applicant for original appointment who provides inaccurate or incomplete information, either on his or her application form or elsewhere during the application process shall not be included on

the eligibility register or shall be immediately removed from the eligibility register, and shall not be permitted to take part in any future examination for appointment to the Department. Providing such inaccurate information, shall also constitute grounds for discipline against any applicant who is hired, including, but not limited to, discharge.

SECTION 5 - NOTICE OF TESTING.

The Secretary shall post a public notice that shall notify all applicants of the due date for applications and of the date and time for orientation and subsequent examinations.

SECTION 6 - RELEASE OF LIABILITY.

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

SECTION 7 - APPLICANT PRE-QUALIFICATIONS.

- a) Notwithstanding anything to the contrary contained herein, the Board at its discretion may require that all applicants register with and pre-qualify by successfully completing all testing/examination pre-requisites as established by the testing agency designated by the Board. The designated agency's representative shall certify to the Board the date that an applicant has completed all pre-qualification testing by that agency. Individual applicants will be responsible for contacting the designated agency to arrange registration and completion of all testing requirements.
- b) Pre-qualified applicants shall be required to submit to a polygraph examination, in-depth psychological examination, background investigation and a thorough medical examination, as more specifically set forth in "Chapter V-Examinations."
- c) To the extent that the rules set forth in "Chapter V-Examinations" do not conflict with the rules governing pre-qualified applicants, the rules set forth in "Chapter V-Examinations" shall also be applicable to the pre-qualified applicants.

CHAPTER V - ORIGINAL APPOINTMENTS

SECTION 1 - NOTICE OF EXAMINATIONS.

Examinations shall be held on the dates fixed by the Board and advertised in a local paper in accordance with the Statutes of the State of Illinois. Examinations may be postponed, however, by order of the Commission, which order shall state the reason for such postponement and shall designate a new date for said examination. Applicants shall be notified of the postponement of any examination and of the new date fixed for said examination. No examination shall contain questions regarding an applicant's political or religious opinions or affiliations.

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

- a) The time and place where such examination will be held;
- b) The location where applications may be obtained and the date by which applications must be returned to the Board;
- c) The position to be filled from the resulting eligibility list; and
- d) Such other further regulations as may be appropriate or necessary under state or federal law.

SECTION 2A - THIRTEEN STEPS TO THE ORIGINAL APPOINTMENT PROCESS

The examination listed in the below sequence of steps shall be conducted by the Board. The sequence of testing may vary at the discretion of the Board. However, the psychological and medical examinations shall be conducted after the Board has extended a conditional offer of employment to the applicant. Failure to successfully complete any portion of the examination process shall disqualify the applicant from any further participation.

STEP 1: ORIENTATION

All applicants shall attend the original appointment orientation. Failure to attend the orientation shall result in the applicant's disqualification from further consideration. Exceptions shall be granted only due to extenuating circumstances, as determined by the Board. At the orientation, applicants shall advise the Board in writing of any disability requiring accommodation in order to participate in the application or testing process. At that time, the applicant shall adequately document the need for an accommodation in the making of the request. The application form shall advise the applicant that at the orientation, the applicant must advise the Board of the need for such accommodation. Upon receipt of such request, the Board shall determine, in accordance with the provisions of the Americans with Disabilities Act, whether or not an accommodation is appropriate, and may employ special counsel to advise it in connection with such a request. Applicants shall be prepared to specify what accommodations they desire or think necessary.

STEP 2: PHYSICAL ABILITY TEST

All applicants may be required to submit themselves to a physical aptitude test. The test is graded on a pass or fail basis. Each applicant may also provide verification of successful completion of the (Peace Officer Wellness Evaluation Report) POWER Test Verification within the 12 months immediately preceding the administration of the written test, based on requirements of the Illinois Law Enforcement Training and Standards Board. That verification must be submitted by the deadline date set in the Published Notice of Examination.

STEPS 3 & 4: WRITTEN AND ORAL EXAMINATIONS

Information as to the type of written and oral examinations employed by the Board shall be provided as part of the orientation program. All examination papers and notes shall be and remain the property of the Board, and the grading thereof by the Board shall be final and conclusive and not subject to review by any other board or tribunal. Applicants who fail to achieve a passing grade

will be notified and eliminated from all further consideration. The written and oral examinations are each worth 50% of the applicant's score which is considered for placement on the initial eligibility register. Therefore, the written and oral examinations make up 100% of the applicant's score on the initial eligibility register.

Both the written and oral portions shall possess minimum passing scores that shall be announced by the Board prior to testing. The minimum scores may vary from prior tests based upon the examination or the testing agency used by the Board. The combined scores of the written test and oral interview shall form the initial eligibility roster.

In any given testing period the Board may utilize its discretion to forgo the use of an oral examination under this section. In such instances the score of the written examination shall constitute 100% of the applicant's score on the initial eligibility roster.

STEP 5: INITIAL ELIGIBILITY REGISTER

The Board shall prepare an "initial eligibility register" of the applicants who successfully completed the requisite steps listed in steps 1 through 4 above. Applicants shall be placed on the initial eligibility list in the order of their relative excellence as determined by their test scores. The applicants will be listed in order of excellence based on their final combined score. A dated copy of the "initial eligibility register" shall be sent to each person appearing thereon and shall be posted at Village Hall and police department.

STEP 6: PREFERENCE POINTS

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

Applicants who are eligible for veterans, educational, law enforcement preference 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.

To any person who is entitled to veterans, educational or law enforcement preference points whose name appears on the register of eligibles, the Board shall add five (5) points (5/10-2.1-8 and 5/10-2.1-9) upon request of applicant. As a matter of law, these preference points are not cumulative.

STEP 7: FINAL ELIGIBILITY REGISTER

The Board will prepare a "final eligibility register," which shall include timely and properly claimed veterans, educational, law enforcement preference points added to the original scores of the applicants. In the event of a tie score, the placement of the tied applicant's names on the eligibility list shall be determined by lot, in the presence of a quorum of the Board in whatever manner the Board deems appropriate.

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 from the date of posting.

Applicants shall be appointed from the eligibility list in the descending order in which their names appear. Notwithstanding anything to the contrary contained within these rules and regulations, the Board may, at its discretion, choose to appoint an applicant who has been awarded a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, ahead of non-certified applicants. If more than one certified applicant exists, he or she may be chosen, at the Board's discretion, in his or her order of relative excellence.

All applicants whose names appear on the final eligibility register shall at all times keep the Secretary of the Board informed of their current home address and home telephone number. If any applicant fails to notify the Board regarding any change in address and/or change in telephone number, and the Board is unable, after reasonable attempts, to contact the applicant regarding any appointment or further examinations required by the Board, the applicant's name shall be stricken from the list.

Appointment from the Final Eligibility Register is subject to satisfactorily completing steps 1-12 listed in this section. Steps eight through ten (listed below) shall proceed only after a vacancy has been certified. Upon receipt from the Village Manager of certification of one or more vacancies existing in the Police Department, the Board shall commence the process to fill such vacancy and proceed with steps eight through twelve (listed below).

STEP 8: POLYGRAPH TEST

Any applicant for original appointment to the Police Department of the Village of Bensenville, Illinois, may be required to submit to a Polygraph Device Deceptive Test, commonly known as a Lie Detector Test, at such time and place as the Board may designate. Such test shall be given without expense to the applicant. Failure of the applicant to take, cooperate and successfully complete such test shall disqualify the applicant from entering upon the duties of the office for which the application for examination was filed, and will be notified and eliminated from all further consideration. This test is graded on a pass or fail basis.

STEP 9: BACKGROUND INVESTIGATION

Each applicant for original appointment may be required to submit to a background investigation. Failure of the applicant to take, cooperate and successfully complete such background investigation shall disqualify him or her from entering upon the duties of the office for which the application for examination was filed, and will be notified and eliminated from all further consideration. This test is graded on a pass or fail basis.

STEP 10: INDIVIDUAL ORAL INTERVIEW

At least a quorum of the Board shall participate in the individual oral interview of each applicant. Questions shall be asked of the applicant that will enable the Board to properly evaluate and grade the applicant on speech, alertness, ability to communicate, judgment, emotional stability, self-confidence, social skill and general fitness for the position. On completion of each individual oral interview the Board will discuss the applicant's abilities using the traits listed above. All examination papers and notes shall be and remain the property of the Board and the grading thereof by the Board shall be final and conclusive and not subject to review by any other board or

tribunal. Applicants, who fail to take, cooperate and successfully complete the individual oral interview will be notified and eliminated from all further consideration. This test is graded on a pass or fail basis.

STEP 11: CONDITIONAL JOB OFFER EXTENDED

Once an applicant satisfactorily completes all of the above stated steps in this section, the Board shall extend an offer of employment to the applicant that is conditional upon the applicant passing an in-depth Psychological Examination and a Medical Examination (which may include tests for vision, hearing, the presence of communicable diseases as well as a screen for any drugs and narcotics). An applicant, upon receipt of a conditional offer of employment, shall submit himself within the time specified by the Board for all examinations required by the Board.

STEP 12: MEDICAL AND PSYCHOLOGICAL EXAMINATIONS

Each applicant for original appointment shall submit to the medical and psychological examinations required by the Board. An applicant's psychological examination shall be conducted by such psychologist or psychiatrist as the Board may designate.

In the event any of the Board mandated examinations disclose a disability, as defined in the Americans with Disabilities Act or the Rules and Regulations promulgated there under, the Board may require the applicant to submit to such other and further examinations as may be necessary to determine whether or not the applicant can perform the essential job functions, with or without reasonable accommodations, or whether a candidate with a disability poses a direct threat to the health and safety of himself or others and cannot perform the job at a safe level with reasonable accommodation. The Board may employ additional specialists to advise them concerning such matters or to evaluate the applicant.

All medical and psychological examinations shall be without expense to the applicant. Failure of the applicant to take, cooperate and successfully complete such examinations shall result in the withdrawal of the conditional job offer and shall eliminate the applicant from further consideration. Should the applicant fail to take, cooperate or successfully complete the required examinations, or any one of them, the Board shall notify the applicant that the conditional offer of employment has been withdrawn. These examinations are graded on a pass or fail basis.

Each applicant shall cooperate fully and completely with each and every examining agency. Should the Board be notified that any applicant has failed to fully and completely cooperate with the examining agency; such failure to cooperate shall be deemed an automatic failure of the examination. The examining agency may terminate the examination at any point at which the examining agency determines that the applicant is being uncooperative or is attempting to obstruct the examination process.

STEP 13: FINAL JOB OFFER

Upon successfully satisfying steps one through twelve (1-12) listed above, the Board shall extend a final job offer to the applicant.

SECTION 2B - ALTERNATIVE ELIGIBILITY REGISTER

All persons must meet the following criteria to be considered for placement on the alternative eligibility register pursuant to 65 ILCS 5/10-2.1-14, in addition to all other hiring prerequisites outlined in Chapter II of these Rules and Regulations:

- A. Certification from the Illinois Law Enforcement Training and Standards Board as a certified full time Law Enforcement Officer; and
- B. Previous continuous service as a Police Officer in any Illinois municipality, county, university or State law enforcement agency for a minimum of two years; and
- C. In good standing in the Police Department in which the person currently serves or separated from in good standing with no adverse employment action; and
- D. Eligible to be granted a waiver of basic training from the Illinois Law Enforcement Training and Standards Board.

Alternative Eligibility applicants who have been determined by the Board to meet the preceding requirements will not be required to fulfill Step One through Step Seven in Chapter V, Section 2A. However, all candidates must successfully complete a Written Test as defined in Step Three and Oral Interview as defined in Step Ten, prior to an offer of employment being given. All other requirements of Chapter V, Section 2A, Step 8 through Step 13 are required. The Chief of Police shall present the qualifications of any person eligible for the Alternative Eligibility Register to the Board of Fire and Police Commissioners for approval. Applicants approved for placement on the Alternative Eligibility Register will be listed in order of excellence based on their final score as determined by the Board. An individual who has been on the Alternative Eligibility Register for more than 2 years and has not been certified for hire shall be removed from the list.

CHAPTER VI - APPOINTMENT, PROBATION, AND FINAL CERTIFICATION

SECTION 1 - APPOINTMENTS.

The Board of Fire and Police Commissioners shall appoint all officers and members of the Departments, with the exception of Community Service officers and other non-officer clerical and administrative staff. All Chiefs and Deputy Chiefs shall be appointed or promoted by the Village Manager.

SECTION 2 - WAIVER OF APPOINTMENT.

Eligible candidates may waive appointment with five (5) business days of the transmission of a tender of appointment without losing their position on the eligibility register; provided, however, that such waiver shall be in signed, written form, and shall state the candidate's reasons for requesting the waiver. In the event such reasons are not acceptable to the Board, or if the waiver does not otherwise comply with the provisions herein, the candidate's name shall be removed from the eligibility register. No eligible candidate shall be permitted to waive appointment to the

same position more than once.

SECTION 3 - PROBATION.

Any person, during a probationary period pursuant to original appointment, may be discharged from employment, at the discretion of the Board without a hearing.

Appointees to the position of police officer shall be subject to and considered on a twenty-four (24) month period of probation to evaluate performance. However, any newly appointed police officer who has been a certified police officer with the Village of Bensenville within five (5) years of the new appointment shall be subject to a reduced probationary period of one (1) year. The probationary period shall commence on the first day of employment, provided, however, said probationary period may be stayed in the following situations:

1. When a probationary appointee is assigned to and works in an undercover operation during the first twenty-four (24) months of employment as a police officer, the probationary period shall be extended to equal the number of days involved in such assignment or six (6) months, whichever is less.
2. When a probationary appointee enters the United States armed forces and performs active duty during the first twenty-four (24) months of employment as a police officer, the probationary period shall be extended to equal the number of days involved in such duty or six (6) months, whichever is less.
3. When a probationary appointee is unable to perform essential job functions due to illness or injury for a continuous period in excess of 21 days, which period begins during the first twenty-four (24) months of employment, the probationary period shall be extended to equal the number of days in which the probationary appointee was so ill or injured or six (6) months, whichever is less.

SECTION 4 - EXTENSION OF PROBATION.

Any request for extension of probation shall be submitted in writing by the Chief of Police and shall describe the basis for the request.

SECTION 5 - FINAL CERTIFICATION.

Final certification of probationary police officers shall be subject to successful completion of the Basic Police Training Course as provided by the Illinois Law enforcement Training and Standards Board, within the prescribed probationary period. Inability to successfully complete these courses may be grounds for dismissal.

CHAPTER VII - PROMOTIONAL EXAMINATIONS

SECTION 1 - GENERAL.

The Board by its rules shall provide for promotion in the Police Department on the basis of education requirements, ascertained merit, seniority in service, examination, and veteran's points, and shall provide in all cases, where it is practicable, that vacancies shall be filled by promotion.

The method of examination and the rules governing examinations for promotion are specified below. Upon notice from the appropriate corporate authority that a promotional vacancy exists, the Board shall select the individual to be promoted in the manner specified herein.

SECTION 2 - ELIGIBILITY, EDUCATION AND CERTIFICATIONS.

All examinations for promotion shall be competitive among such members of the next lower rank, including those currently serving in an otherwise exempt position, as desire to submit themselves to examination, and who meet the minimum eligibility requirements. No individual on probationary status shall be eligible for promotion.

In the event no candidate from the immediate next lower rank qualifies for promotion, the Board in determining the next in order of rank in promotional examinations herewith determines a policy of extending the examination successfully through all the ranks in an endeavor to qualify eligible(s) for the vacancy or vacancies before extending the examination to the general public.

All promotional candidates must possess at least 60 hours of college credit in order to be eligible to take the promotional examination. Promotional candidates that possess an advanced degree (Bachelors or above) will have 2 additional points added to their score.

SECTION 3 - PROMOTIONAL COMPONENTS.

The promotional examination process shall include components consisting of written examinations, oral examinations, seniority points, and ascertained merit. The order of examination shall be determined at the discretion of the Board.

SECTION 4 - WRITTEN EXAMINATION.

Written examination for a particular rank will consist of matters relating to the duties regularly performed by persons holding that rank and based on written materials identified and made available before the examination.

No person in the Department or the Board may see or examine the actual written examination questions before the examination is administered.

SECTION 5 - SENIORITY POINTS.

Seniority points shall be based upon service as of the date of the written examination.

SECTION 6 -PROMOTION RATING.

The Chief of Police must publish in advance of the examination process the criteria utilized in determining the promotion rating score.

SECTION 7 - ORAL EXAMINATION.

The oral examination shall be job-related and uniformly applied to all applicants.

SECTION 8 - WEIGHTING.

All applicants who submit themselves to examination will be graded according to the following schedule:

<u>Component</u>	<u>Weighting</u>
Oral examination	<u>25 %</u>
Seniority	<u>5 %</u>
Promotion Rating	<u>25 %</u>
Written examination	<u>45 %</u>
Maximum Grade	100 %

SECTION 9 - MINIMUM PASSING SCORE.

Each component of the promotional list shall be scored on a scale of 100 points. The component scores shall then be reduced by the weighting factors assigned that component and the total score shall be added to produce a score based upon a total of 100 points.

All applicants must score at least 70 % on the written portion of the test or they will be excluded from proceeding further during this testing cycle. If the Board establishes a minimum passing score, it will be announced prior to the promotion process and will be an aggregate of all components of the testing process.

SECTION 10 - PRELIMINARY PROMOTION LIST.

An applicant's preliminary score shall consist of the combined scores of the promotion rating, written examination, oral examination and seniority points. Candidates shall take rank upon the promotional list in the order of their relative excellence as determined by their total scores.

SECTION 11 - VETERAN'S PREFERENCE.

An applicant on the preliminary promotion list, who is eligible for a veteran's preference, may file a written application for the preference within ten (10) days after the initial posting of the preliminary promotion list. Applicants who are otherwise qualified and have timely requested credit for prior military service shall be awarded veteran's preference points in accordance with state statute.

SECTION 12 - FINAL PROMOTION LIST.

After adjustments for properly and timely claimed veteran's points, the final adjusted promotion list shall be posted or distributed to all members of the Department. In the event of a tie score, the placement of the tied applicant's names on the eligibility list shall be determined by lot, in the presence of a quorum of the Board, in whatever manner the Board deems appropriate.

SECTION 13 - APPOINTMENTS.

All promotions shall be made from the three (3) individuals having the highest rating, and where there are less than three (3) names on the promotional eligibility 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 the name remaining on the promotional list.

SECTION 14 - SERVICES OF CONSULTANTS.

The Board may employ the services of consultants for the administration of the various promotional components as outlined herein.

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

SECTION 1 - RANK.

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

SECTION 2 - CLASSIFICATION.

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

SECTION 3 - OATH OF OFFICE.

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

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

Signed _____

Subscribed and sworn to before me this _____ day of _____, _____

NOTARY PUBLIC”

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

CHAPTER IX - FILING OF COMPLAINTS AND PRE-HEARING RULES

SECTION 1 - VIOLATION OF RULES OR LAW.

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

SECTION 2 - COMPLAINTS.

In all cases, written complaints, also referred to as charges, shall be filed with the Board Secretary in quintuplicate, setting forth a plain and concise statement of the facts upon which the complaint is based.

SECTION 3 -SUFFICIENCY OF CHARGES - OBJECTIONS TO.

Motions or objections to the sufficiency of written charges and notices of such motions or objections must be filed with the Secretary of the Board and a copy of such motion or objection shall be personally served on the opposing party or his attorney at seventy-two (72) hours prior to the first scheduled hearing or within such additional time thereafter that may be granted by the Board.

SECTION 4 - 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.

SECTION 5 - NOTIFICATION OF HEARING.

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

SECTION 6 - CONTINUANCES.

The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.

SECTION 7 - SUPOENAS.

- a) Any party to an administrative hearing may, at any time before the hearing, make application to the Board by filing with it a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records, accounts and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person twenty-one (21) years of age or older designated by the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents, which they are to produce. Subpoenas will not be issued for anyone residing outside of the State of Illinois.
- b) Any request for continuance by reason of inability to serve subpoenas shall be filed in the office of the Board at least three (3) days before the date set for such hearing. Provided, however, the Board in its discretion may waive this rule.

SECTION 8 - 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 or 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 either registered or certified mail, return receipt requested, to a party address where it was received a named party.

SECTION 9 - FILING.

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

SECTION 10 - 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 no less than

one inch.

- d) The original of all papers filed shall be signed in ink by the party filing the paper or by the party's officer, agent, or attorney.
- e) If papers are filed by an attorney, his or her name and address shall appear thereon.

SECTION 11 - 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 12 - DATE OF HEARING.

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

CHAPTER X - HEARING RULES AND PROCEDURES

- a) Hearings before the Board are not common law proceedings. The provisions of the "Code of Civil Procedure" do not apply to hearings before the Board.
- b) All hearings shall be public to the extent required by law.
- c) At the time and place of hearing, each party may be represented by counsel, if he or she so desires.
- d) All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board.
- e) The records of all hearings will not be transcribed by the court reporter unless requested to do so by the Board or any party of interest.
- f) All witnesses shall be sworn prior to testifying and the Board will decide the matter solely on evidence presented at the hearings.
- g) The Board will first hear the witnesses either substantiating the charges, which have been made against the respondent or in support of an appeal, brought by a suspended police officer. Thereafter the other party may present and examine those witnesses whom he or she desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.
- h) The complainant or appellant initiating any proceedings that call for a hearing before the Board shall have the burden of proof to establish by a preponderance of the evidence that cause for discipline exists or that a suspension, previously imposed by the Chief of a department, is unwarranted. Should the question of a

crime be involved, the rule of “reasonable doubt” shall not control.

- i) Parties may, on their own behalf, or by counsel, stipulate and agree in writing, or on the record, to certain facts which 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 or 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 and that respondent shall not contest the jurisdiction of the BFPC.
- j) No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall be allowed.
- k) Probationary police officers may be summarily dismissed by the Board and are not entitled to the protection afforded to other regular full-time officers by statute or these rules.

CHAPTER X1 - REMOVALS, SUSPENSIONS AND DISCHARGES

SECTION 1 - SUSPENSION PRIOR TO HEARING.

a) Suspension by Board

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

b) Appeal by Chiefs

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

c) Appeal from Suspension

Any police officer so suspended, may appeal to the Board for a review of the suspension within five (5) days after receiving notice of such suspension by filing notice of such appeal in writing with the Secretary of the Board of Fire and Police Commissioners.

d) Suspension Hearing

A hearing shall be had upon such appeal, and due notice given to the Chief of the Department who suspended such Office, and to the Office so suspended. The

burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal.

e) Board Action

Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the officer so suspended receive his pay for the period involved, may suspend the officer for a period of not more than thirty (30) days, or discharge him, depending on the evidence presented.

SECTION 2 - DISCHARGE OR SUSPENSION AFTER HEARING.

- a) In case any member of the Police Department shall be found guilty of the charges filed against him or her after a hearing by the Board, he or she may be removed, discharged, or suspended for a period not exceeding thirty (30) days, without pay. Upon an appeal, the Board may sustain the action of the Chief, may reverse it, in whole or in part, or may suspend the officer for an additional period of no more than thirty (30) days or discharge the police officer depending on the facts presented.
- b) 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.
- c) The Board shall, within a reasonable time after the hearing is completed, enter its findings on the records of the Board.

SECTION 3 - FINDINGS AND DECISION.

The Secretary shall preserve the findings and decision of the Board. Following a hearing of charges, the decision shall be sent to the officer involved and the Chief for enforcement. If the findings 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.