

WEST CHICAGO CIVIL SERVICE COMMISSION

REGULAR MEETING NOTICE

WEST CHICAGO CIVIL SERVICE
TUESDAY, MARCH 8, 2022 AT 5:00 P.M.
WEST CHICAGO CITY HALL
COUNCIL CHAMBERS

- ⌘
- (1) Call to Order and Establishment of a Quorum
 - (2) Approval of Minutes
 - (3) Public Participation
 - (4) Old Business
 - (5) New Business
 - (6) Items for Discussion and Possible Action on
 - Review and Discuss Police Officer Applicant Files
 - Approve Conditional Certifications or Strike Names of Applicants from Further Consideration if Applicable
 - Discuss Proposed Amendments to the Civil Service Rules and Regulations
 - Approve to Amend the Civil Service Rules and Regulations
 - Discuss Resolution of the West Chicago Civil Service Commission Adopting Amended Rules and Regulations and Legal Notice
 - Prepare Resolution to Adopt Amended Rules and Regulations
 - (7) Correspondence
 - (8) Executive Session
 - (9) When Applicable Items to be Referred for Final Action from Executive Session
 - (10) Adjournment

WEST CHICAGO CIVIL SERVICE COMMISSION

CIVIL SERVICE COMMISSION MINUTES Special Meeting February 16, 2022

(1) Call to Order and Establishment of a Quorum.

Elect pro-tem chair in the absence of no named chair. Kevin Millon made a motion to elect Keith Letsche pro-tem chair, Keith second. The motion carried. Keith called the meeting to order at 5:00 p.m. In attendance Keith Letsche, Kevin Millon, Edmond Moore. Chief of Police Colin Fleury and Carol LeBeau also in attendance.

(2) Approval of Minutes

The Commission approved the minutes of the meetings on November 30, 2021, December 13, 2021 and December 27, 2021. Keith made a motion to approve seconded by Kevin. Motion carried.

(3) Public Participation

None.

(4) Old Business

None.

(5) New Business

Chief Fleury spoke to the Commission regarding a change in procedure in the background process for the police officer applicant interviews. Currently the interviews are with a court reporter present, the Chief would like to save time and money by recording the interview and submitting a report to the Commission. The Commission appointed Kevin Millon as Secretary to the Commission.

(6) Items for Discussion and Possible Action on

The Commission welcomed new Commissioner Edmond Moore to his first meeting with the Commission.

The Commission reviewed and approved the 2021 Annual Report to the Mayor. Motion by Keith second by Edmond. Motion carried.

The Commission reviewed applicant files 4 and 5.

(7) Correspondence

None.

(8) Executive Session

The Commission determined the need for Executive Session to discuss applicant files 4 and 5. Motion made by Edmond second by Kevin at 5:35 p.m. to move to Executive Session, motion carried. Chief Fleury remained for Executive Session at the Commission's request. The Commission adjourned Executive Session at 5:44 with a motion by Keith second by Kevin.

(9) When Applicable Items to be Referred for Final Action from Executive Session

Edmond motioned to strike the name of applicant number 4 from the Police Officer Final Eligibility Register second made by Kevin. Motion carried. Kevin motioned to strike the name of applicant number 5 from the Police Officer Final Eligibility Register second made by Edmond. Motion carried. Applicants 4 and 5 struck from the Register.

(10) Adjournment.

Motion made by Edmond and seconded by Kevin to adjourn the meeting. Motion carried and meeting adjourned at 5:55 p.m.

Respectfully submitted,

Carol LeBeau
Human Resources Coordinator

CITY OF WEST CHICAGO

FINANCE COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE: Resolution No. 22-R-0014

A Resolution approving changes to Civil Service Commission rules regarding lateral hiring of Police Officers and the Sergeant Promotional Process.

AGENDA ITEM NUMBER: _____

FILE NUMBER: _____

COMMITTEE AGENDA DATE: 02/24/2022

COUNCIL AGENDA DATE: 03/07/2022

STAFF REVIEW: Colin Fleury, Chief of Police

APPROVED BY CITY ADMINISTRATOR: Michael Guttman

SIGNATURE _____

SIGNATURE _____

Police Department staff is recommending changes to the Civil Service Commission rules which will allow for the hiring of Lateral Transfer Applicants who are currently employed in Illinois as full-time sworn law enforcement officers, in good standing and certified by the Illinois Law Enforcement Training and Standards Board (ILETSB). Applicants transferring from another police agency shall not be required to submit to the written examination, but shall otherwise be subject to the rules set by the City and the Commission, to include an Oral Examination Interview with a panel to be determined by the City and may involve Department Command Staff. Candidates who meet the requirements will be placed on a list in alphabetical order. When a hiring opportunity is present, the Chief of Police may decide to choose between the Initial Eligibility Roster of non-certified applicants and the certified officers on the Lateral Entry Eligibility Register. These changes allow the City to hire certified officers when there are no immediate openings in an Academy, shortens the time to train new certified officers, and allows for the hiring of certified officers with desired skillsets and certifications. All Lateral Transfer Applicants shall be required to successfully complete a field training program and a 12-month probation period.

Additionally, these updated rules incorporate changes intended to ensure there is an appropriate assignment of Educational Preference Points (EPPs) for both candidates for new hire as well as promotions who have obtained an Associate's Degree. Specifically, candidates will only earn EPPs for an Associate's Degree if the degree is in the field of law enforcement or criminal justice. Further, candidates who qualify for EPPs based on an Associate's Degree will earn 2.5 preference points, as opposed to the 5 that are currently awarded. Note the assignment of 5 EPPs for candidates who have obtained a Bachelor's Degree, in any discipline, remains unchanged.

Finally, staff is recommending an amendment to the language related to the selection of Sergeants from the Promotional List which adds the ability to pass over any otherwise eligible candidate who has demonstrated substantial shortcomings in work performance or has engaged in misconduct affecting that person's ability to perform the duties of the promoted rank since the posting of the Promotional Eligibility Register. This provision will help to increase the overall professionalism of the Department by helping to ensure only the best of the best are placed into formal leadership positions.

ACTIONS PROPOSED:

Staff recommends approval of Resolution No. 22-R-0014.

COMMITTEE RECOMMENDATION:

The Finance Committee recommends adoption of Resolution No. 22-R-0014.

RESOLUTION NO. 22-R-0014

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CERTAIN
CHANGES TO THE CIVIL SERVICE COMMISSION RULES**

BE IT RESOLVED by the City Council of the City of West Chicago, in regular session assembled, that the Mayor is hereby authorized to execute and the City Clerk is authorized to attest certain changes to the Civil Service Commission Rules, a copy of which is attached hereto as Exhibit "A."

APPROVED this 7th day of March 2022.

AYES: _____

NAYES: _____

ABSTAIN: _____

ABSENT: _____

Mayor Ruben Pineda

ATTEST:

Deputy City Clerk Valeria Perez

**AMENDED
RULES AND REGULATIONS
OF THE
CIVIL SERVICE COMMISSION
OF THE
CITY OF WEST CHICAGO
STATE OF ILLINOIS**

Adopted by the City Council of the City of West Chicago, Illinois, effective January __, 2022.

CHAPTER I – ADMINISTRATION

SECTION 1: SOURCE OF AUTHORITY

The Civil Service Commission of the City of West Chicago, Illinois, a home-rule municipality, derives its power and authority from an Act of the General Assembly entitled, Division 1. Civil Service in Cities, of Chapter 65 of the Illinois Compiled Statutes ILCS (the “Act”). These Rules are adopted in conformance with Sections 5/10-1-1 through 5/10-1-48 of 65 ILCS 5/10-1-1 et seq. of the Illinois Municipal Code, and approved by the corporate authority of the City.

SECTION 2: DEFINITIONS

The words “City Council” or “Council”, when used herein shall mean the corporate authority of the City. The words “Commission” or “Board,” when used herein shall mean the Civil Service Commission of the City of West Chicago, Illinois. The word “Officer” shall mean any person holding a full-time sworn police officer position at, and below, the rank of sergeant in the Police Department of the City of West Chicago. The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural the singular.

SECTION 3: OFFICERS OF COMMISSION AND THEIR DUTIES

The Commission shall annually, on the first meeting in December, elect its officers. They shall hold Office until the end of the Fiscal Year of the Municipality and until their successors are duly elected and qualified. The Chairperson 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 and shall be the custodian of all the forms, papers, books, records and completed Examinations of the Commission, unless said duties have been delegated to the Chief Examiner.

SECTION 4: CHIEF EXAMINER

The Commission shall employ a Chief Examiner, as permitted by Section 5/10-1-22 of an Act entitled Civil Service in Cities. The Chief Examiner shall, under the direction of the Commission, supervise all Examinations conducted by the Commission; shall be the ex-officio Secretary to the Commission, shall keep the minutes of its proceedings, preserve all reports made to it, recommend

and select third party service providers, keep a record of all Examinations held under the Commission's direction and perform such other duties as the Commission shall prescribe.

SECTION 5: MEETINGS

Regular Meetings of the Commission shall be held monthly. All Meetings shall be noticed and conducted in conformance with the Illinois Open Meetings Act, 5 ILCS 120/1 et seq.

SECTION 6: QUORUM

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

SECTION 7: ORDER OF BUSINESS

The Order of Business at any Meeting shall be:

- (1) Call to Order and Establishment of a Quorum
- (2) Approval of Minutes
- (3) Public Participation
- (4) Old Business
- (5) New Business
- (6) Items for Discussion
- (7) Correspondence
- (8) Executive Session
- (9) Items to be Referred for Final Action from Executive Session
- (10) Adjournment

SECTION 8: PROCEDURE

The parliamentary procedure prescribed in Robert's Rules of Order, as amended, shall be followed to the extent applicable. The Rules may be suspended for a specific Agenda item, upon unanimous vote of a quorum of the Members.

SECTION 9: AMENDMENTS

Amendments to the Rules may be made at any meeting of the City Council. 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 of West Chicago. The notice shall specify the meeting date, not less than 10 days subsequent to the date of such publication, when the Rules shall go into effect.

SECTION 10: ANNUAL REPORT

The Commission shall submit an Annual Report to the Mayor of its activities, as required by 5/10-1-21 of the Civil Service in Cities Act.

CHAPTER II- APPLICATIONS

SECTION 1: EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Commission that it will give consideration to all Applicants and will not discriminate against any Applicant on the basis of age, race, religion, color, gender, handicap, martial or civil union status, sexual orientation, national origin or any other prohibited criteria and will comply with all State and Federal laws relating to employment opportunities.

The Commission can consider, among other Applicants, Lateral Transfer Applicants who are in good standing and certified by the Illinois Law Enforcement Training and Standards Board (ILETSB) as a full-time police officer in Illinois. . Applicants transferring from another police agency shall not be required to submit to the Written Examination, but shall otherwise be subject to the Rules set forth herein.

SECTION 2: CITIZENSHIP

Applicants for Examination shall 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. An Applicant shall be a Citizen of the United States at the time of Examination and otherwise satisfy the employment standards set forth in the Act unless there is a standard waived by the Commission in its sole and absolute discretion on good cause shown

SECTION 3: APPLICATIONS

Applications for Police Officer shall be furnished by the Commission and Applicants shall comply with the requirements of said Form in every respect. The Application shall be filed with the Commission prior to taking an Examination. The Commission shall set a deadline for Application submission for any Examination.

Every Applicant shall be of good moral character, temperate habits, sound health, and must be physically able to perform the essential duties of the position. The burden of establishing these required criteria rests upon the Applicant.

The Applicant shall furnish, with the Application, a true and correct copy of a Birth Certificate and, if applicable, Military Service Record and Discharge papers. All Applications shall include a Peace Officer Wellness Evaluation Report (POWER) Test Card (hereinafter "PT CARD"), establishing that the Applicant, within the eleven (11) months prior to the submission of an Application, has passed the minimum standardized Power Test necessary to qualify to become a sworn West Chicago police officer. Only PT Cards issued by an entity authorized by the Commission will be accepted. At its discretion, the City may administer the POWER Test. Lateral Transfer Applicants shall be in good standing and certified by the Illinois Law Enforcement Training and Standards Board (ILETSB) as a full-time police officer in Illinois. This status will be verified upon receipt of an application for Lateral Transfer by the City.

The Commission may limit the maximum number of Applications it will receive for any Application period. Any limitation on the number of Applications shall be published by the Commission as part of its notification that Applications are open.

SECTION 4: DISQUALIFICATION

The Commission may refuse to examine an Applicant or, after Examination, to Certify said Applicant as eligible if the Applicant:

- a) Does not meet minimum qualifications of the job; and/or
- b) Is physically or mentally unable to perform the essential duties of a police officer so long as the disqualification is consistent with Federal or State laws prohibiting disability discrimination; and/or
- c) Is addicted to alcohol or is found to have illegally taken or used drugs and/or narcotics; and/or
- d) Has been convicted of a felony, or of a misdemeanor specified in Section 5/10-1-7(c) of the Civil Service in Cities Act, or has been convicted or arrested for an offense which is a factor in determining that person's habits or moral character; and or
- e) Has been dismissed from any employment or public service for good cause; and/ or
- f) Includes any deception or fraud in the Application; and/or
- g) Has made misrepresentations of any kind on the Application or any Certificate which may accompany such Application; and/or

- h) Has character or employment references that are unsatisfactory; and/or
- i) Has been classified by his Local Selective Service Draft Commission as a Conscientious Objector; and/or
- j) Improper, insensitive and/or inappropriate social media posts and comments as an adult.

Any Applicant deemed disqualified hereunder, shall be notified by the Commission through its Chief Examiner.

SECTION 5: PHYSICAL AND MEDICAL EXAMINATIONS

Applicants for original appointment as a police officer who have passed the Written and Oral Examinations shall be required to submit to a thorough medical Examination, including drug and alcohol screens by a licensed physician, or at his direction, by his Staff. Any Applicant accepted and sent to a Police Academy for training shall be required to pass a POWER TEST, as required by the Illinois Law Enforcement Training and Standards Board, as determined by the Academy. The PT Card filed with the Application will not satisfy this requirement. Failure to pass the POWER TEST at the Academy shall disqualify the individual from employment as a police officer with the City. Applicants may be provided an opportunity to perform a preliminary POWER TEST prior to attending the Academy, should the Applicant wish to do so, which will be made available through the City.

SECTION 6: AGE REQUIREMENTS

Applicants for original appointment as police officer shall be under 35 years of age, unless exempt from such age limitation as specified in Illinois Compiled Statutes, Chapter 65, Section 5/10-1-7 (j) of an Act entitled Civil Service in Cities. Applicants for positions as police officers 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 police 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 Attaining the age of 21 years. Other Applicants for original appointment as police officers not having such college education must be 21 years of age. Proof of birth date will be required at time of Application. Other age hiring limitations as permitted by statute shall be applicable.

SECTION 7: NOTICE OF ACCEPTANCE

The Secretary or Chief Examiner will notify all Applicants for original appointment as police officers whose Applications have been accepted by the Commission, to be present for orientation and subsequent Examination.

SECTION 8: RELEASE OF LIABILITY

All Applicants for such positions prior to taking any required or offered Examination, including the preliminary Power Test referenced herein, shall execute and deliver to the Commission a release of all liability claims and damages that may result from taking a pre-employment medical exam and basic Physical Ability Examination, in favor of the City of West Chicago, its employees, officials, Commissioners, and attorneys on a form to be prescribed and provided by the Commission. Refusal to execute and deliver the release required by this section shall disqualify the Applicant.

CHAPTER III – POLICE OFFICER EXAMINATIONS AND ORIGINAL APPOINTMENTS

SECTION 1: NOTICE OF EXAMINATIONS

Examinations shall be held on the dates fixed by the Commission and advertised in a local paper in accordance with the statutes of the State of Illinois. Examinations may be postponed 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: SCHEDULING EXAMINATIONS

The Commission shall issue a Call for Examinations to fill for the position of police officer. The Call for such Examination shall be entered in the minutes of the Commission 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 Commission.

SECTION 3: TYPE OF EXAMINATIONS

If an Orientation is conducted, Applicants shall attend the Orientation Program sponsored by the Commission. Failure to attend a required Orientation shall disqualify the Applicant from consideration. In addition, Applicants shall participate in Written and Oral Examinations and such other examinations as determined by the Commission as more particularly set forth in Section 4 below. No Examination shall contain questions regarding Applicants' political or religious opinions or affiliations.

SECTION 4: EXAMINATIONS - MINIMUM GRADE

The following Examinations are required and shall be conducted by the Commission. The sequence of testing may vary at the discretion of the Commission. Failure to achieve the minimum passing grade in any Examination disqualifies the Applicant from any further participation or consideration.

<u>Examinations</u>	<u>Minimum Passing</u>
Orientation	Attendance Mandatory
Written Examination	*
Oral Examination (Interview)	*
Background Investigation	Pass or Fail
Polygraph Examination	Pass or Fail
Psychological Examination	Pass or Fail
Medical Examination	Pass or Fail
PT Card	Pass or Fail

*To be announced by the Commission prior to conducting the Examination and may vary based upon the Examination of the Testing Agency used by the Commission.

SECTION 5: ORIGINAL APPOINTMENT - WRITTEN EXAMINATION

Information as to the type of Written Examination employed by the Commission will be provided as part of the Orientation Program. All Examination papers shall be and remain the property of the Commission and the grading thereof by the Commission, or any outside agency appointed by the Commission for grading, shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description. Applicants who fail to achieve a passing grade will be notified and eliminated from all further consideration. Grading and scores shall not be available to the Applicant or anyone other than the Commission. Grading and scores are not subject to FOIA disclosure. The Written Examination shall not be required for a Lateral Transfer Applicant who is certified as a full-time police officer by ILETSB.

SECTION 6: ORIGINAL APPOINTMENT - 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 or government guidelines or regulations preclude a Commissioner's attendance. In no event shall less than two (2) Commissioners conduct the Oral Examination. Questions shall be asked of the Applicant that will enable the Commissioners to properly evaluate and grade the Applicant on knowledge, speech, ability to communicate, judgment, emotional stability, self-confidence, social skills and general fitness for the Position. On completion of each Oral Examination the Commissioners will discuss the Applicant's abilities using the traits listed above. Applicants who fail to successfully complete the Oral Examination will be notified and eliminated from all further consideration. The Commissioners may request Police Department Command Staff attendance during the Oral Examination and may consider Command Staff's input, at the Commission's sole discretion.

SECTION 7: INITIAL ELIGIBILITY REGISTER

The Commissioners will prepare an Initial Eligibility Register of all the Applicants who have successfully completed the initial sequence of Examinations. The Applicants will be listed in order based on their cumulative final score. In the event of a tie score, the placement of the tied Applicants' names on the Eligibility Register shall be determined by lot, in the presence of a quorum of the Commission in whatever manner the Commission deems appropriate.

The Eligibility Register is subject to change with the addition of the following:

- a) Five (5) Veteran Preference Points, as proscribed in Illinois Compiled Statutes, Chapter 65, Section 5/10-1-16 of the Act.
- b) Two and one half (2.5) Educational Preference Points for Applicants who have obtained an Associate's Degree in Criminal Justice or a related field.
- c) Five (5) Educational Preference Points for Applicants who have obtained a Bachelor's Degree.

Applicants applying for preference points shall submit a complete Application, including all supporting documentation, to receive the preference points, no more than fourteen (14) calendar days from the posting date of the original eligibility register. Failure to apply and provide bona fide proof within the fourteen (14) calendar days shall be deemed a waiver of any consideration of an Applicant's preference points.

The maximum number of preference points available to an Applicant shall be ten (10), even if the Applicant satisfies more than one criterion set forth in this Section.

SECTION 8: LATERAL TRANSFER

In addition to original appointments, the City may create a second Eligibility Register of Applicants who are currently employed as a full-time sworn officer of a Police Department in any municipality, county, university or State law enforcement agency, provided they are certified by the Illinois Law Enforcement Training Standards Board and are actively employed with a respective law enforcement agency within the State of Illinois.

Applicants must provide documentation to show their duties are qualified duties similar to those of a police officer in the City. This will be completed through a combination of employee evaluations, past and current assignments, and training documentation. Also, documentation must be provided that the applicant has fulfilled the requirements of the Illinois Police Training Act.

Applicants who meet the requirements set forth above shall complete the below process before an offer of employment. This process may include the following components at the discretion of the Commission or the City:

- Application and Experience Verification Documents
- Complete Background Check
- Oral Examination Interview (panel to be determined by the City and may involve Department Command Staff)
- Polygraph Examination
- Psychological Examination
- Medical Examination

A Lateral Transfer Applicant who meets the requirements and passes the Background Check and Oral Examination will be placed on a separate Eligibility Register. A candidate's placement on any Lateral Entry Eligibility Register shall be by alphabetical order of the last name.

When there is a vacant police officer position needing to be filled, the Chief of Police will notify the Commission and Chief Examiner if he wishes that vacancy be filled by a Lateral Transfer Applicant. The Chief will be provided with the files for each of the Lateral Transfer Applicants on the Eligibility Register and after reviewing, the Chief will notify the Chief Examiner if he wishes that one be hired. This decision may be based on the candidate's possession of certain knowledge, skills and abilities which were identified during the selection process, that make certain candidates more desirable for the position sought to be filled. The Chief Examiner will provide notice to the Commission and remove that person's name from the Eligibility Register.

The Commissioners and the City reserve the right to solicit applications at any time. There is no expiration date for the Lateral Entry Eligibility Register.

SECTION 9: FINAL ELIGIBILITY REGISTER

- a) The Commissioners will prepare a Final Eligibility Register, which shall include claimed Veteran Preference Points and Educational Preference Points, up to a maximum of ten (10) points. 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 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 from the date of the Final Eligibility Register.
- c) Applicants shall be certified from the Eligibility List in descending order.
- d) Final eligibility shall be conditioned upon satisfactorily passing a Comprehensive Psychological Examination, a Polygraph Examination, Physical Ability Examination, Background Investigation and 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).

SECTION 10: PROFESSIONAL EXAMINATIONS AND TESTS

- a) Each Applicant 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) Each Applicant shall submit to a Polygraph Device Deceptive Examination, commonly known as a Lie Detector Test, at such time and place as the Commission may in writing designate. Such Examination shall be given without expense to the Applicant. Failure of the Applicant to take or successfully complete such Examination shall disqualify him to enter upon the duties of the Office for which the Application for Examination was filed.
- c) Each Applicant shall submit to a Medical Examination, including a drug screen and a physical ability exam, which shall be performed by a licensed physician or at his direction by his staff.

SECTION 11: PROBATIONARY APPOINTMENT

- a) All vacancies shall be filled by Applicants 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 shall be for a probationary period of sixteen (16) months, excluding any time absent due to a non-duty or duty-related disability.
- c) Any person who declines appointment shall be stricken from the Final Eligibility Register or reassigned a new position on the eligibility list in the sole and absolute discretion of the Commission. Reassignment can only occur where it is requested in writing by an applicant and is due to a military commitment or medical condition which renders acceptance unworkable. Any determination of the Commission not to grant reassignment shall be final and non-reviewable.
- d) Probationary employees may be summarily dismissed by the Commission for any reason and are not entitled to the protection afforded to other full-time employees by statute or these Rules.
- e) All Lateral Transfer Applicants shall be required to successfully complete a field training program and a 12-month probation period.

SECTION 12: CERTIFICATION

Final Certification of probationary police officers shall also be subject to successful completion of the Basic Training Course, as provided by the Illinois Law Enforcement Training and Standards Board, within the prescribed probationary period, unless the probationary police officer is a Lateral Transfer from another police agency, as provided for herein.

CHAPTER IV - PROMOTIONAL EXAMINATIONS

SECTION 1: GENERAL

The Commission, by its Rules, shall provide for promotion on the basis of ascertained merit and seniority in police 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 who submit to said Examination. The primary method of Examination, the rules governing the same and the method of Certification shall be the same as provided for Applications for original appointment. Probationary employees shall not be eligible to test for promotion. All promotions shall be made from the three (3) Applicants 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 all names of Applicants from a promotional Eligible Register after they have remained thereon for no less than two (2) years and no more than three (3) years, provided that the Commission shall notify the appointing power that the names are stricken and such appointing power shall fill any existing vacancies before all names are stricken from the Promotional Eligible Register.

The Final Promotional Examination score shall be determined as referred in Section 2, as follows:

- a) Written Examination Score;
- b) Oral Examination Score;
- c) Department Merit and Efficiency Rating as Determined by the Chief of Police based on a scale of 1-10 (maximum of 10 points);
- d) Seniority – one (1) point per year, not to exceed ten (10) points, for each full year the Applicant has served after his or her initial appointment by this Commission, as an officer of the City of West Chicago;
- e) Veteran Preference Points, as prescribed in Illinois Compiled Statutes, Chapter 65, Section 5/10-1-16 of the Act;

- f) Two and one half (2.5) Educational Preference Points for Applicants who have obtained an Associate's Degree in Criminal Justice or a related field; and
- g) Five (5) Educational Preference Points for Applicants who have obtained a Bachelor's Degree.

The maximum number of Preference Points (e-g above) available shall be ten (10), even if the Applicant satisfies more than one criterion set forth in of this Section.

SECTION 2: TOTAL SCORE

An Applicant's total score shall consist of the combined scores of the merit/efficiency rating, Written Examination, Oral Examination, seniority, Veteran Preference Points, and Educational Preference Points. Applicants 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 Applicant's names on the Eligibility Register 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 City Administrator or his designee that a promotional vacancy exists, the Commission shall certify the Candidates eligibility for promotion in the manner specified in Section 1 of this Chapter IV.

Whenever a promotional vacancy exists, the City and/ or the Commission shall have the right to pass over any Candidate deemed eligible for promotion and listed on the Promotional Eligibility Register who has demonstrated substantial shortcomings in work performance or has engaged in misconduct affecting that person's ability to perform the duties of the promoted rank since the posting of the Promotional Eligibility Register. The City or the Commission shall document its reasons for the decision to pass over any such Candidate on the Promotional Eligibility Register, except as noted below.

The Commission shall, by its Rules, provide to the City three (3) promotional candidates having the highest rating. In making the selection the City shall not pass over the person having the highest rating for each promotion more than once and shall not pass over the person having the second highest rating for each promotion more than twice.

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

SECTION 1: RANK

The order of Rank in the Police Department shall be as determined by the City.

SECTION 2: CLASSIFICATION

The Commission shall classify such offices and positions only based upon job descriptions provided by the City.

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, the resolutions and ordinances of the City of West Chicago, and the General Orders of the Police Department, and I will faithfully discharge the duties of the office of police officer according to the best of my ability.”

Signed _____

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

NOTARY PUBLIC

**CHAPTER VI - HEARING OF CHARGES,
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 shall not apply to Hearings before the Commission.
- b) All Hearings shall be in accordance with the Open Meetings Act. At the time and place of hearing, both parties may be represented by counsel, if they so desire.
- c) All disciplinary and discharge proceedings before the Commission shall be recorded by a court reporter employed by the Commission.

- d) 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 Police, is unwarranted.
- e) Burden of Proof, as used herein, means that the Commission is persuaded by considering all the evidence in the case that the proposition on which a party has the burden of proof is more probably true than not true.
- 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, has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.
- g) Cause is some substantial shortcoming which renders continuance in employment in any capacity to be 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 to no longer occupy his position. The right to determine what constitutes cause is within the sole and exclusive discretion of the Commission.
- h) Counsel as used herein, means an individual who has been admitted to the Bar has a licensed attorney-at law, in good standing, in this State.
- i) All witnesses shall be sworn prior to testifying and the matter will be decided by the Commission solely on evidence presented at the Hearing.
- j) The Commission will first hear the witnesses either substantiating the charges which have been made against the Officer or in support of an appeal brought by a suspended Officer. Thereafter, the other party may present and examine those witnesses presented before the Commission. All parties shall have the right to cross-examine witnesses presented by the opposite party.
- k) No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Commission shall be allowed.

SECTION 2: HEARING PROCEDURE

- a) **Charges:** In all cases, written Complaints shall be filed with the Secretary of the Commission with one hard copy setting forth a plain and concise statement of the facts upon which the Complaint is based and the General Order, Practice, Policy, Custom or usage claimed to have been violated and a certified copy with service by the Secretary to the Respondent and service by electronic copy on the Attorney for the Respondent.
- b) **Probable Cause:** The Commission shall have the right to, in its sole discretion, to determine whether to hold a Hearing to determine whether there is probable cause to move forward and hear the charges.

- c) **Notification of Hearing:** Upon the filing of a Complaint with the Secretary of the Commission, and upon the determination by the Commission of probable cause or entertaining said charge, the Secretary of the Commission shall notify all parties, within ten (10) calendar days, either by registered or certified mail, return receipt requested, or personally, of the time and place of the Hearing on the charges.
- d) **Continuances:** The matter of granting or refusing to grant a continuance of a Hearing is within the discretion of the Commission, and will only be granted for good cause shown.
- e) **Answer:** An answer to the charges shall be filed in writing no less than fourteen (14) days prior to Hearing.
- f) **Stipulations:** Parties may, on their own behalf or by Counsel, stipulate and agree in writing, or on the record, regarding relevant facts and/or evidence. The facts so stipulated shall be considered as evidence in the proceeding. An Officer may stipulate to guilt and request a Hearing in aggravation/mitigation. In the event an Officer has been suspended pending a Hearing and desires a continuance, it shall also be stipulated and agreed that no compensation shall be paid to said Officer during the period of said continuance.
- g) **Sufficiency of Charges-Objections:** Written Motions or Objections to the sufficiency of written charges shall be filed or made prior to or at the Hearing before the Commission. Failure to do so shall result in a waiver of said Motion or Objection.

SECTION 3: SUBPOENAS

- a) Any party to an Administrative Hearing may, no later than ten (10) days prior to the Hearing, make Application to the Commission by filing with it a written request for subpoenas for an 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. It shall be the responsibility of the party requesting the subpoena to affect proper service of said subpoena. Subpoenas may be served by any person 21 years of age or older designated by the party requesting the subpoenas. Application for subpoenas shall contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which are to be produced. 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 with the Commission Secretary at least ten (10) days before the date set for such Hearing, provided, however, the Commission, in its discretion, may waive this Rule. Any motion for a continuance based on an inability to serve a subpoena or the unavailability of a served witness shall briefly summarize the anticipated

testimony of the witness to assist the Commission in determining whether the continuance is warranted.

SECTION 4: SERVICE

All papers required by these Rules 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 the last known residence as reflected by the charges filed with the Commission Secretary, 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. After service of a Complaint in a disciplinary matter the parties' attorneys, with the concurrence of the Commission's Attorney, may stipulate to further service by electronic service.

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 City of West Chicago, 475 Main Street, West Chicago, Illinois, 60185. For the purpose of these Rules, the filing date of any paper shall be the date it was received by the Commission, in the event the paper is delivered personally or by messenger. In the event a paper is forwarded by mail, then the filing date shall be the date which is postmarked on the envelope of such paper.

SECTION 6: FORMS OF PAPER

- a) All papers filed in any proceeding shall be typewritten, size twelve (12) point type, or printed and shall be on one side of the paper only.
- b) The lines shall be double spaced, except that long quotations may be single spaced and indented.
- c) All papers shall be not larger than 8½" 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 said party's counsel.
- e) If papers are filed by Counsel, the name, address, email address and phone number of Counsel shall appear thereon.

SECTION 7: COMPUTATION OF TIME

The time within which any act under these Rules is to be done begins on the first full City business day following receipt of any written document.

SECTION 8: SUSPENSIONS OF FIVE DAYS OR LESS

- a) The Chief of Police, after consultation with the City Administrator, shall have the right to suspend any Officer 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 shall promptly notify the Commission in writing of such suspension. Any Officer so suspended may appeal to the Commission for a review of the suspension, within five (5) days after receiving notice of such suspension, by filing Notice of such Appeal in writing with the Secretary of the Commission. The Notice of Appeal shall set forth the basis in fact or law for the Appeal which the Appellant intends to rely on at Hearing. The Notice may be amended upon written Motion, and with the Commission's approval. A Hearing shall be had upon such Appeal, and due notice given to the Chief of Police and to the Officer. The burden of establishing that a suspension is unwarranted shall be upon the Officer bringing the Appeal.
- b) Upon such Appeal, the Commission may sustain the action of the Chief of Police, reverse the action with instructions that the Officer receive pay for all or a portion of the period involved; suspend the Officer for a period of not more than thirty (30), days or discharge the Officer, if warranted by the evidence presented.

SECTION 9: DISCHARGE OR SUSPENSIONS IN EXCESS OF FIVE DAYS AFTER HEARING

- a) Discharge from office, or suspension from service in excess of five (5) days shall be in compliance with the Civil Service in Cities Act of the State of Illinois, being Division 1, §5/10-1-1 through 5/10-1-48, 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 and its ruling into the record of the Commission.

SECTION 10: FINDINGS AND DECISION

If an Officer is found guilty of the charges following a Hearing by the Commission, the Officer may be suspended for a period not exceeding thirty (30) days, without pay or terminated from employment with the City. The findings and decision of the Commission, following a Hearing of the charges, shall be preserved by the Secretary and notice of said finding and decision sent to the Officer involved and the Chief of Police. If the finding or decision is that an Officer is guilty of charges investigated, and discharge is ordered, such Order of Discharge shall become effective upon entry of the Commission's findings and determinations in its record.

SECTION 11: RULES - CONFLICT

Officers shall be governed by the Rules, as adopted by the Commission and the Departmental Rules and Regulations and such other Personnel Rules, as adopted by the City. In case of conflict thereof, these Rules shall govern.

SECTION 12: VIOLATION OF RULES AND REGULATIONS

All Officers shall be subject to the Rules and Regulations of the Police Department, any violation of such Rules may be cause for filing of charges before the Commission, a subsequent Hearing and action by the Commission on such charges.

SECTION 13: VIOLATION OF LAW

Any violation of the laws of the municipality or of any state or federal law, by any Officer, may be cause for the filing of charges against said Officer, except as herein otherwise provided.

CHAPTER VII- GENERAL

SECTION 1: POWERS AND DUTIES

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

SECTION 2: RULES IN CONFLICT

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

SECTION 3: 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, §5/10-1-46. If a leave of absence is granted by the Commission during a probationary period, such probationary period shall be tolled until the probationary employee returns from his leave of absence.

SECTION 4: CONDITIONS OF EMPLOYMENT AND POLITICAL RIGHTS AND ACTIVITIES

All employees certified under these Rules shall have those duties and rights prescribed in Illinois Compiled Statutes.

**A RESOLUTION OF THE WEST CHICAGO CIVIL SERVICE COMMISSION ADOPTING
AMENDED RULES DATED APRIL 2, 2019**

WHEREAS, 65 ILCS 5/10-1-5 authorizes civil service commissions operating under Division One, of Article X, of the Illinois Municipal Code to adopt and amend rules for carrying out the purposes of Division One and for examinations, appointments, and discharge of employees subject to its jurisdiction; and

WHEREAS, the Civil Service Commission of the City of West Chicago has determined that it is necessary and appropriate to make changes to its current rules to increase the efficiency of the Commission in carrying out its purposes.

NOW THEREFORE BE IT RESOLVED, pursuant to 65 ILCS 5/10-1-6 that;

1. The amended rules of the West Chicago Civil Service Commission dated _____, 2022, (hereinafter Rules) and attached hereto as if fully set forth as Exhibit 1, are hereby adopted; and
2. Copies of the Rules shall be printed for distribution; and
3. That a notice of the places where the Rules may be obtained shall be published in a newspaper of regular distribution within the City of West Chicago, or if none, a newspaper of general circulation in the City of West Chicago. Places where a copy of the Rules may be obtained shall be West Chicago City Hall and the West Chicago Police Station; and
4. The newspaper publication shall specify the date not less than ten (10) days subsequent to the date of publication when the Rules shall go into operation.

AYES:

NAYES:

ABSTAIN:

ABSENT:

PASSED AND APPROVED THIS ____ DAY of _____, 2022.

PUBLISHED in pamphlet form this ____ DAY of _____, 2022.

Chairman of the Commission

ATTEST:

Secretary of the Commission