

RULES AND REGULATIONS OF THE BOARD OF FIRE AND POLICE COMMISSIONERS

City of Crystal Lake
State of Illinois

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Board of Fire and Police Commissioners
100 W. Woodstock Street
Crystal Lake, IL 60014
(815) 459-2020

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**RULES AND REGULATIONS OF THE
BOARD OF FIRE AND POLICE COMMISSIONERS OF
THE CITY OF CRYSTAL LAKE
STATE OF ILLINOIS**

As adopted by the Board of Fire and Police Commissioners of the City of Crystal Lake, Illinois, effective ~~February 21, 2008~~ January 21, 2014.

CHAPTER I – ADMINISTRATION

SECTION 1 – SOURCE OF AUTHORITY.

The Board of Fire and Police Commissioners of the City of Crystal Lake, Illinois derives its power and authority from an Act of the General Assembly entitled “Division 2.1 Board of Fire and Police Commissioners,” of Chapter 65 of the Illinois Compiled Statutes.

SECTION 2 – DEFINITIONS.

The word *Commission* and/or *Board* wherever used shall mean the Board of Fire and Police Commissioners of the City of Crystal Lake, Illinois. The word *Officer* shall mean any person holding a regular office in the Fire Rescue or Police Department of the City of Crystal Lake, Illinois. The singular includes the plural, and the plural the singular.

SECTION 3 – OFFICERS OF BOARD AND THEIR DUTIES.

The Board shall annually, at its first meeting in April, elect a Chairperson 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 Chairperson shall be the presiding officer at all the 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 (*65 ILCS §5/10-2.1-2, 65 ILCS §5/10-2.1-20*).

SECTION 4 – MEETINGS.

- a) Regular meetings may be held monthly, notice shall be posted and meetings shall be open to the public.
- 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 Chairperson 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 meetings unless by unanimous consent of the Board.
- c) During any regular or special meeting a closed session may be held upon a proper motion made by any single member of the Board. 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 held in accordance with the Open Meetings Act, Illinois Compiled Statutes, Chapter 5, §120/1-120/6.

SECTION 5 – QUORUM.

A majority of the members of the Board shall constitute a quorum for the conduct of all business (65 ILCS §5/10-2.1-2).

SECTION 6 – ORDER OF BUSINESS.

The order of business at any meeting shall be:

- a) Approval of the Minutes
- b) Communications
- c) Unfinished Business
- d) New Business
- e) 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 City. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication, when said Rules shall become effective (65 ILCS §5/10-2.1-5).

SECTION 9 – ANNUAL REPORT AND BUDGET REQUEST.

The Board shall submit an Annual Report of its activities, and a Budget Request for the ensuing year (65 ILCS §5/10-2.1-19).

CHAPTER II – ORIGINAL APPOINTMENT

SECTION 1-ORIGINAL APPOINTMENT

Recruitment for initial eligibility and the hiring process has been delegated as the responsibility of City Staff per Ordinance Number 2008- 6324. Recruitment, selection and hiring shall be as provided in the City of Crystal Lake’s Administrative Directives.

CHAPTER III– PROMOTIONAL EXAMINATIONS

SECTION 1 A – GENERAL -POLICE PROMOTIONS.

The Board, by its rules, shall provide for promotion in the Fire Rescue and Police Departments on the basis of ascertained merit and seniority in service and examination and shall provide, in all cases where it is practicable, that vacancies shall be filled by promotion (*65 ILCS §5/10-2.1-15*).

All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit him/herself to examination (*65 ILCS §5/10-2.1-15*).

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 register. The method of examination and the rules governing examinations for promotion are specified below. The Board shall strike off the names of candidates for promotional appointment after they have remained thereon for more than three (3) years, provided there is no vacancy existing which can be filled from the promotional register. For the purpose of determining that a vacancy exists, the Board must have received notice from the City Manager to fill an existing vacancy prior to the date the name(s) are to be stricken from a promotional eligibility register (*65 ILCS §5/10-2.1-15*).

Each component of the examination process shall be based upon a scale of 1 to 100. Candidates who submit themselves to examination will be graded according to the following schedule:

<u>EXAMINATIONS</u>	<u>WEIGHTS</u>	<u>MINIMUM PASSING</u>
Written Examination	45%	70%
Oral Interview	25%	70%
Dept. Merit and Efficiency	25%	**
Seniority	5%	

Total Weighted Test Score ***

** The method of examination and the manner in which points are to be awarded shall be in accordance with the procedures established by the Chief prior to the commencement of the process.

*** The total weighted test score will be adjusted by adding applicable veterans preference points (65 ILCS §5/10-2.1-10, 65 ILCS §5/10-2.1-11).

If the Board so designates, an assessment center may be conducted as a final step in the process. The top twenty (20) promotional candidates within the Crystal Lake Police Department, based upon their total weighted test scores, shall submit to further testing by participating in an assessment center evaluation as directed by the Board of Fire and Police Commissioners. The top twenty (20) candidates shall be placed upon the Final Promotional Eligibility Register, in rank order to be determined as follows:

- a) Adjusted Total Weight Test Score multiplied by 80%, plus,
- b) Assessment Center Test Score multiplied by 20%
Final Weighted Promotional Score

In the event of a tie score, the placement of the tied candidates' names on the eligibility register shall be determined by lot, in the presence of a quorum of the Board, in whatever manner the Board deems appropriate.

SENIORITY FOR POLICE PROMOTION

Candidates for promotion, who have successfully passed the written, merit/efficiency, and oral components of the examination process, shall be awarded credit for seniority in the following manner. Said seniority points will be determined as of the announced date of the written examination.

- a) Candidates shall receive one-half (½) point per year, to a maximum of five (5) points for each full year the candidate has served after initial appointment by the Board as a member of the Crystal Lake Police Department at any full-time rank.

MILITARY PREFERENCE POINTS FOR POLICE PROMOTION

A candidate may file for preference points with the Board of Fire and Police Commissioners after the initial list is posted. Candidates who are otherwise qualified and have, in writing and in a timely fashion, requested credit for prior military service of at least one year of active military service, shall be granted veteran's preference points of 7/10 of one point for each six (6) months or fraction thereof of active military or naval service not exceeding thirty (30) months (3.5 points total). No person shall receive the preference for a promotional appointment after he/she has received one promotion from an eligibility list on which he/she was allowed such preference (65 ILCS §5/10-2.1-10, 65 ILCS §5/10-2.1-11). A candidate must have received an honorable discharge from his/her military service to apply for military preference credit. After the candidates have had ten (10) days to file for military preference points, the Board of Fire and Police Commissioners will compose and post a final eligibility list in order of finish which shall be valid for three (3) years.

SECTION 1 B-GENERAL – FIRE RESCUE PROMOTIONS – Will be handled according to the Fire Rescue Collective Bargaining Agreement and the Fire Department Promotion Act, **50 ILCS 742/1, et seq., as amended effective August 4, 2003, HB 988, 50 ILCS.**

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**CHAPTER IV – ORDER OF RANK, CLASSIFICATION AND
OATH OF OFFICE**

SECTION 1 – RANK.

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

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 Fire Rescue and Police Departments 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 Crystal Lake Fire Rescue or Police Department shall take the following oath, before any person authorized to administer oaths in the state of Illinois:

“I _____, having been appointed to the office of _____ in the City of Crystal Lake, in the County of McHenry do solemnly swear 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.

Employee

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

City Manager

Mayor

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

CHAPTER V – HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES

SECTION 1 – HEARING OF CHARGES*

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

- m) 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~~ Police or Fire Rescue employee. Thereafter the other party may present and examine those witnesses whom he/she desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

~~*Pursuant to the applicable Per the Collective Bargaining Agreement for the Crystal Lake Firefighter/Paramedics and Fire Lieutenants and the Collective Bargaining Agreement for Police Officers, Section 14.3: The Board of Fire and Police Commissioners have no jurisdiction over any disciplinary matters involving employees covered under such the Agreements, and the employees voluntarily waive any rights they may have possessed to appeal or contest the imposition of discipline before such Board of Fire and Police Commissioners.~~

SECTION 2 – HEARING PROCEDURE.

- a) **Complaints:** In all cases, written complaints shall be filed in quintuple, setting forth a plain and concise statement of the facts upon which the complaint is based.
- b) **Probable Cause:** The 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.
- c) **Notification of Hearing:** Upon the filing of a complaint in quintuple with the Secretary of the Board, and the determination of the Board of probable cause for entering the 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 City Manager, and the Human Resources Director of the municipality shall be notified of the entry of such Order of Suspension Pending a Hearing, and be served either personally or by registered or certified mail, return receipt requested, with a copy of such Order.
- d) **Continuances:** The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.
- e) **Stipulations:** Parties may, on their own behalf, or by counsel, stipulate and agree in writing, or on the record, as to evidenced guilt. The facts so stipulated shall be considered as evidence in the proceeding.

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

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

SECTION 3 – SUBPOENAS.

- 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 as 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 that they are to produce. Subpoenas will not be issued for anyone outside the State of Illinois (*65 ILCS §5/10-2.1-17*).
- 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, that the Board in its discretion may waive this rule.

SECTION 4 – SERVICE.

All papers required by these Rules and Regulations to be served shall be delivered personally to the party designated or mailed, by United States mail in an envelope properly addressed with postage prepaid, to the designated party at his/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's address where it was received by a named party.

SECTION 5 – FILING.

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

SECTION 6 – FORMS OF PAPER.

- a) All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
- b) If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.
- c) All papers shall be not larger than 8 ½" by 11" with inside margins not less than one inch.
- d) The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent, or attorney thereof and copies thereof provided the opposing party or his/her counsel.
- e) If papers are filed by an attorney, his/her name and address shall appear thereon.

SECTION 7 – COMPUTATION OF TIME.

That 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 a holiday as defined or fixed in any statute now or hereafter in force in the State, and then it shall also be excluded. If the day succeeding such Sunday or holiday is also a holiday or a Sunday then such succeeding day shall also be excluded.

SECTION 8 – SUSPENSION.

- a) The Board may suspend any applicable member of the Police and/or Fire Rescue 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 (65 ILCS §5/10-2.1-17).
- b) The Chief of the Police or Fire Rescue Department shall have the right to suspend any ~~officer~~ employee not covered by a collective bargaining agreement under his/her command for a period not to exceed ten (10) calendar days without pay, providing no charges on the same offense have been filed and are pending before the Board, and he/she shall notify the Board in writing within seventy-two (72) hours of the time of such suspension. Any ~~Police Officer~~ individual so suspended may appeal to the Board for a review of the suspension within five (5) calendar days after receiving written notice of such suspension by filing notice of such appeal in writing with the Secretary of the Board of Fire and Police Commissioners. The Board shall then meet to discuss and determine the disposition of the appeal. The Board may, in its sole discretion, request information or testimony from the appealing officer and/or the Chief of the Police or Fire Rescue Department to aid in its determination of the appropriate disposition. At the Board's option, they may hold an appeal to review the details regarding the circumstance. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal (65 ILCS §5/10-2.1-17).
- c) Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the ~~officer~~ individual so suspended receive his/her pay for the period involved, may suspend the ~~officer~~ individual for a period of not more than thirty (30) days, or discharge him/her, depending on the evidence presented (65 ILCS §5/10-2.1-17).
- d) Discharge from office, demotion or suspension from service in the Police or Fire Rescue Department shall be in compliance with the Fire and Police Commissioners Act of the State of Illinois, being Division 2.1, Sections §5/10-2.1-1 through §5/10-2.1-30, inclusive, of Chapter 65 of the Illinois Compiled Statutes.
- e) The Board shall, within a reasonable time after the hearing is completed, enter its findings on the records of the Board.
- f) The Board of Fire and Police Commissioners shall have the authority to demote any officer or member of the Police Department, except for those positions above the rank of Police Sergeant any rank in said Department as follows:
 - 1) Voluntary Demotion. The Board may demote ~~an officer or~~ member at the request of said ~~officer or~~ member if such request has been approved by the Chief of the Department.
 - 2) Disciplinary Demotion. The Board may demote ~~an officer or a~~ member upon written charges and after a hearing upon said charges in the manner set forth in 65 ILCS §5/10-2.1-17.

SECTION 9 – DATE OF HEARING.

The time set by the Board for the Board’s hearing of charges shall be within thirty (30) days of the filing of such charges. Continuances may be granted from time to time upon motion of any party to the proceedings, at the discretion of, and by order of the Board. The time limitation is not applicable to hearings conducted to review suspensions of ten (10) days or less imposed by the Chief of a Department on one of its members (*65 ILCS §5/10-2.1-17*).

SECTION 10 – FINDINGS AND DECISION.

In case any member of the Police or Fire Rescue Department shall be found guilty of the charges filed against him/her after a hearing by the Board, he/she may be removed, demoted, 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 part, or may suspend the officer for an additional period of not more than thirty (30) days, demote or discharge him or her depending on the facts presented (*65 ILCS §5/10-2.1-17*).

The findings and decision of the Board, following a hearing of the charges, shall be preserved by the Secretary, and notice of said findings and decisions sent to the officer involved and the Department Chief for enforcement. If the finding or decision is that an officer or employee is guilty of charges investigated, and removal or discharge is ordered, such order or removal or discharge shall become effective forthwith. (See Section 8 of this Chapter V).

SECTION 11 – RULES – CONFLICT.

The personnel of the Fire Rescue and Police Department shall be governed by the Rules as adopted by the Board, the City of Crystal Lake Personnel Policies, applicable collective bargaining agreements, and the Regulations or General Orders of the Fire Rescue and Police Departments. In case of conflict, the Rules of the Board or applicable collective bargaining agreement shall govern.

SECTION 12 – VIOLATION OF RULES.

All members of the Fire Rescue and Police Departments shall be subject to the Regulations or General Orders of such departments, the City of Crystal Lake Personnel Policies, 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.

SECTION 13 – VIOLATION OF LAW.

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

CHAPTER VI – GENERAL

SECTION 1.

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 2.

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

SECTION 3 – LEAVE OF ABSENCE.

Leaves of Absence shall be granted by reason of military service or duty-related disability. If a Leave of Absence is granted by the Board during a probationary period, such probationary period shall be tolled until the probationary employee returns from his/her leave of absence (65 ILCS §5/10-2.1-23).

SECTION 4 – POLITICAL CONTRIBUTIONS.

No person in the Fire Rescue Department or Police Department of the City of Crystal Lake, Illinois, shall be under any obligation to contribute any funds to render any political service, and no such person shall do so or be removed or otherwise prejudiced for refusing to do so. No person in the Fire Rescue Department or the Police Department of the City of Crystal Lake, 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/her official authority or influence to compel or induce any other person to pay or render any political assessment, subscription, contribution or service.

PASSED and APPROVED this 21st day of ~~February, 2008.~~

Board of Fire and Police Commissioners
of the City of Crystal Lake, Illinois

~~James Dutton~~ Ronald Miller, Chairperson

~~Tom Fraley~~ Lori Parrish Secretary