

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

AS ADOPTED SEPTEMBER 10, 2001

AS AMENDED: February 11, 2003
 April 2, 2003
 June 4, 2003
 April 7, 2004
 January 12, 2005
 February 23, 2005
 July 10, 2007
 January 12, 2010
 February 21, 2012
 April 9, 2013
 January 12, 2016
 January 8, 2019

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As adopted by the Board of Fire and Police Commissioners of the City of Macomb, Illinois, McDonough County, effective the 10th day of September, 2001.

CHAPTER I - ADMINISTRATION

SECTION 1 - Source of Authority.

The Board of Fire and Police Commissioners of the City of Macomb, 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" or "Board" wherever used shall mean the Board of Fire and Police Commissioners of the City of Macomb, Illinois. The word "Officer" shall mean any person holding a permanent office in the Fire or Police Department of the City of Macomb, Illinois. The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural the singular.

SECTION 3 - Officers of Board and Their Duties.

- Sub-section A.** There is created a Board of Fire and Police Commissioners consisting of three (3) members, as provided by statute.
- Sub-section B.** The Board of Fire and Police Commissioners shall be appointed by the Mayor, by and with the consent of the City Council.
- Sub-section C.** The Board shall annually, on the first meeting in January, elect a Chairman and a Secretary. They shall hold office until the end of the calendar year and until their successors are duly appointed 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 complete examinations of the Board.

Sub-section D. The Secretary of the Board of Fire and Police Commissioners shall serve without compensation for his services and the members of such Board shall serve without compensation.

SECTION 4 - Meetings.

- a) Regular meetings shall be held quarterly, 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 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 meetings. 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 for the purpose of discussing personnel. 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, Sections 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) Reading 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 fewer than **ten** (10) days subsequent to the date of such publication, when rules shall go into effect.

SECTION 9 - 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.

CHAPTER II - APPLICATIONS

SECTION 1 - Residence.

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

SECTION 2 - Application Forms.

Applications for a position shall be filed upon blank forms furnished by the Commission and applicants must comply with the requirements of said form in every respect. The application must be filed with the Commission prior to taking an examination.

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

The applicant shall furnish with his application a copy of his birth certificate, Social Security card, driver's license, high school diploma or GED certificate, a copy of his college or university degree and, if requested, a copy of a certified transcript of his coursework from an accredited college or university, military service record and discharge papers .

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

SECTION 3 - Disqualification.

The Commission may refuse to examine an applicant or, after examination, to certify him as eligible:

- a) Who is found lacking in any of the established preliminary requirements for the service for which he or she applies.
- b) Who is physically unable to perform the duties of the position to which he or she seeks appointment.
- c) Who is addicted to the use of intoxicating beverages or is found to have taken or used narcotics illegally.
- d) Who has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in §5/10-2.10-6 of the Board of Fire and Police Commissioners Act.
- e) Who has been dismissed from any public service for good cause.
- f) Who has attempted to practice any deception or fraud in his or her application.
- g) Who may be found disqualified in personal qualifications or health.
- h) Whose character and employment references are unsatisfactory.
- i) For appointment as a firefighter, one who does not possess a high school education or its equivalent.
- j) For application as a police officer, one who does not have one of the following:
 - 1) An AA, AS, AAS degree or,
 - 2) 60 semester hours or 90 quarter hours in an accredited academic institution or,
 - 3) Two (2) years prior service in law enforcement with either an Illinois municipality of more than 10,000 in population or with an Illinois State Governmental Police agency and who has successfully completed the Illinois Law Enforcement Basic Training Program.
- k) Who has applied for a position of a police officer and is or has been classified by his or her Local Selective Service Draft Board as a conscientious objector.

Any applicant, or eligible, deemed disqualified hereunder, shall be notified by the Board.

SECTION 4 - Defective Applications.

Defective applications shall be returned to the applicant for correction, provided the applicant is not otherwise disqualified for the position sought. Corrections must be on file by the application deadline, or postmarked on or before the deadline AND received within five (5) calendar days of the deadline.

SECTION 5 - Medical Examinations.

Applications for original appointment shall be required to submit to a medical examination by a licensed physician appointed by the Board of Fire and Police Commissioners of the City of Macomb.

SECTION 6 - Physical Requirements.

Applicants for the position of Firefighter or Police Officer must meet valid standards of health and physical aptitude.

Applicants will be required, just prior to appointment, to successfully complete a thorough physical evaluation to assess their fitness to perform the duties of the position sought.

SECTION 7 - Age Requirements.

Applicants shall be under 35 years of age at the time of application and at such time as the final eligibility list is posted unless exempt from such age limitation as provided in Section 5/10-2.1-6 of the Fire and Police Commissioners Act. Applicants, at such time as they file their application with this board, must be 21 years of age. Proof of birth date will be required at time of application.

SECTION 8 - Notice of Acceptance.

The Secretary will notify all applicants whose applications have been accepted by the Board to be present for orientation and subsequent examination, with an executed physician's certificate dated not fewer than fourteen (14) days prior to testing, or provision of a waiver at the time of testing, that they are physically capable of participating in strenuous "Physical Aptitude Tests" which will be given prior to the written examinations.

SECTION 9 - Release of Liability.

All applicants shall execute and deliver to the Board a release of all liability as the result of taking all "Physical Aptitude Tests" in favor of the City of Macomb on a form to be prescribed by the Board.

(Chapter II was Sections 4 and 8 amended January 8, 2019)

CHAPTER III - EXAMINATIONS FOR ORIGINAL APPOINTMENTS

SECTION 1 - Notice of Examinations

Examinations shall be held on the dates fixed by the Commission and advertised in a newspaper of general circulation in the City 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.

SECTION 2 - Examinations

The Commission 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 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 Board.
- c) The position to be filled from the resulting eligibility list.

SECTION 3 - Type of Examination

Applicants must attend the orientation program sponsored by the Board. In addition, applicants may be required to participate in a physical aptitude test as well as written and oral examinations as determined by the Board and as more particularly set forth in Section 4 below. No examination shall contain questions regarding an applicant's political or religious opinions or affiliations.

SECTION 4 - Examinations - minimum grade.

The following examinations may be conducted by the Board. The sequence of testing may vary at the discretion of the Board. Failure to achieve the minimum passing grade in any examination disqualifies the applicant from any further participation.

<u>Examinations</u>	<u>% of Total Grade</u>	<u>Minimum Passing</u>
Orientation	-----	Attendance Mandatory
Police Physical Aptitude Test -----		Pass or Fail
Fire Physical Aptitude Test -----		Pass or Fail
Written Test	60%	70%
Oral Test (Interview)	40%	70%
Background Investigation	-----	Pass or Fail
Psychological Evaluation	-----	Pass or Fail
Medical Examination	-----	Pass or Fail

SECTION 5 - Original Appointment - Physical Aptitude Test.

a) **POLICE** - All applicants are required to submit to a physical aptitude test. **The physical aptitude test shall be the State of Illinois standardized POWER test mandated by the Illinois Law Enforcement Standards and Training Board.** Only candidates who have participated in **and passed** the “Physical Aptitude Test” will be permitted to participate in the written examination.

b) **FIRE** All applicants are required to submit to a physical aptitude test. Only candidates who have participated in **and passed** the “Physical Aptitude Test” will be permitted to participate in the written examination.

SECTION 6 - Original Appointment - Written Examinations.

Information as to the type of written examination employed by the Board will be provided as part of the orientation program. All examination scores and results 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 of any kind or description. Candidates who fail to achieve a passing grade will be notified and eliminated from all further consideration.

SECTION 7 - Original Appointment - Oral Examination.

From those passing the written examination, the top twenty-five (25) candidates shall be called for Oral Examination. The board reserves the right to call additional applicants in descending order from the Initial Eligibility List if they so choose. At any time prior to the next testing period the Commission reserves the right to interview a portion or all of the remaining candidates on the Initial Eligibility List.

(Chapter III, Section 4 amended April 2, 2003) (Chapter III, Section 4 amended April 7, 2004)

(Chapter III, Section 5, Paragraphs a) and b) amended April 2, 2003)

(Chapter III, Section 5, Paragraph b) amended April 7, 2004)

(Chapter III, Section 7 was changed to Section 8 and a new opening paragraph was added February 21, 2012)

(Chapter III, Section 8 was changed to Section 7 and paragraphs a) and b) were amended February 21, 2012)

(Chapter III section4 and 7 were amended January 8, 2019)

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

SECTION 8 - Initial Eligibility List

a) The Commissioners will prepare an "Initial Eligibility List" of the candidates successfully completing the orientation, physical aptitude, written test and oral interview.

The candidates will be listed in order **based on their written test scores and oral interview scores.**

This List is subject to change with the addition of any claimed preference points as prescribed in 5/10-2.1-8 and 5/10-2.1-9 (a) and (b) of the Act.

b) A dated copy of the Initial Eligibility List shall be sent to each person appearing thereon.

The Board shall provide written notice to all candidates informing of the option to submit preference points. Candidates who are eligible for veteran, educational or law enforcement certification preference points shall make a claim in writing with proof thereof within ten (10) days after **receiving written notice from the Board**, or such claim shall be deemed waived.

SECTION 9 - Final Eligibility List.

a) **POLICE** The Commissioners will prepare a "Final Eligibility List" which shall include any claimed preference points as prescribed in 5/10-2.1-8 and 5/10-2.1-9(a) and (b) of the Act. **This list shall be a merged list. Candidates whose time on the previous list has not yet expired shall be merged with the new Candidates on a "Final Eligibility List".** In the event of a tie score, the placement of the tied candidates on the eligibility list shall be determined by lot in the presence of a quorum of the Board in whatever manner the

(Chapter III, Section 7 was changed to Section 8 and a new opening paragraph was added February 21, 2012)

(Chapter III, Section 8 was changed to Section 7 and paragraphs a) and b) were amended February 21, 2012)

(Chapter III, Section 9, Paragraphs a), b) & c) amended June 4, 2003)

(Chapter III, Section 9, Paragraph a) amended July 10, 2007)

(Chapter III, Section 8 and 9, amended January 8, 2019)

Board deems appropriate. **Any candidate who is currently on the present posted eligibility list who elects to be tested again before his or her old score expires shall be given his or her new score and merged into the new list and that candidate's older score shall be eliminated.**

FIRE The Commissioners will prepare a "Final Eligibility List" which shall include any claimed preference points as prescribed in 5/10-2.1-8 and 5/10-2.1-9(a) and (b) of the Act. In the event of a tie score, the placement of the tied candidates 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.

b) **POLICE** A dated copy of the Final Eligibility List shall be sent to each person appearing thereon. This copy shall include the date of expiration of **each candidate's eligibility after their name. Candidate names contained on the Final Eligibility Register for Police shall be stricken off the list for original appointment by the Board after such names have been on the list for more than two (2) years, in accordance with Illinois State Statutes.**

FIRE A dated copy of the Final Eligibility List shall be sent to each person appearing thereon. This copy shall include the date of expiration of the List two (2) years hence.

c) **POLICE** Appointment from this Final Eligibility List is subject to satisfactorily passing a background investigation, an in-depth psychological examination, a thorough medical examination (which may include a test of the applicant's vision, hearing, for the presence of communicable diseases as well as a test to screen for the use of drugs or narcotics), and an oral (test) interview unless otherwise exempt. Applicants must be under 35 years of age, **except as provided in Section 5/10-2.1-14 of the Fire and Police Commissioners Act, at such time as they are added to the Final Eligibility List. The date they are added to the Final Eligibility List shall be the date that the Final Eligibility List is signed and posted by the Board of Fire and Police Commissioners.**

FIRE Appointment from this Final Eligibility List is subject to satisfactorily passing a background investigation, an in-depth psychological examination, a thorough medical examination (which may include a test of the applicant's vision, hearing, for the presence of communicable diseases as well as a test to screen for the use of drugs or narcotics), and an oral (test) interview unless otherwise exempt. Applicants must be under 35 years of age at such time as the final eligibility list is posted.

(Chapter III, Section 9, Paragraphs a), b) & c) amended June 4, 2003)

(Chapter III, Section 9, Paragraph a) amended July 10, 2007)

(Chapter III, Section 9, Paragraph c) amended January 12, 2010)

(Chapter III, Section 9, Paragraph b) amended April 9, 2013 by removing Alternative Eligibility Register(lateral transfer)

d) Applicants shall be appointed from the eligibility list in descending order. 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.

e) Prior to Appointment from the Final Eligibility List for Police Officers, each police candidate shall spend at least eight hours during one working day in the company of a Macomb City Police Officer with a portion of the time spent with the officer patrolling in a police car.

SECTION 10 - Professional Examinations and Tests.

a) Each applicant for original appointment shall submit to a psychological examination by such psychologist or psychiatrist as the Board 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) Medical examinations shall be performed by a licensed physician.

SECTION 11 - REMOVED.

SECTION 12 - Probationary Appointment.

a) All vacancies to the Fire and Police Departments shall be filled by individuals from the Final Eligibility List in the order in which their names appear on the List and having met all requirements previously listed. Pursuant to Section 9 **d**) above, the Board may choose to appoint certified applicants ahead of non-certified applicants.

b) All original appointments to the police department shall be for a probationary period of eighteen (18) months. All original appointments to the fire department shall be for a period of sixteen (16) months to permit satisfactory completion of EMT training.

(Chapter III, a new Section 11 created January 12, 2010 and the following sections were renumbered)

(Chapter III, Section 11 was removed in its entirety April 9, 2013 by removing Alternative Eligibility Register(POLICE) (lateral transfer)

(Chapter III, Section 11 was changed to Section 12 January 12, 2010)

(Chapter III, Section 12 (formerly Section 11) paragraph a) amended January 12, 2010)

(Chapter III, Section 12 (formerly Section 11) paragraph a) amended April 9, 2013 by removing Alternative Eligibility Register(lateral transfer))

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

d) Any candidate may pass on an appointment once without losing his or her position on the register of eligibles. Any candidate who passes a second time may be removed from the list by the appointing authority provided that such action shall not prejudice a person's opportunities to participate in future examinations, including an examination held during the time a candidate is already on the municipality's register of eligibles.

e) Probationary employees may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time firefighters or police officers by statute or these rules.

SECTION 13 - Certification.

a) Final certification of probationary Firefighters shall be subject to successful completion of the Certified Firefighter Basic Training Course as prescribed by the Illinois Fire Protection Personnel Standard and Education Board within the prescribed probationary period pursuant to the training level prescribed by the rules and regulations of the Department. Firefighters shall also complete all course work and be certified as an EMT during their probationary period. Inability to successfully complete these courses shall be grounds for dismissal.

b) Final certification of probationary Police Officers shall be subject to successful completion of the Basic Training Course as mandated by the State of Illinois and successful completion of the standards of evaluation prescribed by the local department within the prescribed probationary period. Inability to successfully complete this course shall be grounds for dismissal.

CHAPTER IV - PROMOTIONAL EXAMINATIONS

SECTION 1 - General.

The Board, by its rules, shall provide for promotion in the Fire and Police Departments on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases, where it is practicable, that vacancies shall be filled by the promotion.

- a) **POLICE DEPARTMENT** - All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to examination. All promotions shall be made from the three (3) individuals having the highest rating, and where there are fewer than three (3) names on the promotional eligibility List, as originally posted or remaining thereon after appointments have been made therefrom, appointments to fill existing vacancies shall be made from those names or the name remaining on the promotional List. The method of examination and rules governing examinations for promotion are specified below.

(Chapter III, Section 12 was changed to Section 13 January 12, 2010)

(Chapter III, Section 12, Paragraph d) was changed to e) and a new d) was created January 12, 2016)

The Board shall strike off the names of candidates for promotional appointment after they have remained thereon for more than three (3) years, provided no vacancy exists which can be filled from the promotional List. For the purpose of determining that a vacancy exists, the Board must have received notice from the appropriate corporate authorities to fill an existing vacancy prior to the date the name(s) are to be stricken from a promotional eligibility List.

1. Rating Scale (All Police Officers who submit themselves to examination will be graded according to the following percentage-weighted schedule accorded to each category)

a)	Written Test	30%	30 points
b)	Oral Interview	30%	30 points
c)	Supervisory Rating	30%	30 points
d)	Seniority	<u>10%</u>	<u>10 points</u>
	<i>Total</i>	<i>100%</i>	<i>100 points</i>

2. **Seniority shall be** 1 point per year with a maximum of 10 points. Time in rank is time in the rank just below the rank for which a police officer is being tested.

3. **Prior to every promotional process of examination the commission may announce a minimum passing score of the final aggregate of all components (based on 100 points) which a candidate must score to be placed on the promotional list.**

4. Veteran’s preference points will be added as prescribed in 65 ILCS 5/10-2.1-10, 65 ILCS 5/10-2.1-1.11, and 65 ILCS 5/10-2.1-12.

5. The Board shall prepare an eligibility roster which will be effective for three (3) years and all promotions will be made in accordance with Section 10-2.1-15 of the Illinois Compiled Statutes.

b) **FIRE DEPARTMENT** - All examinations for promotion shall be competitive among such members of the next lower rank **who have completed the minimum requirements of time in service, education, training and certification in subjects and skills related to firefighting established by the Chief at least one (1) year prior to the examination.** All promotions shall be made from the **highest ranking individual on the final promotion list for that rank, the only exception being as**

(Chapter IV - Section 1, Paragraph a), Subparagraph 1 a) and c) amended February 11, 2003)
(Chapter IV - Section 1, Paragraph a) Subparagraphs 1 (a-d), 2 and 3 amended April 7, 2004)
(Chapter IV - Section 1, Paragraph a) Subparagraphs 1 (a-d), 2 and 3 amended April 7, 2004)
(Chapter IV- Section 1, Paragraph b), Subparagraph 1 (a-d) and 2 amended April 7, 2004)
(Chapter IV - Section 1, Paragraph b), Subparagraphs 1 (a-c) and 2, 3, 4, 5 amended January 12, 2005)

provided by statute for appointment of the next highest ranked person on the **final** promotional eligibility List, as originally posted or remaining thereon after appointments have been made therefrom, appointments to fill existing vacancies shall be made from those names or the name remaining on the promotional List. The method of examination and 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 no vacancy exists which can be filled from the promotional List. For the purpose of determining that a vacancy exists, the Board must have received notice from the appropriate corporate authorities to fill an existing vacancy prior to the date the name(s) are to be stricken from a promotional eligibility List.

1. **Order of Testing and Rating Scale** (All Firefighters who submit themselves to examination will be graded according to the following percentage-weighted schedule accorded to each category)

a)	Supervisory Rating	25%	25 points
b)	Written Test	45%	45 points
c)	Oral Interview	30%	30 points
d)	Seniority	5%	5 points
	<i>Total</i>	<i>100%</i>	<i>100 points</i>

2. **Seniority shall be 1/4 point per year of service up to a maximum of 20 years with a possible maximum of 5 points.**

3. **Prior to every promotional process of examination the commission may announce a minimum passing score of the final aggregate of all components (based on 100 points) which a candidate must score to be placed on the promotional list. The minimum passing score shall never be less than 65 points.**

4. Veteran’s preference points will be added as prescribed in 65 ILCS 5/10-2.1-10, 65 ILCS 5/10-2.1-1.11, and 65 ILCS 5/10-2.1-12.

5. The Board shall prepare an eligibility roster which will be effective for three (3) years and all promotions will be made in accordance with Section 10-2.1-15 of the Illinois Compiled Statutes.

(Chapter IV- Section 1, Paragraph b), Subparagraph 1 (a-d) and 2 amended April 7, 2004)
(Chapter IV - Section 1, Paragraph b), Subparagraphs 1 (a-c) and 2, 3, 4, 5 amended January 12, 2005)

SECTION 2 - Total Score.

A candidate's total score shall consist of the combined scores of the written examination, the oral interview, the supervisory rating, **seniority** and, if applicable, veterans preference points. Candidates shall be ranked upon a promotional eligibility List in the order of their relative excellence as determined by their total score.

SECTION 3 - Promotional Vacancy.

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

a) **RULES REGULATING PROMOTIONS TO RANKS OF LIEUTENANT AND CAPTAIN IN THE FIRE DEPARTMENT OF THE CITY OF MACOMB, ILLINOIS.**

TO PARTICIPATE FOR PROMOTION TO RANK OF LIEUTENANT

1. At least three (3) years of service with the Macomb Fire Department in the rank of firefighter. This requirement **must be met by the date of the testing for the first factor in the promotion process.**
2. Completion of written examination **which shall be deemed job related to the City of Macomb with a maximum score of 100 points.**
3. Completion of an oral interview **with a maximum score of 100 points.**
4. **A supervisory rating based on a rating of a possible maximum of 100 points with the Fire Chief preparing a rating form which he shall use which shall consist of a rating by him up to 60 points, out of the possible 100 total points, and all officers in the rank just above the rank being tested shall prepare a rating form prepared by the Fire Chief which each officer shall use to evaluate each candidate and their evaluations together shall be used to give a rating up to 40 points out of the possible 100 total points.**
5. **Have attained** those educational qualifications established by the Rules and Regulations of the Department for this rank **set by the Chief one (1) year prior to the test being given, for education, training, and certification in subjects and skills related to firefighting.**

(Chapter IV- Section 2 amended April 7, 2004)

(Chapter IV - Section 3 paragraph a) 2, 3, 5 (Lieutenant) and a) 1, (Captain) amended April 7, 2004)

(Chapter IV - Section 3 paragraph a) 1, 2, and 4 (Lieutenant) amended January 12, 2005)

TO PARTICIPATE FOR PROMOTION TO RANK OF CAPTAIN

1. Currently serving as a lieutenant. This requirement must be met by the date of the testing for the first factor in the promotion process.
2. Completion of written examination **which shall be deemed job related to the City of Macomb with a maximum score of 100 points.**
3. Completion of an oral interview **with a maximum score of 100 points.**
4. **A supervisory rating based on a rating of a possible maximum of 100 points with the Fire Chief preparing a rating form which he shall use which shall consist of a rating by him up to 60 points, out of the possible 100 total points, and all officers in the rank just above the rank being tested shall prepare a rating form prepared by the Fire Chief which each officer shall use to evaluate each candidate and their evaluations together shall be used to give a rating up to 40 points out of the possible 100 total points.**
5. **Have attained** those educational qualifications established by the Rules and Regulations of the Department for this rank **set by the Chief one (1) year prior to the test being given, for education, training, and certification in subjects and skills related to firefighting.**

b) RULES REGULATING PROMOTIONS TO RANKS OF SERGEANT AND LIEUTENANT IN THE POLICE DEPARTMENT OF THE CITY OF MACOMB, ILLINOIS.

TO PARTICIPATE FOR PROMOTION TO RANK OF SERGEANT

1. At least three (3) years of service with the Macomb Police Department in the rank of police officer.
2. Completion of a written examination with a maximum of 100 points.
3. Completion of an oral interview with a maximum of 100 points.

(Chapter IV - Section 3 paragraph a) 2, 3, 5 (Lieutenant) and a) 1, (Captain) amended April 7, 2004)

(Chapter IV - Section 3 paragraph a) 1, 2, and 4 (Lieutenant) amended January 12, 2005)

(Chapter IV - Section 3 paragraph a) 2 (Captain) amended April 7, 2004)

(Chapter IV - Section 3 paragraph a) 1, 2, and 4 (Captain) amended January 12, 2005)

4. A rating out of a possible 100 points on a supervisory rating form **shall be prepared and completed** by the Chief of Police, **or his or her designee**. **The Chief of Police shall have input through consultations with the candidates' supervisors prior to completion of this form.**
5. Attain the following educational qualifications.
 - a. Have a AA, AS, AAS Degree or 60 semester hours or 90 quarter hours in an institution accredited by the appropriate regional accrediting authority.
 - b. Educational qualifications must be met by the time of promotion.

TO PARTICIPATE FOR PROMOTION TO RANK OF LIEUTENANT

1. Currently serving as a Sergeant.
2. Completion of a written examination with a maximum of 100 points.
3. Completion of an oral interview with a maximum of 100 points.
4. A rating out of a possible 100 points on a supervisory rating form **shall be prepared and completed** by the Chief of Police, **or his or her designee**. **The Chief of Police shall have input through consultations with the candidates' supervisors prior to completion of this form.**
5. Attain the following educational qualifications.
 - a. Minimum of 90 semester hours or 135 quarter hours of college credit from an institution accredited by the appropriate regional accrediting authority.
 - b. Educational qualifications must be met by time of promotion.

(Chapter IV - Section 3 paragraph b) 4 (Sergeant) amended February 23, 2005)
(Chapter IV - Section 3 paragraph b) 4 (Lieutenant) amended February 23, 2005)

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

SECTION 1 - Rank.

The order of rank in the Fire 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 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 Fire or 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 _____, 20__.

Notary Public”

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

**CHAPTER VI - 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 this State.

c) No rehearing, reconsideration, modification, vacation, or alternative of a decision of the Board shall be allowed.

d) “Cause” is some substantial shortcoming which renders continuance in employment in some way detrimental to the discipline and efficiency of the public service and something which the law and sound public opinion recognize as cause for the firefighter’s or police officer’s no longer occupying his position.

The right to determine what constitutes cause resides with the Board.

e) The complainant or appellant initiating any proceedings which 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 the 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 employees may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time firefighters or police officers by statute or these rules.

h) All hearings shall be public, in accordance with the Open Meetings Act.

i) At the time and place of hearing, both parties may be represented by counsel if they so desire.

j) All proceedings before the 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 or firefighter. Thereafter the other party may present and examine those witnesses whom he desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

SECTION 2 - Hearing Procedure.

- a) **COMPLAINTS:** In all cases, written complaints shall be filed in quintuple, setting forth a plain and concise statement of the facts upon which the complaint is based.
- b) **PROBABLE CAUSE:** The 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 by the Board of proper cause for entertaining said complaint, the Secretary of the Board shall notify both the complainant and 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.
- d) **CONTINUANCES:** The matter of granting or refusing to grant a continuance of a hearing is at 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 evidence 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 position as the 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 to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person 21 years of age or older designated by the party requesting the subpoenas. 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, 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 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 the named party.

SECTION 5 - Filing.

All papers may be filed within the Board by mailing them or delivering them personally to the Secretary of the Board at City of Macomb, 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 which 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 1/2" by 11" with inside margins of not less than one inch.

d) The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent or attorney thereof and copies thereof provided the opposing party or his counsel.

e) If papers are filed by an attorney, his name and address shall appear thereon.

SECTION 7 - Computation of Time.

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

SECTION 8 - Suspension.

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

b) The Chief of the Fire or Police Department shall have the right to suspend any officer or firefighter under his command for a period of 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 24 hours of the time of such suspension. Any firefighter or 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. A hearing shall be held upon such appeal and due notice given to the Chief of the Department who suspended such firefighter or police officer and to the employee so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal.

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

SECTION 9 - Discharge or Suspension after Hearing.

a) Discharge from office, or suspension from service in the Fire or Police Department shall be in compliance with the Fire and Police Commissioners Act of the State of Illinois, being Division 2, Sections 5/10-2.1-1 through 5/10-2.1-30, inclusive, of Chapter 65 of the Illinois Compiled Statutes.

b) The Board shall, within a reasonable time after the hearing is completed, enter its findings in the records of the Board.

SECTION 10 - Date of Hearing.

The time for the hearing of charges shall be set by the Board within thirty (30) days of the time of the filing of such charges. Continuances may be granted from time to time upon the 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 on one of its members.

SECTION 11 - Findings and Order.

In case any member of the Fire or Police Department shall be found guilty of the charges filed against him after a hearing by the Board, he 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 employee for an additional period of not more than thirty (30) days or discharge him depending on the facts presented. The findings and decisions of the Board, following a hearing of charges, shall be preserved by the Secretary and notice of said findings and decisions sent to the officer or firefighter involved and the department head for enforcement. If the finding or decision is that an employee is guilty of charges investigated, and removal or discharge is ordered, such order of removal or discharge shall become effective forthwith (See Section 9 of this Chapter VI).

SECTION 12 - Rules - Conflict.

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

SECTION 13 - Violation of Rules.

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

SECTION 14 - Violation of Law.

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

CHAPTER VII - 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 Chapters, Sections, or Subsections of the foregoing Rule 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, or Subsections of said Rules.

SECTION 3:

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

SECTION 4:

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

SECTION 5 - Political Contributions:

No person in the Fire or Police Departments of the City of Macomb, 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 or Police Departments of the City of Macomb, Illinois shall discharge or promote, 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 contributions 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.