

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

Revised: October 13, 2021
Effective: _____, 2021

Proposed amendment (Article IV Section 1-Police; page 22) placed on file at a published meeting of the Board of Fire and Police Commissioners September 8, 2021.

TABLE OF CONTENTS

CHAPTER I	-	ADMINISTRATION	3
CHAPTER II	-	APPLICATIONS.....	5
CHAPTER III	-	EXAMINATIONS.....	8
CHAPTER IV	-	PROMOTIONAL EXAMINATIONS	16
CHAPTER V	-	ORDER OF RANK, CLASSIFICATION AND OATH OF OFFICE.....	23
CHAPTER VI	-	HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES.....	24
CHAPTER VII	-	GENERAL.....	30

RULES AND REGULATIONS
OF THE
BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE
City of Ottawa
STATE OF ILLINOIS

As adopted by the Board of Fire and Police Commissioners of the City of Ottawa, Illinois, effective June 20, 2016.

CHAPTER I - ADMINISTRATION

SECTION 1 - SOURCE OF AUTHORITY.

The Board of Fire and Police Commissioners of the City of Ottawa, 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 Ottawa, Illinois. The word "officer" shall mean any person holding a permanent office in the Police or Fire Department of the City of Ottawa, 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.

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

SECTION 4 - MEETINGS.

- 1) Regular meetings shall be held monthly, notice shall be posted and meetings shall be open to the public.
- 2) 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, and other business shall be considered at such special meeting unless by unanimous consent of the Board.

- 3) 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.
- 4) Public notice of any regularly scheduled or special meeting shall be held in accordance with the Open Meetings Act, Illinois Compiled Statues, Chapter 5, Sect. 120/1-120/5.
- 5) A thirty minute public comment session shall be allowed at each regular or special meeting. A maximum of ten persons shall be allowed to address the Board during this portion of the meeting. Each person shall be allowed up to three minutes to address the Board.

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:

- 1) Public Comment
- 2) Reading of the Minutes.
- 3) Communications.
- 4) Unfinished Business.
- 5) New Business.
- 6) 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 10 days subsequent to the date of such publication, when the rules shall go into effect.

SECTION 9 - ANNUAL REPORT OF BUDGET REQUEST.

The Board shall submit an Annual Report of its activities as required by Sec. 5/1-2.1-19 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 Sec. 5/10-2.1-19.

CHAPTER II - APPLICATIONS

SECTION I - RESIDENCE.

Applicants for examination must be citizens of the United States. Residence requirements shall be as prescribed by ordinance. Applicants whose principal residence is located within the fire department's jurisdiction shall be preferred for appointment to and employment with the fire department.

SECTION 2 - APPLICATION BLANKS.

Applications for positions 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. No fee shall be charged or collected from any applicant for either department who has met all prequalification standards established for such position.

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

The applicant shall furnish with his application a copy of his Military Service Record, Discharge Papers (DD-214), Birth Certificate and High School Diploma or GED certificate.

A false or misleading statement knowingly made by a person in an application for examination, connivance in any false statement made in any certificate that 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 or her as eligible:

- 1) Who is found lacking in any of the established preliminary requirements for the service for which he/ she applies.
- 2) Who is physically unable to perform the duties of the position to which he or she seeks appointment, including any person who has suffered the amputation of any limb unless the applicant's duties will be only clerical or as a radio operator.

- 3) Who is addicted to the use of intoxicating beverages, a habitual gambler, or is found to have taken or used drugs and/or narcotics illegally.
- 4) Who has been convicted of a felony or any misdemeanor involving moral turpitude, and other misdemeanor convictions specified in Sec. 10-2.1-6 of the Board of Fire and Police Commissioners Act.
- 5) Who has been dismissed from any public service for good cause.
- 6) Who has attempted to practice any deception or fraud in his or her application.
- 7) Who may be found disqualified in personal qualifications or health.
- 8) Whose character and employment references are unsatisfactory.
- 9) Who does not possess a high school education as evidenced by a high school diploma or GED certificate deemed sufficient by the Board.

Any applicant 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.

SECTION 5 - PHYSICAL AND MEDICAL EXAMINATION

Applications for original appointment to the police department may be subject to a physical aptitude test and shall be required to submit to a thorough medical examination by a licensed medical doctor or doctor of osteopathy approved by the Board.

SECTION 6 - AGE REQUIREMENTS

SECTION 6 - AGE REQUIREMENTS

All applicants for a position in either the fire or police department shall be at least 21 years of age and under 35 years of age on the final date for submission of applications to the Board. However, this limitation does not apply 1) to any person previously employed as a policeman or fireman in a regularly constituted police or fire department of any municipality or a fire protection district located in Illinois, 2) a fire protection district whose obligations were assumed by a municipality under Section 21 of the Fire Protection

District Act, or whose obligations were taken over by a fire protection district, 4) to any person who has served a municipality as a regularly enrolled volunteer, paid-on-call, or part-time firefighter for the 5 years immediately preceding the time that municipality begins to use full time firefighters to provide all or part of its fire protection service, 5) to any person who has served as an auxiliary policeman under Section 3.1-30-20 for at least 5 years and is under 40 years of age, 6) to any person who has served as a deputy under Section 3-6008 of the Counties Code and otherwise meets necessary training requirements, 7) to any person who has served as a sworn officer as a member of the Illinois Department of State Police, or 8) to any firefighter applicant who turned 35 while serving as a member of the active or reserve components of any of the branches of the Armed Forces of the United States or the National Guard of any state, whose service was characterized as honorable or under honorable, if separated from the military, and is currently under the age of 40.

Any applicant who exceeds the age requirement before being appointed to a fire department shall remain eligible for appointment until the list expires.

With respect to the police department, a veteran shall be allowed to exceed the maximum age provision by the number of years served on active military duty, but by no more than 10 years of active military duty.

SECTION 6.1 - OTHER REQUIREMENTS

All applicants for a position with the fire department shall possess a valid EMT-B license issued by the Illinois Department of Public Health ("IDPH") on the final date for submission of applications to the Board. Applicants must submit a copy of the valid license and any other proof required by the Board. Any license under suspension or review by the IDPH at the time of the close of applications shall be deemed to be an invalid license.

SECTION 6.2 - OTHER REQUIREMENTS

All applicants for a position with the fire department shall possess a valid CPAT (Candidate Physical Ability Test) certificate at the time of the written test, issued by the Southwest United Fire Districts Fire Training Academy or a substantially equivalent certificate from another qualified testing facility, as determined by the Board. The applicant shall obtain the CPAT at his or her own expense.

All applicants for a position with the police department shall possess a current Power Card, issued by Joliet Junior College Testing Facility or a substantially equivalent certificate from another qualified testing facility. The applicant shall obtain the Power Card at his or her own expense.

SECTION 7 - NOTICE OF ACCEPTANCE.

All qualified applicants for the police department must be present for orientation and subsequent examination with an executed Physicians Certificate as described in Section 5 above that they are physically capable of participating in a strenuous "Physical Aptitude Test." Disqualified applicants shall be notified by mail.

SECTION 8 - RELEASES OF LIABILITY AND OTHER RELEASES.

All applicants shall execute and deliver to the Board a release of all liability as the result of taking a "Physical Aptitude Test" in favor of the City of Ottawa on a form to be prescribed by the Board. The Board may also require applicants to execute such other releases for information it deems appropriate.

CHAPTER III - EXAMINATIONS

ORIGINAL APPOINTMENTS

SECTION 1 - NOTICE OF EXAMINATIONS.

Examinations shall be held on the dates fixed by the Commission and advertised in a local paper and other media deemed appropriate at least two weeks prior to the examination. 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 Board shall call examinations to fill vacancies in the class of service in which vacancies are liable to occur. A call for such examination shall be entered in the Minutes of the Commission and shall include a statement of:

- 1) The time and place where such examination will be held.
- 2) Applications will be received for at least a two-week period, which shall terminate three days before the examination.
- 3) The position to be filled from the resulting eligibility list.

SECTION 3 - TYPE OF EXAMINATIONS

Qualified applicants must attend the orientation program sponsored by the Board. In addition, applicants may be required to participate in a physical aptitude test, 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 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>Examination</u>	<u>% of Total Grade</u>	<u>Minimum Passing</u>
Orientation	---	Attendance Mandatory
Written Test	50%	70%
Physical Aptitude Test	---	Pass or Fail
Oral Test		50%
		70%
Background Investigation	---	Pass or Fail
Polygraph Test	---	Pass or Fail
Psychological Examination	---	Pass or Fail
Medical Examination	---	Pass or Fail

Note: To any person who is entitled to educational, pre-certification, military or any other preference points as authorized by statute, whose name appears on the register of eligibles, the Board shall add five (5) points (5/10-2.1-9) upon request of applicant. Firefighter preference points will be awarded in accordance with state law Section 5/10-2.1-9B.

SECTION 5 - ORIGINAL APPOINTMENT - WRITTEN EXAMINATION.

Information as to the type of written examination employed by the Board will be provided as part of the orientation program. All examination papers 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 6 - ORIGINAL APPOINTMENT - PHYSICAL APTITUDE TEST.

See Chapter II, Section 6.2

SECTION 7 - 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 preclude his attendance. In no event shall less than a majority of the Commissioners conduct the oral examination. The Board may choose to prepare an initial eligibility register prior to conducting oral examination of applicants for either department.

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. Upon completion of each Oral Examination the Commissioners will discuss the Candidate's abilities using the traits listed above. Each Commissioner will then grade the Candidate. The Candidate's final grade will be the average of the three (or two) Commissioners grades. Candidates who fail to achieve a passing grade (70%), are automatically eliminated from all further consideration.

SECTION 8 - INITIAL ELIGIBILITY REGISTER.

- 1) The Board shall prepare an "Initial Eligibility Register" of the applicants successfully completing the orientation, written test, oral examination and physical aptitude test, except as noted above. Applicants shall be placed on the eligibility list in order of their relative excellence as determined by their test scores.

The applicants will be listed in order of excellence based on their final score. The examination components shall be graded on a 100 point scale. In order to qualify for placement on the final eligibility register, an applicant's score on the written examination shall be at or above the median score, prior to the application of preference points or the result of the oral examination. This does not preclude the Board from setting a minimum score on the written examination before an applicant may qualify for the final eligibility register. Any applicant who knowingly receives test information in advance of an

examination shall be disqualified from the examination or discharged from his position, as the case may be.

This register is subject to change with the addition of the veteran, educational and law enforcement certification preference points as prescribed in 5/10-2.1-8 and 5/10-2.1-9 of the Act, as well as firefighter/paramedic preference points as set forth in 5/10-2.1-9 (b) of the Act.

Written documentation supporting a claim for preference points shall be required. The Board shall exercise its sound discretion in determining the sufficiency of such documentation.

- 2) No more than 60 days after completion of all examinations required by the Board, a dated copy of the Initial Eligibility Register shall be sent to each person appearing thereon. Applicants who are eligible for veteran, educational or law enforcement certification preference points or firefighter/paramedic points, shall make a claim in writing with proof thereof within ten (10) days after the date of the eligibility list or such claim shall be deemed waived.

SECTION 9 - FINAL ELIGIBILITY REGISTER.

- 1) The Board shall prepare a "Final Eligibility Register" which shall include all properly claimed police officer or firefighter preference points. In the event of a tie score, the placement of the tied candidates' names on the eligibility list shall be determined by lot, in the presence of a quorum of the Board in whatever manner the Board deems appropriate.
- 2) A dated copy of the Final Eligibility Register shall be sent to each person appearing thereon. The list shall remain active for two years and shall state its expiration date.
- 3) Applicants shall be appointed from the eligibility list in descending order, except that if the Board has reason to conclude that the highest ranked person fails to meet the minimum standards for the position or believes that an alternative candidate would better serve the needs of the department, then the Board has the right to pass over the highest ranked person and appoint either: (i) any person who has a ranking in the top 5% of the register of eligibles or (ii) any person who is among the top 5 highest ranked persons on the list of eligible if the number of people who have a ranking in the top 5% of the register of eligible is less than 5 people.

- 4) Appointment from this Final Eligibility Register is subject to satisfactorily passing an in-depth psychological examination, polygraph test, background investigation, and a thorough medical examination (which may include a test of the applicant's vision, hearing, for the presence of communicable diseases as well as a test to screen for the use of drugs and/or narcotics).
- 5) In addition to the above requirements, persons appointed from the Final Eligibility Register for the fire department must possess a valid EMT-P license issued from the Illinois Department of Public Health ("IDPH") at the time of appointment. Any applicant who has not been appointed to a firefighter position within one year after the date of his or her CPAT certification shall be required to obtain a current CPAT certificate prior to appointment. If such applicant fails to obtain a valid CPAT certification when required, the Board may allow such applicant to remain on the register one time only and select another applicant. If the applicant does not obtain a valid CPAT certification when offered employment again, the Board shall strike the applicant from the Register. Applicants bear the responsibility to submit a copy of the valid license and any other proof the Board requires. The Board reserves the right to strike or pass over a person on the list who does not possess a valid license at the time of appointment. A CPAT is valid for one year (1) from its date of issuance.

In addition to the above requirements, all applicants for a position with the police department shall possess a current Power Card, issued by Joliet Junior College Testing Facility or a substantially equivalent certificate from another qualified testing facility. If such applicant fails to obtain a valid Power Card when required, the Board may allow such applicant to remain on the register one time only and select another applicant. If the applicant does not obtain a valid Power Card when offered employment again, the Board shall strike the applicant from the Register. The Board reserves the right to strike or pass over a person on the list who does not possess a valid Power Card at the time of appointment. A Power Card is valid for one (1) year from its date of issuance.

SECTION 9.1 – PREFERENCE POINTS

The following are preferences for the fire department:

- 1) **Veteran preference.** Persons who were engaged in the military service of the United States for a period of at least one year of active duty and who were honorably discharged therefrom, or who are now or have been members on inactive or reserve duty in such military or naval service, shall be preferred for

appointment to and employment with the fire department of an affected department.

- 2) **Fire cadet preference.** Persons who have successfully completed 2 years of study in fire techniques or cadet training within a cadet program established under the rules of the Joint Labor and Management Committee (JLMC), as defined in Section 50 of the Fire Department Promotion Act, may be preferred for appointment to and employment with the fire department.
- 3) **Educational preference.** Persons who have successfully obtained an associate's degree in the field of fire service or emergency medical services, or a bachelor's degree from an accredited college or university may be preferred for appointment to and employment with the fire department.
- 4) **Paramedic preference.** Persons who have obtained certification as an Emergency Medical Technician – Paramedic (EMT-P) shall be preferred for appointment to and employment with the fire department of an affected department providing emergency medical services.
- 5) **Experience preference.** All persons employed by a municipality who have been paid-on-call or part-time certified Firefighter II, State of Illinois or nationally licensed EMT-B or EMT-I, or any combination of those capacities shall be awarded 0.5 point for each year of successful service in one or more of those capacities, up to a maximum of 5 points. Certified Firefighter III and State of Illinois or nationally licensed paramedics shall be awarded one point per year up to a maximum of 5 points. Applicants from outside the municipality who were employed as full-time firefighters or firefighter-paramedics by a fire protection district or another municipality for at least two years shall be awarded 5 experience preference points. These additional points presuppose a rating scale totaling 100 points available for the eligibility list. If more or fewer points are used in the rating scale for the eligibility list, the points awarded under this subsection shall be increased or decreased by a factor equal to the total possible points available for the examination divided by 100.
- 6) **Residency preference.** Applicants whose principal residence is located within the fire department's jurisdiction shall be preferred for appointment to and employment with the fire department.
- 7) **Additional preference.** The Board may award up to 5 additional preference points for unique categories based on an applicant's experience or background.

The following are preferences to the police department:

- 1) **Veteran preference.** Persons who were engaged in the active military or naval service of the United States for a period of at least one year and were honorably discharged therefrom, or who are now or may hereafter be on inactive or reserve duty in such military or naval service, and who were not convicted by

court-martial of disobedience of orders, where such disobedience consisted in the refusal to perform military service on the ground of religious or conscientious objections against war. Such persons shall receive 5 preference points.

- 2) Education preference. Persons who have successfully obtained an associate's degree in the field of law enforcement or criminal justice, or have a bachelor's degree in any field from an accredited college or university. Such persons shall receive 5 preference points.
- 3) Experience preference. Persons who have been awarded a certificate attesting to the successful completion of the Minimum Standards Basic law Enforcement training Course as provided in the Illinois Police training Act and are currently serving as a law enforcement officer on a part-time or full-time basis within the State of Illinois. No additional preference points will be awarded but such persons can be selected from anywhere on the list.
- 4) Preference points awarded under this section shall not be cumulative.

SECTION 9.2 – SCORING OF PREFERENCE POINTS

1) The Board shall give preference for original appointment to veterans by adding five points to their score after the initial eligibility register is posted. For all other categories receiving preference points, the Board shall determine the number of points to award between 0 -5 points. In determining the number of points to award for those categories the Board shall award a total number between 10 but not more than 30 points if a candidate earns the maximum number of points for each category. Except for veterans qualifying for preference points, who will be preferred above all others for employment, the applicants qualifying for preference points in the remainder of the categories receiving preference points shall be preferred over other applicants.

2) The Board shall require that the governing body of a municipality or in the case of applicants from outside the municipality, the governing body of any fire protection district, or any other municipality, certify to the Board within 10 days of the request, the number of years of successful paid-on-call, part-time, or full-time service of any person. A candidate may not receive the full amount of preference points under this subsection if the amount of points awarded would place the candidate before a veteran on the eligibility list. If more than one candidate receiving experience preference points is prevented from receiving all of their points due to not being allowed to pass a veteran, the candidates shall be placed on the list below the veteran in rank order based on the totals received if all points under this subsection were to be awarded. Any remaining ties on the list shall be determined by lot.

3) Applicants claiming preference points shall submit their requests in writing, with verifiable evidence, within 10 days after the posting of the initial eligibility register

or their request shall be deemed waived.

SECTION 10 - PROFESSIONAL EXAMINATIONS AND TEST.

- 1) Each applicant for original appointment shall submit to a psychological examination by such psychologist or psychiatrist as approved by the Board. 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. Reports of such psychological examination shall be kept by the Board.
- 2) Any applicant for original appointment to the fire or police department may be required to submit to a Polygraph Device, Deceptive Test, commonly known as a Lie Detector Test, at such time and place as the Board may in writing designate. Such test shall be given without expense to the applicant. Failure of the applicant to take or successfully complete such test shall eliminate him from further consideration. Results of such examination shall be kept by the Board.
- 3) Medical examinations shall be performed by a licensed medical doctor or doctor of osteopathy approved by the Board. Results of such examinations shall be kept by the Board.
- 4) All medical and psychological examinations shall be conducted after a conditional offer of employment is extended.

SECTION 11 - PROBATIONARY APPOINTMENT.

- 1) All vacancies to the fire or police departments shall be filled by individuals from the Final Eligibility Register in the order in which their names appear on the register and having met all requirements previously listed, except as noted above. A classifiable set of fingerprints of every person who is offered employment as a certified member of an affected fire department, whether with or without compensation, shall be furnished to the Illinois Department of State Police and to the Federal Bureau of Investigation by the Board.
- 2) All original appointments to the police or fire department shall be for a probationary period of twelve (12) months, except that such probationary period may be extended for a firefighter who is required as a condition of employment to be a certified paramedic, during which time the sole reason that a firefighter

may be discharged without a hearing is for failing to meet the requirements of such certification. The probationary period of a newly appointed firefighter or police officer shall commence on the date said individual reports for work with the department.

- 3) Any person whose name appears on the Final Eligibility Register for either department may decline appointment once without losing his or her position on the Register. Any person who passes a second time may be removed from the Register by the Board
- 4) Probationary firefighters or 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.

SECTION 12 - CERTIFICATION.

- 1) Final certification of probationary police officers shall be subject to successful completion of the Basic Training Course as provided by the Illinois Governmental Law Enforcement Officers Training Board within the prescribed probationary period. Inability to successfully complete this course shall be grounds for dismissal.
- 2) 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 Commission within the prescribed probationary period. Inability to successfully complete this course shall be grounds for dismissal.

SECTION 13 – LIST MAINTENANCE

The Board may determine that it is not necessary to maintain active Eligibility Register Lists at all times. The Board shall balance the option of maintaining active Lists against the high cost of establishing such lists when hiring needs are not imminent.

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 promotion. 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) 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 these names or 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. Candidates who timely request that veteran's preference points be added to their scores, as provided by statute, must provide proof of veteran status. Veteran's preference points may only be used once by a candidate for promotion purposes throughout his employment on either the fire or police department. Candidates must score a minimum of 70% out of a total 100% possible score in order to qualify for any promotional list. In the event no candidate from the immediate next lower rank qualifies for promotion, the Board may review the written test to assure that it reflects the most current firefighting or police procedures that each department practices. If the Board finds that the given written test does not reflect current practices of the fire or police department, another written test will be offered to those involved in the testing process and the new scores compiled with the other testing components. In the event no candidate from the immediate next lower rank qualifies after a second written test has been administered, the Board may seek a qualified replacement from outside the fire or police department to fill an opening.

The Board may determine that it is not necessary to maintain active promotion lists in either department for any rank. The Board shall balance the option of maintaining active lists against the high costs of establishing such lists when promotion needs are not imminent.

To the extent a conflict exists between these Rules and the clearly stated provisions of a collective bargaining agreement in effect at the time the applications are closed for a new promotional list, the Board shall apply the provisions of the collective bargaining agreement. Ambiguities in the collective bargaining agreement will be resolved in favor of these Rules.

Fire Department:

All components of the promotional process shall be impartial and shall relate to those matters which will test the candidate's ability to discharge the duties of the position to be filled, and be pertinent to the particular rank for which the examination is being given. The placement of employees on promotional lists shall be based on the points achieved by the employee on promotional examinations consisting of the following six (6) components weighted as specified:

- 1) The order of testing shall be as follows: (1) Professional Achievement, (2) Seniority, (3) Merit and Efficiency, (4) Oral Interview, and (5) Written Examination.
- 2) The following weights shall be assigned to the individual components of the promotional test: (1) Professional Achievement 10% (2) Seniority 10% (3) Merit and Efficiency 20%, (4) Oral Interview 10%, and (5) Written Exam 50%
- 3) Seniority shall be calculated as follows: Lieutenant- 0.08333 points per month of service in excess of five years of service, with maximum seniority accruing at fifteen years of service, and Captain- 0.11905 points per month of service in the rank of Lieutenant, with maximum seniority accruing at seven years in the rank of Lieutenant. Seniority shall be calculated as of the date of the written examination and awarded prior to the start of the written examination.
- 4 All scores will be posted prior to written exam in keeping with the Promotion Act.
- 5) In order to be eligible for promotion to the rank of Lieutenant, a firefighter must meet the following minimum qualifications prior to the taking of the promotional examination: (1) Five years of service on the Ottawa Fire Department, (2) Certifications for Firefighter III, Fire Apparatus Engineer, and Provisional Fire Officer I.
- 6) In order to be eligible for promotion to the rank of Captain, a Lieutenant must meet the following minimum qualifications prior to the taking of the promotional examination: (1) All of the above qualifications, and (2) Provisional Certified Fire Officer (II).

The following guidelines will be applied to these components of the testing process:

Written Examination: The written examination for each rank shall consist of matters relating to the duties regularly performed by persons holding that rank within the Department. The examination shall be based only on the contents of written material that the Fire and Police Commission has identified and made readily available to potential examinees at least one hundred twenty (120) days before the examination is

administered. The test questions and material must be pertinent to the particular rank for which the examination is being given. The written examination shall be administered after the determination and posting of the seniority list, professional achievement, merit and efficiency, and oral interview scores.

Written examinations shall be graded at the examination site on the day of the examination immediately upon completion of the test in front of the observers, if any, or if the tests are graded offsite by a bona fide testing agency, the observers, if any, shall witness the sealing and shipping of the tests for grading and the subsequent opening of the scores upon the return from the testing agency. Every examinee shall have the right to (i) obtain his or her score on the examination on the day of the examination or upon the day of its return from the testing agency (or the Fire and Police Commission may require the testing agency to mail the individual scores to any address submitted by the candidates on the day of the examination): (ii) to review the answers to the examination that the examiners consider correct. The Fire and Police Commission may hold a review session after the examination for the purpose of gathering feedback on the examination from the candidates.

Sample written examinations may be examined by the Fire and Police Commission and members of the department, but no person in the department or the Fire and Police Commission may see or examine the specific questions on the actual written examination before the examination is administered. If a sample examination is used, actual test questions shall not be included. It is a violation of the Act for any member on the department or Fire and Police Commission to obtain or divulge foreknowledge of the contents of the written examination before it is administered.

The Department shall maintain reading and study materials for its current written examinations and the reading list for the last two (2) written examinations or for a period of five (5) years, whichever is less, for each rank and shall make these materials available at each duty station.

Professional Achievement: It shall be the responsibility of the promotional candidate to provide proof of satisfactory completion of a class or certification to be considered for Professional Achievement. A list of classes or certifications requested for Professional Achievement Points shall be provided to the Fire Chief for verification and then forwarded to the Fire and Police Commission prior to the candidates Oral Interview.

Candidates shall be awarded points to a maximum of ten (10) points of their total examination score for professional achievements as follows:

Lieutenant

Category I – Fire

Class/Certification	Points
Breathing Apparatus Specialist	1.0
Engine Company Operations	0.5
Truck Company Operation	0.5
Fire Attack and Suppression Techniques	1.0
Fire Apparatus Engineer	1.5
Hazardous Materials Operations	1.0
Tactics and Strategy II	1.0
Management III	1.0
Management IV	1.0
RIT Under Fire RIT Ops	1.0
Saving Our Own	0.5
Fire Service Vehicle Operator	0.5

Category II – EMS

PEPP	0.5
PALS	0.5
PHTLS	0.5
ITLS	0.5
ACLS	0.5
CPR Instructor	1.0
Advanced Disaster Life Support	0.5
EMS Hazardous Materials Ops	0.5
Incident Command for EMS	0.5
Lead Instructor	1.0

Category III – Specialty

Technical Awareness	0.5
Trench Rescue Ops	1.0
Confined Space Ops	1.0
Vehicle and Machinery Ops	1.0
Structural Collapse Ops	1.0
Water Rescue Ops	1.0
Hazardous Materials Technician A	1.0
Hazardous Materials Technician B	1.0
Arson Investigator I & II	1.5

Arson Investigator III	1.0
Tactical EMS Provider SWAT Medic (40 hour)	1.0

Category IV – Miscellaneous

Associate Degree in fire science or ems	2.0
Bachelor Degree in fire science	3.0
Master Degree in fire science	3.0
Terrorism – Basic Concepts	0.5
Juvenile Fire Setters	0.5
Instructor II	1.0
Hazardous Materials IC	0.5
Emergency Response to Terrorism Mass Casualty Disaster Response	1.0
Fire Company Officer	1.0
Executive Fire Officer	3.0 NFA*

Any onsite National Fire Academy class, excluding Executive Fire Officer, which is greater than 60 hours, shall be worth 1.5 points. Any onsite National Fire Academy class less than 60 hours shall be worth 1.0 point.

Candidates for Lieutenant or Captain may use a maximum of five (5) points from any category above, however said classes may only be used once for promotion. (i.e. if the candidate receives two (2) points for an associate degree and is promoted to lieutenant, the candidate cannot reapply for two (2) points for an associate degree when testing for captain.) If a candidate applies for and is granted Professional Achievement points and is not promoted the points may be reapplied in subsequent promotional tests.

Professional Achievement points shall be calculated and awarded prior to the written examination.

* NFA refers to the National Fire Academy and R--- refers to the NFA course number.

Scoring of components: The written examination, oral interview, and merit and efficiency components of the promotional test shall be scored on a scale of one hundred (100) points. The component scores shall then be reduced by the weighting factors assigned to the component on the test and the scores of all components shall be added to produce a total score of one hundred (100) points. Candidates shall then be ranked on the list in rank order based on the highest to the lowest points scored on all components of the test.

A candidate on the preliminary promotion list who is eligible for a veteran's preference under the laws of the State of Illinois may file a written application for that preference within ten (10) days after the initial posting of the preliminary promotion list. The preference points shall be calculated as provided by law and added to the total score achieved by the candidate on the test. The Fire and Police Commission shall then make adjustments, if necessary, to the rank order of the preliminary promotion list based on any veteran's preferences awarded. The final adjusted promotion list shall then be posted at each duty station and copies provided to the Union and all candidates.

Police Department:

- A. The order of testing shall be as follows: (1) Merit and Efficiency (2) Oral Interview (3) Written Test, and (4) Seniority.
- B. If the testing sequence is not completed in this order, the results of the written test shall remain sealed until the results of the other components are compiled.
- C. The following weights shall be assigned to the individual components of the promotional test: (1) Merit and Efficiency-25%, (2) Oral Interview-30%, (3) Written Test-35%, and (4) Seniority-10%.
- D. Upon written request of an applicant, individual component scores will be made available to that applicant, in writing, prior to the next step of the testing procedure.
- E. Seniority shall be calculated at a rate of one half of one percent for each six months of service up to a maximum of ten (10) percent.
- F. In order to be eligible for promotion to rank of Corporal patrolmen must meet the minimum qualification of three years of active consecutive service within the Ottawa Police Department from the date of hire on or before applications are closed for promotion.
- G. In order to be eligible for promotion to rank of Sergeant, applicants must meet the minimum qualification of 18 months of active consecutive service at the rank of Corporal within the Ottawa Police Department on or before applications are closed for promotion.
- H. In order to be eligible for promotion to rank of Captain, applicants must meet the minimum qualification of 12 months of active consecutive service at the rank of Sergeant within the Ottawa Police Department on or before applications are closed for promotion.

SECTION 2 - TOTAL SCORE

A Candidate's total score shall consist of the combined scores of the merit/efficiency rating, written examination and oral examination plus seniority and veteran's preference points. Veterans shall receive 7/10 of one point for each six months or fraction thereof of military or naval service not exceeding 30 months. No person may claim veterans' preference points more than once after receiving a promotion based on veterans' preference points being applied to his score. Such preference points will only be applied at the request of the person seeking it, upon production of valid documentation. Candidates shall take rank upon a promotional eligibility register in the order of their relative excellence as determined by their total score. In the event of a tie score, the placement of the tied candidate's names on the eligibility list shall be determined by lot, in the presence of quorum of the Board, in whatever manner the Board deems appropriate.

SECTION 3 - PROMOTIONAL VACANCY.

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

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

SECTION 1 - RANK.

The order of rank in the police department shall be provided by ordinance and municipal budget.

The order of rank in the fire department shall be provided by ordinance and municipal budget.

SECTION 2 - CLASSIFICATION.

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

SECTION 3 - OATH OF OFFICE.

Before entering duty, any person about to become a member of the Police or Fire 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 on this _____ day of _____, 20____.

NOTARY PUBLIC."

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

CHAPTER VI HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES

SECTION 1 - HEARING OF CHARGES.

- 1) Hearings before the Board are not common law proceedings. The provisions of the "Code of Civil Procedure" or "Code of Criminal Procedure" do not apply to hearings before the Board.
- 2) "Counsel" as used herein means an attorney at law who is a member in good standing with the Illinois Supreme Court.
- 3) No rehearing, reconsideration, modification, vacation or alteration of a decision of the Board shall be allowed, except upon good cause shown by a party to the hearing, or by the Board in the sound exercise of its discretion.
- 4) For purposes of the following section, "Cause" is some substantial shortcoming that renders continuance in employment in some way detrimental to the

discipline and efficiency of the public service and/or something that the law and sound public opinion recognize as cause for the officer no longer occupying his position. The right to determine what constitutes cause shall be determined by the Board.

- 5) The Board recognizes that collective bargaining agreements between employees of the Fire and Police Departments and the City may determine the manner in which disciplinary matters may be brought before the Board for action. The party initiating proceedings before the Board shall bear the burden of proof on the matter in issue, and such burden shall be by a "preponderance of the evidence" standard. The criminal standard of proof, "beyond a reasonable doubt," will not apply, even in matters constituting a crime.
- 6) The phrase "preponderance of evidence" is defined as the greater weight of the evidence, that is to say, it rests with the evidence which, when fairly considered produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.
- 7) Probationary public officers and firefighters 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.
- 8) All hearings shall be public, in accordance with the Open Meeting Act, except that deliberations of the Board may take place in closed session.
- 9) At the time and place of hearing both parties may be represented by counsel if they so desire.
- 10) All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter employed by the Board.
- 11) No hearings will be transcribed by the court reporter unless requested to do so by the Board or any party of interest. Costs in transcribing any hearing shall be paid by the party requesting it.
- 12) All witnesses shall be sworn prior to testifying and the matter will be decided by the Board solely on evidence presented at the hearings.
- 13) The party bearing the burden of proof at any disciplinary action shall present evidence and witnesses first. The defending party will then be allowed to present evidence and witnesses. Each party will be allowed reasonable

cross-examination of the opposing party's witnesses. The Board will set limits on the presentation of opening statements and closing arguments. The overall goal will be to provide a full and fair hearing to both parties.

SECTION 2 - HEARING PROCEDURE.

- 1) Complaints and Appeals: All complaints and appeals to this Board shall be made in writing, setting forth a plain and concise statement of the facts upon which the complaint or appeal is based. Any appeal of discipline imposed upon a policeman or firefighter must be submitted to the Board within 5 calendar days unless the collective bargaining agreement for such policeman or firefighter specifies otherwise.
- 2) Probable Cause: The Board shall have the right to determine whether probable cause exists to conduct a full hearing on the merits of the complaint and/or appeal, and may conduct such informal hearings as may be necessary for such purpose. A probable cause determination is not required before a full hearing on the merits of the complaint or appeal can be held.
- 3) Notification of Hearing: After a complaint or appeal is filed in writing with the Secretary of the Board, and any determination of probable cause is conducted, the Secretary of the Board shall notify both parties in writing of the time and place of the hearing of the complaint or appeal. The Board shall determine the manner in which notifications shall be made by either party when communicating with the Board outside of a scheduled meeting. In general, the preference will be for electronic communications such as email to designated recipients.
- 4) Continuances: The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.
- 5) Stipulations: Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, as to evidence or facts. 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 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.

- 6) 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.

- 1) 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.
- 2) 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 a named party. The Board may permit service by email or other electronic communications to designated recipients.

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 City Hall, 301 West Madison Street, Ottawa, 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. The Board may allow for delivery of any notices by email or other electronic communications to designated recipients.

SECTION 6 - FORMS OF PAPER.

- 1) All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
- 2) If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.
- 3) All papers shall be not larger than 8 1/2" x 11" with inside margins of not less than one inch.
- 4) 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.
- 5) 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 done shall be computed by excluding the first day and including the last, unless the last day is Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in the State, and then it shall also be excluded. If the day succeeding such Sunday or holiday is also a holiday or a Sunday then such succeeding day shall also be excluded.

SECTION 8 - SUSPENSION.

- 1) Board may suspend any member of the Fire or Police Department against whom charges have been preferred, pending a hearing of the charges by the Board, but not to exceed thirty (30) days, without pay, at any one time.
- 2) The Chief of the Fire and Police Departments shall have the right to suspend any officer under his command for a period not to exceed five (5) days,

providing no charges on the same offense have been filed and are pending before the Board, and he shall notify the Board in writing within 24 hours of the time of such suspension. Any policeman or fireman 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 had upon such appeal, and due notice given to the Chief of the Department who suspended such Officer, and to the Officer so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal.

- 3) Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the officer so suspended receive his pay for the period involved, may suspend the officer for a period of not more than thirty (30) days, or discharge him, depending on the evidence presented.
- 4) In the event that the above provisions conflict with provisions clearly set forth in collective bargaining agreements in effect at the time a complaint and/or appeal is brought before the Board, the provisions of the bargaining agreement shall govern.

SECTION 9 - DISCHARGE OR SUSPENSION AFTER HEARING.

- 1) Discharge from office, or suspension from service in the Fire or Police Departments 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, unless such discharge or suspension conflicts with the clearly stated provisions of a collective bargaining agreement in effect at the time a complaint and/or appeal is presented to the Board.
The Board shall make its findings of record within a reasonable time after the hearing is completed.

SECTION 10 - DATE OF HEARING.

The date and time for the hearing of any disciplinary matters shall be set by the Board in its sound discretion, after due consideration of the seriousness of the discipline sought to be imposed and the preferences of the parties., Continuances may be granted from time to time upon motion of any party or by the Board on its own motion.

SECTION 11 - FINDINGS AND DECISIONS.

In case any member of the Fire or Police Departments shall be found guilty of the charges preferred 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 appeal, the Board may sustain the action of the Chief, may reverse it, in whole or in part, or may suspend the officer or firefighter for an additional period of not more than thirty (30) days or discharge him depending on the facts presented.

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

SECTION 12 - RULES - CONFLICT.

In the event of conflict between provisions of the collective bargaining agreements and the Rules of the Board, the Board shall apply the provisions of the agreements to the extent those provisions are clearly stated. Because the Board is not able to determine the intent of the parties when drafting those agreements, any ambiguities between the collective bargaining agreements and the Rules of the Board shall be resolved in favor of the Rules of this Board.

SECTION 13 - VIOLATION OF RULES.

Conduct unbecoming of an officer or firefighter, or violation of any rules or general orders of either department may be the basis for disciplinary action before the Board.

SECTION 14 - VIOLATION OF LAW.

Violations of federal, state or municipal law may be the basis for disciplinary action before the Board.

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

SECTION 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, 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 4 - POLITICAL CONTRIBUTIONS

No member of the fire department or police department of the City of Ottawa, Illinois shall be under any obligation to contribute funds or to render political service as a condition of employment or promotion. No member of the fire department or the police department of the City of Ottawa, Illinois, shall discharge, promote, reduce or in any manner change the official rank or compensation of any member in such service, or promise or threaten so to do, for withholding or refusing to make any contribution of money or service or any other valuable thing for any political purpose, or in any other manner, directly or indirectly, use his official authority or influence to compel or induce any other person to pay or render any political assessment, subscription, contribution or service.