



**THE CITY OF LAKE FOREST
BOARD OF FIRE AND POLICE COMMISSIONERS**

RULES AND REGULATIONS

As Amended
Effective September 1, 2018

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THE CITY OF LAKE FOREST

BOARD OF FIRE AND POLICE COMMISSIONERS RULES AND REGULATIONS

CHAPTER I: ADMINISTRATION

Section 1. Source of Authority.

The Board of Fire and Police Commissioners of The City of Lake Forest derives its power and authority from Article 10, Division 2.1 of the Illinois Municipal Code, 65 ILCS 5/10-2.1-1 *et seq.*, as well as the City's home rule powers under Article VII of the Illinois Constitution.

Section 2. Definitions; Usage Rules.

A. Definitions. For the purposes of these Rules, the following terms shall have meanings herein ascribed to them:

1. Act: The Illinois Board of Fire & Police Commissioners Act, 65 ILCS 5/10-2.1-1 *et seq.*, as well as any amendments thereto, or any successors acts of the State of Illinois.
2. Board: The Board of Fire and Police Commissioners of the City.
3. City: The City of Lake Forest, County of Lake, State of Illinois, being a home rule Illinois special charter municipal corporation.
4. City Officer: All Firefighters and Police Officers of the City.
5. Corporate Authorities: The Mayor and City Council of the City.
6. Fire Chief: The Chief of the Fire Department.
7. Fire Department: The duly constituted Fire Department of the City.
8. Firefighter: Any person holding a permanent, full-time sworn office in the Fire Department, except the Fire Chief.
9. Minutes: The official record of business conducted by the Board as required by the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.*
10. Police Chief: The Chief of the Police Department.
11. Police Department: The duly constituted Police Department of the City.
12. Police Officer: Any person holding a permanent, full-time sworn office in the Police Department, except the Police Chief.
13. Probationary Employee: Any person who accepts an entry level position as a City Officer during his or her probationary period of service with the City, which probationary period is set forth in Chapter VI, Section 3 of these Rules.
14. Promotional Register of Eligibles: A ranking of qualified candidates for promotion to a higher rank within the Fire or Police Department based on various elements of the examination process

for promotional candidates. There shall be a separate ranking for the Fire Department and for the Police Department.

15. Register of Eligibles: A ranking of employable candidates based on various elements of the examination process for new candidates for the Fire or Police Department. There shall be a separate ranking for the Fire Department and for the Police Department.
 16. Rules: These Rules and Regulations of the Board.
 17. Service: Employment by the City as a Firefighter or Police Officer.
- B. Usage. The masculine noun or pronoun includes the feminine. The singular includes the plural and the plural includes the singular.

Section 3. Officers of the Board; Duties.

The members of the Board shall be appointed by the Mayor, subject to the consent of the Corporate Authorities, in accordance with the Act and other applicable laws. Unless otherwise provided by the Corporate Authorities, the Mayor shall appoint, subject to the consent of the Corporate Authorities, a Chairperson of the Board, who shall hold office until his or her successor is duly appointed and qualified. The Chairperson shall be the presiding officer at all meetings, unless the Chairperson is absent, in which case the Board Member with the longest tenure on the Board shall be the presiding officer. If the remaining Board Members have the same tenure, the presiding officer shall be chosen by lot. The City's Director of Human Resources serves as Secretary to the Board. The Secretary shall (1) keep the minutes of the Board's proceedings, (2) be custodian of all records pertaining to the business of the Board, (3) keep a record of all examinations held, (4) perform all other duties the Board prescribes, and (5) be custodian of the seal (if any) of the Board.

Section 4. Meetings.

- A. Regular Meetings. Meetings of the Board shall be held at such times as the Board may determine.
- B. Special Meetings. Special meetings of the Board may be called by the Chairperson or by any two members of the Board upon the filing of a notice with the Secretary of the Board. This notice shall contain an agenda to be submitted for the consideration of the Board at such special meetings and shall set forth the time and place of such special meeting. No business other than the business stated on such agenda shall be considered at such special meeting.

Notice of any special meeting shall be given in writing at least 48 hours in advance of the meeting in the manner provided by law.

- C. Compliance with Open Meetings Act. The scheduling, notice, and conduct of all meetings of the Board shall comply with the requirements of the Illinois Open Meetings Act.
- D. Procedural Rules. To the extent not otherwise provided in these Rules or otherwise determined by the Board, the parliamentary procedures prescribed in the most recently revised edition of Robert's "Rules of Order" shall apply to the Board as far as applicable and practicable.

Section 5. Quorum.

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

Section 6. Attorney for the Board.

Unless the Corporate Authorities expressly provide otherwise, the City Attorney shall represent the Board in all matters. Unless the Board expressly provides otherwise, the City Prosecutor shall handle prosecutions before the Board.

Section 7. Authority of the Board.

These Rules shall apply only to the conduct of examinations for original appointments and promotions and to the conduct of hearings on charges and statements of cause brought against a member of the Fire Department or Police Department.

Section 8. Amendments to Rules.

An amendment to these Rules may be made at any meeting of the Board. All amendments shall be printed for distribution, and notice thereof shall be given of the place or places where the Rules, including such amendments, may be reviewed and obtained. Such notice shall be published in a newspaper of general circulation in the City. Such notice shall specify the date, not less than 10 days subsequent to the date of such publication, when the Rules, as amended, shall become effective.

Section 9. Personnel Presently Employed.

Any full-time Firefighter or Police Officer currently in the service of the Fire or Police Department shall be considered to have successfully passed all examinations for employment as a Firefighter or Police Officer of the City (as the case may be) at the time the City adopts these Rules.

Section 10. Administrative Personnel Rules.

Nothing in these Rules shall be construed to limit the authority of the City Manager, or the Chief of the Fire or Police Department to issue and enforce policies and procedures in carrying out the day-to-day operations of either Department. Regulations, rules, general orders and standards of conduct of the Fire and Police Departments, Personnel Policies and Practices of the City, and any collective bargaining agreements ratified by the Corporate Authorities, and as may be amended from time to time, shall be in addition to and supplementary of these Rules, except for those provisions in conflict with the applicable provisions of the Act, other applicable laws, or the Rules. In the event of any conflict between the Rules and either the Act or an applicable provision of a collective bargaining agreement, the Act or the collective bargaining agreement shall control. Notwithstanding the foregoing, nothing herein shall be construed as modifying the procedures set forth in the Act providing for review of the Board's actions under the Administrative Review Law.

Section 11. Governing Law.

These Rules, and any actions taken pursuant to such Rules, shall be governed by Illinois law. Any provision of these Rules in conflict with any applicable federal, State of Illinois, or City constitution, charter, statute, ordinance, or regulation shall be null and void.

Section 12. Severability.

The several provisions of these Rules shall be severable in accordance with the following rules:

- A. Conflict. If any provision of these Rules is rendered invalid due to a conflict with other applicable law, such fact shall not affect any other provision of these Rules.

- B. Facial Invalidity. If any court of competent jurisdiction shall adjudge any provision of these Rules to be invalid, such judgment shall not affect any other provision of these Rules.
- C. Invalidity As Applied. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these Rules to a particular case, such judgment shall not affect the application of that same provision to any other particular case having different facts or circumstances.

Section 13. Annual Reports and Budget Request.

The Board shall submit an annual report of its activities as required by Section 10-2.1-19 of the Act, which report shall include:

1. a report of the Board's activities, rules in force, and practical effect thereof; and
2. any suggestions of the Board for the greater efficiency of the Fire or Police Department; and
3. an annual budget request to the Corporate Authorities prior to the end of the fiscal year.

CHAPTER II: APPLICATIONS FOR ENTRY LEVEL FIREFIGHTERS AND POLICE OFFICERS

Section 1. **Citizenship; Residence.**

Applicants for entry level examination must be citizens of the United States, or non-citizens who qualify as a “protected individual” pursuant to 8 U.S.C. §1324b(a)(3)(B). Any person who becomes a member of the Fire or Police Departments who is not a resident of the City must live within a distance of the Public Safety Building that complies with the City's Personnel Policies or applicable collective bargaining agreements.

Section 2. **Application Documents.**

- A. Forms; Compliance. Every application for an entry level position shall be filed on forms furnished by the Board. Every applicant must comply with the requirements of said form in every respect. Applications must be filed with the Secretary of the Board in a timely manner prior to taking examination.
- B. Military Papers. The applicant shall furnish with his or her application a copy of his or her military service record and discharge papers, if any.
- C. False Statements. All applications must be signed by the applicant and the applicant shall acknowledge the truthfulness of the application. Any 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 any examination shall be regarded as good cause for rejection of the application and exclusion from the examination. In addition, the Board may remove City Officers upon ascertaining that false statements had been made or materials facts had been misrepresented to the Board in the application.
- D. Testing Consortium. The Board may elect to participate in a testing consortium, in which event the procedures of the consortium shall be followed.

Section 3. **Disqualification.**

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

- 1. who is found lacking in any of the established requirements for the service for which he or she applies; or
- 2. who is currently using narcotics or drugs or who is addicted to the use of narcotics, drugs, or intoxicating beverages and is not currently in a rehabilitation program for such addiction; or
- 3. who has been convicted of a felony, or any crime involving moral turpitude, or any misdemeanor described in Section 10-2.1-6 of the Act; or
- 4. who has been dismissed from any public service for good cause; or
- 5. who does not possess a high school education or its equivalent; or
- 6. who has attempted to practice any deception or fraud in his or her application; or
- 7. who has failed, or failed to complete, any element of the application process or the examination process; or

8. who does not have a current valid driver's license or the ability to obtain a license.

Any applicant deemed disqualified hereunder shall be notified by the Board and, on justifiable written request made by the applicant within five days after the giving of such notice, shall be given the opportunity to be heard.

Section 4. Defective Applications.

It is the responsibility of the applicant to submit a complete application. Incomplete or inaccurate applications shall, upon request, be returned to the applicant for correction or completion, provided the applicant is otherwise qualified for the position sought. Refiling of said application shall constitute an original filing. Defective or incomplete applications shall be grounds for disqualification.

Section 5. Special Qualifications.

If the application for examination for a position requires special qualification, the Board may require evidence of special training or practical experience. Any such special requirement should be stated in the applicable notice of examination.

Section 6. Physical and Medical Examinations; Vision Requirements.

In addition to the other examination elements set forth in these Rules, applicants for original appointment shall be required to submit to physical and medical examinations, including without limitation a vision examination, by a licensed physician appointed or otherwise approved by the Board. Applicants must have vision correctable to a minimum of 20/25 with corrective lenses. The examination will test the applicant for (a) Central Visual Acuity, (b) Field of Vision, (c) Color Vision (for police), (d) Fusion, (e) past or present disease. A determination by the doctor that an applicant does not meet the standards set forth in this Section or would affect the applicant's performance as a City Officer shall be grounds for disqualification. The standards for vision are:

- A. Central Visual Acuity: Corrected vision to 20/25. Refractive error not in excess of plus or minus 8 diopters in any meridian.
- B. Field of Vision: 30⁰ all directions, standard tangent, or 90⁰ temporal or 50⁰ nasal.
- C. Color Vision: Police candidates must be able to adequately recognize absolute colors.
- D. Other Limitations: Applicant must have no ocular pathology, past or present, chronic or progressive, that interferes with normal vision.

These standards must be interpreted and any deviations from them must be approved by a qualified eye physician.

Section 7. Age Requirements

Applicants for a position in either the Fire or Police Department shall be not less than 21 years of age nor 35 years of age or older; provided, however, that an applicant satisfying any of the exceptions from the maximum age limit as set forth in Section 10-2.1-6(a), 10-2.1-6(d), or 10-2.1-6.3(c) of the Act may be considered for an appointment to active duty of the Fire or Police Department, as applicable.

If a person placed on a Register of Eligibles becomes over age before he or she is appointed to the Police or Fire Department, the person remains eligible for appointment until the list is abolished pursuant to

authorized procedures. Otherwise, except as set forth in Section 10-2.1-6(a), 10-2.1-6(d), or 10-2.1-6.3(c) of the Act, no person who has attained the age of 36 years shall be inducted as a member of the Police Department and no person who has attained the age of 35 years shall be inducted as a member of the Fire Department, except as otherwise provided in the Act.

Proof of birth date will be required before appointment.

Section 8. Additional Application Requirements.

- A. Physician's Statement. An applicant may be required to deliver to the Secretary of the Board an executed physician's certificate signed not earlier than six months prior to the date of the application stating that the applicant is physically capable of participating in a strenuous physical agility test.
- B. Release of Records. All applicants shall execute and deliver to the Board a release of all records and reports that may be required to determine the eligibility of an applicant for employment with the City.
- C. Release of Liability. In consideration of being admitted to the examination process, all applicants shall execute and deliver to the Board a waiver and release on a form prescribed by the Board, of any and all liability resulting from participation in the examination.

Section 9. Admission to Examination.

No person shall knowingly be admitted to an examination who does not meet the minimum qualifications fixed for the position sought. The fact that a person is admitted to any examination shall not be considered as evidence that he or she is qualified or eligible for said examination or for the position sought.

Section 10. Disclaimer of Right or Interest in Applicant.

Neither the filing of an application, nor the acceptance of application, nor an applicant's satisfaction of any general or special qualification for filing an application or for being admitted to an examination, nor anything else in these Rules shall be construed as creating any vested, property, liberty, or other right or interest in any person to apply for, be examined for, or be appointed to any position in the Fire or Police Department.

CHAPTER III: EXAMINATIONS FOR ENTRY LEVEL POSITIONS

PART A: ENTRY-LEVEL POLICE POSITIONS

Section 1. Notice of Examinations.

Examinations for entry level positions shall be held on the dates fixed by the Board. Notice of the time and place of such examinations, the position for which such examination is being conducted, the general scope of the examination, merit criteria for any subjective component of the examination, and any fee for such examination shall be published at least two weeks preceding the examinations in one or more newspapers published in the City in accordance with the Act, on the City's website [www.cityoflakeforest.com], as well as in such other publications as the Secretary or Board may deem appropriate. Examinations may be postponed, however, by order of the Board, which order shall state the reason for such postponement and shall designate a new date for the examination. Such order shall be placed in the Minutes of the Board as a part of the official record.

Section 2. Examination Calls.

The Board shall call examinations to create registers of persons eligible for an entry-level position in the Police Department. All calls for examination shall be public, competitive, and free to those who are otherwise qualified (unless a fee is expressly established by the Board in issuing a notice of examination). The Secretary shall not accept applications for an entry level position until a notice of examination has been published.

Section 3. Type of Examinations.

The subject matter for written and oral examinations shall be practical in character and relate to those matters that will fairly test the capacity of the applicant to discharge the duties of the position to which the applicant seeks appointment in terms of mental aptitude, physical ability, moral character, health, and (when applicable) experience. No examination shall contain questions regarding the applicants' political or religious opinions or affiliations, and no consideration shall be given to such matters under any circumstances.

Section 4. Test Procedures.

- A. In General. Examinations will be conducted by the Board or by agents or consultants directed by the Board to preserve the integrity of the examination. All instructions relating to the duration of any element of the examinations and information required to complete such element will be explained prior to the start of that element of the examination.
- B. Examination Papers. Upon completion of any element of the examination, all applicants will return all papers to the Board's Secretary or designee, who will have the responsibility to safeguard all papers. All applicants will be notified within a reasonable length of time as to their scores on the written element of the examination. All examination papers shall be and shall remain the property of the Board.
- C. Finality. The grading of each and every element of the examination shall be determined by the Board, and such grading shall be final and conclusive and not subject to review by any other Board or tribunal.

Section 5. Re-examination.

No person who has failed to pass an examination shall be re-examined within three (3) months from date of such failure.

Section 6. Examination Elements and Scoring.

Examinations shall consist of multiple sequential elements. The failure to achieve the minimum passing grade for any element of any examination shall disqualify the applicant from any further participation in the examination process. Examinations shall be based on a 100-point scale, plus preference points. Examinations shall include the following elements and minimum passing grades:

<u>Examination Element</u>	<u>Minimum Passing Grade</u>
A. Orientation Session	Pass or Fail
B. Short-Form Application	Pass or Fail
C. Written Examination	30 of 45 points*
D. Physical Agility Test	Pass or Fail
E. Preliminary Oral Test by Department	Pass or Fail
F. Initial Oral Test by Board	1 of 55 points
G. Long-Form Application and Preliminary Background Check	Pass or Fail
H. Establishment of Preference Points	As provided in Act
I. Behavioral Analysis	Pass or Fail
J. Polygraph Test	Pass or Fail
K. Detailed Character and Background Investigation	Pass or Fail
L. Final Oral Test by Board	Pass or Fail
M. Medical and Drug Screening Tests	Pass or Fail

* *The minimum score shall be supported by appropriate validation evidence and shall comply with all applicable State and Federal laws. This minimum score may be adjusted from test-to-test based on a statistical analysis by the testing agency to comply with this requirement.

Unless otherwise provided, the Board shall determine whether an applicant has successfully passed any discrete element of the examination.

Section 7. Determination of Each Step in Selection Process.

- A. Orientation Session: Unless the Board determines in advance that the orientation session is optional, all applicants shall attend any mandatory orientation session designed to explain the responsibilities of the position they seek and pertinent information about the department. Information regarding online login access to the application will be provided at the orientation session. The Board may decide from one test to the next whether the orientation session is optional or mandatory, and shall notify candidates in the notice whether or not the orientation session is mandatory. If the Board determines the orientation session is voluntary, then all candidates shall be deemed to “pass” this component of the selection process. If the orientation session is voluntary, any candidate’s choice not to attend the orientation session shall not in any way excuse the candidate’s failure to meet deadlines or attain competitive scores on any other component of the examination.
- B. Short-form Application. The short-form application is to provide basic contact and other relevant information about the applicant. Unless an applicant is not qualified for appointment based on the information provided, the applicant shall pass this element of the examination.
- C. Written Examination. Each applicant for any entry level position who has successfully passed all prior elements of the examination shall submit himself or herself for a written test. The written test shall be conducted by the Board or by such person as the Board may designate. The tests shall be

police aptitude tests to ascertain the applicant's general abilities. The written test shall be graded by the Secretary or his or her designee, and the results shall be submitted to the Board.

- D. Police Physical Agility. Police Officer applicants who have successfully completed all prior elements of the examination process shall be required to successfully complete the POWER course, which is the standard used by the Police Academy for determining the physical ability of applicants to perform the duties required of a Police Officer. All applicants must have a certification they have passed the POWER course within the twelve months prior to the date of the initial oral test. Applicants must bring proof of passing this POWER course to their oral test
- E. Optional Preliminary Oral Test by Department. The Board may elect to schedule a preliminary oral test to be conducted by the Chief of the Police Department or his designee(s). The Board may elect to wait until it knows the number of candidates that have passed all prior elements prior to deciding whether to include this component of the selection process. If the Board includes a preliminary oral test by the Department, the Department will ask questions of the applicants that will enable the Department to evaluate the applicants on speech, alertness, ability to communicate, judgment, emotional stability, intellectual skills, self-confidence, and general fitness for the position. A person failing the oral test shall receive a score of zero points.
- F. Initial Oral Test. Each applicant for an entry level position who has successfully passed all prior elements of the examination shall submit himself or herself for an oral test when so directed by the Board. At least one member of the Board shall be present to conduct an oral test, in addition to any other City official invited by the Board. The examiners may ask questions of the applicants that will enable the examiners to evaluate the applicants on speech, alertness, ability to communicate, judgment, emotional stability, intellectual skills, self-confidence, and general fitness for the position. A person failing the oral test shall receive a score of zero points.
- G. Long-Form Application/Preliminary Background Check. Each applicant who has successfully passed all prior elements of the examination shall complete a separate application form that goes into great detail of the applicant's personal history to be reviewed by the Board, Police Chief, and used as the basis for a background investigation. In addition, applicants shall be fingerprinted and photographed for the purpose of conducting the background investigation. The investigations shall review available data and information related to the applicants' compliance with the general qualifications and criteria for the position being sought. The results of the preliminary background investigation shall be submitted to the Board for evaluation.
- H. Establishment of Preference Point Credits.
1. In General. Following the scoring of the initial oral test element of the examination, composite numeric scores of all applicants for an entry level position who have successfully passed all prior elements of the examination shall be calculated and posted as a preliminary eligibility list of entry level applicants. Such applicants shall have ten calendar days after the posting of such preliminary eligibility list to claim any preference points authorized under paragraph 2 of this Subsection 7.G of Part A of Chapter III of these Rules, which claim shall be delivered in writing to the Secretary with all evidence of qualification for such preference points. Applicants who fail to submit a complete and timely claim for preference points shall be deemed to have waived their right to receive such preference points. The Secretary may establish forms for the submission of a proper request for preference points. After all claims for preference points are evaluated and established, the Board shall cause the composite numeric scores of applicants to be adjusted to reflect the appropriate preference points and thereupon establish the Register of

Eligibles.

2. Authorized Preference Points. Preference points for applicants for an entry level position are as follows:

a. Veteran's Preference. A veteran is a person who is or was "engaged in the active military service of the United States for a period of at least one year" and who either:

- (i) was honorably discharged from such service; or
- (ii) is now or hereafter may be inactive or reserve duty in such military service.

No preference points are awarded to a candidate who does not fully satisfy the criteria for a veteran. Any candidate who qualifies as a veteran may receive **five (5) preference points** on his or her examination grade. Preference points under this provision are intended to be consistent with the preference points made available under 65 ILCS 5/10-2.1-8.

b. Education and Training Preference. A candidate that fully satisfies the criteria for one or more of the categories below may receive preference points for "education and training," with the amount of points dependent on the category so satisfied. A candidate can only be awarded preference points for one of the categories below, although claims for points may be made under multiple categories. Where a candidate qualifies for preference points from multiple "education and training" categories, the category yielding the highest total points will be applied.

- (i) The candidate has successfully obtained an associate's degree in the field of law enforcement, or criminal justice. Satisfaction of the criteria for this category shall entitle the candidate to **three (3) preference points**; except that no candidate may claim preference points under this category who also qualifies for the veteran's preference.
- (ii) The candidate has successfully obtained a bachelor's degree from an accredited college or university. Satisfaction of the criteria for this category shall entitle the candidate to **five (5) preference points**; except that no candidate may claim preference points under this category who also qualifies for the veteran's preference.
- (iii) The candidate has been awarded a certificate of completion of the Minimum Standards Basic Law Enforcement Training Course (as provided by statute) and is currently serving as a law enforcement officers in Illinois (whether part-time or full-time). Satisfaction of the criteria for this category shall entitle the candidate to **five (5) preference points**, which preference points may be in addition to any veteran's preference points.

c. The candidate has participated in the City's police explorer or police cadet program and has been recommended for placement in a law enforcement position by that program. Satisfaction of the criteria for this category shall entitle the candidate to **two (2) preference points**, which preference points may be in addition to any veteran's preference points.

No preference points shall be awarded to a candidate who does not fully satisfy the criteria for education and training category for which preference points are sought.

- I. Behavioral Analysis. Upon request of the Board, each applicant for an entry level position who has successfully passed all prior elements of the examination and to whom a conditional offer of employment has been made will submit to one or more psychological tests from a licensed examiner selected by the Board. The Board may select at any given time the top three applicants to take the Behavioral Analysis based on anticipated hiring needs; the applicants so tested shall be selected based on their ranking on the Register of Eligibles. These tests will be given to determine the applicant's mental alertness, emotional stability, maturity, and general fitness to perform all the requirements of the position being sought. The psychological tests shall be given solely to determine an applicant's suitability for the position for which he or she is applying. The examiner shall prepare and submit a report of the examination to the Board for its evaluation.
- J. Polygraph Test. All applicants on the Register of Eligibles who have completed the Initial Behavioral Test shall take a polygraph test from a licensed examiner selected by the Board and shall be tested in the areas pertaining to honesty, use of narcotics and dangerous drugs, use of alcohol, gambling, criminal history of detected and undetected crimes, associations with criminal persons or organizations, and suitability of an applicant for the position being sought. The examiner shall prepare and submit a report of the examination to the Board for its evaluation.
- K. Detailed Character and Background Investigation. For those applicants who have successfully completed all prior elements of the examination process, the Police Chief shall conduct a detailed character and background investigation to review the applicant's employment history, references, educational background, criminal record history, credit history, litigation history, military record, driving record, neighborhood and community standing and service, and such other data and information pertinent to a proper review and analysis of the applicant. The results of such investigation shall be submitted to the Police Chief for review, and such results and reviews shall be submitted to the Board for evaluation. This investigation may be scheduled simultaneously with the scheduling of the Polygraph test as provided in Subsection H above. If the Board determines that the time and expense of conducting a pre-offer detailed character and background test would be unreasonable, the Board may schedule the character and background test to be conducted simultaneously with or after the medical and drug screening examinations, provided the protections described in Paragraph K below are followed.
- L. Final Oral Test. Each applicant for an entry level position who has successfully passed all prior elements of the examination shall be subject to a final oral test before the Board and such other parties, if any, as the Board may designate to participate in administering the test. Unless otherwise requested by the Board, such final oral test will ordinarily be waived. When a final oral test is requested, an applicant shall be asked questions that will enable the examiners to further evaluate and grade him or her on subjects probed in the initial oral test, on problem solving and decision-making abilities, and on any material matters raised in the detailed background check or other elements of the examination.
- M. Medical and Drug Screening Examinations. Each applicant for an entry level position who has successfully passed all prior elements of the examination and to whom a conditional offer of employment has been made shall submit himself or herself for a medical examination, including a vision examination consistent with the standards set forth in these Rules and drug screening, by a licensed physician designated by the Board for the purpose of determining fitness for, and physical ability to perform, all of the duties of the position for which he or she is applying. The results of these examinations shall be submitted to the Board for its evaluation. A positive result on a confirmatory drug-screening test shall be a sufficient basis for a determination by the Board that an applicant has failed the medical examination. Each applicant shall be responsible for advising the Board of any change in his or her physical condition subsequent to the medical examination. The Board may

choose to discuss such results with the applicant, and may invite necessary City officials to participate in the discussion, to determine whether any reasonable accommodations could be made so that the candidate could perform all essential job functions. The Board, in its discretion, may require an applicant to submit to a follow-up medical examination prior to appointment to a position. Copies of such examination will be made available to the appropriate pension board for their particular use after release by the applicant. Any applicant who does not successfully complete this element of the examination process will have his or her conditional offer of employment rescinded.

If the Board conducts the detailed character and background check simultaneous with or after the medical and drug screening examinations, information regarding the medical and drug screening examinations shall not be shared with any individual responsible for conducting the character and background check.

Section 8. Equal Opportunity Employer

The City of Lake Forest is an Equal Opportunity Employer and employs without regard to sex, sexual orientation or gender identity, race, color, national origin, religion, age, handicap, or any other category protected by law. To that end the examination processes in these rules shall be designed and administered so as to test merit and fitness for the duties of the employees covered by these rules and to minimize adverse impacts on any particular group (except where a bona fide occupational qualification exists).

Section 9. Finality

All examination papers shall be and become the property of the Board or the Board's designee and the grading thereof by the Board shall be final and conclusive and not subject to review by this board or any board or tribunal of any kind or description.

PART B. POLICE POSITIONS--LATERAL APPOINTMENTS

Section 1. Purpose; Scope; Applicability.

- A. The City of Lake Forest recognizes the need to expand the pool of eligible candidates for appointment as Police Officers to include trained individuals whose knowledge, skills, abilities, and level of experience meet specific and defined needs of the Police Department.
- B. When the Police Chief identifies a need for lateral appointment due to special or unique circumstances that are not addressed by the rank order of candidates on the register of eligibles established by the Board pursuant to Chapter III, Part A of these Rules, the Police Chief may request the Board to solicit applications for lateral appointment to the position of Police Officer.
- C. In such circumstances that the Police Chief has requested, and the Board has determined, to solicit applications for lateral appointment, the provisions of this Part B shall apply and shall supersede the examination and appointment provisions in Part A of this Chapter and related provisions in Chapters V and VI of these Rules.
- D. It is intended that the call for, evaluation of, and ultimate appointment of a lateral candidate having particular knowledge, skills, abilities, and level of experience will be a more streamlined process that will enable the Police Department to address critical functional and staffing needs expeditiously.

Section 2. Call for Qualified Lateral Appointment Candidates.

Upon receiving a request from the Police Chief to solicit applications for lateral appointment, the Board shall consider the nature of the knowledge, skills, abilities, and level of experience needed to address special or unique circumstances within the Police Department. Lateral appointments will ordinarily be limited to those areas of special knowledge, skills, abilities, and experience identified in Appendix A to these Rules. If the Board determines that the current register of eligibles does not address such needs in the rank order of candidates, the Board may by majority vote determine to solicit applications for lateral appointment, which determination shall set forth the particular knowledge, skills, abilities, and level of experience required in connection with such solicitation of applications.

Section 3. Notice of Call for Qualified Lateral Appointment Candidates.

Following a determination by the Board that it is appropriate to solicit applications for lateral appointment, notice of such solicitation of applications (including the time by which applications must be delivered, the place where applications are to be delivered, the particular knowledge, skills, abilities, and level of experience required of applicants, the general scope of any examination or review to be conducted, and any fee for such application or examination) shall be published at least two weeks preceding the application deadline on the City's website [www.cityoflakeforest.com], in one or more newspapers published in the City, as well as in such other publications as the Secretary or Board may deem appropriate. The Secretary may also, upon request of the Police Chief, direct such notice to particular individuals in other police departments who may possess the particular skills and level of experience required. The Secretary shall not accept applications for a lateral appointment until a notice of solicitation of applications has been published.

Section 4. Applicant Qualifications.

An applicant for lateral appointment must:

- (a) possess the particular knowledge, skills, abilities, and level of experience required pursuant to the call for qualified lateral appointment candidates;
- (b) hold a current certificate of completion of the Minimum Standards Basic Law Enforcement Training Course, as provided by statute; and
- (c) either:
 - (i) be currently employed and in good standing as a police officer with an Illinois law enforcement agency, which employment shall be for a period of at least two continuous years; or
 - (ii) if not currently employed by an Illinois law enforcement agency, shall have served as a police officer with an Illinois law enforcement agency for a period of at least two continuous years and has left the service of such agency in good standing within the two years preceding the submission of an application for lateral appointment.

A person currently ranked on a register of eligibles with the City may apply for a lateral appointment.

Section 5. Examination and Selection Process for Lateral Appointment

- A. General Qualifications. Applicants for a lateral appointment must meet the minimum requirements for applicants as set forth in Chapter II of these Rules.
- B. Initial Assessment of Applications. All applications for lateral appointment will be filed with the Secretary (or the Secretary's designee) and forwarded to the Police Chief. The Police Chief (or the Chief's designee) will review the applications to identify applicants having the requisite knowledge, skills, abilities, or level of experience identified in the call for qualified lateral appointment candidates. Those applicants having the requisite knowledge, skills, abilities, or level of experience (and, depending on the number of applicants with such knowledge, skills, abilities, or level of experience, appearing to be the most qualified applicants) will be requested to appear for a pre-screening review.
- C. Pre-Screening Review. Those applicants who have been requested to attend a pre-screening interview will undergo a pre-screening review performed by the Police Chief or the Chief's designee(s). The pre-screening review will consist of a structured interview, preliminary background investigation, and an assessment of the knowledge, skills, abilities, and level of experience, education, and training.
 - 1. Structured Interview.
 - a. A staff interview panel comprised of a member of the Senior Administrative Staff of the Police Department, a front-line road supervisor (commander or sergeant), and a Police Officer will be selected by the Police Chief to conduct the structured interview.
 - b. Interview questions will enable the staff interview panel to evaluate the applicant's knowledge, skills, abilities, and level of experience, education, and training, as well as the previous duties of the applicant. A set of initial questions will be developed,

maintained, and utilized for all staff interview panels in connection with a call for lateral appointment, although follow-up questions may be asked to clarify any responses, or to better assess the application or resume of the candidate.

- c. Following the conclusion of the interview, the staff interview panel will assess the applicant's qualifications in light of the particular knowledge, skills, abilities, and level of experience needed for the position to be filled. The staff interview panel will grade each such applicant and recommend either "Immediately Recommended for Oral Interview" or "Not Recommended at This Time."
2. Preliminary Background Investigation.
 - a. Those applicants that are rated "Immediately Recommended for Oral Interview" will be asked to provide further evidence of their background and work history, as well as their knowledge, skills, abilities, and experience. Requested evidence may include without limitation the applicant's birth certificate, high school and college diplomas, training certificates, military discharge papers, resume, documents confirming work experience, and employee evaluations.
 - b. The Police Chief (or the Police Chief's designee) will conduct a preliminary background investigation of the applicant prior to the applicant being presented to the Board for an oral interview.
 3. Physical Ability Test. Prior to any oral interview with the Board, an applicant must successfully complete a certified POWER Test from an approved test facility.

D. Oral Interview Before the Board.

1. An applicant for a lateral appointment who has successfully completed the pre-screening review shall be interviewed by one or more members of the Board and the Police Chief (or the Police Chief's designee). This oral interview will involve questions intended to assist the Board in evaluating the applicant's qualifications, training, and previous experience as they pertain to the duties of the position sought.
2. Following the oral interview, the Board members and Police Chief will discuss the applicant's qualifications, training, and previous experience as they pertain to the duties of the position sought.
3. Following the oral interview and discussion of the interviewers, the Police Chief will provide the Board with a recommendation of the applicant.
4. Based on the oral interview and the recommendation of the Police Chief, the Board will grade the applicant on a pass-fail basis and rank all applicants in order of relative excellence.

Section 6. Conditional Offer; Post-Interview Testing.

- A. Additional Examinations. If, following the oral interview before the Board, the Board determines (in consultation with the Police Chief) that additional testing of an applicant is warranted to ensure that an applicant possesses the requisite knowledge, skills, abilities, and experience to perform the position for which the lateral appointment was authorized, the Board shall direct the applicant to undergo such additional testing. An applicant must successfully complete all such additional testing in the determination of the Board in order to be further considered for a lateral appointment.

- B. Eligibility for Conditional Offer of Employment. An applicant who has successfully completed all examination elements shall be eligible for a conditional offer of employment.
- C. Conditional Offers of Employment. The Board shall not extend a conditional offer of employment to any applicant for a lateral appointment until the City Manager has notified the Board that the Board is authorized to fill such position. Upon such notification from the City Manager, the Board may extend a conditional offer of employment for the most qualified applicant eligible to receive such conditional offer of employment, which offer shall be conditioned upon the applicant's successful completion of a psychological fitness examination and medical examination consistent with Sections 7.G, 7.H, and 7.L of Part A of Chapter III of these Rules.

Section 7. Appointments; Probationary Period.

- A. Acceptance of Appointment. The acceptance of a lateral appointment shall be subject to the terms for acceptance of an entry-level position as set forth in Chapter VI of these Rules, except to the extent that the Board determines that elements of acceptance under Chapter VI are not applicable to the acceptance of a lateral appointment.
- B. Probationary Period. A lateral appointee shall be subject to the same probationary term as an entry-level appointee as set forth in Chapter VI of these Rules, except to the extent that the Board determines that such probationary period should be reduced or eliminated.

Section 8. Equal Opportunity Employer

The City of Lake Forest is an Equal Opportunity Employer and employs without regard to sex, sexual orientation or gender identity, race, color, national origin, religion, age, handicap, or any other category protected by law. To that end the examination processes in these rules shall be designed and administered so as to test merit and fitness for the duties of the employees covered by these rules and to minimize adverse impacts on any particular group (except where a bona fide occupational qualification exists).

Section 9. Finality

All examination papers shall be and become the property of the Board or the Board's designee and the grading thereof by the Board shall be final and conclusive and not subject to review by this board or any board or tribunal of any kind or description.

PART C: ENTRY-LEVEL FIREFIGHTER POSITIONS

Section 1. Notice of Examinations.

Examinations for entry level firefighter positions shall be held on the dates fixed by the Board. Notice of the time and place of such examinations, as well as the position for which such examination is being conducted, shall be published at least two weeks preceding the examinations on the City's website [www.cityoflakeforest.com]. The notice will include:

- any fees that will be charged to cover the application and testing costs
- the time period through which applications will be accepted
- the time, place, general scope, merit criteria for any subjective component of the examination
- criteria necessary for being awarded preference points
- positions that are expected to be filled

Examinations may be postponed, however, by order of the Board, which order shall state the reason for such postponement and shall designate a new date for the examination. Such order shall be placed in the Minutes of the Board as a part of the official record. The Secretary shall endeavor to forward notice of any examination dates to those persons who have filed a written request with the Secretary within two years prior to an examination call to be notified of any notice of examination.

Section 2. Examination Calls.

The Board shall call examinations to create registers of persons eligible for an entry-level position in the Fire Department. All calls for examination shall be public and competitive to those who are otherwise qualified. The Secretary shall not accept applications for an entry level position until a notice of examination has been published.

Section 3. Type of Examinations.

The subject matter for written and oral examinations shall be practical in character and relate to those matters that will fairly test the capacity of the applicant to discharge the duties of the position to which the applicant seeks appointment. No examination shall contain questions regarding the applicants' political or religious opinions or affiliations, and no consideration shall be given to such matters under any circumstances.

Section 4. Test Procedures.

- In General.** Examinations will be conducted by the Board or by agents or consultants directed by the Board to preserve the integrity of the examination. All instructions relating to the duration of any element of the examinations and information required to complete such element will be explained prior to the start of that element of the examination.
- Examination Papers.** Upon completion of any element of the examination, all applicants will return all papers to the Board's Secretary or designee, who will have the responsibility to safeguard all papers. All applicants will be notified within a reasonable length of time as to their scores on the written element of the examination. All examination papers shall be and shall remain the property of the Board.
- Finality.** The grading of each and every element of the examination shall be determined by the Board, and such grading shall be final and conclusive and not subject to review by any other Board or tribunal.

Section 5. Re-examination.

No person who has failed to pass an examination shall be re-examined within three (3) months from date of such failure.

Section 6. Examination Elements and Scoring.

Examinations shall consist of multiple sequential elements. The failure to achieve the minimum passing grade for any element of any examination shall disqualify the applicant from any further participation in the examination process. Examinations shall be based on a 100-point scale, plus preference points. Examinations shall include the following elements:

<u>Examination Step/Element</u>	<u>Minimum Passing Grade</u>
A. Orientation Session (Mandatory)	Pass or Fail
B. Short-Form Application	Pass or Fail
C. Written Examination	30 of 45 points*
D. Physical Ability Test	Pass or Fail
E. Preliminary Oral Test by Department	Pass or Fail
F. Oral Test by Board	1 of 55 points
G. Initial Eligibility List	
H. Establishment of Preference Points	As provided in Act
I. Final Eligibility Register Posted	
J. Long-Form Application and Preliminary Background Check	Pass or Fail
K. Conditional Offer of Employments	
L. Polygraph Test	Pass or Fail
M. Detailed Character and Background Investigation	Pass or Fail
N. Final Oral Test	Pass or Fail
O. Behavioral Analysis	Pass or Fail
P. Medical and Drug Screening Tests	Pass or Fail

*The minimum score shall be supported by appropriate validation evidence and shall comply with all applicable State and Federal laws. This minimum score may be adjusted from test-to-test based on a statistical analysis by the testing agency to comply with this requirement.

Unless otherwise provided, the Board shall determine whether an applicant has successfully passed any discrete element of the examination.

Section 7. Determination of Each Step in Selection Process.

A. Orientation Session: Unless the Board determines in advance that the orientation session is optional, all applicants shall attend any mandatory orientation session designed to explain the responsibilities of the position they seek and pertinent information about the department. Information regarding online login access to the application will be provided at the orientation session. The Board may decide from one test to the next whether the orientation session is optional or mandatory, and shall notify candidates in the notice whether or not the orientation session is mandatory. If the Board determines the orientation session is voluntary, then all candidates shall be deemed to “pass” this component of the selection process. If the orientation session is voluntary, any candidate’s choice not to attend the orientation session shall not in any way excuse the candidate’s failure to meet deadlines or attain competitive scores on any other component of the examination.

- B. Short-form Application. The short-form application is to provide basic contact and other relevant information about the applicant. Unless an applicant is not qualified for appointment based on the information provided, the applicant shall pass this element of the examination.
- C. Written Examination. Each applicant for any entry level position who has successfully passed all prior elements of the examination shall submit himself or herself for a written test. The written test shall be conducted by the Board or by such person as the Board may designate. All candidates shall take a mental aptitude and behavioral attributes examination. The material used in this examination, which may consist of separate parts, shall be of such a nature that it will adequately evaluate the candidate's mental aptitude and behavioral attributes to discharge the duties performed as a Firefighter/Paramedic. The written test shall be graded by the Secretary or his or her designee, and the results shall be submitted to the Board.
- D. Fire Physical Ability. All Fire Department applicants shall submit themselves to a physical ability test to be conducted by persons as the Board may direct. This section consists of an exam which may include the performance of essential functions of a member of a fire department (including functions that a firefighter may be called upon to perform during emergency calls, but not based on frequency of performing the functions).

The physical ability test will be open, competitive and based on industry standards and will include the following dimensions:

- Muscular strength (the ability to perform tasks and evolutions under aerobic and anaerobic conditions to test speed and endurance; designed to test grip, leg and arm strength);
- The ability to climb ladders, operate from heights, walk or crawl in dark, narrow and uneven surfaces, and operate in proximity to hazardous environments; and
- The ability to carry out critical, time-sensitive and complex problem solving during physical exertion in stressful and hazardous environments.

The results of the Fire physical ability test shall be determined by the Secretary or the Secretary's designee and submitted to the Board.

In lieu of conducting a physical ability test in-house, the Board may require that applicants provide proof of the successful completion of the Candidate Physical Ability Test (CPAT) and proof of passing a Ladder Climb Test, within 12 months prior to the written examination. If an applicant on the eligibility list has not been appointed to a firefighter position within one year after the date of his or her physical ability test, the candidate must retake and successfully complete the physical ability component prior to appointment.

- E. Optional Preliminary Oral Test by Department. The Board may elect to schedule a preliminary oral test to be conducted by the Chief of the Fire Department or his designee(s). The Board may elect to wait until it knows the number of candidates that have passed all prior elements prior to deciding whether to include this component of the selection process. If the Board includes a preliminary oral test by the Department, the Department will ask questions of the applicants that will enable the Department to evaluate the applicants on speech, alertness, ability to communicate, judgment, emotional stability, intellectual skills, self-confidence, and general fitness for the position. A person failing the oral test shall receive a score of zero points.
- F. Oral Test. Each applicant for an entry level position who has successfully passed all prior elements of the examination shall submit himself or herself for an oral test when so directed by the Board. At least one member of the Board shall be present to conduct an oral test, in addition to any other City official invited by the Board. The examiners may ask questions of the applicants that will enable the examiners

to evaluate the applicants on speech, alertness, ability to communicate, judgment, emotional stability, intellectual skills, self-confidence, and general fitness for the position. A person failing the oral test shall receive a score of zero points.

G. Initial Eligibility List. The Initial Eligibility List will be posted within 60 days of the oral test. It will identify all applicants who have received a passing grade of all elements of the examination theretofore administered; provided, however, that, the minimum passing score may be adjusted based on a statistical analysis by the testing agency to ensure the validity of the minimum passing score.

H. Establishment of Preference Point Credits.

1. In General. Applicants on the Initial Eligibility List of entry level applicants shall have ten (10) calendar days after the posting of such Initial Eligibility List to claim any preference points authorized under paragraph 2 of this Subsection 7.G of this Part C of Chapter III of these Rules, which claim shall be delivered in writing to the Secretary with all evidence of qualification for such preference points. Applicants who fail to submit a complete and timely claim for preference points shall be deemed to have waived their right to receive such preference points. The Secretary may establish forms for the submission of a proper request for preference points. After all claims for preference points are evaluated and established, the Board shall cause the composite numeric scores of applicants to be adjusted to reflect the appropriate preference points and thereupon establish the Final Eligibility List. No preference points shall be awarded to a candidate who does not fully satisfy the criteria for which preference points are sought.

2. Authorized Preference Points. Preference points for applicants for an entry level position are as follows:

a. Veteran's Preference (Fire Department). Candidates 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 shall (i) receive **five (5) preference points** added to their Initial Eligibility List score, and (ii) be preferred for appointment to and employment with the Fire Department in relation to candidates having similar ranking on the Final Eligibility Register.

b. Education Preference (Fire Department). A candidate that fully satisfies the criteria for one or more of the categories below may receive preference points for education, with the amount of points dependent on the category so satisfied. A candidate can only be awarded preference points for one of the categories below, although claims for points may be made under multiple categories. Where a candidate qualifies for preference points from multiple education categories, the category yielding the highest total points will be applied.

(i) The candidate has successfully obtained an associate's degree in fire service or emergency medical services. Satisfaction of the criteria for this category shall entitle the candidate to **three (3) preference points**.

(ii) The candidate has successfully obtained a bachelor's degree from an accredited college or university. Satisfaction of the criteria for this category shall entitle the candidate to **five (5) preference points**.

c. Paramedic Preference Points – A candidate who is a National Registry Certified Paramedic and/or Illinois Certified Paramedic may receive preference points. Satisfaction of the criteria for this category shall entitle the candidate to **five (5)**

preference points.

- d. Experience Preference. Any candidate may receive a **maximum of 10 preference points** under any of the following subcategories:
- (i) Paid On-Premises Illinois Certified FFII/Basic Operations Firefighter or FFIII/Advanced Technician Firefighter for The City of Lake Forest. Any candidate who has served The City of Lake Forest as a Paid On-Premises Illinois Certified Firefighter II/Basic Operations Firefighter may receive **.5 preference point for each year of successful service in such capacity up to a maximum of 5 points.**
 - (ii) Illinois Certified FFII/Basic Operations Firefighter. Any candidate who is certified and has been employed within a two-year period as a full-time Illinois Certified FFII/Basic Operations Firefighter by a fire protection district or a municipality within the State of Illinois other than The City of Lake Forest may receive **.5 preference point for each year of service up to a maximum of 5 points;** provided, however, that such candidate shall not receive any preference points if he or she was not so employed for at least two years.
 - (iii) Full-time Paramedic/Firefighter or Full-time Firefighter III/Advanced Technician Firefighter. Any candidate who is certified and has been employed within a two-year period either as a full-time paramedic/firefighter or as a full-time Firefighter III/Advanced Technician Firefighter by a fire protection district or a municipality within the State of Illinois other than The City of Lake Forest may receive **one preference point for each year of service in either one or both of those capacities up to a maximum of five points;** provided; however, that such candidate shall not receive any preference points if he or she was not so employed for at least two years.

No application of Experience Preference Points may allow a non-veteran candidate to pass a veteran on the Final Eligibility Register. Non-veterans shall be ranked behind veterans in order as if all points were allotted with remaining ties determined by lot. This applies to Experience Preference Points only.

- I. Long-Form Application/Preliminary Background Check. Each applicant who has successfully passed all prior elements of the examination shall complete a separate application form that goes into great detail of the applicant's personal history to be reviewed by the Board and used as the basis for a background investigation. In addition, applicants shall be fingerprinted and photographed for the purpose of conducting the background investigation. The investigations shall review available data and information related to the applicants' compliance with the general qualifications and criteria for the position being sought. The results of the preliminary background investigation shall be submitted to the Board for evaluation.
- K. Polygraph Test. An applicant extended a conditional offer of employment shall submit to a Polygraph Test by such firm as the Board may designate. Such examination shall be without expense to the candidate. Failure of the candidate to receive an evaluation satisfactory to the Board shall be grounds for disqualification.
- L. Detailed Character and Background Investigation. An applicant extended a conditional offer of employment shall submit to an in-depth background investigation. The purpose of the investigation is to verify information obtained in the testing activities, and includes checking criminal, business, educational, and personal and employment records and references, as permitted under applicable law.

As part of the background investigation, the candidate shall provide a classifiable set of fingerprints that shall be furnished to the Illinois Department of State Police and to the Federal Bureau of Investigation by the Board. Failure of the candidate to receive an evaluation satisfactory to the Board shall be grounds for disqualification.

- M. Final Oral Test. An applicant extended a conditional offer of employment shall be subject to a final oral test before the Board and such other parties, if any, as the Board may designate to participate in administering the test. Unless otherwise requested by the Board, such final oral test will ordinarily be waived. When a final oral test is requested, an applicant shall be asked questions that will enable the examiners to further evaluate and grade him or her on subjects probed in the initial oral test, on problem solving and decision-making abilities, and on any material matters raised in the detailed background check or other elements of the examination.
- N. Behavioral Analysis. An applicant extended a conditional offer of employment shall submit to a Psychological Examination by such Psychologist as the Board may designate. Such examination shall be without expense to the candidate. Failure of the candidate to receive an evaluation satisfactory to the Board shall be grounds for disqualification.
- O. Medical and Drug Screening Examinations. An applicant extended a conditional offer of employment shall submit to a medical examination including drug screening by a licensed medical practitioner designated by the Board. Failure of the candidate to receive an evaluation satisfactory to the Board shall be grounds for disqualification.

Section 8. Equal Opportunity Employer

The City of Lake Forest is an Equal Opportunity Employer and employs without regard to sex, sexual orientation or gender identity, race, color, national origin, religion, age, handicap, or any other category protected by law. To that end the examination processes in these Rules shall be designed and administered so as to test merit and fitness for the duties of the employees covered by these Rules and to minimize adverse impacts on any particular group (except where a bona fide occupational qualification exists).

Section 9. Finality

All examination papers shall be and become the property of the Board or the Board's designee and the grading thereof by the Board shall be final and conclusive and not subject to review by this board or any board or tribunal of any kind or description.

CHAPTER IV: PROMOTIONAL EXAMINATIONS

Section 1. General.

- A. The Board shall provide for promotion in the Department on the basis of ascertained merit and seniority in the service and examination, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank who are qualified for the position and who desire to submit themselves to such examinations, and all promotions shall be made from the three members having the highest rating on the Promotional Register of Eligibles. The Secretary shall notify all City Officers eligible for any promotional examination in a manner approved by the Board in its call for a promotional examination.
- B. Notwithstanding anything in this Chapter IV to the contrary, to the extent that there is a collective bargaining agreement in place with respect to firefighters, the terms of the collective bargaining agreement and the Fire Department Promotion Act, 50 ILCS 742, shall control with respect to promotions of firefighters.

Section 2. Promotional Preference; Orders of Rank.

In order to determine eligibility for promotion, promotional examinations shall be extended to all orders of rank in sequence within the Department in question. The current order of rank in the Fire Department as determined by the City's corporate authorities is:

Fire Lieutenant (PM)
Firefighter (PM)

The current order of rank of the Police Department as determined by the City's corporate authorities is:

Police Sergeant
Patrol Officer.

Section 3. Examination Elements.

All employees who submit themselves to examination shall complete the examination process prescribed by these Rules, including a written test and an oral test which may include an assessment by outside assessors as deemed appropriate by the Board and an evaluation according to merit and efficiency. The Board may establish for any examination that, to be eligible for further evaluation, each candidate is required to achieve a minimum number of examination points including points for merit and efficiency, seniority, and the written test. In computing the final grade for each candidate, the various portions of the testing procedure shall be weighed as follows:

<u>Examination Element</u>	<u>Maximum Possible Grade</u>
A. Short-Form Application	Pass or Fail
B. Seniority (1 point per year up to 5 points):	5 points
C. Merit and Efficiency Rating:	25 points
D. Written Examination	30 points
E. Initial Oral Test by Board	40 points
F. Establishment of Preference Points	As provided in Section 10-2.1-11 of Act
G. Behavioral Analysis	Pass or Fail

- | | | |
|----|----------------------------------|--------------|
| H. | Final Oral Test by Board | Pass or Fail |
| I. | Medical and Drug Screening Tests | Pass or Fail |

The Board may, in any notice of examination, establish minimum grades that are required in order to pass a particular element of the examination process.

Section 4. Determination of Each Step in Examination Process.

The various steps in the promotional examination process (including the application process) shall be substantially the same as for the entry level positions as City Officers, except as noted expressly noted in the notice of examination or as set forth in this Section. Unless otherwise provided, the Board shall determine whether an applicant has successfully passed any discrete element of the examination.

- A. Seniority. The Secretary of the Board shall assign points for seniority based upon the applicant's completed years of Service in the Fire Department or Police Department. No City employee who is still within his or her probationary period shall be eligible to participate in a promotional examination process.
- B. Merit and Efficiency Rating. Each applicant for a promotional position shall be assigned points by the Board based on the evaluation by the Chief of all aspects of the applicant's service in the Department, including without limitation the applicant's administrative and managerial abilities.
- C. Establishment of Preference Point Credits. Sections 10-2.1-8, 10-2.1-10, and 10-2.1-11 of the Act establish preferences for military service and educational degrees. Following the scoring of seniority points, the merit and efficiency rating, the written examination, and the initial oral test elements of the examination, composite numeric scores of all applicants for a promotional position who have successfully passed all prior elements of the examination shall be calculated and posted as a preliminary eligibility list of promotional applicants. Such applicants shall have ten calendar days after the posting of such preliminary eligibility list to claim Veterans or educational preference points, which claim shall be in writing delivered to the Secretary with all evidence of qualification for such preference points. ***Applicants who are eligible for veteran's preference will receive 7/10 of one point for each 6 months or fraction thereof, not to exceed 30 months (or a maximum of 3.5 points). Police applicants who submit adequate proof that they have a bachelor's degree from an accredited university shall receive 3.5 preference points.*** Applicants who fail to submit a complete and timely claim for preference points shall be deemed to have waived their right to receive such preference points. The Secretary may establish forms for the submission of a proper request for preference points. After all claims for preference points are evaluated and established, the Board shall cause the composite numeric scores of applicants to be adjusted to reflect the appropriate preference points and thereupon establish the Promotional Register of Eligibles. No person shall receive veteran's preference for a promotional appointment after such person has received one promotion from an eligibility list on which he or she was allowed such preference.
- D. Behavioral Analysis. Upon request of the Board, the top three applicants (or such greater number as the Board may determine) on the Promotional Register of Eligibles will submit to one or more psychological tests from a licensed examiner selected by the Board. The Board may, in its discretion, waive this element of the examination for any City Officer.

Section 5. Appeal of Promotional Examination Determinations.

A City Officer participating in a promotional examination may request a review of any examination element by filing a written appeal with the Chief within ten days after being notified of the results of such examination element for which an appeal is taken. The written appeal shall identify the examination element in question and set forth with particularity the grounds for such appeal. The Chief shall forward such appeal to the Board for review and consideration. The Board shall have sole and final authority with respect to such appeal, and the Board's determination on any such appeal shall be regarded as the applicant's grade for the examination element in question with respect to such promotional examination. Any City Officer who is found not to have successfully passed an examination element following an appeal may reapply during any subsequent promotional examination.

CHAPTER V: REGISTERS OF ELIGIBLES AND PROMOTIONAL REGISTERS OF ELIGIBLES

Section 1. Establishment of Register of Eligibles.

The Secretary shall establish and maintain a Register of Eligibles (or Final Eligibility Register) for the Fire and Police Departments and a Promotional Register of Eligibles for each rank within the Fire and Police Departments, except for the position of Chief. A Register of Eligibles or a Promotional Register of Eligibles shall rank all applicants who have passed all examinations for the stated rank in order of their relative excellence as determined by examination and preferences, and merit and seniority in the case of promotional positions, but without reference to priority of time of examination. In the event of tie scores, the applicant with the higher score in the written examination shall determine ranking, unless otherwise provided in these Rules. Any Register of Eligibles or Promotional Register of Eligibles may contain the names of applicants who have completed some, but not all, examination elements and whose time for claiming preference points has expired; such applicants' rankings on a Register of Eligibles or Promotional Register of Eligibles shall be conditioned upon his or her successful completion of the remaining examination elements. The Secretary shall provide an appropriate indication on a Register of Eligibles or Promotional Register of Eligibles to identify those applicants who appear conditionally thereon.

Section 2. Conditional Nature of Adjusted Rankings.

The rankings of the applicants placed conditionally on a Register of Eligibles or Promotional Register of Eligibles are subject to change based on the performance of the applicants on the final elements of the examination at the time that they are administered. Any applicant conditionally placed on a Register of Eligibles or Promotional Register of Eligibles shall be removed therefrom if he or she does not successfully complete any examination element.

Section 3. Removal of Names from Entry Level Register of Eligibles.

The Secretary shall strike from the Register of Eligibles for an entry level rank the name of:

1. any applicant who may be disqualified pursuant to Chapter II, Section 3 of these Rules; and
2. any applicant who has been on that Register of Eligibles for more than two years; and
3. any applicant who fails any element of the entry level examination or otherwise ceases to meet the qualifications for the rank to be filled from that Register of Eligibles; and
4. any applicant who fails to accept, in writing signed by the applicant, an offer of employment within the time set by the Board for acceptance, except as otherwise provided in these Rules.

Section 4. Removal of Names from Promotional Register of Eligibles.

The Secretary shall strike from any Promotional Register of Eligibles for a promotional rank the name of:

1. any applicant who may be disqualified pursuant to these Rules; and
2. any applicant who has been on that Promotional Register of Eligibles for more than three years, provided there is no vacancy existing that can be filled from that Promotional Register of Eligibles; applicants for promotion in the Police Department shall be struck from the Promotional Register of Eligibles after two years instead of three, but only if so authorized by the City of Lake

Forest pursuant to an exercise of its home rule authority; absent such action by the City of Lake Forest, the time period shall remain at three years; and

3. any applicant who fails any element of the promotional examination or otherwise ceases to meet the qualifications for the rank to be filled from that Promotional Register of Eligibles; and
4. any applicant who fails to accept, in writing signed by the applicant, the offer of promotion within the time set by the Board for acceptance, except as otherwise provided in these Rules.

CHAPTER VI: ENTRY LEVEL APPOINTMENTS

PART A: POLICE OFFICERS

Section 1. Appointments.

- A. Order of Appointment. All vacancies in the Police Department shall be filled by the Board in the manner that it deems to be in the best interests of the City from the three applicants having the highest ranking on the Register of Eligibles, or such fewer number if there are fewer than three applicants on the Register of Eligibles. No applicant shall be eligible for appointment unless he or she has met all requirements previously listed. In assessing the best interests of the City, the Board may consider the pension status and differential financial impacts of hiring one candidate rather than another.
- B. Offer of Employment. The Board shall not extend a conditional offer of employment or a final offer of employment to any applicant for an entry level position until the City Manager has notified the Board that (i) a vacancy exists in the Police Department, and (ii) the Board is authorized to fill such vacancy. The conditional offer of employment shall be conditioned on the candidate's successful completion of the additional examinations required by these Rules. In addition, the Board may require a candidate to retake and successfully complete the physical ability component of the examination as a condition of an offer of employment if the candidate has not received such conditional offer within one year after the date of his or her physical ability test.
- C. Acceptance. An applicant shall accept an offer of employment in writing within the time prescribed in the final offer of employment, along with the Candidate Reimbursement Agreement as required pursuant to Section 2 of Part A of this Chapter and a signed and sworn oath of office as follows:

I, _____, do solemnly swear that I will support the
(first name, middle initial, last name)
Constitution of the United States of America, and the Constitution and Laws of the State of Illinois, and the Ordinances of The City of Lake Forest, and the Rules and Regulations of the Lake Forest Police Department and that I will well and faithfully discharge the duties of the office of _____, The City of Lake Forest Police Department to which I have been appointed according to law and to the best of my ability.

NOTICE: By offering this oath of office and requiring a signature, no written or implied contract for employment or continued employment is being offered. For any reason that an employee is found to be incapable, unqualified or unfit for employment or continued employment, or the employee's best efforts to comply with the required obligations, responsibilities, duties and task performances associated with this oath are unsatisfactory, that employee is subject to removal.

Signature: _____
Date: _____

Except as provided in Chapter VI, Part A, Section 4, an applicant who fails to accept an offer within the time prescribed in the final offer of employment shall be deemed to have rejected the offer of employment and shall be removed from the Register of Eligibles.

Section 2. Candidate Reimbursement Agreement

As a condition of acceptance of any final offer of employment for an entry level Police Officer, an applicant shall be required to execute a "Candidate Reimbursement Agreement." Because of the significant commitment and expense that the City will be making to train a new Police Officer, the City requires each newly hired candidate to commit to serve the City for a period of not less than three years. The Candidate Reimbursement Agreement shall set forth that commitment, and shall further require the applicant to reimburse the City if the applicant resigns or terminates service with the City before the expiration of such three-year period. A copy of the Candidate Reimbursement Agreement is available for review upon request. Any applicant who does not return the executed Candidate Reimbursement Agreement with his or her written acceptance of the final offer of employment shall be deemed to have declined the final offer of employment.

Section 3. Probationary Period.

- A. Minimum Period. All persons appointed to an entry level position in the Police Department shall be on probation for the period of time set forth in this Section. Any person who has not completed all Police Department training requirements within such period shall be discharged unless the Police Chief and the Probationary Employee agree in writing to an extension of the probationary period. The probationary periods for entry level Police Officer positions shall be eighteen (18) months. In each instance, the probationary period shall commence upon the Police Officer's acceptance of a final offer of employment.
- B. No Vested Rights. During any probationary period, a Probationary Employee shall not be deemed to have any vested, property, liberty, or other rights or interests in his or her employment with the City, and nothing in this section or in the other provisions of these Rules shall be construed as creating any such right or interest.
- C. Probation Interview. Near the completion of a Probationary Employee's probation period, a Probationary Review Board (as may be established from time-to-time) will submit a recommendation to the Board regarding the Probationary Employee's appointment to non-probationary Police Officer status; a copy of such recommendation shall also be forwarded to the City Manager.
- D. Probationary Period Discharge. If any Probationary Employee shall be found incompetent or is disqualified for inadequate performance of the duties of the position for which he or she was hired, with the consent of the Board, the Probationary Employee will be discharged by the Police Chief, who will present reasons therefor in writing to the Board. A Probationary Employee shall not be entitled to the procedures set forth in Chapter VIII of these Rules prior to suspension or discharge.
- E. Collective Bargaining Agreement. Notwithstanding any provision to the contrary in this Section 3, the probationary period for original appointees to the Police Department, any extension thereof, and discharge of such employee during the period of probation or extension thereof, as the case may be, shall be as provided in the applicable collective bargaining agreement covering the Police Department.

Section 4. Acceptance or Waiver of Appointment.

- A. Within 30 days after the establishment of a Register of Eligibles, any applicant whose name appears on such Register of Eligibles may request in writing that he or she be deferred from consideration for appointment for a specified period of time. Upon receipt of a timely request for deferral, such applicant shall be ineligible for appointment during the period of deferral, but his or her name shall be maintained on such Register of Eligibles. Following the expiration of such deferral period, an

applicant will be subject to the general acceptance requirements set forth in Section 1.C of Part A of this Chapter. Nothing in this Section shall extend the two-year period during which an applicant may remain on a Register of Eligibles.

- B. Any candidate may decline a conditional offer or a final appointment one time without losing his or her position on the Register of Eligibles. Refusal to accept a conditional offer or a final appointment after a candidate has previously refused either a conditional offer or a final appointment shall result in that candidate being stricken from the Register of Eligibles.

PART B: FIREFIGHTERS

Section 1. Conditional Offers of Appointment/Final Appointment.

- A. In General. Appointment for an original appointment to the Fire Department shall be from the names appearing on the “Final Eligibility Register” in descending order, as provided by these Rules.
- B. Expanded Consideration of Candidates. If the Board has reason to conclude that the highest ranked candidate fails to meet the minimum standards for the position or if the Board believes an alternative candidate would better serve the needs of the Fire Department, the Board may pass over the highest ranked candidate on the Final Eligibility Register and may appoint a candidate from the top five percent (5%) of the candidates listed on the Final Eligibility Register; however, if the top five percent (5%) of candidates listed on the Final Eligibility Register is fewer than five (5) candidates then appointment may be made from the top five (5) candidates listed on the Final Eligibility Register. No applicant shall be eligible for appointment unless he or she has met all requirements previously listed. In assessing the best interests of the City, the Board may consider the pension status and differential financial impacts of hiring one candidate rather than another.
- C. Conditional Offer of Employment. Prior to making a final offer of appointment to a candidate, the Board shall make a conditional offer of appointment, conditioned on the candidate’s successful completion of the additional examinations required by these rules. The Board shall not extend a conditional offer of employment or a final offer of employment to any applicant for an entry level Firefighter position until the City Manager has notified the Board that (i) a vacancy exists in the Fire Department, and (ii) the Board is authorized to fill such vacancy.
- D. Remaining Examination Elements. Each candidate who has been extended a conditional offer of appointment by the Board shall submit to and satisfactorily pass the following examinations as provided in Chapter III, Part C of these Rules:
- a. Physical Examination [if any previous Physical Examination is over one (1) year old]
 - b. Polygraph Examination
 - c. Psychological Examination
 - d. Background Investigation
 - e. Medical Examination and Drug Screening
- E. Failure to Pass any Examination after Conditional Offer. Failure of the candidate to successfully pass any such examination, as determined by the Board, shall eliminate and disqualify that candidate from further consideration and the candidate’s name shall be stricken from Final Eligibility Register.
- F. Final Offer of Appointment. Once a candidate who has accepted a conditional offer successfully completes the remaining examinations, the Board shall make a final offer of appointment.
- G. Acceptance. An applicant shall accept an offer of employment in writing within the time prescribed in the final offer of employment, along with the Candidate Reimbursement Agreement as required pursuant to Section 2 of Part B of this Chapter and a signed and sworn oath of office as follows:

I, _____, do solemnly swear that I will support the
(first name, middle initial, last name)
Constitution of the United States of America, and the Constitution and Laws of the
State of Illinois, and the Ordinances of The City of Lake Forest, and the Rules and
Regulations of the Lake Forest Fire Department and that I will well and faithfully
discharge the duties of the office of _____, The City of

Lake Forest Fire Department to which I have been appointed according to law and to the best of my ability.

NOTICE: By offering this oath of office and requiring a signature, no written or implied contract for employment or continued employment is being offered. For any reason that an employee is found to be incapable, unqualified or unfit for employment or continued employment, or the employee's best efforts to comply with the required obligations, responsibilities, duties and task performances associated with this oath are unsatisfactory, that employee is subject to removal.

Signature: _____

Date: _____

Except as provided in Chapter VI, Part B, Section 4, an applicant who fails to accept an offer within the time prescribed in the final offer of employment shall be deemed to have rejected the offer of employment and shall be removed from the Register of Eligibles.

Section 2. Candidate Reimbursement Agreement

As a condition of acceptance of any final offer of employment for an entry level Firefighter, an applicant shall be required to execute a "Candidate Reimbursement Agreement." Because of the significant commitment and expense that the City will be making to train a new Firefighter, the City requires each newly hired candidate to commit to serve the City for a period of not less than three years. The Candidate Reimbursement Agreement shall set forth that commitment, and shall further require the applicant to reimburse the City if the applicant resigns or terminates service with the City before the expiration of such three-year period. A copy of the Candidate Reimbursement Agreement is available for review upon request. Any applicant who does not return the executed Candidate Reimbursement Agreement with his or her written acceptance of the final offer of employment shall be deemed to have declined the final offer of employment.

Section 3. Probationary Period.

- A. Minimum Period. All persons appointed to an entry level position in the Fire Department shall be on probation for the period of time set forth in this Section. Any person who has not completed all Fire Department training requirements within such period shall be discharged unless the Fire Chief and the Probationary Employee agree in writing to an extension of the probationary period. The probationary periods for entry level Firefighter positions shall commence upon the Firefighter's acceptance of a final offer of employment and shall be for a period of twelve (12) months, excluding periods of (i) training, or (ii) injury or illness leaves (including duty-related leave) in excess of 30 calendar days.
- B. No Vested Rights. During any probationary period, a Probationary Employee shall not be deemed to have any vested, property, liberty, or other rights or interests in his or her employment with the City, and nothing in this section or in the other provisions of these Rules shall be construed as creating any such right or interest.
- C. Required Training. All Probationary Employees of the Fire Departments shall take and successfully complete an approved basic training course within their probationary period. This course shall be designated and approved by the Fire Chief on such dates and at such places so designated. Failure of the Probationary Employee to successfully complete this basic training on the dates and at the places so designated shall be grounds for immediate dismissal from Service.
- D. Probation Interview. Near the completion of a Probationary Employee's probation period, a Probationary Review Board (as may be established from time-to-time) will submit a recommendation

to the Board regarding the Probationary Employee's appointment to non-probationary Firefighter status; a copy of such recommendation shall also be forwarded to the City Manager.

- E. Probationary Period Discharge. If any Probationary Employee shall be found incompetent or is disqualified for inadequate performance of the duties of the position for which he or she was hired, with the consent of the Board, the Probationary Employee will be discharged by the Fire Chief, who will present reasons therefor in writing to the Board. A Probationary Employee shall not be entitled to the procedures set forth in Chapter VIII of these Rules prior to suspension or discharge.
- F. Collective Bargaining Agreement. Notwithstanding any provision to the contrary in this Section 3, the probationary period for original appointees to the Fire Department, any extension thereof, and discharge of such employee during the period of probation or extension thereof, as the case may be, shall be as provided in the applicable collective bargaining agreement covering the Fire Department. A Firefighter/Paramedic is required to successfully complete the Illinois State Fire Marshall Basic Operations Firefighter certification and the Illinois Department of Public Health Emergency Medical Technician Paramedic courses within the probationary period.

Section 4. Acceptance or Waiver of Appointment.

- A. Within 30 days after the establishment of a Register of Eligibles, any applicant whose name appears on such Register of Eligibles may request in writing that he or she be deferred from consideration for appointment for a specified period of time. Upon receipt of a timely request for deferral, such applicant shall be ineligible for appointment during the period of deferral, but his or her name shall be maintained on such Register of Eligibles. Following the expiration of such deferral period, an applicant will be subject to the general acceptance requirements set forth in Section 1.G of Part B of this Chapter. Nothing in this Section shall extend the two-year period during which an applicant may remain on a Register of Eligibles.
- B. Any candidate may decline a conditional offer or a final appointment one time without losing his or her position on the Final Eligibility Register. Refusal to accept a conditional offer or a final appointment after a candidate has previously refused either a conditional offer or a final appointment shall result in that candidate being stricken from the Final Eligibility Register.

CHAPTER VII: PROMOTIONAL APPOINTMENTS

Section 1. Appointments.

- A. Order of Appointment. All vacancies in the Fire or Police Department for promotional positions shall be filled by the Board in the manner that it deems to be in the best interests of the City from the three applicants having the highest ranking on the Promotional Register of Eligibles, or such fewer number if there are fewer than three applicants on the Promotional Register of Eligibles. No applicant shall be eligible for appointment to a promotional position unless he or she has met all examination requirements set forth in Chapter IV.
- B. Offer of Employment. The Board shall not extend a conditional offer of appointment or a final offer of appointment to any applicant for a promotional position until the City Manager has notified the Board that (i) a vacancy exists in the relevant promotional rank in the Fire Department or Police Department, and (ii) the Board is authorized to fill such vacancy.

Section 2. Acceptance or Waiver of Promotion.

An applicant must accept in writing any final offer of promotion within the time set by the Board at the time the offer of promotion is made. However, an applicant may, within seven days after mailing of notice of his or her offer of promotion, request a waiver of the right to promotion in writing signed by the applicant. Such waiver request shall include a statement of the reasons therefor and a request that the Board retain the applicant's name on the Promotional Register of Eligibles. The Board shall review such statement of reasons and determine whether to approve such waiver. If such waiver is approved, then the Board shall retain the name of the applicant on the Promotional Register of Eligibles and shall fill the vacancy pursuant to the procedures set forth in this Chapter and Chapter IV of these Rules. If such waiver is not approved, or if no request for waiver or response to the notice of promotion is received within the above prescribed time, then the Board shall strike the applicant's name from the Promotional Register of Eligibles and shall fill the vacancy pursuant to the provisions of this Chapter and Chapter IV. The Board may approve no more than one waiver for an applicant.

CHAPTER VIII: CHARGES; SUSPENSIONS; HEARINGS; DISCHARGES

Section 1. Additional Definitions.

For the purpose of this Chapter VIII, the following terms shall have the meanings herein ascribed to them:

1. Cause. Some substantial shortcoming on the part of a City Officer that renders his or her continued employment by the Fire or Police Department in some way detrimental to the discipline and efficiency of the public service rendered by the department and something that the law and sound public opinion recognizes as cause for the City Officer to no longer occupy his or her position.

Without in any manner limiting the generality of the foregoing: "cause" shall include, but not be limited to, the following: (1) existence of or discovery of any fact which would have required statutory disqualification from original employment; (2) non-disclosure of any fact which, if disclosed, would have constituted grounds for disqualification from original employment; (3) the making of a false statement, oral or written, of a material fact in connection with original employment which could have substantially affected the decision to employ a person; (4) an act or occurrence after employment which by would have required disqualification from original employment; (5) any violation of federal, state or local law affecting the member's ability or qualification to continue in the performance of the member's duties; (6) failure to maintain required certification or licenses for the position held; (7) violation of a rule or regulation of the department; (8) incompetence, nonfeasance, misfeasance or malfeasance in office; and (9) the inability to perform the essential functions of the position with or without reasonable accommodations.

2. Charge. A written statement alleging Cause against the Respondent for suspension or removal or discharge under Section 5 of this Chapter.
3. Chief. Either the Fire Chief or the Police Chief having supervisory responsibility over the Respondent.
4. Complainant. The person who files a Charge or Discharge Notice under this Chapter VIII. The term "complainant" shall mean the complainant or the complainant's attorney.
5. Day. Calendar day.
6. Discharge Notice. A notice prepared by the Chief as provided in Section 4 below that the Chief seeks termination of the employee on the non-disciplinary grounds that the employee is unable to perform his or her essential job functions.
7. Filing. Presenting a document to the Secretary of the Board by delivering same to the Secretary personally, or by mailing by regular mail to the Secretary's office. The filing must be specifically addressed to the Secretary in his or her capacity as the Secretary of the Board. In the case of filing by mail, the date of filing shall be deemed to be the day after the date of mailing, unless that day is a Saturday, Sunday, or federal or State of Illinois legal holiday, in which event the date of filing shall be the first regular business day after said Saturday, Sunday, or legal holiday.
8. Member. A Firefighter or Police Officer, unless the context indicates otherwise.
9. Parties. The complainant and the respondent.

10. Preponderance of the Evidence. The greater weight of the evidence; that is, that evidence which, when fairly considered, produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.
11. Respondent. A Member of the Fire or Police Department against whom a Charge or Discharge Notice is filed. The term “respondent” shall mean the respondent or the respondent’s attorney.
12. Service. The presentation by a Party to the other Party, or by the Board to a Party, of any document by personal delivery to the other Party or by mailing by United States mail in an envelope properly addressed, with postage prepaid, to the last known address of such other Party, together with a written certificate of service. In the case of service by mail, the date of service shall be deemed to be the day after the date of mailing, unless that day is a Saturday, Sunday, or federal or State of Illinois legal holiday, in which event the date of service shall be the first regular business day after said Saturday, Sunday, or legal holiday.

Section 2. Cause Required.

Except for Probationary Employees, no Member of the Fire or Police Department shall be suspended or removed or discharged except for Cause.

Section 3. Suspensions; Appeals to the Board.

- A. Suspensions. The Chief shall have the right to suspend any Member of the Department for a period not exceeding five days without pay by serving a written notice of suspension on such Member that sets out the facts constituting cause for suspension. The Chief shall promptly notify the Board of every such suspension.
- B. Appeal. Any Member so suspended may appeal the suspension to the Board by filing notice of appeal within five days after service of written notice of such suspension, regardless of when the suspension is to be served. A hearing shall be had upon appeal, in accordance with the provisions of Sections 6, 7, and 8 of this Chapter VIII, except that the respondent shall have the burden of establishing that the suspension was unjust and unreasonable.

On such appeal, the Board shall review the action of the Chief to determine if it is just and reasonable in light of all the evidence presented. The Board may sustain the action of the Chief, may reverse the action of the Chief in whole or in part with instructions that the Member so suspended shall receive his or her pay for the period involved to the extent of any such reversal, may suspend the Member for an additional period of not more than 30 days in total, or may remove or discharge the member, depending on the evidence presented.

Section 4. Discharge by Chief; Discharge Notice.

- A. Discharge Notice. If any Member is unable to perform the essential functions of their position, the Chief of such Member’s department may file a “Discharge Notice.” The Discharge Notice shall set forth the reasons why the Member is unable to perform the essential functions of the job, with or without reasonable accommodations. The Discharge Notice shall be supported by competent evidence under this Board’s rules, including affidavits when necessary.
- B. A Discharge Notice may only be filed when the sole basis for seeking discharge is a non-disciplinary discharge based on an employee’s inability to perform his or her essential job functions. If the Chief submits additional allegations seeking discipline or discharge for any disciplinary reasons, the process set

forth in Section 5 for filing "Charges" shall be used.

- C. The Respondent shall file an Answer to the Discharge Notice which admits or denies the allegations contained in the Notice, and which also sets forth any affirmative defenses to the Discharge Notice. Denials and affirmative defenses shall be supported by competent evidence under this Board's rules, including affidavits when necessary. Respondent shall file such Answer within 14 days of Service of the Discharge Notice, or no later than the 5:00 p.m. the day before the Initial Hearing as scheduled by the Board, whichever is sooner. If the Respondent fails to timely Answer the Discharge Notice, the Board may, in its discretion, deem the allegations in that notice to be admitted. Any affirmative defense not set forth in the Answer shall be deemed waived.
- D. The Board shall convene an Initial Hearing no later than 30 days after the filing of the Discharge Notice. At the Initial Hearing, the Board may decide to enter a finding of "Cause" based on the Discharge Notice and Answer; may decide to deny the Discharge Notice; or may decide to receive further evidence on any disputed factual matters that the Board determines are relevant to the determination of Cause. Unless otherwise ordered by the Board, all parties shall be prepared to proceed with their evidence at the Initial Hearing. If the Board elects to have a Hearing, the Hearing shall proceed as provided in Sections 6 and 7 below.

Section 5. Charges.

- A. Complainant. Charges may be brought against a Member by the Chief of such Member's department or by another member of such department with the written approval of the Chief.
- B. Charges. Charges shall be in writing, shall be signed by the Complainant, and shall state with specificity the facts alleged to constitute Cause for suspension, removal, or discharge. Such Charges shall be filed with the Secretary and shall be served upon the Respondent.

Section 6. Pre-Hearing Procedures.

- A. Hearing Date. After the filing of a Charge or Discharge Notice, the Board shall set the date, time, and place for hearing, which hearing date shall be within 30 days after the filing date of the Charge or Discharge Notice.
- B. Notice of Hearing. The Secretary shall promptly serve notice of hearing on the Parties. In all cases, notice must be served not less than five days prior to the hearing date.
- C. Answer. The Respondent may file a written answer to the Charges or Discharge Notice. Such written answer shall be signed by the Respondent, shall be filed with the Secretary, and shall be served on the Complainant not less than 48 hours prior to the hearing.
- D. Reply. The Complainant may reply to any affirmative matter contained in such answer by signing, filing, and serving such reply not less than eight hours prior to the hearing.
- E. Continuance. Motions for continuance of the hearing made by either Party shall be in writing and shall be filed with the Secretary and served on the opposing Party not less than 48 hours prior to the time set for hearing. The Board may waive said requirements on good cause being shown and a finding that no prejudice will result to any party from any such waiver. The Secretary may grant or deny a motion for continuance on the motion of either Party or on his or her own motion, but no such continuance that extends the commencement of the hearing beyond 30 days from the filing date of the Charge or Discharge Notice shall be granted. If a continuance is granted on the motion of a Respondent who has been suspended by the Board, with or without pay, such continuance may be to a date more than thirty (30) days after the filing date of the Charge or Discharge Notice; provided,

however, that, subject to Section 6.I of this Chapter, a waiver of pay shall be required for the period beginning with the 31st day after such filing and continuing to the date of the conclusion of the hearing.

- F. Attendance of Witnesses. Any Party may, at any time prior to the hearing, file an application with the Secretary for the issuance of a subpoena or subpoenas for any person or persons to appear at the hearing, or to have any such person produce books, papers, records, accounts, and other documents at the hearing. Such application shall be in writing and shall adequately identify such person, persons, or documents sought to be subpoenaed. The Board, or any Commissioner, shall all issue such subpoenas if it deems the testimony of such person or such documents to be relevant to the hearing. Such subpoenas may be authorized either by resolution at a Board meeting or by the signature of any two Commissioners without a meeting. Subpoenas may be served by any person of the age of 18 years or older. City employees who are subpoenaed as witnesses to appear before the Board at any hearing shall not receive overtime compensation unless such overtime payments are authorized in advance of the hearing by the appropriate supervisor.
- G. Evidence Depositions. Evidence depositions may be taken and utilized in the manner and under the conditions prescribed therefor in courts of general jurisdiction in the State of Illinois.
- H. Stipulations. The Parties may stipulate and agree in writing, or on the record, as to evidentiary facts or other matters. Any facts so stipulated shall be considered as evidence in the proceeding.
- I. Suspension Before Hearing. The Board may suspend the Respondent pending hearing, with pay or without pay, for not more than 30 days. If the Board, after a hearing, determines that the charges or Discharge Notice are not sustained, then the Respondent shall receive any pay withheld during the suspension period.
- J. Pre-Hearing Motions. The Board's attorney may issue preliminary rulings on any pre-hearing motions. Any decisions made by the Board's attorney shall be considered by the Board at the Board's next meeting. The Board may adopt, modify, or overrule the decision of the Board's attorney.

Section 7. Hearing.

- A. Commencement and Adjournment. A hearing shall be commenced within 30 days after the filing of the Charges or Discharge Notice and may be adjourned from time to time thereafter for lack of a quorum or to complete the hearing at a later date.
- B. Quorum to Conduct Hearing. Two Commissioners shall constitute a quorum of the Board for conducting a hearing.
- C. Public Hearings and Closed Hearings. All hearings of the Board shall be held in accordance with the Illinois Open Meetings Act. Each hearing shall be public, but at any time before or during such hearing, the Complainant, the Respondent, or any Commissioner may move that such hearing, or any portion of such hearing (except for final action) shall be closed. The Board shall have discretion to grant or deny such motion if so permitted under the Open Meetings Act. The Board may deliberate in public session or in closed session, provided that final action shall be taken only in public session.
- D. Counsel. Each Party, at his or her election and expense, may be represented by any attorney at law licensed to practice law in the State of Illinois. Such attorney shall file and serve his or her appearance with the Board.

- E. Oath. All witnesses shall be sworn under oath prior to testifying. The oath may be administered by any member of the Board, the Secretary of the Board, or by a certified court reporter authorized to administer oaths.
- F. Order of Proceedings; Cross Examination. After disposition of any preliminary motions for continuance, motions directed to the Charges or Discharge Notice, or other motions, the Complainant shall present and examine witnesses and offer other evidence substantiating the Charges or Discharge Notice that have been made against the Respondent. Thereafter the Respondent may present and examine witnesses and offer other evidence refuting the Charges or Discharge Notice. The Complainant may then present evidence in rebuttal. All Parties shall have the right to cross examine witnesses presented by the opposite Party.
- G. Rules of Evidence.
1. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence, as applied in civil cases in Illinois, may be followed generally; provided, however, that when necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by law) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The Board shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made by either Party and must be ruled upon by the Board. Such objections and rulings shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of Parties will not be prejudiced substantially, any part of the evidence may be received in written form.
 2. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, Parties shall be given the opportunity to compare the copy with the original.
 3. The Board may take notice of judicially cognizable facts.
- H. Burden of Proof. Except as provided in Subsection 3.B of this Chapter VIII, the Complainant shall have the burden of proving the Charges or Discharge Notice brought by the preponderance of the evidence.
- I. Argument. The Board may permit opening statements and also may permit closing arguments, first on behalf of Complainant, next on behalf of Respondent, and finally on behalf of Complainant, within time limits to be established by the Board in each case.
- J. Record of Proceedings. The hearing proceedings shall be recorded on tape by a tape recorder supplied by the Board. Any such tape shall be made available to any party for audition or transcription at such party's expense. The Board or any party in addition may provide for a transcript to be taken by a reporter, in which event tape recording shall not be required. Such transcript may be written upon the request of the Board or any Party, at the expense of the person making the request.

Section 8. Findings and Decision.

- A. Vote; Deliberations. To sustain the Charges or Discharge Notice, at least two Commissioners must vote to sustain. To reverse or modify a suspension appealed to the Board pursuant to Section Three of this Chapter 8, at least two Commissioners must vote to reverse or modify. The Board may deliberate in public or in closed session, provided that final action shall be taken only in public session.

- B. Findings. If none of the charges or Discharge Notice against the Respondent have been supported by a preponderance of the evidence, or if a suspension is reversed or modified, then the Board shall make a finding that the Discharge Notice Charges, or suspension are not sustained and shall enter an order terminating immediately any suspension and requiring the Fire Department or Police Department to reimburse Respondent for all wages and benefits not paid to the Respondent during such suspension period.

If the Board finds that any of the Charges or Discharge Notice have been sustained by a preponderance of the evidence or if the Board denies the appeal of a suspension, then the Board shall adopt findings of fact in support of such determination. The Board may, as appropriate, sustain the action of the Department; may order the immediate discharge and removal of the Respondent from office; may order the suspension of the Respondent from office, with or without pay, may demote the Respondent previously promoted from a lower rank with immediate reduction in compensation to a rate not exceeding the maximum rate of such lower rank; or any combination of the above.

- C. Notice of Findings and Decisions. The Board shall promptly serve notice on the parties of its written findings and decision.
- D. Rehearing. Such written findings and decision of the Board shall be final and not subject to rehearing.

Section 9. Voluntary Demotion.

Any member of the Fire Department or Police Department may request a demotion to a lower rank subject to the approval of the Board. Demotion shall result in a reduction in compensation to a rate not exceeding the maximum rate of such lower rank.

Section 10. Review.

Either Party may file a complaint for review of a final decision by the Board in accordance with the Administrative Review Act (735 ILCS 5/3-101 *et seq.*), as amended from time to time.

Section 11. Non-Applicability.

- A. The provisions of Chapter VIII of these Rules do not apply to the Chief of the Police Department or the Chief of the Fire Department. Further, the provisions of Chapter VIII are not applicable to employees who have not completed their probationary period.
- B. In the event of any conflict between this Chapter VIII of the Rules and an applicable provision of a collective bargaining agreement, the terms of the collective bargaining agreement shall control.

CHAPTER IX. LAYOFFS AND RECALLS

The Board does not have jurisdiction over decisions to layoff City Officers from, or to recall City Officers to, duty. For the convenience of the City Officers and others seeking out the City's policies with respect to layoffs and recalls, however, the Board directs the Secretary to attach as Appendix B to these Rules (and to update from time-to-time as appropriate) the City's current policies (as established by the City Council or City Manager) with respect to layoffs and recalls of City Officers.

APPENDIX A – KNOWLEDGE, SKILLS, AND ABILITIES FOR LATERAL APPOINTMENTS

List of (including but not limited to) knowledge, skills and abilities sought by the Lake Forest Police Department.

1. Advanced Police Skills and Training:
 - a. BAC Operator
 - b. Defensive Tactics Instructor
 - c. Evidence Technician
 - d. Field Training Officer
 - e. Firearms Instructor
 - f. First Aid / CPR Instructor
 - g. Juvenile Officer
 - h. School Resource Officer
 - i. Tactical Team Training (SWAT)
 - j. Traffic Crash Investigator
 - k. Use of Force Instructor

2. Investigative Skills
 - a. Computer Crimes investigator
 - b. Detective Experience
 - c. Financial Crimes Investigator
 - d. Fire / Arson Investigator
 - e. Identity Theft investigator
 - f. Major Crimes Investigator
 - g. Reid Interview Technique

3. Other Skills
 - a. Advanced Computer Skills
 - b. Foreign Language Skills
 - c. Information Technology Skills
 - d. Any knowledge, skill or ability that would further the mission of the Lake Forest Police Department.

APPENDIX B – CITY POLICY RESPECTING LAYOFFS AND RECALLS OF CITY OFFICERS

Section 1. Applicability.

Unless otherwise provided by a collective bargaining agreement, this Policy establishes the manner in which layoffs and recalls of City Officers shall occur. Layoffs and recalls shall be announced by the Corporate Authorities as they determine to be in the City's best interests.

Section 2. Layoffs.

Layoffs, for reason of lack of work or reduction of the work force, shall be made in the inverse order of job classification seniority. All probationary employees in a position affected by layoff shall be separated before any non-probationary employee shall be subject to such a reduction in the work force.

Section 3. Recall.

City Officers who are laid off shall be placed on a recall list for a period of two (2) years. If there is a recall, employees who are still on the recall list shall be recalled, in the inverse order of their layoff, provided they are fully qualified to perform the work to which they are recalled without further training. Employees who are eligible for recall shall be given ten (10) calendar days notice of recall and notice of recall shall be by certified or registered mail to the City Officer. The City shall be deemed to have fulfilled its obligations by mailing the recall notice by certified or registered mail, to the mailing address last provided by the City Officer, it being the obligation and responsibility of the City Officer to provide the Department's Chief or the Chief's designee with the latest mailing address. The employee must notify the Department Chief or the Chief's designee of the City Officer's intention to return to work within three (3) days after receiving notice of recall. If a City Officer fails to respond in a timely manner to a recall notice, that City Officer's name shall be removed from the recall list. If a City Officer is recalled to his or her former job and requires additional training, the City shall provide that training at the City's expense.