

RULES AND REGULATIONS
Of the
BOARD OF FIRE AND POLICE COMMISSIONERS
Of the
CITY OF BLOOMINGTON
STATE OF ILLINOIS
(Amended February, 2018)

TABLE OF CONTENTS

	<u>Page</u>
CHAPTER I	
ADMINISTRATION	
Sec. 1 Source of Authority	1
Sec. 2 Definitions and Rules of Construction	1
Sec. 3 Officers of Board and their Duties	1
Sec. 4 Meetings	1
Sec. 5 Quorum	2
Sec. 6 Order of Business	2
Sec. 7 Parliamentary Rules	2
Sec. 8 Amendments	2

CHAPTER II

FIRE DEPARTMENT

BOARD RULES FOR ORIGINAL APPOINTMENT

Sec. 1 Vacancies	3
Sec. 2 Application Blanks	3
Sec. 3 Disqualification	3
Sec. 4 Special Qualifications	4
Sec. 5 Physical Agility Requirements	4
Sec. 6 Age Requirements	4
Sec. 7 Sequence of Examinations	5
Sec. 8 Notice of Examinations	5
Sec. 9 Type of Examinations	6
Sec. 10 Nature of Written Examination	6
Sec. 11 Examination Procedure	6
Sec. 12 Interim Register of Eligibles	6
Sec. 13 Oral Interview Panel	7
Sec. 14 Oral Examination – Subjects of Examination	7
Sec. 15 Oral Examination – Grading of Examination	7
Sec. 16 Fingerprints	7
Sec. 17 Disqualification During Hiring Process	7
Sec. 18 Polygraph Examination	12
Sec. 19 Final Eligible Register	12
Sec. 20 Original Appointment	13
Sec. 21 Medical Examination	13
Sec. 22 Psychological Examination	13
Sec. 23 Candidates Electing to Take a Bye	14
Sec. 24 Certification	14
Sec. 25 Probation	14

**CHAPTER III
POLICE DEPARTMENT
BOARD RULES FOR ORIGINAL APPLICATION**

Sec. 1	Vacancies	15
Sec. 2	Application Blanks	15
Sec. 3	Disqualification	15
Sec. 4	Special Qualifications	16
Sec. 5	Age Requirements	16
Sec. 6	Entry Level Process	16
Sec. 7	Notice of Examinations	17
Sec. 8	Type of Examinations	17
Sec. 9	Nature of Written Examination	17
Sec. 10	Examination Procedure and Schedule	17
Sec. 11	Physical Agility Requirements	17
Sec. 12	Entry level Oral Interview Panel	18
Sec. 13	Oral Examination – Subjects of Examination	18
Sec. 14	Oral Examination – Grading of Examination	18
Sec. 15	Fingerprints	18
Sec. 16	Disqualification During Hiring Process	18
Sec. 17	Polygraph Examination	23
Sec. 18	Medical Examination	23
Sec. 19	Psychological Examination	24
Sec. 20	Request to Hire	24
Sec. 21	Experience Hire Candidates	24
Sec. 22	Selection of Entry Level Candidate	24
Sec. 23	Probation	24

**CHAPTER IV
PROMOTIONAL EXAMINATIONS**

Sec. 1	General	26
Sec. 2	Injuries	27
Sec. 3	Consolidation of Lists	27
Sec. 4	Refusal	27

**CHAPTER V
PROMOTIONAL PROCESS FOR BLOOMINGTON
FIRE DEPARTMENT- ASSISTANT CHIEF**

Sec. 1	Definitions	28
Sec. 2	General Provisions	28
Sec. 3	Monitoring	28
Sec. 4	Eligibility	28
Sec. 5	Administration	29
Sec. 6	Components	29

Sec. 7	Posting of Official Sign Up List	29
Sec. 8	Posting of Component Scores	29
Sec. 9	Chief’s Merit Points	30
Sec. 10	Time in Grade Points	30
Sec. 11	Assessment Center	30
Sec. 12	Posting of Notification of Written Examination	30
Sec. 13	Posting of Study Guide for Written Examination	31
Sec. 14	Structure of the Written Examination	31
Sec. 15	Grading of the Written Examination	31
Sec. 16	Review of the Written Examination	31
Sec. 17	Challenges to the Written Examination	31
Sec. 18	Military Points	32
Sec. 19	Initial Appointment	32
Sec. 20	Regular Appointment	32
Sec. 21	Refusal of Initial Appointment	32
Sec. 22	Passing Over a Candidate on the List of Eligibles	32

**CHAPTER VI
HEARING OF CHARGES, REMOVALS
SUSPENSIONS, DEMOTIONS AND DISCHARGES**

Sec. 1	Hearing of Charges	34
Sec. 2	Hearing Procedure	35
Sec. 3	Subpoenas	36
Sec. 4	Service	36
Sec. 5	Filing	36
Sec. 6	Forms of Paper	36
Sec. 7	Computation of Time	37
Sec. 8	Suspension	37
Sec. 9	Discharge, Demotion or Suspension After Hearing	38
Sec. 10	Date of Hearing	38
Sec. 11	Finding and Order	38
Sec. 12	Rules – Conflict	38
Sec. 13	Political Contributions	38
Sec. 14	Political Activities	39
Sec. 15	Violation of Rules / General Orders	39
Sec. 16	Violation of Law	39

**CHAPTER VII
GENERAL**

Sec. 1		40
Sec. 2		40
Sec. 3		40
Sec. 4		40

**RULES AND REGULATIONS
of the
BOARD OF FIRE AND POLICE COMMISSIONERS
of the
CITY OF BLOOMINGTON
STATE OF ILLINOIS**

As adopted by the Board of Fire and Police Commissioners of the City of Bloomington, Illinois, effective _____, except as otherwise noted.

CHAPTER I – ADMINISTRATION

SECTION 1. SOURCE OF AUTHORITY

The Board of Fire and Police Commissioners of the City of Bloomington derives its power and authority from the Board of Fire and Police Commissioners Act (65 ILCS 5/10-2.1-1 *et seq.*) and the ordinances of the City of Bloomington.

SECTION 2. DEFINITIONS AND RULES OF CONSTRUCTION

The word “Commission” and/or “Board” wherever used shall mean the Board of Fire and Police Commissioners of the City of Bloomington. The word “Officer” shall mean any person holding a permanent sworn officer position in the Police Department of the City of Bloomington. The word “Firefighter” shall mean any person holding a permanent sworn position in the Fire Department of the City of Bloomington. The phrase “Staff Liaison” shall mean any person appointed by the Human Resources Director to manage the business of the Commission. The masculine noun or pronoun includes the feminine. The singular includes the plural and the plural the singular. Section numbers listed in parenthesis herein are references to sections of the Board of Fire and Police Commissioners Act.

SECTION 3. OFFICERS OF BOARD AND THEIR DUTIES

The Board shall consist of five (5) members. The Board shall annually, on the first meeting in March, elect a Chairman and a Secretary. Board officers shall hold such offices during the ensuing fiscal year until their successors are duly elected and qualified. The Chairman shall be the presiding officer at all meetings. Minutes shall be kept of all meetings of the Board in a permanent record book and the City Clerk shall be the custodian of all the forms, papers, books, records and completed examinations of the Board. (Section 10-2.1-2)

SECTION 4. MEETINGS

(a) Regular meeting shall be held on the first Tuesday of each month at 4:00 p.m. at the Bloomington City Hall Council Chambers and shall be open to the public, except as provided in the Open Meetings Act (5 ILCS 120/1 *et seq.*).

(b) Special meetings may be called by the filing of a notice in writing with the Staff Liaison, signed by any two members. This notice shall contain a brief statement of the business to be submitted for the consideration of the Board at such special meetings and shall set forth the time and place of such special meetings.

(c) Special meetings may also be called by the Chairman of the Board. The Chairman shall indicate the time and place of the special meeting and the business to be considered at such special meeting, and no other business shall be considered at such special meeting.

(d) Notice of special meetings shall be given in writing at least forty-eight (48) hours in advance of the meeting. Emergency meetings may be held on 24 hours' notice.

(e) Notices of all meetings shall comply with the requirements of the Open Meetings Act.

SECTION 5. QUORUM

Three (3) members of the Board shall constitute a quorum for the conduct of all business.

SECTION 6. ORDER OF BUSINESS

The order of business at any meeting shall be: (1) reading of the Minutes, (2) communications, (3) unfinished business, (4) new business, and (5) adjournment.

SECTION 7. PARLIAMENTARY RULES

The parliamentary procedure prescribed in Robert's "Rules of Order" (revised) shall be followed as far as applicable.

SECTION 8. AMENDMENTS

Amendments to the Rules of the Board may be made at any meeting of the Board. All amendments shall forthwith be printed for distribution and notice shall be given of the place or places where said Rules may be obtained. Such notice shall be published in a newspaper of general circulation in the City. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication, when said Rules shall go into operation. (Section 10-2.1-5)

**CHAPTER II – FIRE DEPARTMENT
BOARD RULES FOR ORIGINAL APPOINTMENT**

SECTION 1. VACANCIES

The Commission shall call examinations to fill vacancies in the service or to provide eligible lists for the service in which Firefighter vacancies are liable to occur.

SECTION 2. APPLICATION BLANKS

Human Resources shall furnish a means for candidates to apply for Firefighter positions within the Fire Department within time limits established by Human Resources in accordance with state statute. Candidates must submit with their application a birth certificate, photo, and high school diploma or equivalent. Candidate must show proof of one of the following: (i) enrollment on the National State Register, (ii) that he/she holds a valid Illinois paramedic license, or (iii) enrollment in a certified Illinois Paramedic program. Candidates must submit college transcripts and a DD214, if applicable.

Electronic or paper applications for positions in the Fire Department shall be required. All applications shall be completely filled out by the candidate and shall be submitted within the time limits established. Persons making untruthful answers to questions or failing to complete said applications may be rejected by the Board at any time and the candidate notified of such action. The Commission may remove candidates upon learning that false statements have been made or material facts have been misrepresented to the Commission.

SECTION 3. DISQUALIFICATION

The Commission may refuse to examine a candidate, or after examination refuse to certify him as eligible:

- (a) who is found lacking in any of the requirements established by law or ordinance for the service for which he or she applies;
- (b) who is physically or mentally unable to perform the duties of the position to which he or she seeks appointment;
- (c) who has taken or consumed illegal drugs or consumed alcohol excessively unless such conduct has ceased and is unlikely to be resumed;
- (d) who has been convicted of a felony or any disqualifying misdemeanor enumerated in the Board of Fire and Police Commissioners Act or in these Rules;
- (e) who has been dismissed from any public service for good cause;
- (f) who has made any misstatement of fact in his or her written application, or orally to the Board;

- (g) whose character and employment references are unsatisfactory;
- (h) who does not possess a high school education or its equivalent;

No job offer for initial appointment shall be extended to any candidate who does not possess either a valid State of Illinois Emergency Medical Technician – Paramedic license or National Registry Emergency Medical Technician – Paramedic certification. Upon receipt of a verbal or written job offer candidates shall have seven (7) business days to provide documentation of a valid EMT-P license or certification to the Board. Candidates must have a paramedics license at time of job offer.

Any candidate, or eligible, deemed disqualified hereunder, shall be notified by the Commission and upon justifiable written request made by the candidate, shall be given an opportunity to be heard at the next scheduled board meeting. (Section 10-2.1-6)

SECTION 4. SPECIAL QUALIFICATIONS

If the application for examination for a position requires special qualifications, the Commission may require evidence of such special qualification.

SECTION 5. PHYSICAL AGILITY REQUIREMENTS

A candidate for the position of firefighter will pass the physical agility component of the testing process by providing proof that he or she has successfully passed the Candidate Physical Ability Test (CPAT) which has been developed by the International Association of Firefighters and the International Association of Fire Chiefs. The candidate may make a prima facie showing of successful passing of such test by providing proof of a laminated certification card or a signed copy of their completion signed by an authorized CPAT tester. In addition to proof of successful completion of the CPAT test, a candidate must supply documentation of the ability to climb ladders as required by 65 ILCS 5/10-1.7.1(f). Candidates must keep active CPAT and Ladder climb card that is no more than one year old from the issuance date at time of job offer. Upon receipt of a job offer candidates shall have seven (7) business days to provide such documentation.

SECTION 6. AGE REQUIREMENTS

Candidates who are twenty (20) years of age shall be eligible to take the initial examination for firefighter. However, no appointment will be made to the Fire Department until the candidate attains age twenty-one (21). All candidates shall be under thirty-five (35) years of age except as otherwise provided by statute. Proof of birth date will be required at the time of application.

SECTION 7. SEQUENCE OF EXAMINATIONS

Failure to achieve the minimum passing grade in any examination disqualifies the candidate from any further consideration. The interim register of eligibles shall be established as follows:

<u>Examination</u>	<u>Scoring</u>
Written Examination	This is weighted as 70% of a candidate's total score exclusive of applicable preference points.
Veteran's points, if applicable	5 points for Military preference, if applicable, will be added pursuant to state statute.
Education points, if applicable	5 points for a Fire Science or Emergency Medical Services Associates degree or a Bachelor's degree in any subject.

Interim register of eligible. (Examinations administered after the interim register of eligibles but prior to the final eligibility register. These examinations are not in order of completion)

Oral interview	This is weighted as 30% of a candidate's total score exclusive of applicable preference points.
Police Record, Background Investigation	Pass or Fail
Polygraph	Pass or Fail

Candidate Conditional Offers

Medical, Drug and Psychological Examination	Pass or Fail
--	--------------

After the written examination and veteran's points and education points have been compiled, an interim register of eligibles shall be posted by the Board, which shall show the final scores of the candidates prior to the oral interview, background investigation, polygraph test, and post conditional offer examinations.

SECTION 8. NOTICE OF EXAMINATIONS

Examinations shall commence on a date scheduled by Human Resources and advertised in a paper published in the City in accordance with the statutes of the State of Illinois. 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 said examination. Candidates shall be notified of the postponement of any examination and the new date for said examination.

SECTION 9. TYPE OF EXAMINATIONS

The subject matter for the examination process shall be such as will fairly test the capacity of the candidate to discharge the duties of a Firefighter. No examination shall contain questions regarding the candidate's political or religious opinions or affiliations. (Section 10-2.10-6)

SECTION 10. NATURE OF WRITTEN EXAMINATION

The examination shall be practical in character and relate to those matters which will fairly test the capacity of the persons examined to discharge the duties of the positions to which they seek appointment. (Section 10-2.1-6). Candidates must score a 70% or better on the written examination or it is considered an automatic fail.

SECTION 11. EXAMINATION PROCEDURE

Tests shall be selected and administered by Human Resources, the Fire Department or by an outside agency in such manner as to insure the fairness and impartiality of the examination.

After the first meeting of the Commission after grades are reported, candidates who fail to achieve the minimum passing score will be notified.

All examination papers shall be and will become the property of the Board and the grading thereof by the Board or its agent shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description.

SECTION 12. INTERIM REGISTER OF ELIGIBLES

The interim register of eligibles for the Fire Department will distinguish between the candidates who have obtained the highest combined scores for all examinations administered by the Board prior to oral interviews, background investigation, and polygraph testing. The Board shall then proceed to conduct background investigations, polygraph testing and oral interviews with up to 25 candidates with the highest combined scores of preferences and rank order and prepare a final register of eligibles placing up to 25 candidates. After 20 appointments have been made from the register of eligibles, the Board shall proceed to conduct background investigations, polygraph testing and oral interviews on the next 25 candidates who have obtained the highest combined scores for all examinations administered by the Board prior to background investigation, polygraph testing and oral interviews and shall prepare a new register of eligibles based on such additional testing. The rank order of the new register of eligibles shall not give priority to those candidates on the first register unless the total combined scores of such candidates justify such priority. The procedure shall continue to be followed after every 25 appointments until no candidates remain to be hired from a register of eligibles or until the expiration of two years from the date the original register of eligibles was approved by the Board, whichever occurs first. The Commission has the ability to include more than 25 candidates at a time for consideration for a list of eligibles.

SECTION 13. ORAL INTERVIEW PANEL

The Fire Chief shall designate up to three (3) Fire Department staff to score oral interviews. The Human Resources Director shall designate one (1) staff member to score oral interview. The Commission shall have no less than one (1), but up to two (2) Commissioners to score oral interviews. A minimum interview panel shall consist of three (3) members. At no time should the interview panel exceed six (6) members on the panel.

SECTION 14. ORAL EXAMINATION – SUBJECTS OF EXAMINATION

Questions developed by Human Resources or an outside agency shall be asked of the candidate that will enable the interview panel to properly evaluate and grade the candidate on voice and speech, appearance, alertness, ability to present ideas, judgment, emotional stability, self-confidence, and personal fitness for the position. The Oral Examination shall make up 30% of the candidates score for the final eligibility list.

SECTION 15. ORAL EXAMINATION – GRADING OF EXAMINATION

On completion of each oral interview, the Panel will discuss the candidate. The panel will then grade the candidate on a percentage basis. The candidate's final grade will be the average of the panel's grades. Candidates failing to secure the minimum grade of 70% required by the Board are automatically eliminated from all further consideration.

SECTION 16. FINGERPRINTS

Candidates for original appointment shall be fingerprinted, with copies of fingerprints sent to those agencies directed by the Act to receive them. (Section 10-2.1-6.1)

SECTION 17. DISQUALIFICATION DURING HIRING PROCESS

(a) If information is developed in the background investigation or a candidate admits, verbally or in writing, that the candidate has committed any of the following offenses, the background investigation will be automatically halted and the information will be presented to the Board of Fire and Police Commissioners for immediate dismissal action:

Offenses Involving Children:

- Endangering the life or health of a child
- Indecent solicitation of a child
- Contributing to the delinquency of a minor and/or juvenile
- Child abuse
- Child abandonment

Homicide:

- Any homicide offense (excluding justifiable homicide)

Cannabis:

- Possession of cannabis over 100 grams
- Delivery of cannabis over 10 grams
- Delivery of cannabis to persons under age 18
- Calculated cannabis conspiracy

Controlled Substance:

- Manufacture & delivery of controlled substance
- Delivery or possession with intent to deliver a controlled substance
- Criminal drug conspiracy
- Delivery to persons under age 18

Robbery:

- Armed robbery
- Aggravated robbery
- Robbery
- Vehicular high jacking
- Aggravated vehicular high jacking

Disorderly Conduct:

- Bomb threat
- False police report
- False fire alarm
- Obscene phone calls
- Peeping tom
- Mob action
- Armed violence
- Looting

Interference with Public Officer:

- Resisting, obstructing, disarming an officer
- Refusing to aid an officer
- Obstructing justice
- Concealing or aiding a fugitive
- Aiding an escape
- Contraband in prison
- Interference with judicial procedure
- Contempt of court
- Perjury
- Bribery
- Official misconduct
- Tampering with public records
- Communicating with jurors and witnesses

Intimidation:

- Intimidation
- Hate crimes
- Stalking
- Aggravated stalking
- Extortion
- Compelling confession

Deception:

- Forgery
- Fraud
- Insurance fraud
- Embezzlement
- Credit card fraud
- Impersonating a police officer
- Financial extortion of the elderly/disabled
- Aggravated computer tampering
- Computer fraud

Firearms:

- Unlawful use of weapons
- Unlawful possession of weapons
- Unlawful possession of a firearm at school
- Reckless discharge of firearm
- Defacing identification marks of firearms

Sex Offenses:

- Prostitution
- Solicitation of a juvenile prostitute
- Pandering
- Keeping a place of prostitution
- Keeping a place of juvenile prostitution
- Pimping
- Juvenile pimping
- Sexual exploitation of a child
- Exploitation of a child
- Aggravated criminal sexual abuse
- Criminal sexual abuse
- Criminal transmission of HIV
- Indecent solicitation of a child
- Public indecency
- Bigamy
- Child pornography
- Statutory rape
- Criminal sexual assault
- Aggravated criminal sexual assault

Forcible sodomy
Criminal sexual assault with an object

Kidnapping:

Kidnapping
Aggravated kidnapping
Unlawful restraint
Forcible detention
Child abduction
Aiding and abetting child abduction
Harboring a runaway

Battery:

Aggravated battery
Reckless conduct
Battery of unborn child
Aggravated battery of a child
Domestic battery
Aggravated battery of a senior citizen

Assault:

Aggravated assault

Burglary:

Burglary
Aggravated burglary
Home invasion
Burglary of motor vehicle

Theft:

Theft over \$500
Retail theft over \$300
Pocket picking
Purse snatching
Theft from coin operated machine

Arson:

Arson
Aggravated arson

Other Offenses:

Eavesdropping
Keeping a gambling place
Use of cannabis within the eighteen (18) months of application date
Possession of cannabis within eighteen (18) months of application date

Traffic: (time parameters not necessarily in Illinois Vehicle Code)

Conviction for driving under the influence of alcohol (including a plea of guilty in return for court supervision) within 3 years of application date

Conviction for driving under the influence of drugs (including a plea of guilty in return for court supervision) within 3 years of application date

Reckless driving within two years of application date

Suspended or revoked driver's license within 3 years of application date

Driver's license suspended or revoked more than once in past 5 years

Hit and run

Fleeing or attempt to elude a police officer

In addition, a firefighter candidate will not be dismissed for a misdemeanor conviction except those listed above and in 65 ILCS 5/10-2.1-6.3(i)

(b) Permanent Disqualifiers are actions that would permanently disqualify the candidate from consideration for employment, under the current rules, for this or future testing. The following are Permanent Disqualifiers:

(1) Having illegally sold any controlled substance or drug, including marijuana (or any of its synthetic derivatives).

(2) Having used Lysergic Acid Diethylamide (LSD), Phencyclidine (PCP), Heroin, Methylenedioxymethamphetamine (Ecstasy), Methamphetamine, other hallucinogenic, or any derivative of the aforementioned either synthetic or naturally occurring.

(3) Having illegally used any controlled substance or dangerous drug other than marijuana (including but not limited to anabolic steroids, cocaine, or amphetamines) in excess of three times during their lifetime (not to include prescription drugs not legally prescribed to them).

(4) Having used marijuana (or any of its synthetic derivatives) on a regular or habitual basis for a period of five years or more. For these purposes regular or habitual basis shall be defined as normally using it one or more times a week.

(5) Having used prescription drugs not legally prescribed to them, or in a manner not intended, on a regular or habitual basis for a period of one year or more. For these purposes regular or habitual basis shall be defined as normally using it one or more times a week.

(c) Temporary Disqualifiers are items that would disqualify the candidate from the current testing. However, as time passed if they had no other violations they could become eligible to retest at some later date. The following are considered Temporary Disqualifiers:

(1) Within eighteen months preceding the date of application, or during the hiring process, having used marijuana or any of its synthetic derivatives.

(2) Within three years preceding the date of application, or during the hiring process, having illegally used any controlled substance or derivative, either synthetic or naturally occurring (not to include prescription drugs not legally prescribed to them).

(d) Conditional Disqualifiers are those items that will require review using a common-sense approach applying social standards and the expectations for a firefighter candidate. The following are considered Conditional Disqualifiers:

(1) Having used any prescription drug not legally prescribed to them or in a manner not intended. All such instances will be reviewed on a case by case basis providing there is no pattern of misuse or abuse.

SECTION 18. POLYGRAPH EXAMINATION

Any candidate for an original position with the Fire Department of the City of Bloomington, Illinois shall submit to a polygraph device deceptive test, commonly known as a lie detector test, at such time and place as determined by Human Resources. Such test shall be considered as part of the total testing procedure and shall be without expense to the candidate. Refusal of the candidate to take or failure to pass this examination shall disqualify him to enter upon the duties of the office for which the application for examination was filed. Examples of “failure to pass this examination” include:

(1) making statements of fact to the polygraph operator inconsistent with statements made orally or in writing to the Board;

(2) admissions to the operator which establish unfitness for the position applied for;

Statements made to a polygraph operator during an examination, and all written reports thereof, shall be deemed confidential and shall not be the basis for any criminal prosecution.

SECTION 19. FINAL ELIGIBLE REGISTER

The Commission will approve post and keep a “final eligible register” of the candidates successfully passing all examinations and including veteran and/or education preference points, if any. Candidates shall take rank upon the “final eligible register” in the order of their relative excellence as determined by examination without reference to priority of time of examination. The minimum grade established by the Board prior to testing is required for listing on the “final eligible register”. The “final eligible register” will remain in force for two (2) years from the date of posting unless extended with permission of Bloomington City Council. A copy of the “final eligible register” with its expiration date shall be sent to each person appearing thereon.

Candidates must have an Illinois paramedics license or National State Register at the time of job offer. Candidates who do not have a paramedics license on file will not be extended a job

offer. Candidates will be passed until such time as no candidate remains on the list with a paramedic's license. At the point the only candidates remaining on the List of Eligible do not have their Paramedics license, the Commission may elect to establish to eliminate all candidates remaining on the list of eligible and begin the process to establish a new list of eligibles.

SECTION 20. ORIGINAL APPOINTMENT

All original appointments made to an affected fire department shall be made from the final eligible register.

At the request of the City, whenever the Board authorizes action to hire a person to perform the duties of a firefighter to fill a position that is a new position or vacancy due to resignation, discharge, promotion, death, the granting of a disability or retirement pension, or any other cause, the Board shall appoint to that position the person with the highest ranking on the final eligibility register. If the Board has reason to conclude that the highest ranked person fails to meet the minimum standards for the position or if the Board believes an alternate candidate would better serve the needs of the department, then the Board has the right to pass over the highest ranked person and appoint either: (i) any person who has a ranking in the top 5% of the final eligible register or (ii) any person who is among the top 5 highest ranked persons on the final eligible register if the number of people who have a ranking in the top 5% of the final eligible register is less than 5 people.

SECTION 21. MEDICAL EXAMINATION

A candidate after receiving a conditional job offer shall submit himself for "medical examination" by a licensed physician designated by the Human Resources. Failure to pass this examination shall eliminate the candidate's name from the "final eligible register" and any further consideration. Notice of such result shall be presented to the Commission.

A candidate must have corrected or uncorrected vision of 20/30 binocular with worst eye no more than 20/200 and must be able to distinguish red from green for color blindness.

SECTION 22. PSYCHOLOGICAL EXAMINATION

In addition to the medical examination herein provided for, a candidate for an original position may be required to submit to a "psychological examination" by such psychological service as determined by Human Resources. Refusal of the candidate to take or failure to pass such examination shall eliminate him from further consideration. The term "failure to pass such examination" shall include evidence of any trait which in the Board's opinion renders the candidate unfit for the position applied for. Notice of such result shall be presented to the Commission.

SECTION 23. CANDIDATES ELECTING TO TAKE A BYE.

Candidates who receive a job offer shall be eligible to take a bye one time by providing written notice to the Staff Liaison. If the candidate elects to take a bye the second time a job offer is made they will be removed from further consideration.

SECTION 24. CERTIFICATION

Final certification of probationary firefighters shall be subject to:

- (1) Successful completion of the Basic Firefighters Operations course,
- (2) Admittance in the McLean County EMS System, and
- (3) Certification by the officer of the State Fire Marshal, Division of Personnel Standards and Education as a certified Basic Fire Fighters Operations all within the prescribed probationary period.

Failure to successfully complete these requirements constitutes grounds for discharge.

SECTION 25. PROBATION

(a) Original fire appointees shall be on probation for a period of twelve (12) months after commencement of employment.

(b) Time served on probation, whether continuous or not, shall be credited upon the period of probation. Probation members of the Fire Department may be discharged for any reason not prohibited by law, and are not subject to the provisions of Section 17 of the Act.

(c) Upon approval of the Board, the head of the Fire Department may continue probation for a reasonable period to further evaluate the appointee to the extent allowed by law.

**CHAPTER III – POLICE DEPARTMENT
BOARD RULES FOR ORIGINAL APPLICATION**

SECTION 1. VACANCIES

The Commission shall call examinations to fill vacancies in the service or to provide eligible lists for the service in which vacancies are liable to occur.

SECTION 2. APPLICATION BLANKS

Human Resources shall furnish a means for candidates to apply for Patrol Officer positions in the Police Department. Candidates must submit with their application a birth certificate, photo, high school diploma or equivalent. Candidates must submit college transcripts and a DD214, if applicable.

Electronic or paper applications for Patrol Officer positions shall be required. All applications shall be completely filled out by the candidate and shall be submitted within the time limits established. Persons making untruthful answers to questions or failing to complete said applications may be rejected by the Board at any time and the candidate notified of such action. The Board may remove persons certified to positions on the Police Department upon learning that false statements have been made or material facts have been misrepresented to the Board.

SECTION 3. DISQUALIFICATION

The Board may refuse to examine a candidate, or after examination refuse to certify him as eligible:

- (a) who is found lacking in any of the requirements established by law or ordinance for the service for which he or she applies;
- (b) who is physically or mentally unable to perform the duties of the position to which he or she seeks appointment;
- (c) who has taken or consumed illegal drugs or consumed alcohol excessively unless such conduct has ceased and is unlikely to be resumed;
- (d) who has been convicted of a felony or any disqualifying misdemeanor enumerated in the Board of Fire and Police Commissioners Act or these Rules;
- (e) who has been dismissed from any public service for good cause;
- (f) who has made any misstatement of fact in his or her written application, or orally to the Board;
- (g) whose character and employment references are unsatisfactory;

- (h) who does not possess a high school education or its equivalent;

Any candidate, or eligible, deemed disqualified hereunder, shall be notified by the Board and upon justifiable written request made by the candidate, shall be given an opportunity to be heard at the next scheduled board meeting. (Section 10-2.1-6)

SECTION 4. SPECIAL QUALIFICATIONS

If the application for examination for a position requires special qualifications, the Board may require evidence of such special qualification.

SECTION 5. AGE REQUIREMENTS

Candidates who are twenty (20) years of age shall be eligible to take the initial examination for Patrol Officer. However, no appointment will be made to the Police Department until the candidate attains age twenty-one (21). All candidates shall be under thirty-five (35) years of age except as otherwise provided by statute. Proof of birth date will be required at the time of application.

SECTION 6. ENTRY LEVEL PROCESS

Failure to achieve the minimum passing grade in any examination disqualifies the candidate from any further consideration. The written examination shall be graded on a 100-point scale.

<u>Examination</u>	<u>Minimum Passing Grade</u>
Written Examination	70%
Veteran's points, if applicable	5 points for Military preference, if applicable, will be added pursuant to state statute.

A list will be established in rank order based on the above combined scores. As examinations are administered candidates will be added to the list in rank order.

The following examinations may be administered to the group of eligibles. If a member of the group of eligibles fails one of the examinations, then he or she shall not be eligible for hire and need not continue with the examination process.

Physical Agility	Pass or Fail
Oral interview	70%
Police Record, Background Investigation	Pass or Fail

Polygraph Pass or Fail

Contingent Job Offer

Medical, Drug and
Psychological Examination Pass or Fail (these examinations are conducted after
the Board authorizes a contingent job offer)

SECTION 7. NOTICE OF EXAMINATIONS

Examinations shall commence on a date scheduled by Human Resources.

SECTION 8. TYPE OF EXAMINATIONS

The subject matter for the examination process shall be such as will fairly test the capacity of the candidate to discharge the duties of a Patrol Officer. No examination shall contain questions regarding the candidate's political or religious opinions or affiliations.

SECTION 9. NATURE OF WRITTEN EXAMINATION

The examination shall be practical in character and relate to those matters which will test the capacity of the persons examined to discharge the duties of the positions to which they seek appointment. Candidate must score an a minimum of 70% on the written examination to pass.

SECTION 10. EXAMINATION PROCEDURE AND SCHEDULE

Examinations shall be selected and administered by Human Resources, the Police Department or by an outside agency in such manner as to insure the fairness and impartiality of the examination.

Examining may be established multiple times per year. Candidates score is good for one year. After one-year candidates will be removed from the hiring list unless they are in an active group of eligibles.

Candidates who fail to achieve the minimum passing score will be notified.

All examination papers shall be and will become the property of the Board and the grading thereof by the Board or its agent shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description.

SECTION 11. PHYSICAL AGILITY REQUIREMENTS

Candidates must pass the physical agility standards established by the Chief of Police. The physical agility examination will be posted on the City website for candidates. The results of a physical agility examination will be valid for six months. If more than six months have

elapsed since a candidate has passed a physical agility examination, he or she must retake the examination.

Prior to taking any physical agility examination, all candidates shall execute a statement that the candidate is in good physical condition and is fully able to take a rigorous physical agility examination with no adverse effects; and release the Board, the City and their employees and agents from all liability arising out of the physical agility examination.

SECTION 12. ENTRY LEVEL ORAL INTERVIEW PANEL

The Police Chief shall designate up to three (3) Police Department staff to score oral interviews. The Human Resources Director shall designate one staff member to score oral interview. The Board shall have no less than one, but up to two Commissioners to score oral interviews. A minimum interview panel shall consist of three (3) members. At no time should the interview panel exceed six (6) members on the panel.

SECTION 13. ORAL EXAMINATION – SUBJECTS OF EXAMINATION

Questions developed by Human Resources or an outside agency shall be asked of the candidate that will enable the interview panel to properly evaluate and grade the candidate on voice and speech, appearance, alertness, ability to present ideas, judgment, emotional stability, self-confidence, and personal fitness for the position. Candidate must score an average of 70% from the interview team panel to pass.

SECTION 14. ORAL EXAMINATION – GRADING OF EXAMINATION

On completion of each oral interview, the Panel will discuss the candidate. The panel will then grade the candidate on a percentage basis. The candidate's final grade will be the average of the panel's grades. Candidates failing to secure the minimum grade of 70% required by the Board are automatically eliminated from all further consideration.

SECTION 15. FINGERPRINTS

Candidates for original appointment shall be fingerprinted, with copies of fingerprints sent to those agencies directed by the Act to receive them. (Section 10-2.1-6.1)

SECTION 16. DISQUALIFICATION DURING HIRING PROCESS

(a) If information is developed in the background investigation or a candidate admits, verbally or in writing, that the candidate has committed any of the following offenses, the background investigation will be automatically halted and the information will be presented to the Board of Fire and Police Commissioners for immediate dismissal action:

Offenses Involving Children:

- Endangering the life or health of a child
- Indecent solicitation of a child
- Contributing to the delinquency of a minor and/or juvenile
- Child abuse
- Child abandonment

Homicide:

- Any homicide offense (excluding justifiable homicide)

Cannabis:

- Possession of cannabis over 100 grams
- Delivery of cannabis over 10 grams
- Delivery of cannabis to persons under age 18
- Calculated cannabis conspiracy

Controlled Substance:

- Manufacture & delivery of controlled substance
- Delivery or possession with intent to deliver a controlled substance
- Criminal drug conspiracy
- Delivery to persons under age 18

Robbery:

- Armed robbery
- Aggravated robbery
- Robbery
- Vehicular high jacking
- Aggravated vehicular high jacking

Disorderly Conduct:

- Bomb threat
- False police report
- False fire alarm
- Obscene phone calls
- Peeping tom
- Mob action
- Armed violence
- Looting

Interference with Public Officer:

- Resisting, obstructing, disarming an officer
- Refusing to aid an officer
- Obstructing justice
- Concealing or aiding a fugitive
- Aiding an escape

Contraband in prison
Interference with judicial procedure
Contempt of court
Perjury
Bribery
Official misconduct
Tampering with public records
Communicating with jurors and witnesses

Intimidation:

Intimidation
Hate crimes
Stalking
Aggravated stalking
Extortion
Compelling confession

Deception:

Forgery
Fraud
Insurance fraud
Embezzlement
Credit card fraud
Impersonating a police officer
Financial extortion of the elderly/disabled
Aggravated computer tampering
Computer fraud

Firearms:

Unlawful use of weapons
Unlawful possession of weapons
Unlawful possession of a firearm at school
Reckless discharge of firearm
Defacing identification marks of firearms

Sex Offenses:

Prostitution
Solicitation of a juvenile prostitute
Pandering
Keeping a place of prostitution
Keeping a place of juvenile prostitution
Pimping
Juvenile pimping
Sexual exploitation of a child
Exploitation of a child
Aggravated criminal sexual abuse

Criminal sexual abuse
Criminal transmission of HIV
Indecent solicitation of a child
Public indecency
Bigamy
Child pornography
Statutory rape
Criminal sexual assault
Aggravated criminal sexual assault
Forcible sodomy
Criminal sexual assault with an object

Kidnapping:

Kidnapping
Aggravated kidnapping
Unlawful restraint
Forcible detention
Child abduction
Aiding and abetting child abduction
Harboring a runaway

Battery:

Aggravated battery
Reckless conduct
Battery of unborn child
Aggravated battery of a child
Domestic battery
Aggravated battery of a senior citizen

Assault:

Aggravated assault

Burglary:

Burglary
Aggravated burglary
Home invasion
Burglary of motor vehicle

Theft:

Theft over \$500
Retail theft over \$300
Pocket picking
Purse snatching
Theft from coin operated machine

Arson:

Arson
Aggravated arson

Other Offenses:

Eavesdropping
Keeping a gambling place
Use of cannabis within the eighteen (18) months of application date
Possession of cannabis within eighteen (18) months of application date

Traffic Offenses:

Conviction for driving under the influence of alcohol (including a plea of guilty in return for court supervision) within 3 years of application date
Conviction for driving under the influence of drugs (including a plea of guilty in return for court supervision) within 3 years of application date
Reckless driving within two years of application date
Suspended or revoked driver's license within 3 years of application date
Driver's license suspended or revoked more than once in past 5 years
Hit and run
Fleeing or attempt to elude a police officer

In addition, a police candidate will not be dismissed for a misdemeanor conviction except those listed above and in 65 ILCS 5/10-2.1-6.3(i).

(b) Permanent Disqualifiers are actions that would permanently disqualify the candidate from consideration for employment, under the current rules, for this or future testing. The following are Permanent Disqualifiers:

- (1) Having illegally sold any controlled substance or drug, including marijuana (or any of its synthetic derivatives).
- (2) Having used Lysergic Acid Diethylamide (LSD), Phencyclidine (PCP), Heroin, Methylenedioxymethamphetamine (Ecstasy), Methamphetamine, other hallucinogenic, or any derivative of the aforementioned either synthetic or naturally occurring.
- (3) Having illegally used any controlled substance or dangerous drug other than marijuana (including but not limited to anabolic steroids, cocaine, or amphetamines) in excess of three times during their lifetime (not to include prescription drugs not legally prescribed to them).
- (4) Having used marijuana (or any of its synthetic derivatives) on a regular or habitual basis for a period of five years or more. For these purposes regular or habitual basis shall be defined as normally using it one or more times a week.

(5) having used prescription drugs not legally prescribed to them, or in a manner not intended, on a regular or habitual basis for a period of one year or more. For these purposes regular or habitual basis shall be defined as normally using it one or more times a week.

(c) Temporary Disqualifiers are items that would disqualify the candidate from the current testing. However, as time passed if they had no other violations they could become eligible to retest at some later date. The following are considered Temporary Disqualifiers:

(1) Within eighteen months preceding the date of application, or during the hiring process, having used marijuana or any of its synthetic derivatives.

(2) Within three years preceding the date of application, or during the hiring process, having illegally used any controlled substance or derivative, either synthetic or naturally occurring (not to include prescription drugs not legally prescribed to them).

(d) Conditional Disqualifiers are those items that will require review using a common-sense approach applying social standards and the expectations for a officer candidate. The following are considered Conditional Disqualifiers:

(1) Having used any prescription drug not legally prescribed to them or in a manner not intended. All such instances will be reviewed on a case by case basis providing there is no pattern of misuse or abuse.

SECTION 17. POLYGRAPH EXAMINATION

Any candidate for an original position with the Police Department of the City of Bloomington, Illinois shall submit to a polygraph device deceptive test, commonly known as a lie detector test, at such time and place as determined by Human Resources. Refusal of the candidate to take or failure to pass this examination shall disqualify him to enter upon the duties of the office for which the application for examination was filed. Examples of “failure to pass this examination” include:

(1) making statements of fact to the polygraph operator inconsistent with statements made orally or in writing to the Board;

(2) admissions to the operator which establish unfitness for the position applied for;

Statements made to a polygraph operator during an examination, and all written reports thereof, shall be deemed confidential and shall not be the basis for any criminal prosecution.

SECTION 18. MEDICAL EXAMINATION

A candidate receiving a conditional job offer shall submit himself for “medical examination” by a licensed physician designated by the Human Resources. Failure to pass this

examination shall eliminate the candidate from further consideration. Notice of such results shall be presented to the Commission.

Patrol Officer candidates must have corrected or uncorrected vision of 20/30 binocular with worst eye no more than 20/200 and must be able to distinguish red from green for color blindness.

SECTION 19. PSYCHOLOGICAL EXAMINATION

In addition to the medical examination herein provided for, a candidate receiving a contingent job offer shall be required to submit to a “psychological examination” by such psychological service as determined by Human Resources and the Police Department. Refusal of the candidate to take or failure to pass such examination shall eliminate him from further consideration. The term “failure to pass such examination” shall include evidence of any trait which in the Board’s opinion renders the candidate unfit for employment as a Patrol Officer. Notice of such result shall be presented to the Commission.

SECTION 20. REQUEST TO HIRE

When a vacancy exists and is approved by the City Manager to fill, the Chief of Police will determine if the City will hire from the experienced officer pool or the entry level list. If the Chief elects to hire from entry level hiring list, the top scores from the list will be pulled and will be determined to be a group of eligibles. The number of candidates pulled will be determined by the Chief or his designee based on the number of vacancies and the number of candidates with the same score. Once the Board is notified of the number candidates to be under consideration, those candidates will not be removed if their examination score expires.

SECTION 21. EXPERIENCE HIRE CANDIDATES

The Chief of Police and Human Resources shall establish written procedures for use when hiring experienced Patrol Officers using the alternative hiring process established by City ordinance. Such candidates must be approved by the Board for appointment.

SECTION 22. SELECTION OF ENTRY-LEVEL CANDIDATE

Upon successful completion of the group of eligible candidates (physical agility, oral interview process, background and polygraph), the Chief of Police or his designee shall make a recommendation of any candidate remaining on the group of eligibles to the Board for consideration of hiring. The Board shall approve the final candidate.

SECTION 23. PROBATION

(a) Original police appointees shall be on probation until the expiration of eighteen (18) months after the initial date of hire.

(b) Time served on probation, whether continuous or not, shall be credited upon the period of probation. Probation members of the Police Department may be discharged for any reason not prohibited by law, and are not subject to the provisions of Section 17 of the Act.

(c) Upon approval of the Board, the head of the Police Department may continue probation for a reasonable period to further evaluate the appointee to the extent allowed by law.

CHAPTER IV – POLICE PROMOTIONAL EXAMINATIONS

(In the event of any variation between the procedures set forth in this Chapter IV and a collective bargaining agreement which relates to promotions in the police department, the collective bargaining agreement shall control.)

SECTION 1. GENERAL.

The Commission shall provide for promotion in the police service on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination, and all promotions shall be made from the three (3) having the highest rating. The method of examination and the rules governing the same are the same as provided for candidates for original appointment except as follows:

All officers who submit themselves to examination will be graded according to the following schedule:

Merit and Efficiency Rating (as determined by Chief of Department)	10 Points maximum
Seniority (1/2 point per year with a maximum of 10 years)	5 Points Maximum
Written Examination	40 Points Maximum
Assessment	30 Points Maximum
Oral Interview A command member rank Lieutenant or higher may sit as part of the interview panel.	25 Points Maximum
Maximum Score before Military points:	110 points

Military credit will be applied as prescribed by Statute. Military credit may increase the maximum score beyond 110 points.

65 ILCS 5/10-2.1-11. Promotional examinations-Credits to veterans. The board of fire and police commissioners shall give preference for promotional appointment to persons designated in Section 10-2.1-10 whose names appear on promotional eligibility registers by adding to the final grade average which they will receive as a result of any promotional exam 7/10 of one point for each 6 months or fraction thereof of military or naval service not exceeding 30 months.

A person must have completed three years as an officer in the Bloomington Police Department prior to the commencement of the promotional process in order to be eligible to be examined for placement on the Register of Eligibles for the position of Sergeant.

The “final eligible register” will remain in force for three (3) years from the date of posting.

SECTION 2. INJURIES

Persons receiving injuries while on duty or in the discharge of duty shall not be disqualified from promotion. When such injuries have occurred, the Chief of the Department shall notify the Commission in writing, stating the nature of the injuries and under what circumstances received.

SECTION 3. CONSOLIDATION OF LISTS

Should the Commission deem it advisable to supplement the number of names on any eligible register by holding another examination for the post, the register resulting from such supplemental examination shall be consolidated with the existing register and the names of eligibles shall take rank on such consolidated register in the order of the highest percentage obtained in either examination without reference to priority of time of examination. It shall be the duty of the Commission to notify persons on the existing list that a supplemental examination will be held and will result in a consolidation of the two (2) lists.

No examinations shall be given if a vacancy exists at that time and an eligibility list is in existence.

SECTION 4. REFUSAL

Any person whose name appears on an eligibility list may decline appointment for one time and still maintain his position on the list, but in the event a person declines an appointment a second time, it shall be optional with the Board to strike the name of such candidate from the eligibility list.

CHAPTER V - PROMOTIONAL PROCESS FOR BLOOMINGTON FIRE DEPARTMENT – BATTALION/ASSISTANT CHIEF

SECTION 1. DEFINITIONS

The word “Commission” and/or “Board” whenever used shall mean the Board of Fire and Police Commissioners of the City of Bloomington.

The term “Fire Department” and/or “Department” shall mean the City of Bloomington Fire Department.

The term “register” shall mean the applicable final eligibility register.

A final eligibility register shall be “exhausted” when all persons on that register have been appointed or have refused appointment.

SECTION 2. GENERAL PROVISIONS

This policy shall provide for promotion to the rank of Assistant/Battalion Chief of the Bloomington Fire Department. Promotions shall be made on the basis of the criteria contained herein and be in accordance with the Firefighter’s Promotions Act (50 ILCS 742/1 et seq.). Vacancies, as defined in this document, shall be filled by promotion in accordance with the procedures contained herein. The promotion process shall be competitive among such eligible employees of the next lower rank who have elected to participate in this promotion process. Vacancies shall be filled by appointment of candidates in rank order as they appear on the final eligibility register.

The final eligibility register shall, unless exhausted, remain in force for three years from the date of posting and may not be vacated, replaced by or consolidated with a subsequent register. In the event the Commission elects to begin the process for determining a successor register prior to the expiration or exhaustion of a current register, the successor register shall not become effective prior to the expiration or exhaustion of existing register.

SECTION 3. MONITORING

Upon request by the bargaining unit and as set forth in the Fire Department Promotional Act (50 ILCS 742/1 et seq.), all components of the examination process are subject to monitoring. The monitors shall be two (2) in number and shall be selected by the bargaining unit, but may not include members of the Board of Fire and Police Commission.

SECTION 4. ELIGIBILITY

Effective August 2, 2004, only employees holding the rank of Captain for three (3) years prior to the written examination date shall be eligible to participate in the promotional process for the rank of Assistant Chief. Those applying must have received an Associate’s Degree in

Fire Science or a Bachelor's Degree in any subject area if coupled with a Fire Officer II certificate from the Office of the State Fire Marshal to be eligible to participate.

Documentation of successful completion of the required degree and certification must be submitted to the Fire Chief at least 45 days prior to the written exam. Candidates who do not provide the required documentation shall not be allowed to participate in the promotion process. Acceptable documentation shall be an official transcript(s) from educational institutions, or an on-file copy of same that has been previously added to the candidates training files.

SECTION 5. ADMINISTRATION

The promotion process contained herein shall be administered by the commission. Except where indicated otherwise, disputes concerning the meaning, interpretation, or application of the express provisions of this policy shall be resolved in accordance with the grievance procedure contained in the parties' collective bargaining agreement. In all cases where a challenge is filed with respect to this promotional process, it shall be the candidate's responsibility for meeting the burden of proof with respect to any claim that an express provision of this promotional policy has been violated.

SECTION 6. COMPONENTS

The following components, order of process and weights shall be used to establish applicable promotion eligibility registers:

Chief's Points	15%
Time in Grade Points	15%
Assessment Board	40%
Written Examination	30%

SECTION 7. POSTING OF OFFICIAL SIGN UP LIST

There shall be an official written examination sign up list posted at each Fire Department facility. The sign-up list shall be posted at least 90 days prior to the date of the first component of the examination process. Personnel who wish to participate in the promotional process must so indicate by signing one of the sign-up lists at least 45 days prior to the date of the first component of the process.

SECTION 8. POSTING OF COMPONENT SCORES

Scores of each component shall be posted in accordance with the provisions contained herein. Concurrent with this posting, the Fire Chief shall forward component scores to the Board of Fire and Police Commissioners.

SECTION 9. CHIEF'S MERIT POINTS

The Fire Chief will have available for his assignment up to 15 points to be added to the other point criteria for the purpose of establishing the promotional list for Assistant/Battalion Chief. These points are at the discretion of the Chief. These points will be given to the Commission prior to the assessment center. These points are at the discretion of the Chief. Chief's Merit Points for personnel who have signed up for the written exam shall be computed and posted at least 7 days prior to the assessment center. Chief Merit Points for personnel who have signed up for the promotional process shall be computed and posted within 4 days of the closing of the sign-up period.

SECTION 10. TIME IN GRADE POINTS

Time in Grade points for personnel who have signed up for the promotional process shall be computed and posted at least 7 days prior to the assessment center examination. A maximum of 5 points for ten years of service as a Captain shall be awarded. Points for employees with less than ten years as a Captain shall be computed as follows: Time in Grade in days of service shall be determined by subtracting the employee's date of appointment as Captain from the date on which the applicable current promotion list expires or was exhausted. For the initial list, the date of the written examination will be used for this calculation. An employee's Time in Grade shall be adjusted to reflect any time not credited towards seniority while a Captain as defined in the collective bargaining agreement between the City and IAFF Local #49. A promotion list shall be considered to have been exhausted on the date the last person on that list received (or refused) an initial appointment to the rank of Assistant Chief. Time in Grade shall then be multiplied by 1.5 to determine an employee's points, the final value being rounded to 3 decimal places.

$(\text{Date of expiration of exhaustion of list} - \text{Date appointed captain}) \times 1.5$
365.25

SECTION 11. ASSESSMENT CENTER

The assessment center will be designed to test the candidate's ability to perform several of the functions of an Assistant/Battalion Chief in the capacity of Shift Commander. It will include demonstrating the candidate's ability to handle administrative functions of the position, emergency mitigation functions and may include an oral interview. The assessment center will be designed and conducted by an impartial, independent firm contracted by the City. The Chief will serve as a resource to assure that the process is relevant to the position being assessed.

SECTION 12. POSTING OF NOTIFICATION OF WRITTEN EXAMINATION

Notice of written examination shall be posted in all Fire Department facilities at least 90 days prior to the date of the written examination.

SECTION 13. POSTING OF STUDY GUIDE FOR WRITTEN EXAMINATION

The study guide for the written examination shall be posted in all Fire Department facilities at least 90 days prior to the date of the examination. The study guide shall include the names of all reference material and applicable chapters from which written questions may be selected.

SECTION 14. STRUCTURE OF THE WRITTEN EXAMINATION

The written examination shall consist of no fewer than fifty (50) questions that call for specific answers, such as multiple choice, true/false, or matching format. Each question on the written examination shall have the same value.

SECTION 15. GRADING OF THE WRITTEN EXAMINATION

Upon completion, the written examination shall either be graded on site pursuant to Section 35 of the Fire Department Promotion Act and the score provided to the candidate or, if the examinations are graded offsite by a bona fide testing agency, the observers to the written examination shall witness the sealing and the shipping of the examinations for grading and the subsequent opening of the scores upon the return from the testing agency, pursuant to Section 35 of the Fire Department Promotion Act. If the examination has been graded on site, prior to leaving the examination site, the candidate shall sign a receipt indicating the candidate's score. This receipt shall only be an acknowledgement that the candidate was provided his/her examination score and shall not indicate any other agreement on the part of the candidate. The method for scoring the examination shall be at the discretion of the Fire and Police commission. A list of scores of all candidates shall be posted in each Fire Department facility within 14 days of the examination.

SECTION 16. REVIEW OF THE WRITTEN EXAMINATION

Personnel who have taken the written examination shall be provided with the opportunity to review the examination along with their answers within 14 days of the examination. The time, place and format of the review shall be as determined by the Commission. The Commission may elect to provide for review of the written examination in a group format.

SECTION 17. CHALLENGES TO THE WRITTEN EXAM

Challenges or appeals concerning correct answers on the written examination shall be the exclusive jurisdiction of the Commission. Decisions by the Commission shall be final and are not subject to appeal.

The Commission's authority in such appeals shall be limited to affirming or invalidating any challenged or appealed question(s). If the Commission invalidates a question(s), no candidate shall receive credit for correctly answering the invalidated question(s). The total number of points possible on the written exam shall be reduced by the number of questions invalidated by the Board.

Challenges or appeals must be filed by the candidate within 30 days of the date of the scoring of the exam. Individuals must make challenges or appeals concerning correct answers on the written examination directly to the Commission.

SECTION 18. MILITARY POINTS

At the posting of the final list of eligibles, any candidate that qualifies for additional points due to military service will have 10 days to do so. Points will not be awarded in the event that a candidate has gotten credit for same on a previous promotional process. Military points shall be calculated in compliance with Chapter 65 of the Illinois Municipal Code, Section 10-2.1-11. Awarding of these points provides the potential for a candidate to receive a score higher than 100, and are not considered a part of the total points calculation for the other components of the examination process.

SECTION 19. INITIAL APPOINTMENT

Initial appointment to fill vacant positions shall be made by the Commission and shall be for a period of one year. During the initial appointment period the Chief may request the Commission to terminate an employee's appointment and return the employee to their previous rank. Such termination of an initial appointment shall be made only when an employee has demonstrated substantial shortcomings in the performance of their duties. An employee who has an initial appointment terminated shall not be eligible for further appointment from the current register.

SECTION 20. REGULAR APPOINTMENT

At the conclusion of the one-year initial appointment, the Chief shall notify the Board, who shall then make their regular promotion to the rank of Assistant/Battalion Chief.

SECTION 21. REFUSAL OF INITIAL APPOINTMENT

Any employee whose name appears on a final eligibility register may decline appointment one time and still maintain their position on the register. Any employee who declines appointment a second time shall be disqualified from further consideration for appointment from that register.

SECTION 22. PASSING OVER A CANDIDATE ON THE LIST OF ELIGIBLES

The appointing authority has the right to pass over the top candidate on the list in the event there is significant evidence of shortcomings in the candidate's ability to function as an Assistant/Battalion Chief or if misconduct on the part of the candidate is noted. If the shortcoming persists and another opening develops, the candidate may be passed over again and be removed from that list. This will not prohibit the candidate from taking later exams and ultimately being appointed from another list. In the event that a candidate is passed over, the Commission must document the reason why. Unless the shortcoming is not correctable, no

candidate may be passed over more than one time. Any dispute over the passing over of a candidate or any other component of the promotional procedure may be brought before the Commission for resolution by decision of the Commission according to their rules and regulations.

CHAPTER VI – HEARING OF CHARGES, REMOVALS, SUSPENSIONS, DEMOTIONS AND DISCHARGES

SECTION 1. HEARING OF CHARGES

(a) Hearings before the Board are not common law proceedings. The provisions of the “Code of Civil Procedure” do not apply to hearings before the Board.

(b) “Counsel” as used herein means: one who has been admitted to the Bar as an attorney at law in this State.

(c) No rehearing, reconsideration, modification, vacation or alteration of a decision of the Board can be allowed.

(d) “Cause for Discharge” is some substantial shortcoming which renders continuance in employment in some way detrimental to the discipline and efficiency of the public service and something which the law and sound public opinion recognize as cause for the officer no longer occupying his position. “Cause for Discipline” is some act or omission for which suspension, demotion or other discipline would not be arbitrary, unreasonable or unrelated to the requirements of the service.

(e) The complainant initiating any proceedings which provides for a hearing before the Board has the burden of proof to establish that cause does exist by a preponderance of evidence; and should the question of a crime be involved, the rule of reasonable doubt shall not control.

(f) The phrase “Preponderance of Evidence” is defined as the greater weight of the evidence; that is to say, it rests with that evidence which, when fairly considered, produces the stronger impression and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.

(g) All hearings shall be public, except as may be provided in the Open Meetings Act.

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

(i) All proceedings before the Board during the conduct of the hearing shall be recorded by a reporter to be employed by the Board.

(j) The records of all hearings will not be transcribed by the reporter unless requested to do so by the Board or any party of interest.

(k) All witnesses shall be sworn by the Chairman of the Board or a person acting in his behalf prior to testifying and the manner will be decided by the Board on evidence presented at the hearing.

(l) The board will first hear the evidence substantiating the charges which have been made against the respondent. Thereafter, the respondent may present and examine those witnesses whom he desires the Board to hear. All parties shall have the right to cross examine witnesses presented by the opposite party. (Section 10-2.1-17)

SECTION 2. HEARING PROCEDURE

(a) Complaints. In all cases written complaints shall be filed, setting forth a plain and concise statement of the facts upon which the complaint is based.

(b) Probable Cause. The Board shall have the right to determine whether there is or is not probable cause for hearing a complaint and may hold informal hearings as may be necessary for such purpose. Such meetings may be closed.

(c) Notification of hearing. Upon the filing of a complaint with the Staff Liaison, and the determination of the Board of proper cause for entertaining said complaint, the Staff Liaison shall notify both the complainant and respondent, either by registered or certified mail, return receipt requested, or personally, of the time and place of the hearing of the charges contained in the complaint. The respondent shall also be served with a copy of the complaint, and if an Order of Suspension is entered by the Board, the respondent, the complainant, and the Chief of the Department shall be notified of the entry of such Order of Suspension, and be served either personally or by registered or certified mail, return receipt requested, with a copy of such Order of Suspension.

(d) Continuances. The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.

No hearing shall be continued at the request of any of the parties to a proceeding or their attorneys, unless such request is either made orally to the Chairman of the Board, or received in writing at the Board's offices at least three (3) days before the scheduled hearing date.

(e) Stipulations. Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, to a continuance or as to evidentiary guilt. The facts so stipulated shall be considered as evidence in the proceeding.

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

(f) Sufficiency of Charges – Objections To. Motions or objections to the sufficiency of written charges must be filed or made prior to or at the hearing before the Board. (Section 10-2.1-17)

SECTION 3. SUBPOENAS

(a) Either the complainant of the respondent may at any time before the hearing make application to the Board by filing with it a written request for subpoenas for any individual to appear for a hearing or have them produce documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person of the age of 21 years and upwards designated by the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce. Subpoenas will not be issued for anyone residing outside the State of Illinois.

(b) Any request for continuance by reason of inability to serve subpoenas shall be filed in the office of the Board at least three (3) days before the date set for such hearing, provided, however, that the Board in its discretion may waive this rule. (Section 10-2.1-17)

SECTION 4. SERVICE

All papers required by these Rules and Regulations to be served shall be delivered personally to the party designated or mailed by United States Mail in an envelope properly addressed with postage prepaid to the designated party at his last known residence as reflected by the complaint filed with the Board, except as herein otherwise provided. Proof of service of any paper may be made by the certification of any person so mailing the paper or delivering the same to the designated party personally, or by filing a return receipt showing that a paper was mailed, by either registered or certified mail, return receipt requested, to a party's address where it was received by a named party. (Section 10-2.1-17)

SECTION 5. FILING

All papers may be filed with the Board by mailing them or delivering them personally to the Staff Liaison at City Hall, Bloomington, Illinois. For the purpose of these Rules and Regulations, the filing date of any paper shall be the date it was received in the Board's office in the event the paper is delivered personally or by messenger. In the event a paper is forwarded by mail then the filing date shall be the date which is postmarked on the envelope of such paper. (Section 10-2.1-17)

SECTION 6. FORMS OF PAPER

(a) All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.

(b) If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.

(c) All papers shall not be larger than 8 ½" wide by 11" long and shall have inside margins of not less than one inch.

(d) The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent or attorney thereof.

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

SECTION 7. COMPUTATION OF TIME

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

SECTION 8. SUSPENSION

(a) The Board may suspend any member of the Fire or Police Department against whom charges have been preferred, pending a hearing of the charges by the Board, but not to exceed thirty (30) days without pay at any one time. This time may be extended at the request of the officer and an agreement to waive salary during such time.

(b) The Chief of Fire or Police Department shall have the right to suspend any officer under his command for a period of not to exceed five (5) days, providing no charges on the same offense have been filed and are pending before the Board, and he shall notify the Board in writing. Any policeman or fireman so suspended may appeal to the Board for a review of the suspension within five working days after such suspension by filing notice of such appeal in writing with the Staff Liaison. A hearing shall be had upon such appeal, and due notice given to the Chief of the Department so suspended such officer, and to the officer so suspended in the same manner as if charges were originally filed before the Board. Nothing in this Section shall be interpreted as infringing on the ability of a Chief to suspend for a longer period of time if a collective bargaining agreement so permits.

(c) Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the officer so suspended receive his pay for the period involved, may partially reverse the action of the Chief with instructions that the officer receive his pay for any period of suspension shortened by the Board, may suspend the officer for an additional period of not more than thirty (30) days, or discharge him, depending on the evidence presented.

(d) The Chief of the Fire or Police Department, when the efficiency of the Department demands immediate suspension of an officer, may suspend an officer for up to five (5) days pending the filing of charges with the Board; such a temporary suspension shall not be deemed to be the only discipline which may be imposed or preclude the Board from imposing other discipline, including discharge. (Section 10-2.1-17)

SECTION 9. DISCHARGE, DEMOTION OR SUSPENSION AFTER HEARING

(a) Discharge from office, or suspension from service or demotion in the Fire or Police Department shall be in compliance with the Fire and Police Commissioners act of the State of Illinois, being Division 2.1 of Chapter 65, Act 5 of the Illinois Compiled Statutes, any applicable collective bargaining agreement, and with Bloomington City Code, whichever provision governs.

(b) The Board shall, within fifteen (15) days after the hearing is completed, enter its findings on the records of the Board.

SECTION 10. DATE OF HEARING

The time for the hearing of charges shall be set by the Board, within thirty (30) days of the time of the filing of such charges. Continuances may be granted from time to time upon motion of any party to the proceeding by order of the Board, but after thirty (30) days only by written concurrence of complainant and respondent. (Section 10-2.1-17)

SECTION 11. FINDING AND ORDER

In case any member of the Fire or Police Department shall be found guilty of the charges preferred against him after a hearing by the Board, he may be discharged, demoted or suspended for a period not exceeding thirty (30) days without pay.

SECTION 12. RULES – CONFLICT

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

SECTION 13. POLITICAL CONTRIBUTIONS

No person in the Fire or Police Department of Bloomington, Illinois, shall be under any obligation to contribute to any fund or to render any political service, and no such person shall do so or be removed or otherwise prejudiced for refusing to do so. No person in the Fire or Police Department of Bloomington, Illinois shall discharge or promote or reduce or in any manner change the official rank or compensation of any other person in such service, or promise or threaten so to do, for withholding or refusing to make any contribution of money or service or any other valuable thing for any political purpose, or in any other manner, directly or indirectly use his official authority or influence to compel or induce any other person to pay or render any political assessment, subscription, contribution, or service.

SECTION 14. POLITICAL ACTIVITIES

No person holding a position in the Fire or the Police Department of Bloomington, Illinois shall use his official authority or influence to coerce the political action of any person or body, or to interfere with any election or engage in any political activity while on duty.

SECTION 15. VIOLATION OF RULES/GENERAL ORDERS

All members of the Fire and Police Departments shall be subject to the Rules and Regulations and general orders of such departments, and the Rules and Regulations of the Board, and a violation of such Rules or Regulations shall be cause for the filing of charges before the Board, a subsequent hearing and action by the Board of such charges.

SECTION 16. VIOLATION OF LAW

Any violation of the laws of the municipality or state or federal law by any member of the Fire or Police Department of such municipality shall be cause for the filing of charges against said officer.

CHAPTER VII – GENERAL

SECTION 1.

All officers and members of the Fire and/or Police Departments shall observe and obey all Rules and Orders of the Board of Fire and Police Commissioners which are in force or which may be adopted hereafter as well as all Rules and Regulations for the operation of a Fire and/or Police Department, and ordinances as adopted by the City Council in force or which may be adopted hereafter.

SECTION 2.

The Board of Fire and Police Commissioners shall have such other powers and duties as are given it by the Statutes of the State of Illinois and the ordinances of the City of Bloomington.

SECTION 3.

Any chapter, sections and/or subsections of the foregoing Rules and Regulations for the operation of the Board of Fire and Police Commissioners that are in conflict with the state statutes that preempt home-rule authority or ordinances of the City of Bloomington as heretofore or hereafter amended are null and void. This, however, does not invalidate any other chapters, sections and/or subsections of said Rules.

SECTION 4.

Amendments to the Rules and Regulations of the Commission may be made at any meeting of the Commission. A notice shall be published in a newspaper of general circulation in the municipality where such Rules are posted. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication when said Rules shall go into operation.

APPROVED this ____ day of _____, 2018.

CITY OF BLOOMINGTON BOARD OF
FIRE AND POLICE COMMISSIONERS

By: _____
Chairman

By: _____
Commissioner

By: _____
Commissioner