





Memorandum

TO: Kevin J. Jackson, Village Manager 

FROM: Kira Tchang, Assistant Village Manager/HR Director 

FOR: Village President and Board of Trustees

DATE: September 14, 2022

SUBJECT: Board of Fire & Police Commissioners Authorize Lateral Hires

The purpose of this memo is to provide the Board with an update on the Board Goal of “Review staffing & hiring processes for our police department, in particularly regulations for outside transfers into the Department.” This was briefly discussed during the Village Manager’s Report on September 6, 2022.

Background

On August 1, 2022, the Board of Fire and Police Commissioners (BFPC) adopted a resolution amending the BFPC’s Police Department Rules and Regulations pursuant to the Board Goal of “reviewing[ing] staffing and hiring processes for our police department, in particular regulations for outside transfers into the Department.” The BFPC’s rules amendment was made for the purpose of addressing lateral transfers into the Oak Park Police Department (OPPD). Under the original rules, individuals who were already certified as police officers were required to complete all components of the entry level hiring process, including a submission of application, submission of college transcripts, proof of valid Illinois driver’s license, physical ability test, written test, preliminary character/background check, personal history questionnaire, personality assessment, oral test, and upon conditional offer of employment, an updated character/background check, pre-employment medical examination including drug test, and in-depth psychological exam.

The BFPC, in the interest of allowing certified officers to consider the OPPD for employment, amended the rules to allow eligible officers with a minimum of two years of experience in other jurisdictions to apply for employment with Oak Park, waiving the physical ability test and written test requirements. Such officers would still be subject to all other pre-employment steps including the oral test with the BFPC, character/background checks and an in-depth psychological exam. Employees hired through the lateral transfer process would be subject to an 18-month probationary period including extensive training on the Oak Park community and the Oak Park way of policing.

The BFPC made this amendment in acknowledgement of changes in the hiring landscape for entry level police candidates. The BFPC typically calls for entry level testing once per year.

Candidate numbers have decreased sharply in recent years as a result of a number of factors including the pandemic, changes to the overall job market, and changes to perceptions of law enforcement as a profession.

2019/20: 56 candidates passed written exam resulting in 6 probationary hires
2021: 18 candidates passed written exam resulting in 2 probationary hires
2022: 11 candidates passed written exam, 2 probationary hires pending

Police Officers are currently exiting the OPPD, due to both retirement and lateral transfers, at a rate faster than the Village can replace them. Allowing for lateral hires provides another mechanism for candidates to be considered by the OPPD with the understanding the BFPC will provide a rigorous hiring process and the OPPD will support the professional development of officers who are attracted to the Village and wish to learn how to police the Oak Park way.

Next Steps

Per the 65 ILCS 5/10-2.1-5, notice of changes to the BFPC Rules and Regulations must be published in one or more area newspapers not less than 10 days subsequent to the implementation. Following notification to the Board, staff will publish a notice to the public of change.

If you have any questions, please contact Kira Tchang, Assistant Village Manager/HR Director, at (708) 358-5652 or ktchang@oak-park.us

Attachment

Board of Fire and Police Commissioners Rules and Regulations for the Police Department

cc: Lisa Shelly, Deputy Village Manager
Ahmad Zayyad, Deputy Village Manager
All Department Heads
Christina M. Waters, Village Clerk

RULES AND REGULATIONS
BOARD OF FIRE AND POLICE COMMISSIONERS

VILLAGE OF OAK PARK, ILLINOIS

POLICE DEPARTMENT

As Amended Through August 1, 2022

ARTICLE 1 – GENERAL PROVISIONS	1
SECTION 1. ADMINISTRATION.....	1
SECTION 2. ORGANIZATION.....	1
SECTION 3. DUTIES.....	1
SECTION 4. MOTIONS	2
SECTION 5. BUSINESS	2
SECTION 6. ANNUAL REPORT	2
ARTICLE 2 – ENTRY LEVEL APPOINTMENT COMMITTEE – POLICE DEPARTMENT 3	
SECTION 1. ADMINISTRATION.....	3
SECTION 2. ORGANIZATION	3
SECTION 3. RULES GOVERNING THE ENTRY LEVEL EXAMINATION PROCESS.....	3
SECTION 4. GENERAL PROVISIONS	6
SECTION 5. INITIAL ELIGIBILITY LIST AND ORAL TESTING REQUIREMENTS.....	7
SECTION 6. LATERAL TRANSFER PROVISIONS.....	8
ARTICLE 3 – PROMOTION (TO SERGEANT).....	9
WITHIN THE POLICE DEPARTMENT	9
SECTION 1. ELIGIBILITY TO TEST.....	9
SECTION 2. TEST SCHEDULE AND ORIENTATION	9
SECTION 3. TEST COMPONENTS.....	9
SECTION 4. NOTICE OF TEST	10
SECTION 5. APPLICATIONS FOR TEST	10
SECTION 6. WRITTEN TEST	10
SECTION 7. ORAL TEST.....	11
SECTION 8. TEST SCORING	11
SECTION 9. FRAUD IN EXAMINATION	12
SECTION 10. TESTING VENDOR TO DETERMINE TESTING PROCEDURES.....	12
SECTION 11. RIGHT OF REVIEW.....	12

SECTION 12. POSTING OF LIST.....	12
SECTION 13. EXAMINATION RESULTS.....	12
SECTION 14. NOTIFICATION OF VACANCY	13
SECTION 15. EXPIRATION OF LISTS	13
SECTION 16. CONSOLIDATED LISTS.....	13
SECTION 17. REMOVAL FROM LIST FOR CAUSE.....	13
SECTION 18. APPOINTMENT DECLINED.....	14
SECTION 19. CHANGE OF ADDRESS.....	14
ARTICLE 4 –TERMINATION OF PROBATIONARY APPOINTMENTS.....	14
ARTICLE 5 – HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES	14
SECTION 1. DISCIPLINARY ACTION	14
SECTION 2. HEARING OF CHARGES	15
SECTION 3. HEARING PROCEDURE	16
SECTION 4. COMPUTATION OF TIME	18
SECTION 5. SUSPENSION.....	18
SECTION 6. FINDINGS AND DECISION	19

**RULES AND REGULATIONS
BOARD OF FIRE AND POLICE COMMISSIONERS**

VILLAGE OF OAK PARK, ILLINOIS

POLICE DEPARTMENT

As Amended Through April 6, 2016

ARTICLE 1 – GENERAL PROVISIONS

SECTION 1. ADMINISTRATION

The Board of Fire and Police Commissioners of the Village of Oak Park, Illinois, derives its power and authority from Article 10, Paragraph 2.1 of the Illinois Municipal Code, 65 ILCS 5/10-2.1.-1 *et seq.* (“Act”), and from the President and Board of Trustees of the Village of Oak Park pursuant to Article VII, Section 6 of the Constitution of the State of Illinois of 1970.

SECTION 2. ORGANIZATION

1. The Board of Fire and Police Commissioners of the Village of Oak Park, Illinois, hereinafter referred to as the “Board”, shall hold meetings as needed for the transaction of business.
2. The Board shall consist of three (3) members, who may annually on the first meeting date in January elect a Chairperson, who shall hold the office for a term of one-year or until a successor is duly elected and qualified.
3. The Village Manager shall appoint a clerical secretary to serve at the pleasure of the Board.
4. Two members of the Board shall constitute a quorum for the transaction of business (other than as specified for the Entry Level Appointment Committee, below).
5. Meetings may be called by any two members of the Board with written or oral notification to the other member not less than three (3) days prior to such meeting.

SECTION 3. DUTIES

1. The Chairperson shall be the Executive Officer of the Board, shall preside at all meetings, and shall attend to all duties pertaining to such office.

2. The Secretary shall: (1) keep the minutes of the Board's proceedings as a permanent record; (2) be the custodian of all papers pertaining to the business of the Board;
3. Cause a record to be kept of all examinations held; and (4) perform all other duties prescribed by the Board.

SECTION 4. MOTIONS

Motions or resolutions may be made orally by a member and shall be recorded in the minutes of the Secretary together with action upon same.

SECTION 5. BUSINESS

The order of business at the meeting of the Board shall be determined by the Chairperson. Any old or new matters may be raised by any member. All meetings shall be held in accordance with the Illinois Open Meetings Act, 5 ILCS 120/1 et seq.

SECTION 6. ANNUAL REPORT

Annually, or at any time the Village Board of Trustees may approve, the Board shall submit to the Village President a report of its activities, its rules in force, the practical effect thereof, and any recommendations for the greater efficiency of the Police Department.

**ARTICLE 2 – ENTRY LEVEL APPOINTMENT COMMITTEE – POLICE
DEPARTMENT**

SECTION 1. ADMINISTRATION

The Entry Level Appointment Committee of the Village of Oak Park, Illinois, derives its power and authority from the President and Board of Trustees of the Village of Oak Park pursuant to Article 29 of Chapter 2 of the Code of the Village of Oak Park.

SECTION 2. ORGANIZATION

1. The Entry Level Appointment Committee (Police Department) of the Village of Oak Park, Illinois hereinafter referred to as the "Committee," shall hold meetings as needed for the transaction of business.
2. The Committee shall consist of five (5) members: the Director of Human Resources for the Village of Oak Park or such other administrative or Human Resources employee as the Village Manager may designate; the Police Chief; and the three (3) members of the Board of Fire and Police Commissioners.
3. Three (3) members of the Committee shall constitute a quorum for the transaction of business. In the event the Committee is voting on a matter impacting both the Fire and Police Departments, the Committee shall consist of six (6) members, including the Fire Chief, and four (4) members shall constitute a quorum.

SECTION 3. RULES GOVERNING THE ENTRY LEVEL EXAMINATION PROCESS

1. The Entry Level Appointment/Examination Process applies only to the process for initial appointment to the rank of Entry Level Probationary Police Officer.
2. APPLICATIONS. All persons who are interested in becoming Police Officers must submit a detailed employment application which will be made available via a website which may be hosted by a third party consultant. All applicants shall furnish the Committee with a birth certificate or proof of United States citizenship at the Orientation Session. Other documentation may be required as deemed necessary by the Committee. A false statement, misrepresentation, or omission knowingly made by a person in any application, or other employment-related document shall bar an applicant from further participation in the examination process and from employment. The Committee shall discharge and remove any person who is sworn to a position on the Police Department upon learning that false statements have been made or material facts have been misrepresented to the Committee.
3. DISQUALIFICATIONS. The Committee shall require applicants to be fingerprinted and/or execute consents for the release of personal information. All applicants shall be subject to an investigation as determined by the Committee and permitted by law to be

necessary to establish their good character.
refuse to certify as eligible, any applicant:

The Committee may refuse to examine, or

- a) Who is found lacking in any of the established preliminary requirements for the service for which he or she applies, including those requirements set forth in the Act and these Rules and Regulations;
- b) Who uses illegal drugs or abuses prescription drugs or alcohol;
- c) Who has been convicted of a felony or misdemeanor as set forth in Section 6 of the Act, 65 ILCS 5/10-2.1-6, as amended from time to time, or, who has been convicted of a felony or misdemeanor as set forth in 50 ILCS 705/6, as amended from time to time;
- d) Who has been dismissed from any public service for a good cause;
- e) Who has attempted to practice any deception or fraud in his or her application, examinations or interview;
- f) Whose character or employment history are unsatisfactory; or
- g) Who has failed to satisfy the criteria under Section 4 below.
- h) Who decline participation in any part of the pre-employment process, including interviews, and completion of assigned tasks. Such applicants shall be automatically removed from the list.

Any applicant deemed disqualified hereunder shall be notified by the Committee.

4. QUALIFICATIONS. Applicants must meet all of the following qualifications:

- a. All applicants must have reached their twenty-first (21st) birthday, except as otherwise provided by law, before the date of the written examination. Except as otherwise provided by Section 6 of the Act, 65 ILCS 5/10-2.1-6, applicants must not have passed their thirty-fifth (35th) birthday as of the closing date for accepting applications,
- b. Applicants shall have graduated from high school or the equivalent before the date of the written examination;
- c. Applicants shall also possess sixty (60) or more semester hours of completed college credit at a fully accredited college or university, which hours are consistent with a valid degree plan at such college or university, and also possess a minimum grade average of "C" prior to the date of the written examination. Applicants shall furnish the Committee with certified copies of university or college transcripts at time of application,
- d. Applicants must be citizens of the United States, and must speak and understand the English language sufficient to discharge the duties of a Police Officer;
- e. Applicants must have an possess a valid Illinois Driver's License at the time of initial appointment and must submit proof thereof prior to appointment; and
- f. Applicants must meet any other special qualifications the Committee may require including, but not limited to, training and/or practical experience.

The entry level examination process shall be held in the following sequence with the following requirements for continuing the examination process:

<u>Process Sequence</u>	<u>Requirement for Continuing Examination Process:</u>
1. Submission of Application Via Website	Payment of an Application fee and receipt of detailed Employment Application form. Village will determine cost based on third party vendor administering the test
2. Submission of College Transcripts	Copy of college transcripts showing completion of 60 semester hours of grade "C" or better; must be received by Commission at time of application.
3. Proof of Valid Illinois Driver's	Pass at time of written test and at License initial appointment
4. Physical Ability Test	Applicants must submit proof of Peace Officer Wellness Evaluation Report or Police Officer Wellness Report ("POWER") card prior to written test and again at time of hire initial appointment.
5. Written Test	A score at or above the median score for all applicants taking the written test.

The following shall be conducted when the applicant's name is at or near the top of the Initial Eligibility List:

6. Preliminary Character-Background Check	Pass
7. Personal History Questionnaire	Pass; no critical issues identified
8. Personality Assessment	Recommend to continue the employment process

9. Oral Test Pass (Minimum 70.00 Composite Score Required to Pass)

The following shall be conducted immediately after a conditional offer of employment has been made:

- | | |
|---|---------------------------------------|
| 1. Update Character-Background Check | Pass |
| 2. Pre-employment Medical Examination including drug test | Pass |
| 3. In-Depth Psychological | Recommended for employment Assessment |

Failure to achieve the minimum passing grade in any test shall disqualify the applicant from any further participation in the examination process except as set forth above. Only candidates who have successfully passed all of the above components may be considered for appointment.

SECTION 4. GENERAL PROVISIONS

1. All written and oral test results shall be and become the property of the Committee and the grading of the written test by the Committee or its designated testing agency shall be final and conclusive and not subject to review by any other board. Except for posting of the Initial Eligibility List, individual test results shall not be disclosed by the Committee, provided that anonymous results may be disclosed to inquiring agencies at the Committee's sole discretion.
2. All applicants shall execute and deliver to the Committee's Secretary or designee, a release of all liability as the result of taking a Physical Ability Test in favor of the Village of Oak Park, on a form to be prescribed by the Committee. All applicants shall execute releases, authorizations, disclosures and other notices permitting the Committee to obtain credit reports, conduct background investigations, and receive any additional pertinent information.
3. The Committee reserves the right to remove an applicant from the testing process if the applicant's character or employment history are unsatisfactory or if the applicant otherwise does not appear to be well-qualified to discharge the duties of a Police Officer, from a review of his or her application and/or background information. Any such applicant who is removed from the testing process shall be notified by the Committee.

SECTION 5. INITIAL ELIGIBILITY LIST AND ORAL TESTING REQUIREMENTS

1. The Secretary shall prepare and keep an Initial Eligibility List of applicants successfully passing the written test. This Initial Eligibility List will be in force for a period of one (1) year from the date of posting. At the discretion of the Committee and prior to its expiration at one year, the Eligibility List may be in force for an additional year but in no event shall the Eligibility List be extended for a period greater than a total of two (2) years.
2. The Number of applicants on the Eligibility List that shall participate in oral interviews shall be at the discretion of the Committee and shall be conducted in the order of an applicant's placement on the Initial Eligibility List. An applicant's placement on the Initial Eligibility List shall be based on the applicant's score on the written examination.
3. Prior to appointment, candidates on the Initial Eligibility List shall be orally tested by a team composed of a quorum of the Entry Level Appointment Committee:

The purpose of the oral test shall be to ask questions of the candidate to evaluate his or her fitness to be a Police Officer in conjunction with the other information obtained in the examination process. Candidates will be evaluated and graded on motivation and commitment to law enforcement work; ability to present ideas orally and in writing; listening skills; judgment; stress tolerance; self-confidence and social skills. Each committee member shall grade the candidate on a percentage basis.

The oral test score shall be determined as follows:

The sum of the Committee members' scores shall be divided by the number of Committee members participating in the oral test. This result is the candidate's oral test pass/fail score.

A composite passing grade of 70.00 is required to pass the oral test.

4. Information concerning grades received on a test shall not be disclosed until after the Initial Eligibility List has been posted.
5. Applicants whose names are placed on the Initial Eligibility List must notify the Committee's Secretary of any change of address while their names remain on such list. Names of applicants who fail to notify the Committee's Secretary of a change in address will be stricken from the Eligibility List.

6. Any applicant whose name appears on the Initial Eligibility List may decline appointment. The Committee may, in its discretion, remove any individual who declines an appointment from the List.
7. Before appointment to the Police Department, all applicants approved for the Initial Eligibility List shall be required to successfully pass a drug screening test to establish the applicant's fitness to perform the duties of police officer. Said drug screening test will be arranged for and paid by the Committee. Failure to pass the drug screening test shall disqualify an applicant from appointment and the applicant's name shall be stricken from the Eligibility List.
8. The Committee shall require every applicant to pass medical and psychological examinations as a condition of any and all offers of employment. Failure to pass the medical and psychological examinations shall disqualify an applicant from appointment and the applicant's name shall be stricken from the Eligibility List.
9. Before appointment to the Police Department all candidates shall pass a State Mandated POWER test at the next available cycle of a police academy selected by the Police Department; failure to pass this test in two attempts shall disqualify an applicant from appointment and the applicant's name shall be stricken from the Eligibility List.
10. Before appointment to the Police Department, the Committee may make further background investigation of an applicant approved for the Initial Eligibility List to insure that these standards contained in Section VI. 3, above, continue to be met. No applicant who is otherwise disqualified as defined in Section VI.3 shall be appointed to the Police Department.
11. The Committee shall, upon notification in writing by the Village Manager of vacancies for the position of Police Officer, determine the candidates at the top of the Initial Eligibility List. From this group of eligible candidates, the Committee shall, at any given time, offer to appoint the candidate who has the highest composite score, who has successfully completed all other components in the examination process and who is not otherwise disqualified. The Committee shall consider all candidates in order of eligibility list who have passed the physical ability test within the highest categorical grouping available before considering candidates in the next highest categorical grouping.
12. A person who is advised that he or she will be given a conditional offer of employment may request in writing one waiver of further testing by advising the Committee of his or her reasons for desiring the waiver. If the reasons are determined to be satisfactory by the Committee, or the Board Secretary, a single waiver may be granted at the sole discretion of the Committee for a reasonable period without the loss of his or her position upon the Eligibility List in effect following the oral test. If the Committee deems the reasons advanced as unsatisfactory, the applicant shall be so notified in writing, and shall be given a conditional offer of employment and instructed to report for the medical examination

within a reasonable period. Failure to comply will cause the candidate's name to be removed from the Eligibility List.

13. No applicant appointed to the Police Department shall become a non-probationary member of said department until and unless he or she has successfully completed the training course and Comprehensive Examination of the Illinois Local Governmental Law Enforcement Officers Training Board, and has received a certificate therefore within six (6) months of his or her original appointment.
14. All appointees to the Police Department shall serve a probationary period commencing the date of original appointment and terminating eighteen (18) months after the appointee has successfully completed the training course and Comprehensive Examination of the Illinois Local Governmental Law Enforcement Officers Training Board. Computation of the probationary period shall be based on time spent in active service in the Police Department.
15. Pursuant to law, the Committee may make temporary appointments to prevent a stoppage of public business, to meet extraordinary situations, or to prevent the material impairment of the Police Department. Such temporary appointments shall not be made to exceed sixty (60) days. No more than two (2) such temporary appointments per appointee shall be allowed in any calendar year.

SECTION 6. LATERAL TRANSFER PROVISIONS

The Board may consider and recommend for appointment to the police department, an individual who certified by the state of Illinois as a police officer and has a minimum of two years' experience out of the last five, employed as a full-time police officer in another jurisdiction. The Board may also consider and recommend appointment to the police department an individual who is certified by another state and whose training and experience would qualify him/her to become certified in the state upon written request to the Illinois local law enforcement training board. Officers who meet the above criteria shall have the Physical Ability Test and written examination waived. Such officers will be subject to all other components of the application process and upon successful completion of application process shall be placed on a Lateral Hire Eligibility List based on the aggregate oral test scores as determined by the Entry Level Appointment Committee. The Committee may, upon notification in writing by the Village Manager of vacancies for the position of Police Officer, and under the advisement of the Police Chief, select the most qualified candidate of the top three ranked candidates on the Lateral Hire Eligibility List. Selection from the Lateral Hire Eligibility List may supersede the Initial Appointment Final Eligibility List at the discretion of the Committee and under the advisement of the Police Chief. Lateral transfers are subject to the same conditional offer requirements as other Entry-Level applicants. Candidates on the Lateral Hire Eligibility List shall be eligible for employment for a one-year period from application date.

ARTICLE 3 - PROMOTION (TO SERGEANT) WITHIN THE POLICE DEPARTMENT

SECTION 1. ELIGIBILITY TO TEST

All promotional examinations shall be competitive among such members of the next lower rank as desire to submit themselves to examination, provided however, that only police officers with three (3) years of service from the date of their original appointment are eligible to compete in the

Sergeant's promotional examination.

SECTION 2. TEST SCHEDULE AND ORIENTATION

The Board shall schedule police promotional examinations to fill vacancies in the class of service in which vacancies may occur. Orientation sessions and/or all written tests shall be held at dates, times and places fixed by the Board, notice of which shall be published at least two weeks preceding the orientation session and/or written test in a Village newspaper of general circulation. Orientation sessions and all tests may be postponed by order of the Board.

SECTION 3. TEST COMPONENTS

The promotional examination shall consist of the following parts with the following weights:

A Written Test	25%
B Assessment Center Evaluation	40%
C Oral Test	25%
D Chief's Points	10%

SECTION 4. NOTICE OF TEST

The Board will post a Notice in the Police Department of the approximate date of a written promotional test not less than sixty (60) days prior to the written promotional test. The Secretary of the Board shall also mail a copy of the Notice to all members of the department who are one rank below the rank being tested. Notices shall be mailed by first class mail to the member's address on file with the Chief.

SECTION 5. APPLICATIONS FOR TEST

All candidates for promotion shall file their applications to take the promotional examination with the Secretary of the Board by the time specified in the Notice. The Notice shall state the time, date and place of the written promotional test as set forth in Section 13 of the Act, 65 5/10-2.1-13, as amended from time to time.

SECTION 6. WRITTEN TEST

All applicants participating in a written test session for a police promotional examination will receive their papers at the same time, and no paper other than that furnished by the Board shall be used. Applicants shall not communicate with one another during the test and any candidates so communicating shall be subject to disqualification. One or more of the Commissioners or their designee shall be personally present throughout the written test for a police promotional examination in a room or rooms designated by the Board for that purpose. A time limit for the written test or any session thereof may be fixed by the Board. Applicants shall be notified of such time limit when assembled for the test and before the commencement thereof. No person shall leave the testing room without permission from a member of the Board or the Board's designee. Any applicant who leaves the testing room with permission shall be accompanied by a Board member, the Board's designee, or the Secretary of the Board. At the conclusion of the time limit set for the written test, all papers, including the test questions and identification form, if any, of each candidate, will be

collected by the Board or the Board's designee. No person shall be admitted to the testing room for a police promotional examination except the members of the Board, the Board's Secretary, and the applicants, unless authorized by the Board.

SECTION 7. ORAL TEST

The purpose of the oral test will be to ask questions of the applicant to enable the Board to evaluate the applicant's qualifications in conjunction with other information from the promotional process. There shall be at least two Commissioners present for all oral tests in a police promotional exam. The Chief of Police shall be present during the oral test and shall have the authority to ask questions during the test. The Board's final judgment of the candidate's suitability for promotion will be based on assessment of the following criteria:

- A. Intelligence, mental ability, and knowledge of job;
- B. Stress tolerance;
- C. Planning and organization;
- D. Decision-making skills;
- E. Communication skills
- F. Judgment and problem analysis; and
- G. Employment history in the department, including but not limited to, disciplinary history and awards.

Questions asked at the oral test will be relevant to the established criteria. The Board will utilize standardized questions that will be asked of all applicants on a given test day. Such a standardized procedure will not preclude the Board or the Chief from asking additional questions that proceed from responses to standardized questions or questions that are based upon the employee's employment history with the Department. Also, in order to protect the integrity of the oral test, the questions may be changed from day-to-day as the oral tests progress so that applicants will not be privy to the questions in advance of the oral test. The oral test shall be audio-taped and/or videotaped and will be available to candidates upon written request to the Board's Secretary. On completion of the oral test, each Commissioner shall grade the applicant on a composite basis. The Board will review the applicant's personnel file and consult with the Chief prior to the oral examination. The final grade on the oral test shall be the average of the Commissioners' individual grades.

SECTION 8. TEST SCORING

An applicant's total score shall consist of the combined scores of the written test, assessment center evaluation, and oral test. Candidates shall take rank upon a Promotional Eligibility List in the order of their relative excellence as determined by their total score. In order to pass a promotional examination, it shall be necessary to receive a total score of 70.00 or better, and a minimum score of 70.00 in each section of the examination not including Chief's points. Chief's points will be defined as an objective scoring process by which the Chief awards candidates up to five (5) extra points for merit. Chief's points will be awarded to only those applicants who have qualified for the final interview, and shall be submitted to the Board Secretary prior to the date of the final interview. Such Chief's points will be added to the candidate's cumulative score. In the event of a tie score, the placement of the tied applicants' names on the

eligibility list shall be determined by lot, in the presence of a quorum of the Board, in whatever manner the Board deems appropriate.

SECTION 9. FRAUD IN EXAMINATION

Any applicant who at any promotional examination or in any document signed or furnished by the applicant in connection with any such examination, makes any false representation or permits anyone else to impersonate the applicant, or who shall, during examination, use or aid someone else in using notes or memoranda whereby an advantage would be obtained over competitors at such examination, shall, by action of the Board, be discharged and removed from any position to which the applicant may have been appointed by promotion within the Department. Additionally, the applicant's name shall be stricken from any Promotion Eligibility List upon which it may appear, and the applicant may also be subject to additional disciplinary proceedings, up to and including dismissal as a Police Officer.

SECTION 10. TESTING VENDOR TO DETERMINE TESTING PROCEDURES

The method of examination and the manner in which points are to be awarded shall be in accordance with the procedures established by the testing vendor hired by the Board to prepare the specific components of the promotional examination.

SECTION 11. RIGHT OF REVIEW

Subsequent to their participation in a promotional assessment center and /or written examination and prior to posting of a Promotional Eligibility List, applicants for promotion shall be given an opportunity to meet with a representative of the testing vendor conducting those examinations for the purpose of reviewing the examination and discussing any issues or questions a candidate may have related thereto. Candidates contesting the results of the promotional examination shall submit a written request to the Board to have any errors corrected. The Board shall review the request to determine its validity. If the Board determines an error exists, the Board may correct the error. Requests shall be submitted to the Board within five (5) business days of the posting of the Promotional Eligibility List.

SECTION 12. POSTING OF LIST

Upon the completion of the examination process, a Promotional Eligibility List shall be posted showing each candidate's categorical score and composite score. The Secretary shall make and keep a permanent record of the grades received by each candidate for a police promotional examination.

SECTION 13. EXAMINATION RESULTS

Examination results shall be kept on file by the Secretary of the Board for twelve (12) months after the date of the examination. Applicants shall only be provided with their test or examination scores and shall not be allowed to examine test documents, reports or records, except as otherwise provided in these Rules.

SECTION 14. NOTIFICATION OF VACANCY

The Chief of the Police Department shall inform the Board in writing of said vacancies when requesting that vacancies be filled in the ranks of the Department. The Board, upon receipt of such promotional request and approval in writing by the Village Manager for filling the vacancy, shall fill such vacancies pursuant to Section 10-2.1-15 of the Illinois Municipal Code. With the written promotional request, the Chief may also submit to the Board a written recommendation for appointment from among the top three candidates on the applicable promotional Eligibility List. The Board shall consider the Chief's recommendation, if any, and may solicit further input from the Chief as the Board sees fit. In filling a vacancy, the Board shall, in its sole discretion, appoint a candidate from among the top three candidates on the Promotional Eligibility List. If there are three or more vacancies, the Board may, in its sole discretion, appoint applicants from among the top five applicants on the Promotional Eligibility List.

SECTION 15. EXPIRATION OF LISTS

Each Promotional Eligibility List shall be in force for a period of three (3) years from the date of posting.

SECTION 16. CONSOLIDATED LISTS

The Board may supplement an existing Promotional Eligibility List by holding an additional examination for the position. Any applicants who pass as a result of such supplemental examination, shall be consolidated with the existing Promotional Eligibility List. Any promotional candidate on an existing Promotional Eligibility List shall have the option to take the subsequent examination and to select the overall final grade he desires with respect to placement on the consolidated Promotional Eligibility List. Nothing herein shall prevent any applicant on an existing Promotional Eligibility List from electing to take such supplemental examination. It shall be the duty of the Board to notify applicants on the existing List that a supplemental examination will be held and may result in a consolidation of the two (2) Lists. If an applicant elects to accept the total score earned on the original examination, eligibility expires three (3) years from the posting of the original Promotional Eligibility List. If an applicant elects to accept the total score earned on the supplemental examination, eligibility expires three (3) years from the posting of the consolidated Promotional Eligibility List. The Board may call for the development of a new List at any time. The Board may not approve or post a new list if there is a vacancy and names remaining on an existing Promotional Eligibility List to fill such vacancy.

SECTION 17. REMOVAL FROM LIST FOR CAUSE

Regardless of the length of time a name has remained on the Promotional Eligibility List, the Board may remove an applicant from the List in the event that the applicant cannot perform the essential functions of the job, with or without reasonable accommodation, or has been convicted of a felony, or has been found guilty of fraud in obtaining the applicant's position

on the Promotional Eligibility List, or for such cause as is found by the Board to warrant removal. If requested, the Board shall afford such applicant with an opportunity to be heard and to demonstrate that such alleged cause for removal does not in fact exist.

SECTION 18. APPOINTMENT DECLINED

Any applicant whose name appears on the Promotional Eligibility List may decline appointment. The Board may, in its discretion, remove an applicant who declines an appointment from the List.

SECTION 19. CHANGE OF ADDRESS

Applicants whose names are placed on the Promotional Eligibility List must notify the Board of any change of address while their names remain on such list, or while they are employed in the Police Department, or while awaiting reinstatement.

ARTICLE 4—TERMINATION OF PROBATIONARY APPOINTMENTS

Probationary appointees are “at will” employees. Prior to the completion of the probationary period, if the Police Chief has determined to terminate the probationary appointee’s employment, the Police Chief shall provide notice of such termination to the Board.

ARTICLE 5— HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES

SECTION 1. DISCIPLINARY ACTION

Disciplinary action, including removal from office and suspension from service in the Police Department, shall be in compliance with the Act except as may be modified by the Village Code.

In all cases, a written complaint (charges) shall be filed with the Secretary of the Board by the Chief of Police, setting forth a plain and concise statement of the facts upon which the complaint is based.

Upon the filing of a complaint, the Secretary of the Board shall notify both the complainant and respondent of the time and place of the hearing of the charges contained in the complaint. The Board shall commence the hearing within thirty (30) days of the date that the complaint is filed, unless otherwise agreed to by the complainant and respondent. This time limitation is not applicable to hearings conducted to review suspensions of five (5) calendar days or less imposed by the Chief of Police.

SECTION 2. HEARING OF CHARGES

- A. Hearings before the Board are not common law proceedings. In conducting a hearing, the Board will generally be guided by the rules of evidence as set forth in the Illinois Administrative Procedure Act, 5 ILCS 100/10-40, as amended from time to time. The Board shall have the power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation (see Section III.E below).**
- B. "Counsel" as used herein means one who has been admitted to the bar as an attorney at law in Illinois.**
- C. No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall be allowed.**
- D. No officer or member of the Police Department shall be removed or discharged except for cause, provided that this Rule and the other Rules contained in this Section shall not apply to probationary appointees serving during their probationary period. A member of the Department may be suspended for engaging in conduct detrimental to the image or efficiency of the Department. The right to determine what constitutes cause rests exclusively with the Board.**
- E. The complainant or appellant initiating any proceedings which call for a hearing before the Board shall have the burden of proof to establish by a preponderance of the evidence that cause for discipline exists or that a suspension, previously imposed by the Chief, is unwarranted. Should the question of a crime be involved, the rule of "unreasonable doubt" shall not control.**

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.
- F. All hearings shall be public, in accordance with the Open Meetings Act, except that the Board may meet in closed session for any proper purpose recognized in that Act.**
- G. At the time and place of hearing, both parties may be represented by counsel, if they so desire.**
- H. All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board, or by alternate recording method as permitted by law.**

- I. All testimonial evidence shall be under oath or affirmation, and all evidence and proof shall conform to the issues. The matter shall be decided by the Board solely on evidence presented at the hearing. The Board may call upon counsel employed or retained by the Village to represent the Board at the hearing on such charges. A separate attorney shall be retained to present the evidence in support of such charges.
- J. The Board shall first hear the witnesses either substantiating the charges which have been made against the respondent (person charged) or in support of an appeal brought by a suspended police officer.. Thereafter, the other party may present and examine those witnesses whom he/she desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party. All examination and cross examination shall be conducted with proper decorum.
- K. If any person against whom charges have been filed shall fail to appear at the hearing before the Board, the hearing will proceed and the Board may hear such evidence as may be produced and make findings and a decision according to the evidence.

SECTION 3. HEARING PROCEDURE

A. 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 received in writing by the Board's attorney at least forty- eight (48) hours before the scheduled hearing date.

B. Answer and Witness Lists

The respondent shall file an answer to the charges with the Secretary of the Board not less than five (5) days before the day of the hearing. Prior to the hearing, respondent and complainant shall exchange witness lists and provide the Board's attorney with a copy of said list.

C. Stipulations

Parties may, on their own behalf, or by counsel, stipulate and agree in writing, or on the record, to a continuance or any material fact. The facts so stipulated shall be considered as evidence in the proceeding.

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

D. Sufficiency of Charges-Objections To

Motions or objections to the sufficiency of written charges must be filed or made at least three (3) business days prior to the hearing before the Board.

E. Subpoenas

Any party may, at any time before the hearing, make application to the Board by filing with its legal counsel a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records, accounts and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person twenty-one (21) years of age or older designated by the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce. In general, subpoenas will not be issued for anyone residing outside of the State of Illinois.

Any request for a continuance by reason of inability to serve subpoenas shall be filed with the Board's Secretary at least three (3) business days before the date set for such hearing, provided, however, that the Board in its discretion may waive this rule.

F. Service

All papers required by these Rules and Regulations to be served shall be delivered personally to the party designated or mailed by United States mail in an envelope properly addressed with postage prepaid, to the designated party at his/her last known address 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.

G. Filing

All papers may be filed with the Board by mailing them or delivering them personally to the Secretary of the Board at Oak Park, Illinois. For the purpose of these Rules and Regulations, the filing date of any paper shall be the date it was received in the office of the Secretary of the Board, One Village Hall Plaza, Oak Park, Illinois.

H. Forms of Paper

1. All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
2. If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.
3. All papers shall be not larger than 8-1/2 inches wide by 11 inches long and shall have inside margins of not less than one inch.
4. The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent, or attorney thereof, and copies thereof provided the opposing party or his/her counsel.
5. If papers are filed by an attorney, the attorney's name, address, phone number and e-mail address shall appear thereon.

SECTION 4. COMPUTATION OF TIME

The time frame under these Rules shall be computed by excluding the first day and including the last, unless the last day is Saturday or 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 Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday, then such succeeding day shall also be excluded.

SECTION 5. SUSPENSION

- A. The Board may suspend any member of the Police Department against whom charges have been issued, pending a hearing of the charges by the Board, but not to exceed thirty (30) days, without pay.
- B. The Police Chief shall have the right to suspend any officer under the Chief's command for a period of not to exceed five (5) calendar days, and he/she shall notify the Board in writing within twenty-four (24) hours of the time of such suspension. Any police officer so suspended, within five (5) days after receiving notice of such suspension, may appeal the suspension by filing notice of such appeal in writing with the Secretary of the Board. A hearing shall be had upon such appeal, and due notice given to the Chief and to the officer so suspended in the same manner as if charges were originally filed before the Board.
- C. The officer appealing the suspension has the burden of proof and the right to proceed.
- D. Upon such appeal, the Board may sustain the action of the Chief, may reverse it with instructions that the officer so suspended receive his/her pay for the period involved, may suspend the officer for a period of not more than thirty (30) calendar days, or remove or discharge the officer, depending on the evidence presented.

SECTION 6. FINDINGS AND DECISION

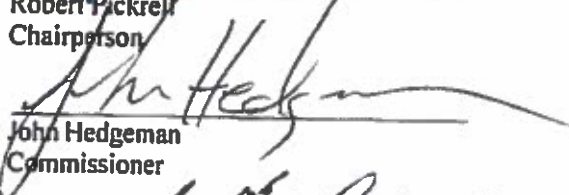
- A. The Board, after hearing the evidence and completion of testimony, may immediately announce its decision in the case, or defer such decision until a date fixed by the Board. Upon a finding of guilty, the Board may hear evidence in aggravation and mitigation.
- B. In case any officer charged is found guilty, the Board may discharge, demote one rank, fine, suspend the accused for a period not exceeding thirty (30) days without pay (or such other time period as may be generally established by Village ordinance or permitted by law), remove an officer's name from the applicable Promotional Eligibility List, or any combination of the foregoing.
- C. The findings and decision of the Board, following a hearing of charges, shall be preserved by the Secretary and notice of said findings and decision sent to the officer involved and to the head of the respective department. If the decision is that an officer is guilty of the charges preferred, and removal or discharge is ordered, such order of removal or discharge shall become effective forthwith.
- D. The Board shall, within a reasonable time after the hearing is completed, adopt its findings and decision. A copy of the Board's decision shall be placed in the officer's personnel file.

THESE RULES AND REGULATIONS WERE PROMULGATED BY ORDER OF THE FIRE AND POLICE COMMISSIONERS OF THE VILLAGE OF OAK PARK ON THE 1ST DAY OF AUGUST 2022, AND INCORPORATE AMENDMENTS THROUGH THE 1ST DAY OF AUGUST 2022.

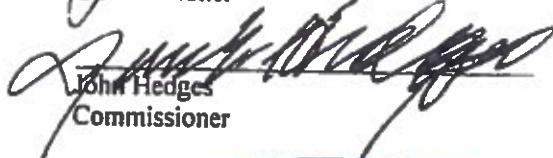
BOARD OF FIRE AND
POLICE
COMMISSIONERS:



Robert Pickrell
Chairperson

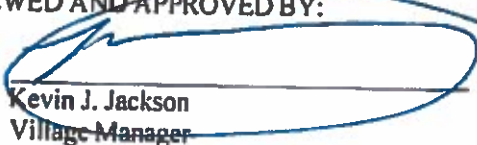


John Hedgeman
Commissioner



John Hedges
Commissioner

REVIEWED AND APPROVED BY:



Kevin J. Jackson
Village Manager